



# **BUSINESS FRANCHISE (PETROLEUM PRODUCTS) (FEES) AMENDMENT ACT 1992**

**No. 58 of 1992**

## **SUMMARY OF PROVISIONS**

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No. 58 of 1992

**An Act to amend the Business Franchise (Petroleum Products) Act 1979.**

[Assented to 29 October 1992]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Business Franchise (Petroleum Products) (Fees) Amendment Act 1992*.

(2) The *Business Franchise (Petroleum Products) Act 1979* is referred to in this Act as “the principal Act”.

## Commencement

2. This Act will come into operation on 1 November 1992.

## Amendment of s. 4 — Interpretation

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of “the Commissioner of Stamps” in subsection (1) the following definition:

“Consumer Price Index” means the Consumer Price Index (All Groups Index for Adelaide);

and

(b) by inserting after the definition of “the Tribunal” in subsection (1) the following definition:

“unleaded petrol” means petrol that does not contain more than—

(a) 0.013 grams of lead;

or

(b) 0.0013 grams of phosphorus,

per litre.

## Amendment of s. 18 — Fees

4. Section 18 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) for a Class A licence — \$50 plus—

(i) —

(A) 15.84 per cent of the value of motor spirit, other than unleaded petrol;

(B) 15.58 per cent of the value of unleaded petrol;

and

(C) 17.78 per cent of the value of diesel fuel, sold by the applicant during the relevant period and destined for consumption in zone 1;

(ii) —

(A) 11.78 per cent of the value of motor spirit, other than unleaded petrol;

(B) 11.52 per cent of the value of unleaded petrol;

and

(C) 13.82 per cent of the value of diesel fuel, sold by the applicant during the relevant period and destined for consumption in zone 2;

and

(iii) —

(A) 7.80 per cent of the value of motor spirit, other than unleaded petrol;

(B) 7.54 per cent of the value of unleaded petrol;

and

(C) 9.75 per cent of the value of diesel fuel, sold by the applicant during the relevant period and destined for consumption in zone 3;;

(b) by striking out from subsection (1)(b) “\$100” and substituting “\$125”;

and

(c) by striking out subsections (5), (6), (7) and (8) and substituting the following subsections:

(5) For the purpose of determining the fee for a Class A licence—

- (a) the value of motor spirit (including unleaded petrol) sold during the relevant period commencing on 1 September 1992 or a later relevant period will be taken to be 56.43 cents (indexed) per litre or such other value as is fixed by regulation under subsection (7);
- (b) the value of diesel fuel sold during the relevant period commencing on 1 September 1992 or a later relevant period will be taken to be 56.43 cents (indexed) per litre or such other value as is fixed by regulation under subsection (7).

(6) As from 1 June 1993 and 1 June of each subsequent year the amounts designated as indexed amounts in subsection (5) are to be adjusted by dividing the Consumer Price Index for the March quarter of that year by the Consumer Price Index for the March quarter 1991, multiplying the quotient by 55 cents, and rounding the product to two decimal places.

(7) The Governor may, by regulation—

- (a) fix a value per litre for motor spirit (including unleaded petrol);
- (b) fix a value per litre for diesel fuel,

(but a value fixed under this subsection must not exceed a value representing, in the Minister's opinion, a reasonable average wholesale price for motor spirit or diesel fuel (as the case requires) in the State as at the date of the regulation).

(8) A value fixed by regulation under subsection (7) takes effect as from the commencement of a relevant period specified in the regulation, but if the regulation is disallowed or revoked the value reverts, as from the commencement of the relevant period in which the disallowance or revocation occurs, to what it would have been if no regulation had been made.

#### **Application of amendments**

5. (1) The amendments made by section 4(a) and (c) of this Act apply in relation to any Class A licence in force under the principal Act on or after 1 November 1992 (including any such licence issued before that date).

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(2) The amendments made by section 4(b) of this Act apply in relation to any Class B licence that comes into force on or after 1 October 1993.

(3) Any regulation made under section 18(5) of the principal Act before the commencement of this Act is revoked.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor