

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 November, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees.

BE

Business Franchise Licences (Petroleum) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Business Franchise Short title.
Licences (Petroleum) Amendment Act, 1977".

2. The Business Franchise Licences (Petroleum) Act, Amendment
1974, is amended— of Act No.
67, 1974.

10 (a) by inserting before section 13 the following Sec. 12A.
section :—

15 12A. (1) Any amount which is due and payable by any person under section 12, as in force before its repeal, and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction. Recovery of fees payable by instalments.

20 (2) A certificate purporting to be signed by the Commissioner and stating that a specified amount is due and payable by a specified person under section 12, as in force before its repeal, is admissible in proceedings for the purposes of subsection (1) and shall be prima facie evidence of the matters so certified.

(b) by inserting after section 14 the following Sec. 14A.
section :—

25 14A. (1) Where a person was required by this Act to hold a licence in respect of any period, but did not do so, the person shall pay to the Commissioner an amount equal to the fee which would have been payable for the licence had he applied for or held the licence. Recovery of unpaid fees from unlicensed persons.

30

(2)

Business Franchise Licences (Petroleum) Amendment.

5 (2) The Commissioner may, at any time after the commencement of this section, assess the amount of the fee as if the person had applied for the licence, notwithstanding that the Commissioner may, before that commencement, have made or purported to have made such an assessment.

(3) Notice of the assessment under this section shall be served by the Commissioner on the person.

10 (4) The person may, within one month after service of the assessment, object to the Commissioner against the assessment of the fee on the ground that the fee was excessive by reason that it was incorrectly assessed by the Commissioner under
15 section 9 and on no other ground.

(5) The Commissioner shall, as soon as practicable, determine the objection and serve the person with notice of his determination.

20 (6) If the person is not satisfied with the determination of the Commissioner on his objection or if within one month after the objection was lodged the Commissioner has not given a determination with respect to the objection, the person may
25 appeal to the Tribunal against the assessment of the fee on the ground referred to in subsection (4).

(7) The provisions of section 14 (4), (5), (6) and (7) apply to and in respect of an appeal under this section, and so apply as if references therein to the licensee were references to the person appealing under this section, and as if a reference (however expressed) in the regulations to a prescribed form of appeal were a reference to a form
30 approved by the Tribunal.

(8)

Business Franchise Licences (Petroleum) Amendment.

(8) The Commissioner on an objection, or the Tribunal on an appeal, may vary the assessment.

5 (9) Any amount which is assessed under this section and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction, unless the person satisfies the court that he was not required to hold the licence referred to in subsection (1).

10 (10) Proceedings may not be commenced for the purpose of recovering the amount until—

- 15 (a) if the person does not object to the assessment under this section—the expiration of one month after service of notice of the assessment under subsection (3);
- (b) if the person objects to the assessment but does not appeal against the assessment under this section—the expiration of the period during which an appeal could have been made; or
- 20 (c) if the person appeals against the assessment under this section—the appeal is determined.

25 (11) A certificate purporting to be signed by the Commissioner and stating that a specified amount is the amount assessed under this section in respect of a specified person is admissible in the proceedings and shall be prima facie evidence of the matters so certified.

BY AUTHORITY

**BUSINESS FRANCHISE LICENCES (PETROLEUM)
AMENDMENT BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees.

[MR RENSRAW—24 November, 1977.]

BE

Business Franchise Licences (Petroleum) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Business Franchise Short title.
Licences (Petroleum) Amendment Act, 1977".

2. The Business Franchise Licences (Petroleum) Act, Amendment
1974, is amended— of Act No.
67, 1974.

10 (a) by inserting before section 13 the following Sec. 12A.
section :—

15 12A. (1) Any amount which is due and payable Recovery
of fees
payable by
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by any person under section 12, as in force before
its repeal, and which is unpaid may be recovered
by the Commissioner, as a debt, in any court of
competent jurisdiction.

20 (2) A certificate purporting to be signed
by the Commissioner and stating that a specified
amount is due and payable by a specified person
under section 12, as in force before its repeal, is
admissible in proceedings for the purposes of sub-
section (1) and shall be prima facie evidence of the
matters so certified.

(b) by inserting after section 14 the following Sec. 14A.
section :—

25 14A. (1) Where a person was required by this Recovery
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Act to hold a licence in respect of any period, but
did not do so, the person shall pay to the Commis-
sioner an amount equal to the fee which would have
been payable for the licence had he applied for or
30 held the licence.

