

States Grants (Petroleum Products)

No. 27 of 1965

An Act to grant Financial Assistance
to the States in connexion with the Prices of certain
Petroleum Products.

[Assented to 2 June, 1965]

[Date of commencement, 30 June, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title.** 1. This Act may be cited as the *States Grants (Petroleum Products) Act 1965*.
- Definition.** 2. In this Act, unless the contrary intention appears, "eligible petroleum product" means motor spirit, power kerosene, automotive distillate, aviation gasoline or aviation turbine fuel.
- Grants of financial assistance.** 3. There are payable to each State, by way of financial assistance, amounts equal to the amounts expended by that State in making payments to distributors of eligible petroleum products in accordance with a scheme formulated by the Minister in relation to that State for the purposes of this Act.
- Power of Minister to formulate scheme.** 4. Subject to this Act, the Minister may, by writing under his hand—
(a) formulate a scheme in relation to a State for the purposes of this Act; and
(b) amend the scheme so formulated.
- Provisions of scheme.** 5.—(1.) The scheme in relation to a State shall comply with the succeeding provisions of this section.
(2.) The scheme shall contain a provision authorizing the Minister to direct that any particular goods shall, or shall not, be treated as motor spirit, power kerosene, automotive distillate, aviation gasoline or aviation turbine fuel for the purposes of the scheme and of this Act.

(3.) The scheme shall provide that the persons to whom payments may be made by the State under the scheme shall be such distributors of eligible petroleum products as the Minister registers under the scheme.

(4.) The scheme shall not permit the registration under the scheme of a distributor of eligible petroleum products unless he has entered into an agreement in writing with the Commonwealth and the State, or given an undertaking in writing to the Commonwealth, to the effect that—

- (a) he will sell any eligible petroleum product at a price that gives to the purchaser the benefit of any payment received or to be received by the distributor in respect of the sale; and
- (b) he will not make a claim for a payment from the State in respect of a sale of any eligible petroleum product unless he sold the product at a price that gave to the purchaser the benefit of the payment that the distributor claims to receive in respect of the sale.

(5.) The scheme—

- (a) shall provide for the payment by the State to registered distributors of eligible petroleum products, in respect of the sale by them at places to which the scheme applies of any eligible petroleum products, of amounts ascertained in accordance with the scheme; and
- (b) may provide for the payment by the State to registered distributors of eligible petroleum products—
 - (i) in respect of the application by them to their own use at places to which the scheme applies of any eligible petroleum products; and
 - (ii) in respect of expenses incurred by them in connexion with the scheme,
 of amounts ascertained in accordance with the scheme.

(6.) The scheme shall contain a schedule specifying places in the Commonwealth and rates of payment in respect of eligible petroleum products in relation to those places.

6.—(1.) The schedule to the scheme in relation to a State shall not be amended except as provided by this section.

Amendment
of schedule
to scheme.

(2.) Where the Minister is satisfied that—

- (a) any eligible petroleum products were, on the thirtieth day of June, One thousand nine hundred and sixty-four, sold or for sale at a place that is not specified in the

schedule and, by reason of circumstances that existed on that date, it is desirable that that place be specified in the schedule; or

(b) any eligible petroleum products have after that date been sold, or are proposed to be sold, by a registered distributor of eligible petroleum products at a place not specified in the schedule, being a place at which those products were not sold or for sale on that date, he may amend the schedule by inserting the name of that place and such rate or rates of payment as he thinks appropriate to be paid in respect of those products in relation to that place.

(3.) Where the Minister is satisfied that—

(a) any eligible petroleum product was, on the thirtieth day of June, One thousand nine hundred and sixty-four, sold or for sale at a place specified in the schedule; and

(b) by reason of circumstances that existed on the thirty-first day of December, One thousand nine hundred and sixty-four, it is desirable to vary the rate of payment, or, if there is more than one rate of payment, any of the rates of payment, specified in the schedule in respect of that product in relation to that place,

he may amend the schedule by varying that rate of payment.

(4.) A reference in either of the last two preceding sub-sections to eligible petroleum products having been, or not having been, sold or for sale at a particular place on the thirtieth day of June, One thousand nine hundred and sixty-four, shall be read as a reference to such products having been, or not having been, as the case may be, sold or for sale at that place on that date by a person who has become registered as a distributor of eligible petroleum products under the scheme or under a scheme formulated in relation to another State for the purposes of this Act.

(5.) The Minister may amend the schedule by omitting the name of a place specified in the schedule and the rate or rates of payment specified in the schedule in respect of eligible petroleum products in relation to that place.

(6.) The Minister may amend the schedule for the purpose of substituting for the rates of payment in the schedule rates in the currency provided for by the *Currency Act* 1963, being rates ascertained on the basis of equivalents determined as prescribed.

7. The Minister shall cause a copy of the schedule to a scheme formulated by him in relation to a State, and a copy of each amendment of the schedule to such a scheme, to be published in the *Gazette*.

8. The scheme in relation to a State shall be deemed to be an order made by a Minister within the meaning of section 5 of the *Evidence Act 1905-1964*.

Evidence of
scheme.

9. A State is not entitled to a payment under this Act in relation to amounts expended by the State unless the State furnishes to the Treasurer—

Information
to be furnished
by State.

- (a) a statement in respect of those amounts in accordance with a form approved by the Treasurer, accompanied by a certificate of the Auditor-General of the State certifying that the amounts shown in the statement were expended in making payments in accordance with the scheme in relation to the State for the purposes of this Act; and
- (b) such further information, if any, as the Treasurer requires in respect of those amounts.

10. The Treasurer may, at such times as he thinks fit, make advances to a State of such amounts as he thinks fit on account of an amount that may become payable under this Act to that State.

Advances.

11. Payment to a State under this Act of any amount (including an advance) is subject to the condition that the State will repay to the Commonwealth, on demand by the Treasurer, the amount by which, at the time of the demand, the total of the amounts (including advances) paid to the State under this Act exceeds the total of the amounts that have become payable to the State under section 3 of this Act.

Overpayments.

12.—(1.) The Commonwealth shall pay to a State the amount of any damages or costs paid or incurred by the State in or in connexion with any action or proceeding arising out of an act or thing done or omitted to be done by the State in pursuance of the scheme in relation to the State for the purposes of this Act.

Indemnity.

(2.) The last three preceding sections do not apply to or in relation to a payment made in pursuance of this section.

13. Payments under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Appropriation.

14. The Governor-General 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.

Regulations.