

AUSTRALIAN CAPITAL TERRITORY

BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS)

REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

No. 10 of 1987

The Business Franchise (Tobacco and Petroleum Products) Regulations (Amendment) (the “amending Regulations”) amend the Business Franchise (Tobacco and Petroleum Products) Regulations (the “Principal Regulations”).

Regulation 1 of the amending Regulations deals with interpretation.

Regulation 2 of the amending Regulations amends Regulation 3 of the Principal Regulations by omitting paragraph 2(c) and subregulation (3). At present the Regulations provide that tobacco sold by wholesalers to air and shipping lines, services canteens and non-residents of Australia is exempt from the calculation of licence fees. The amendments remove these anomalies without affecting the availability of duty free tobacco to bona fide overseas travellers which is provided for in paragraph 3(2)(b) of the Principal Regulations. (Paragraphs 2(a) and (b) make consequential amendments of a drafting nature.)

Regulation 3 amends Regulation 5 of the Principal Regulations in the following ways:-

- paragraph 3(a) omits the reference to interstate trade in Principal Regulation 5(1)(d); which is redundant;
- paragraph 3(b) alters the accountability period contained in paragraph 5(2)(c) of the Principal Regulations to make that a calendar monthly period; and
- paragraph 3(c) specifies additional records to be kept by wholesalers, showing records of purchases (as well as sales), to provide for better administration of the Business Franchise (Tobacco and Petroleum Products) Ordinance 1984.

Regulation 4 amends Regulation 6 of the Principal Regulations, which deals with the keeping of records of petroleum sales by holders of petroleum marketing and wholesaling licences, by adding a new subregulation (2A), which requires details of sales to include a daily reading of the meter used to calculate the sales.

Regulation 5 repeals Regulation 7 of the Principal Regulations. This provision, which deals with the provision of information, is no longer necessary as it is dealt with in the Taxation (Administration) Ordinance 1987.