(2)

Business Franchise Licences (Petroleum) Amendment.

5 (2) The Commissioner may, at any time after the commencement of this section, assess the amount of the fee as if the person had applied for the licence, notwithstanding that the Commissioner may, before that commencement, have made or purported to have made such an assessment.

(3) Notice of the assessment under this section shall be served by the Commissioner on the person.

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15 section 9 and on no other ground.

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25 appeal to the Tribunal against the assessment of the fee on the ground referred to in subsection (4).

(7) The provisions of section 14 (4), (5), (6) and (7) apply to and in respect of an appeal under this section, and so apply as if references therein to the licensee were references to the person
30 appealing under this section, and as if a reference (however expressed) in the regulations to a prescribed form of appeal were a reference to a form approved by the Tribunal.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]

PROOF

**BUSINESS FRANCHISE LICENCES (PETROLEUM)
AMENDMENT BILL, 1977**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to enable the recovery, as a debt, of any instalments of unpaid licence fees payable by a former licensee under the Principal Act (clause 2 (a));
 - (b) to require payment by persons who should have been, but were not, licensed under the Principal Act of the licence fees they should have paid, and for this purpose—
 - (i) to authorise the Commissioner to assess the amount of unpaid licence fees;
 - (ii) to permit such a person to appeal to the Business Franchise Licence Fees (Petroleum) Appeal Tribunal against the assessment; and
 - (iii) to enable the recovery, as a debt, of any such unpaid licence fees, unless the person liable to pay him them satisfies the court that he was not required to be licensed (clause 2 (b)); and
 - (c) to make other provisions of a consequential or ancillary nature.
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PROOF

**BUSINESS FRANCHISE LICENCES (PETROLEUM)
AMENDMENT BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees

[MR RENSRAW—24 November, 1977.]

BE

Business Franchise Licences (Petroleum) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Business Franchise Licences (Petroleum) Amendment Act, 1977". Short title.

2. The Business Franchise Licences (Petroleum) Act, 1974, is amended— Amendment
of Act No.
67, 1974.

10 (a) by inserting before section 13 the following section :— Sec. 12A.

15 12A. (1) Any amount which is due and payable by any person under section 12, as in force before its repeal, and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction. Recovery
of fees
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20 (2) A certificate purporting to be signed by the Commissioner and stating that a specified amount is due and payable by a specified person under section 12, as in force before its repeal, is admissible in proceedings for the purposes of subsection (1) and shall be prima facie evidence of the matters so certified.

(b) by inserting after section 14 the following section :— Sec. 14A.

25 14A. (1) Where a person was required by this Act to hold a licence in respect of any period, but did not do so, the person shall pay to the Commissioner an amount equal to the fee which would have been payable for the licence had he applied for or held the licence. Recovery
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5 (2) The Commissioner may, at any time after the commencement of this section, assess the amount of the fee as if the person had applied for the licence, notwithstanding that the Commissioner may, before that commencement, have made or purported to have made such an assessment.

(3) Notice of the assessment under this section shall be served by the Commissioner on the person.

10 (4) The person may, within one month after service of the assessment, object to the Commissioner against the assessment of the fee on the ground that the fee was excessive by reason that it was incorrectly assessed by the Commissioner under
15 section 9 and on no other ground.

(5) The Commissioner shall, as soon as practicable, determine the objection and serve the person with notice of his determination.

20 (6) If the person is not satisfied with the determination of the Commissioner on his objection or if within one month after the objection was lodged the Commissioner has not given a determination with respect to the objection, the person may
25 appeal to the Tribunal against the assessment of the fee on the ground referred to in subsection (4).

(7) The provisions of section 14 (4), (5), (6) and (7) apply to and in respect of an appeal under this section, and so apply as if references therein to the licensee were references to the person appealing under this section, and as if a reference (however expressed) in the regulations to a prescribed form of appeal were a reference to a form
30 approved by the Tribunal.

(8)

Business Franchise Licences (Petroleum) Amendment.

(8) The Commissioner on an objection, or the Tribunal on an appeal, may vary the assessment.

5 (9) Any amount which is assessed under this section and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction, unless the person satisfies the court that he was not required to hold the licence referred to in subsection (1).

