Version No. 012
Petroleum Products Subsidy Act 1965
No. 7293 of 1965
Version incorporating amendments as at
11 October 2012

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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 the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title

This Act may be cited as the Petroleum Products Subsidy Act 1965.

2 Commencement

This Act shall be deemed to have come into operation on the first day of September One thousand nine hundred and sixty-five.

3 Definitions

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

authorized officer means a person appointed to be an authorized officer under section six of this Act;

eligible petroleum product means motor spirit, power kerosene, automotive distillate, aviation gasoline or aviation turbine fuel;
registered distributor of eligible petroleum products means a distributor of eligible petroleum products who is registered in accordance with the scheme;

Commonwealth means the Commonwealth of Australia;

Commonwealth Minister means the Minister of State of the Commonwealth for the time being administering the States Grants (Petroleum Products) Act 1965 of the Commonwealth;

scheme means the scheme, as in force from time to time, formulated by the Commonwealth Minister in relation to the State for the purposes of the States Grants (Petroleum Products) Act 1965 of the Commonwealth;

State means the State of Victoria.

(2) Where in accordance with the scheme it is directed that any goods are or are not to be treated for the purposes of the 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.
4 Calculation of subsidy

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

5 Advances on account of subsidy

The Minister may authorize an advance on account of a payment under this Act to be made in accordance with the 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.

6 Authorized officers

(1) The Minister may appoint persons to be authorized officers for the purposes of this Act.

(2) A person may be appointed to be such an authorized officer notwithstanding that he is an officer of the Commonwealth.

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 authorized officer and in accordance with the regulations made under this Act.

8 Certificates

(1) An authorized 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 authorized 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 authorized 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 subsection (1) of the last preceding section, the Minister shall authorize 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 authorized officer gives a certificate under subsection (3) of section eight of this Act 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.**

(1) 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 twelve months after the date of making of the claim in respect of which the payment was made.

(2) A person who fails to comply with the requirements of subsection (1) of this section shall be guilty of an offence against this Act and shall be liable to a penalty of not more than $200\(^1\).

12 **Stocktaking and inspection of accounts etc.**

(1) For the purposes of this Act or an Act of another State relating to subsidy for eligible petroleum products an authorized officer may, at all reasonable times, enter any premises of a registered distributor of eligible petroleum products (whether registered under the scheme or the scheme in relation to another State) or any vehicle used by such distributor for the carriage of any 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 the last preceding subsection shall provide the authorized officer with all reasonable facilities and assistance for the effective exercise of his powers under this section.
(3) Any person who obstructs molests or hinders an authorized officer in the exercise of his powers under this section shall be guilty of an offence against this Act and liable to a penalty of not more than $100².

13 Power to require person to answer questions and produce documents

(1) An authorized 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 or an Act of another State relating to subsidy for eligible petroleum products 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 authorized 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 paragraph (c) of subsection (1) or paragraph (c) of subsection (2) of section fifteen of this Act.
14 Power to examine on oath

(1) An authorized officer may administer an oath to a person required to attend before him in pursuance of the last preceding section and may examine that person on oath.

(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 who refuses or fails—
   (a) to attend before an authorized 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 shall be guilty of an offence against this Act and liable to a penalty of not more than $1003.

(2) A person who—
   (a) obtains a payment under this Act that, to the knowledge of the person, is not payable;
   (b) obtains 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) presents to an authorized officer or other person doing duty in relation to this Act or an Act of another State relating to subsidy for eligible petroleum products a claim, account, book or document, or makes to such
an officer or person a statement, that, to the
knowledge of the person, is false or
misleading in a material particular—
shall be guilty of an offence against this Act and
shall be liable to a penalty of not more than $1000
or to imprisonment for a term not exceeding
twelve months⁴.

(3) For the purposes of the last preceding subsection,
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) of this section, 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 the last
preceding subsection, 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.

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

The Governor in Council of the State may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the manner in which claims for payments under this Act shall be made;

(b) the information to be furnished by claimants in connexion with claims for payments under this Act; and

(c) penalties not exceeding $100 for offences against the regulations.
ENDNOTES

1. General Information

The Petroleum Products Subsidy Act 1965 was assented to on 21 September 1965 and came into operation on 1 September 1965: section 2.
2. **Table of Amendments**

This Version incorporates amendments made to the *Petroleum Products Subsidy Act 1965* by Acts and subordinate instruments.

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<td><em>Petroleum Products Subsidy (Amendment) Act 1978, No. 9140/1978</em></td>
<td>23.5.78</td>
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<td>All of Act in operation</td>
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<td><em>Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998</em></td>
<td>26.5.98</td>
<td>S. 7(Sch. 1) on 1.7.98: s. 2(2)</td>
<td>This information relates only to the provision/s amending the <em>Petroleum Products Subsidy Act 1965</em></td>
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3. Explanatory Details


5 S. 17(c): See note 1.