

- (b) take up and remove all or such of the rails and sleepers and of the material, structures, equipment, and buildings whatsoever, forming or used in connection with the same or any part of the same, as the said company may deem expedient; and
- (c) use, sell, or otherwise dispose of the said rails, sleepers, materials, structures, equipment, and buildings, or any part thereof as the said company may deem expedient.

(2) Except with the approval of the Governor, given on the application in that behalf of the company, the company shall not exercise any of the powers conferred on it by paragraphs (b) and (c) of subsection (1) of this section at any time before the thirtieth day of June 1967.

(3) The Governor shall not grant any approval under subsection (2) of this section before the thirtieth day of June 1966.

(4) An approval under subsection (2) of this section may be given either unconditionally or subject to such conditions as the Governor may consider desirable.

**Savings.**

**3** Nothing in this Act shall affect the rights, powers, privileges, benefits, concessions, and advantages now enjoyed by the Emu Bay Railway Company Limited, or any of the obligations upon the said company with respect to that section of the said railway extending from the said station of Primrose in the town of Rosebery to the said town of Burnie on Emu Bay.

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## PETROLEUM PRODUCTS SUBSIDY.

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### No. 18 of 1965.

AN ACT to subsidize the distribution of certain petroleum products in certain country areas, and to provide for matters incidental thereto.

[22 June 1965.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Petroleum Products Subsidy Act 1965*.

(2) This Act shall commence on a date to be fixed by proclamation.

**2**—(1) In this Act, unless the contrary intention appears—<sup>Interpretation.</sup>

“authorized officer” means a person appointed to be an authorized officer under section five;

“Commonwealth Minister” means the Minister of State for Customs and Excise of the Commonwealth, and includes any Minister of State of the Commonwealth or member of the Federal Executive Council for the time being acting for or on behalf of the Minister of State for Customs and Excise of the Commonwealth;

“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 by the Commonwealth Minister in accordance with the scheme;

“scheme” means the scheme formulated by the Commonwealth Minister in relation to the State for the purposes of the *States Grants (Petroleum Products) Act 1965* of the Commonwealth and, if that scheme has been amended, means that scheme as so amended.

(2) Where under the scheme the Commonwealth Minister directs 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.

**3** There are payable, in accordance with this Act, to registered distributors of eligible petroleum products amounts<sup>Calculation of subsidy.</sup> ascertained in accordance with the scheme.

**4** 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.<sup>Advances on account of subsidy.</sup>

**5**—(1) The Minister may appoint persons to be authorized officers for the purposes of this Act.<sup>Authorized officers.</sup>

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

**6** 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.<sup>Claims for payment.</sup>

## Certificates.

**7**—(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 that person or exceeded the amount that was payable to that 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 that person to the State.

(4) The Auditor-General 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.

## Payments.

**8** Where a certificate is given under subsection (1) of section seven, 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.

## Over-payments.

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

## Preservation of accounts, &amp;c.

**10**—(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 the making of the claim in respect of which the payment was made.

(2) A person who fails to comply with subsection (1) of this section is guilty of an offence.

Penalty: One hundred pounds.

## Stocktaking and inspection of accounts, &amp;c.

**11**—(1) For the purposes of this Act, an authorized 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) of this section shall provide the authorized officer with all reasonable facilities and assistance for the effective exercise of his powers under this section.

**12**—(1) For the purposes of this Act, an authorized officer has, and may exercise, all the powers and authority conferred by Division II of Part II of the *Evidence Act 1910* on persons holding inquiries on commission, and the provisions of that Division, as modified by subsection (2) of this section, apply accordingly to and in relation to the exercise and performance by authorized officers of their functions and duties under this Act. Powers of authorized officers.

(2) In the application by virtue of this section of the provisions of the *Evidence Act 1910* that are referred to in subsection (1) of this section, sections sixteen and seventeen of that Act have effect as if the word “twenty” (wherever occurring) were omitted therefrom and the word “fifty” were substituted therefor, in each case.

**13**—(1) No person shall—

Offences.

- (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 authorized 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 presenting the account, book, or document, is false or misleading in a material particular.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2) For the purposes of subsection (1) of this section, 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.

(3) Where a person is convicted of an offence against subsection (1) of this section, the court may, in addition to imposing a penalty under that subsection, order that person to refund to the State the amount of any payment under this Act wrongfully obtained by that person.

(4) Where a court has made an order under subsection (3) of this section, 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.

**Delegation.**

**14—**(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) to such person as may be specified in the instrument 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.

**Financial provisions.**

**15—**(1) There shall be opened in the Trust Fund a special account to be called the Petroleum Products Subsidies (Commonwealth) Suspense Account (in this section referred to as "the Account").

(2) There shall be credited to the Account in each financial year—

(a) all sums of money received by the State from the Commonwealth during that financial year by way of financial assistance under the *States Grants (Petroleum Products) Act 1965* of the Commonwealth; and

(b) all amounts recovered by the Minister during that financial year pursuant to section nine.

(3) There shall be debited to the Account in each financial year all amounts paid to registered distributors of eligible petroleum products pursuant to this Act.

**Regulations.**

**16** The Governor may make regulations for the purposes of this Act and, in particular and without prejudice to the generality of the provisions of this section, may make regulations prescribing—

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

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

(c) penalties, not exceeding fifty pounds, for offences against the regulations.