



**PETROLEUM PRODUCTS BUSINESS FRANCHISE LICENCES
AMENDMENT ACT 1982**

No. 46 of 1982

TABLE OF PROVISIONS

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| <p>1. Short title.</p> <p>2. Commencement.</p> <p>3. Principal Act.</p> <p>4. Amendment of section 20 of Principal Act (Licence fees).</p> <p>5. Amendment of section 22 of Principal Act (Adjustment of fee).</p> | <p>6. Insertion in Principal Act of new section 27A.
27A—Power of Registrar to revoke licence in certain cases.</p> <p>7. Insertion in Principal Act of new section 31A.
31A—Appeal against revocation of licence.</p> <p>8. Repeal of section 45 of Principal Act (Expiry).</p> |
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AN ACT to amend the Petroleum Products Business Franchise Licences Act 1981 for the purpose of increasing certain licence fees and for other purposes.

[Royal Assent 4 November 1982]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Petroleum Products Business Franchise Licences Amendment Act 1982*. Short title.

Commence-
ment.

2—(1) This Act shall commence on the day on which it receives the royal assent, but if it does not receive the royal assent on or before 1st December 1982, it shall be deemed to have commenced on that date.

(2) Where this Act commences before 1st December 1982, the fee payable in respect of a class A licence under Part III of the Principal Act for any period which expires before 1st December 1982 shall, notwithstanding subsection (1), be determined and assessed as if section 4 of this Act had not commenced.

Principal Act.

3—In this Act, the *Petroleum Products Business Franchise Licences Act 1981** is referred to as the Principal Act.

Amendment of
section 20 of
Principal Act
(Licence fees).

4—Section 20 (1) (a) of the Principal Act is amended by omitting “4·5”, where twice occurring, and substituting “6·5”.

Amendment of
section 22 of
Principal Act
(Adjustment
of fee).

5—Section 22 of the Principal Act is amended by inserting the following subsection after subsection (2):—

(2A) Where it appears to the Registrar that a person who is or was the holder of a class B licence has at any time purchased petroleum products in contravention of an undertaking entered into as provided in section 18 (2) (b) (ii) or section 26 (6) (b) (ii) and that that person should have been the holder of a class A licence instead of a class B licence, the Registrar may, whether or not the class B licence is still in force, reassess the fee for the licence as if that person had been the holder of a class A licence for the whole of the period for which the class B licence was in force (including any period for which that licence was renewed).

Insertion in
Principal
Act of new
section 27A.

6—After section 27 of the Principal Act, the following section is inserted:—

Power of
Registrar
to revoke
licence in
certain cases.

27A—(1) Subject to subsection (2), where it appears to the Registrar that—

(a) the holder of a class A licence or a class B licence made a statement in or in relation to his application for the licence, or for the transfer or renewal of the licence, that was false or misleading in a material respect; or

* No. 60 of 1981. Amended by No. 9 of 1982.

(b) the holder of a class B licence has at any time purchased petroleum products in contravention of an undertaking entered into as referred to in section 18 (2) (b) (ii) or section 26 (6) (b) (ii),
the Registrar may revoke the licence.

(2) The Registrar shall not revoke a licence under subsection (1) unless he has previously afforded the holder of the licence an opportunity to appear at a hearing held for the purpose of deciding the matter and to give evidence and make representations in relation to the matter.

(3) Where a class B licence is revoked under subsection (1), the person who held the licence is disqualified from holding a class B licence for a period of 12 months after the revocation.

(4) Where the Registrar decides to revoke a licence under subsection (1), he shall reduce his decision to writing and include in the decision a statement of the ground on which it is based and shall serve the decision on the person who is the holder of the licence.

(5) The revocation of a licence under subsection (1) takes effect on the date on which the decision of the Registrar revoking the licence is served on the person who is the holder of the licence and so takes effect notwithstanding that that person appeals or may appeal against the revocation under Part IV.

7—After section 31 of the Principal Act, the following section is inserted:—

Insertion in
Principal
Act of new
section 31A.

31A—(1) Where the Registrar revokes a licence, the person who was the holder of the licence may, within such period as may be prescribed, appeal to the Supreme Court against the revocation.

Appeal against
revocation
of licence.

(2) If, on the hearing of an appeal under subsection (1), the Supreme Court is satisfied that in all the circumstances of the case the licence to which the appeal relates ought not to have been revoked, it shall make an order directing that the licence be reinstated from such date, whether before, on, or after the date of the order, and on such terms and conditions, as may be specified in the order.

(3) The Registrar shall give effect to any order made by the Supreme Court under subsection (2).

(4) Subject to this section, an appeal under subsection (1) shall be instituted, heard, and determined in accordance with rules of court of the Supreme Court.

8—Section 45 of the Principal Act is repealed.

Repeal of
section 45 of
Principal Act
(Expiry).