



Western Australia

## **Petroleum Products Subsidy Act 1965**

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*Reprints Act 1984* as at  
7 March 2003

Western Australia

## Petroleum Products Subsidy Act 1965

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### CONTENTS

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1.	Short title	1
2.	Commencement	1
3.	Interpretation	1
4.	Calculation of subsidy	2
5.	Advances on account of subsidy	2
6.	Authorised officers	3
7.	Claims for payments	3
8.	Certificates	3
9.	Payments	4
10.	Over-payments	4
11.	Preservation of accounts, etc.	4
12.	Stocktaking and inspections of accounts, etc.	4
13.	Power to require person to answer questions and produce documents	5
14.	Power to examine on oath	5
15.	Offences	6
16.	Delegation	7
17.	Regulations	7

### Notes

Compilation table	8
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## Petroleum Products Subsidy Act 1965

**An Act to subsidise the distribution of certain petroleum products in certain Country Areas.**

**1. Short title**

This Act may be cited as the *Petroleum Products Subsidy Act 1965*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Interpretation**

(1) In this Act unless the contrary intention appears —

***a scheme*** means a scheme that has been formulated by the Commonwealth Minister in relation to the State for the purposes of the Commonwealth Act and that is in force, and, if that scheme has been amended, includes all amendments to that scheme that are in force;

***authorised officer*** means a person appointed to be an authorised officer under section 6 of this Act;

***eligible petroleum product*** means motor spirit, power kerosene, automotive distillate, aviation gasoline or aviation turbine fuel;

**s. 4**

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**registered distributor of eligible petroleum products** means distributor of eligible petroleum products who is registered by the Commonwealth Minister in accordance with a scheme;

**The Commonwealth Act** means —

(a) the *States Grants (Petroleum Products) Act 1965* of the Commonwealth; or

(b) any Act in substitution for that Act,

as amended from time to time;

**the Commonwealth Minister** means the Minister of State for the Commonwealth for the time being administering the Commonwealth Act and includes any Minister of State for the Commonwealth or member of the Federal Executive Council for the time being acting for or on behalf of the first mentioned Minister of State for the Commonwealth;

- (2) Where the Commonwealth Minister has directed that any goods are, or are not, to be treated for the purposes of a scheme as motor spirit, power kerosene, automotive distillate, aviation gasoline or aviation turbine fuel, those goods shall, or shall not, as the case may be, be so treated for the purposes of this Act.

*[Section 3 amended by No. 14 of 1978 s. 2.]*

**4. Calculation of subsidy**

There are payable, in accordance with this Act, to registered distributors of eligible petroleum products, amounts ascertained in accordance with a scheme.

*[Section 4 amended by No. 14 of 1978 s. 3.]*

**5. Advances on account of subsidy**

The Minister may authorise an advance on account of a payment under this Act to be made in accordance with a scheme to a registered distributor of eligible petroleum products on such terms and conditions (including conditions with respect to the

giving to purchasers of those products from the distributor of the benefit of the amount of the advance) as the Minister thinks fit.

*[Section 5 amended by No. 14 of 1978 s. 4.]*

**6. Authorised officers**

The Minister may appoint persons to be authorised officers for the purposes of this Act.

**7. Claims for payments**

A claim by a registered distributor of eligible petroleum products for a payment under this Act shall be made to an authorised officer and in accordance with the regulations made under this Act.

**8. Certificates**

- (1) An authorised officer shall examine each claim for a payment under this Act made to him and shall, if he is satisfied that an amount is payable to the claimant, give a certificate in writing to that effect.
- (2) An authorised officer who is examining a claim for a payment under this Act may give a certificate in writing that a sale or use of a specified quantity of an eligible petroleum product by a specified person took place at a specified date and place.
- (3) Where an authorised officer is satisfied that an amount paid to a person under this Act (including an amount paid by way of an advance) was not payable to the person or exceeded the amount that was payable to the person, he may give a certificate in writing that the amount paid or the amount of the excess, as the case may be, is repayable by the person to the State.
- (4) The Auditor-General of the State shall treat a certificate under this section as correct in all respects.
- (5) For the purposes of this Act, a document purporting to be a certificate referred to in this section shall, unless the contrary is

proved, be deemed to be such a certificate and to have been duly given.

**9. Payments**

Where a certificate is given under section 8(1), the Minister shall, by special or general authority, authorise an amount equal to the amount specified in the certificate to be paid to the person in respect of whom the certificate was given.

**10. Over-payments**

Where an authorised officer gives a certificate under section 8(3) that an amount is repayable by a person to the State, the person is liable to repay that amount to the State and the State may recover the amount in a court of competent jurisdiction as a debt due to the State.

