

Business Franchise Acts (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Bill.

Clause 2 contains the commencement clause.

Clause 3 provides that for the purposes of Part 2 of the Bill the *Business Franchise (Tobacco) Act 1974* is the Principal Act.

Clause 4 inserts new sub-sections (4) and (5) in section 8 of the *Business Franchise (Tobacco) Act 1974*. The new sub-section (4) creates an offence for more than one tobacco business to be carried on at the one premises. The new sub-section (5) creates an offence for keeping tobacco held for sale on unlicensed premises.

Clause 5 provides that where business franchise products have been seized they will be forfeited to the Crown unless it can be shown that there has not been any contravention of the Business Franchise Acts and that appropriate licence fees will be paid.

Clause 6 introduces a new section 19BA into the *Business Franchise (Tobacco) Act 1974* to enable the Commissioner to garnishee in full or partial satisfaction of business franchise fees, money due to a person who is liable to pay an amount under the Business Franchise Acts.

Clause 7 is a technical amendment to section 19D of the *Business Franchise (Tobacco) Act 1974* to extend the operation of the provision that enables the Commissioner to seek an injunction to prevent contravention of the *Business Franchise (Tobacco) Act 1974* to apply to the *Business Franchise (Petroleum Products) Act 1979*.

Clause 8 defines the *Business Franchise (Petroleum Products) Act 1979* as the Principal Act for the purposes of Part 3 of the Bill.

Clause 9 is similar to clause 4 of the Bill. It introduces a new sub-section (6) into section 4 of the *Business Franchise (Petroleum Products) Act 1979* which provides that not more than one petroleum business may be carried on at the one premises. It also inserts a new sub-section (7) into section 4 of the *Business Franchise (Petroleum Products) Act 1979*. This provision provides that petroleum products held for the purposes of sale cannot be stored on unlicensed premises.

