

**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 :—

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.

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

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.

(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 :—

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.

(2)

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(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.

(8)

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(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.
