

1993

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

**Business Franchise (Tobacco and
Petroleum Products) (Amendment) Bill
1993**

A BILL

FOR

**An Act to amend the *Business Franchise (Tobacco and
Petroleum Products) Act 1984***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Business Franchise (Tobacco and Petroleum Products) (Amendment) Act 1993*.

Commencement

2. (1) Sections 1, 2, 3 and 13 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on 1 November 1993.

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Principal Act

3. In this Act, "Principal Act" means the *Business Franchise (Tobacco and Petroleum Products) Act 1984*.¹

Substitution

5 4. Section 36A of the Principal Act is repealed and the following section substituted:

Interpretation

"36A. For the purposes of this Division—

10 'benefits card', in relation to a person, means a card issued to the person by the Commonwealth and known as—

- (a) a Health Care Card; or
- (b) a Pensioner Health Benefits Card."

Diesel fuel exemption certificate

5. Section 36B of the Principal Act is amended—

- 15 (a) by omitting subsection (1);
- (b) by inserting in subsection (2) "for an exemption certificate" after "application";
- (c) by omitting paragraph (2) (c);
- (d) by adding at the end of paragraph (2) (d) "and"; and
- 20 (e) by adding at the end of subsection (2) the following paragraph:
" (e) be accompanied by the applicant's benefits card."

Issue of exemption certificate

6. Section 36C of the Principal Act is amended—

- 25 (a) by omitting subsection (1) and substituting the following subsection:
"(1) On application under section 36B, the Commissioner shall issue an exemption certificate to the applicant unless he or she has reasonable grounds for believing that the applicant—
(a) is not entitled to hold a benefits card; or
30 (b) will not use diesel fuel purchased pursuant to the certificate for the sole purpose of heating his or her residence."; and

- (b) by omitting subsection (3) and substituting the following subsection:

“(3) The Commissioner shall endorse an exemption certificate with an identifying number.”.

5 Revocation of exemption certificate

7. Section 36D of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

“(c) uses diesel fuel purchased pursuant to the certificate for a purpose other than heating his or her residence.”.

10 Insertion

8. After section 36D of the Principal Act the following section is inserted:

Cessation of entitlement to hold benefits card

- 15 “36DA. An exemption certificate ceases to be in force if the holder of the certificate ceases to be entitled to hold a benefits card.”.

Renewal of exemption certificate

9. Section 36F of the Principal Act is amended by omitting “The” and substituting “Subject to this Division, the”.

Returns

- 20 10. Section 36I of the Principal Act is amended by omitting from paragraph (d) “a purpose other than an exempt purpose” and substituting “any purpose other than heating his or her residence”.

Liability for fees for use of fuel for non-exempt purpose

- 25 11. Section 36J of the Principal Act is amended by omitting “a purpose other than an exempt purpose” and substituting “any purpose other than heating his or her residence”.

Insertion

12. After section 36K of the Principal Act the following section is inserted in Division 2 of Part III:

30 Return of exemption certificates

“36L. Within 14 days after an exemption certificate—

- (a) is revoked under section 36D;
- (b) ceases to be in force under section 36DA; or
- (c) lapses under section 36E;

the person who was issued with the certificate shall not, without reasonable excuse, fail to return to the Commissioner the certificate, together with any copy of the certificate issued under section 36G.

Penalty: \$500.”.

5 Non-renewal of existing certificates

13. Sections 36E and 36F of the Principal Act do not apply so as to enable the renewal of exemption certificates issued before 1 November 1993.

NOTE

1. Reprinted as at 31 August 1993.

NOTE ABOUT SECTION HEADING

On 1 November 1993, the heading to section 36K of the Principal Act is omitted and the following heading substituted:

Sale of fuel purchased pursuant to exemption certificate