

## Interest On Refunds Of Licence Fees

### Revenue Ruling BF.002

#### Preamble

Section 19 of the *Business Franchise (Tobacco) Act 1974* requires the Commissioner to repay amounts of overpaid licence fees, subject to certain restrictions, in respect of both tobacco and petroleum products franchises.

In certain cases interest on such refunds may be payable by the Commissioner under the *Taxation (Interest on Overpayments) Act 1986*.

This ruling outlines the circumstances in which interest may be paid on refunds of licence fees.

#### Ruling

In accordance with the *Taxation (Interest on Overpayments) Act 1986*, interest on refunds of licence fees will be paid only where the overpayment giving rise to the refund was as the result of the following.

- A decision of the Commissioner upon an objection, or
- A decision of the Tribunal; or
- A decision of a court in relation to:
  - an objection; or
  - a decision of the Tribunal.

Upon the success of such an appeal or objection, interest will be paid on refunds of licence fees at the rate set by the Governor-in-Council (10.085 per cent per annum as at 1 April 1993).

Please note that rulings do not have the force of law. Each decision made by the State Revenue Office is made on the merits of each individual case having regard to any relevant ruling. All rulings must be read subject to Revenue Ruling GEN.01.

**Denzil Griffiths**

**Commissioner of State Revenue**

**28 February 1994**