10 (10) Proceedings may not be commenced for the purpose of recovering the amount until—

- 15 (a) if the person does not object to the assessment under this section—the expiration of one month after service of notice of the assessment under subsection (3);
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

**BUSINESS FRANCHISE LICENCES
(PETROLEUM) AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 127, 1977.

An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees. [Assented to, 14th December, 1977.]

BE

Business Franchise Licences (Petroleum) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Business Franchise Licences (Petroleum) Amendment Act, 1977".

Amendment of Act No. 67, 1974. **2.** The Business Franchise Licences (Petroleum) Act, 1974, is amended—

Sec. 12A. (a) by inserting before section 13 the following section :—

Recovery of fees payable by instalments.

12A. (1) Any amount which is due and payable by any person under section 12, as in force before its repeal, and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction.

(2) A certificate purporting to be signed by the Commissioner and stating that a specified amount is due and payable by a specified person under section 12, as in force before its repeal, is admissible in proceedings for the purposes of subsection (1) and shall be prima facie evidence of the matters so certified.

Sec. 14A. (b) by inserting after section 14 the following section :—

Recovery of unpaid fees from unlicensed persons.

14A. (1) Where a person was required by this Act to hold a licence in respect of any period, but did not do so, the person shall pay to the Commissioner an amount equal to the fee which would have been payable for the licence had he applied for or held the licence.

(2)

Business Franchise Licences (Petroleum) Amendment.

(2) The Commissioner may, at any time after the commencement of this section, assess the amount of the fee as if the person had applied for the licence, notwithstanding that the Commissioner may, before that commencement, have made or purported to have made such an assessment.

(3) Notice of the assessment under this section shall be served by the Commissioner on the person.

(4) The person may, within one month after service of the assessment, object to the Commissioner against the assessment of the fee on the ground that the fee was excessive by reason that it was incorrectly assessed by the Commissioner under section 9 and on no other ground.

(5) The Commissioner shall, as soon as practicable, determine the objection and serve the person with notice of his determination.

(6) If the person is not satisfied with the determination of the Commissioner on his objection or if within one month after the objection was lodged the Commissioner has not given a determination with respect to the objection, the person may appeal to the Tribunal against the assessment of the fee on the ground referred to in subsection (4).

(7) The provisions of section 14 (4), (5), (6) and (7) apply to and in respect of an appeal under this section, and so apply as if references therein to the licensee were references to the person appealing under this section, and as if a reference (however expressed) in the regulations to a prescribed form of appeal were a reference to a form approved by the Tribunal.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 127, 1977.

An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees. [Assented to, 14th December, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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Business Franchise Licences (Petroleum) Amendment.

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(7) The provisions of section 14 (4), (5), (6) and (7) apply to and in respect of an appeal under this section, and so apply as if references therein to the licensee were references to the person appealing under this section, and as if a reference (however expressed) in the regulations to a prescribed form of appeal were a reference to a form approved by the Tribunal.

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- (c) if the person appeals against the assessment under this section—the appeal is determined.

(11) A certificate purporting to be signed by the Commissioner and stating that a specified amount is the amount assessed under this section in respect of a specified person is admissible in the proceedings and shall be prima facie evidence of the matters so certified.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1977.*

**BUSINESS FRANCHISE LICENCES
(PETROLEUM) AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

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An Act to amend the Business Franchise Licences (Petroleum) Act, 1974, with respect to the recovery of unpaid licence fees. [Assented to, 14th December, 1977.]

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I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

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Amendment of Act No. 67, 1974. **2.** The Business Franchise Licences (Petroleum) Act, 1974, is amended—

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Business Franchise Licences (Petroleum) Amendment.

(8) The Commissioner on an objection, or the Tribunal on an appeal, may vary the assessment.

(9) Any amount which is assessed under this section and which is unpaid may be recovered by the Commissioner, as a debt, in any court of competent jurisdiction, unless the person satisfies the court that he was not required to hold the licence referred to in subsection (1).

(10) Proceedings may not be commenced for the purpose of recovering the amount until—

- (a) if the person does not object to the assessment under this section—the expiration of one month after service of notice of the assessment under subsection (3);
- (b) if the person objects to the assessment but does not appeal against the assessment under this section—the expiration of the period during which an appeal could have been made; or
- (c) if the person appeals against the assessment under this section—the appeal is determined.

(11) A certificate purporting to be signed by the Commissioner and stating that a specified amount is the amount assessed under this section in respect of a specified person is admissible in the proceedings and shall be prima facie evidence of the matters so certified.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1977.*