

1995—No. 25

**BUSINESS FRANCHISE LICENCES (PETROLEUM
PRODUCTS) ACT 1987—REGULATION**

(Relating to records of marine diesel fuel sales)

NEW SOUTH WALES



[Published in Gazette No. 8 of 27 January 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Business Franchise Licences (Petroleum Products) Act 1987, has been pleased to make the Regulation set forth hereunder.

Peter Collins
Treasurer.

Commencement

1. This Regulation commences on 1 February 1995.

Amendments

2 The Business Franchise Licences (Petroleum Products) Regulation 1987 is amended:

- (a) by inserting in clause 11C after the words “such permit holder” the words “(unless the sale is for marine purposes)”;
- (b) by omitting from clause 11E the words “Maximum penalty: 50 penalty units.”;
- (c) by omitting clause 11E (2) and by inserting instead the following subclauses:
 - (1A) In addition to any other records required to be kept under the Act, the holder of an authority must keep the following records in respect of each sale of diesel fuel for marine purposes that is made by the holder of the authority to a person who does not hold a permit under Part 5A of the Act, being a sale accompanied by delivery of the diesel fuel directly into the fuel tanks of a vessel:

- (a) the date of the sale;
- (b) the name (if any) indicated on the vessel;
- (c) if the vessel is registered under the Water Traffic Regulations—N.S.W., the number under which the vessel is registered (or if the vessel is registered outside New South Wales, the name or number under which it is so registered);
- (d) the volume of diesel fuel sold.

Maximum penalty (subclauses (1) and (1A)): 50 penalty units.

(1B) The holder of the authority is not required to keep a record under subclause (1) of a sale of which the holder is required to keep a record under subclause (1A).

- (2) Records required to be kept under subclause (1) may be kept in the form of a copy of the invoice for each sale.
- (d) by omitting from clause 11E (3) the words “such records” where firstly occurring any by inserting instead the words “records under subclause (1) or (1A)”;
- (e) by inserting in clause 11H (1) and (2) after the words “off-road purposes” wherever occurring the words “(other than marine purposes)”;
- (f) by inserting in clause 11J (1) after the words “off-road purposes” where firstly occurring the words “(other than marine purposes)”.

EXPLANATORY NOTE

The object of this Regulation is to require separate records to be kept of sales of diesel fuel for marine purposes whenever the purchaser has no permit to buy diesel fuel under the off-road diesel fuel scheme under Part 5A of the Business Franchise Licences (Petroleum products) Act 1987.

Such purchases without permits will be lawful under that scheme if (in accordance with the conditions of authorities held by sellers under the scheme) the fuel is delivered straight into the tanks of a vessel. This is the result of the amendments to that Act contained in Schedule 1 (4) to the State Revenue Legislation (Amendment) Act 1994.

This Regulation also makes consequential amendments to the Business Franchise Licences (Petroleum Products) Regulation 1987.

This Regulation is made under the Business Franchise Licences (Petroleum Products) Act 1987 including sections 48E, 48EB and 76 (1) (the general regulation-making power).
