

AUSTRALIAN CAPITAL TERRITORY

BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS)
REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

No. 20 of 1985

The Business Franchise (Tobacco and Petroleum Products) amendment regulations (the Proposed regulations) amend the Business Franchise (Tobacco and Petroleum Products) Regulations 1984 (the Principal Regulations) by providing that the value to be attributed to tobacco under the Principal Regulations is to be attributed to all tobacco sold in the Territory whether sold for domestic consumption or for delivery interstate.

The Proposed Regulations also amend the Principal Regulations in relation to the basis on which fees in respect of petroleum products are fixed under the Business Franchise (Tobacco and Petroleum Products) Ordinance 1984 (the Ordinance) and amend the Principal Regulations in relation to the records petroleum wholesalers are to keep.

The effect of each of the provisions in the Regulations is outlined in the Attachment.

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Regulation 1 is an interpretation provision.

Regulation 2 deletes the phrase ‘by way of interstate’ trade from regulation 3 of the Principal Regulations. This ensures that under the Principal Regulations the value to be attributed to tobacco sold in the Territory is attributable to all tobacco sold in the Territory regardless of whether that tobacco is sold by way of interstate trade.

Regulation 3 repeals regulation 4 of the Principal Regulations which attributed a value to petroleum products. Under the new fee fixing scheme in the Ordinance, fees are calculated by reference to the volume rather than to the value of petroleum products sold.

Regulation 4 amends regulation 6 of the Principal regulations and requires petroleum wholesalers to keep a record showing, in the case of a sale of motor spirit or diesel fuel, details of the name and, if known, the address of the purchaser, the price at which the motor spirit or diesel fuel was sold, the date of the sale, the volume in litres of the diesel fuel or motor spirit sold, the grade of motor spirit sold and the address of the place to which the motor spirit or diesel fuel is to be delivered. Regulation 4 also requires petroleum wholesalers to keep a record showing similar details in respect of purchases of petroleum products by a petroleum wholesaler. The record will contain details of the sale of petroleum products to the petroleum wholesaler.