**11. Preservation of accounts, etc.**

A person who receives a payment under this Act in respect of the sale or use of any eligible petroleum products shall preserve the accounts, books and documents relating to that sale or use until the expiration of 12 months after the date of making of the claim in respect of which the payment was made.

Penalty: \$400.

*[Section 11 amended by No. 14 of 1978 s. 5.]*

**12. Stocktaking and inspections of accounts, etc.**

- (1) For the purposes of this Act, an authorised officer may, at all reasonable times, enter any premises of a registered distributor of eligible petroleum products or any vehicle used by such a distributor for the carriage of any such products and may —
- (a) inspect and take stock of any such products;
  - (b) take samples of any such products; and
  - (c) inspect the accounts, books and documents relating to the sale, use and purchase of any such products.



- (2) The occupier of any premises or person in charge of any vehicle referred to in subsection (1), shall provide the authorised officer with all reasonable facilities and assistance for the effective exercise of his powers under this section.
- (3) A person shall not obstruct, molest or hinder an authorised officer in the exercise of his powers under this section.  
Penalty: \$200.

*[Section 12 amended by No. 14 of 1978 s. 6.]*

**13. Power to require person to answer questions and produce documents**

- (1) An authorised officer may, by notice in writing, require a person whom he believes to be capable of giving information relevant to a claim for a payment under this Act to attend before him at a time and place specified in the notice and there to answer questions and to produce to him such accounts, books and documents in relation to the claim as are referred to in the notice.
- (2) The authorised officer may make copies of, or take extracts from, any accounts, books or documents produced in pursuance of this section and may retain those copies or extracts.
- (3) A person is not excused from answering a question or producing any accounts, books or documents when required to do so under this section on the ground that the answer to the question or the production of the accounts, books or documents might tend to incriminate him or make him liable to a penalty, but his answer to any such question is not admissible in evidence against him in proceedings other than proceedings for an offence against section 15(1)(c) or (2)(c).

**14. Power to examine on oath**

- (1) An authorised officer may administer an oath to a person required to attend before him in pursuance of section 13 and may examine that person on oath.

**s. 15**

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- (2) Where any such person conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.
- (3) An affirmation so made is of the same force and effect, and entails the same penalties, as an oath.

**15. Offences**

- (1) A person shall not refuse or fail —
  - (a) to attend before an authorised officer;
  - (b) to be sworn or make an affirmation; or
  - (c) to answer a question or produce an account, book or document,

when so required in pursuance of this Act.

Penalty: \$200.

- (2) A person shall not —
  - (a) obtain a payment under this Act that, to the knowledge of the person, is not payable;
  - (b) obtain a payment under this Act by means of a statement that, to the knowledge of the person, is false or misleading in a material particular; or
  - (c) present to an authorised officer or other person doing duty in relation to this Act, an account, book or document, or make to such an officer or person a statement, that, to the knowledge of the person, is false or misleading in a material particular.

Penalty: \$2 000 or imprisonment for 12 months.

- (3) For the purposes of subsection (2), a matter shall be deemed to be within the knowledge of a person being a body corporate if the matter is within the knowledge of a director or officer of the body corporate.

- (4) Where a person is convicted of an offence against subsection (2), the court may, in addition to imposing a penalty under that subsection, order the person to refund to the State the amount of any payment under this Act wrongfully obtained.
- (5) Where a court has made an order under subsection (4), a certificate under the hand of the appropriate officer of the court specifying the amount ordered to be refunded and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

*[Section 15 amended by No. 14 of 1978 s. 7.]*

#### **16. Delegation**

- (1) The Minister may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand delegate all or any of his powers under this Act (except this power of delegation).
- (2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.
- (3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Minister.

#### **17. Regulations**

- (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of, and for the due administration of, this Act.
- (2) The regulations may impose a fine not exceeding \$200 for a breach of any regulation made under this section.

*[Section 17 amended by No. 14 of 1978 s. 8.]*

**Notes**

- <sup>1</sup> This reprint is a compilation as at 7 March 2003 of the *Petroleum Products Subsidy Act 1965* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Petroleum Products Subsidy Act 1965</i>	12 of 1965	15 Sep 1965	16 Sep 1965 (see s. 2 and <i>Gazette</i> 17 Sep 1965 p. 3275)
<i>Petroleum Products Subsidy Act Amendment Act 1978</i>	14 of 1978	17 May 1978	17 May 1978
<b>Reprint 1: The <i>Petroleum Products Subsidy Act 1965</i> as at 7 Mar 2003</b> (includes amendments listed above)			