

**BUSINESS FRANCHISE LICENCES (PETROLEUM
PRODUCTS) (INFORMATION DISCLOSURE)
AMENDMENT ACT 1987 No. 91**

NEW SOUTH WALES



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(PETROLEUM PRODUCTS) ACT 1982**

**BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS)
(INFORMATION DISCLOSURE) AMENDMENT ACT 1987 No. 91**

NEW SOUTH WALES



Act No. 91, 1987

An Act to amend the Business Franchise Licences (Petroleum Products) Act 1982 for the purpose of making further provision with respect to the disclosure of information, and the publication of records and documents, obtained in connection with the administration or execution of that Act and for related purposes. [Assented to 12 June 1987]

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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:

Short title

1. This Act may be cited as the "Business Franchise Licences (Petroleum Products) (Information Disclosure) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Revenue Laws (Reciprocal Powers) Act 1987.

Amendment of Act No. 92, 1982

3. The Business Franchise Licences (Petroleum Products) Act 1982 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

**AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
(PETROLEUM PRODUCTS) ACT 1982**

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of "New South Wales revenue law"—

After the definition of "motor spirit", insert:

"New South Wales revenue law" means any of the following:

- (a) the Stamp Duties Act 1920;
- (b) the Gaming and Betting (Poker Machines) Taxation Act 1956;
- (c) the Land Tax Act 1956;
- (d) the Land Tax Management Act 1956;

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- (e) the Pay-roll Tax Act 1971;
- (f) the Business Franchise Licences (Tobacco) Act 1975;
- (g) the Registered Clubs Act 1976;
- (h) the Liquor Act 1982;
- (i) the Health Insurance Levies Act 1982;
- (j) any other prescribed Act, being an Act by which a tax, fee, duty or other impost is levied and collected by the State;

(2) Section 11 (**Chief Commissioner, Deputy Chief Commissioner and other officers**)—

Section 11 (10)—

After section 11 (9), insert:

(10) The Chief Commissioner is authorised to perform the functions of a State taxation officer under Part IIIA of the Taxation Administration Act 1953 of the Commonwealth.

(3) Section 29—

Omit the section, insert instead:

Disclosure of information etc.

29. (1) Except as provided by subsections (2), (4) and (5), a person shall not disclose information, or publish a record or document, obtained by that or another person in connection with the administration or execution of this Act or the regulations, unless the disclosure or publication is made—

- (a) with the consent of the person from whom the information, record or document was so obtained;
- (b) in connection with the administration or execution of this Act, the regulations, a New South Wales revenue law or the Revenue Laws (Reciprocal Powers) Act 1987; or

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- (c) for the purposes of any legal proceedings arising out of this Act, the regulations, a New South Wales revenue law or the Revenue Laws (Reciprocal Powers) Act 1987 or of any report of any such proceedings.

Penalty: \$10,000.

(2) The Chief Commissioner may—

- (a) if of the opinion that it is necessary to do so for the purpose of enforcing a law that creates an offence or provides for the imposition of a penalty, or for the purpose of protecting the public revenue, disclose information, or publish a record, referred to in subsection (1) to—
 - (i) the Solicitor-General;
 - (ii) the Secretary of the Attorney General's Department;
 - (iii) the Director of Public Prosecutions;
 - (iv) the Crown Advocate;
 - (v) a Crown Prosecutor; or
 - (vi) a member of the Police Force of or above the rank of Inspector; or
- (b) if of the opinion that it is necessary to do so for the purpose of ensuring that measures specified in section 11 (a) of the State Pollution Control Commission Act 1970 are taken, disclose such information, or publish such a record, to—
 - (i) the State Pollution Control Commission; or
 - (ii) an authorised officer within the meaning of that Act,

so as to enable that person (including that Commission) to exercise or perform a power, authority, duty or function conferred or imposed on the person by law.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE BUSINESS FRANCHISE LICENCES
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(3) A person shall not disclose information, or publish a record, communicated in accordance with subsection (2) unless the disclosure or publication is made—

- (a) with the consent of the Chief Commissioner; or
- (b) so as to enable a person to exercise or perform, for a purpose referred to in that subsection, a power, authority, duty or function conferred or imposed on the person by law.

Penalty: \$10,000.

(4) If a record referred to in subsection (1) has been transferred to the Archives Authority of New South Wales in accordance with the Archives Act 1960, the Chief Commissioner may, when the record has been in existence for 30 years or more, give that Authority approval to disclose, divulge or otherwise publish the record.

(5) Subsection (1) does not—

- (a) prevent the disclosure of information, or the publication of a record or document, in accordance with a lawful requirement of the Commonwealth Statistician;
- (b) prevent a record or document from being made available to, or disposed of or otherwise dealt with by, the Archives Authority of New South Wales in accordance with the Archives Act 1960; or
- (c) apply to information, or a record, obtained for the purposes of this Act under a corresponding law within the meaning of section 3 (1) of the Revenue Laws (Reciprocal Powers) Act 1987.

(6) In this section, a reference to a record or document includes a reference to a part of a record or document and to a copy of a record or document.

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(7) Subject to subsection (5), this section applies to information, records and documents obtained by a person in connection with the administration or execution of this Act whether before or after the commencement of the Business Franchise Licences (Petroleum Products) (Information Disclosure) Amendment Act 1987.