

**LIQUEFIED PETROLEUM GAS (GRANTS) ACT,
1980, No. 175**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 175, 1980.

An Act with respect to a scheme granting financial assistance in relation to certain non-commercial uses of liquefied petroleum gas and gas produced by the use of liquefied petroleum gas or naphtha. [Assented to, 17th December, 1980.]

Liquefied Petroleum Gas (Grants).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Liquefied Petroleum Gas (Grants) Act, 1980".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall be deemed to have commenced on 28th March, 1980.

Inter-
pretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"authorised officer" means a person appointed under section 6;

"Commonwealth Act" means the Liquefied Petroleum Gas (Grants) Act 1980 of the Parliament of the Commonwealth as amended from time to time;

"Commonwealth Minister" means the Minister of State of the Commonwealth administering the Commonwealth Act or another Minister of State of the Commonwealth acting for or on behalf of that Minister;

"eligible gas" means—

- (a) liquefied petroleum gas; or
- (b) eligible reticulation gas;

"eligible reticulation gas" means gas supplied to premises by means of pipes, being gas the production of which involves the use of liquefied petroleum gas or naphtha;

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“eligible use”, in relation to liquefied petroleum gas or eligible reticulation gas, means—

- (a) the use of the gas at residential premises in providing food and drink for, in providing heating, air-conditioning, hot water or similar amenities for, or in meeting other domestic requirements of, residents of the premises;
- (b) the use of the gas at a hospital, nursing home or other institution providing medical or nursing care, not being an institution conducted for the profit, direct or indirect, of a person; or
- (c) the use of the gas at a school, not being a school conducted for the profit, direct or indirect, of an individual or individuals;

“function” includes power, authority and duty;

“registered distributor” means—

- (a) a distributor of liquefied petroleum gas who is registered as such a distributor in accordance with the scheme; or
- (b) a distributor of eligible reticulation gas who is registered as such a distributor in accordance with the scheme;

“regulation” means a regulation made under this Act;

“residential premises” means—

- (a) premises used as a house; or
- (b) other premises at which at least one person resides,

but does not include—

- (c) premises used to conduct the business of a hotel, motel or boarding house or a similar business;

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- (d) premises used as a hospital, nursing home or other institution providing medical or nursing care;
- (e) premises used as a boarding school; or
- (f) premises referred to in paragraph (b) that are included in a class of premises declared by the Commonwealth Minister, by notice published in the Commonwealth of Australia Gazette, to be a class of premises that are not residential premises for the purposes of the Commonwealth Act;

“scheme” means the scheme, as in force from time to time, formulated by the Commonwealth Minister in relation to the State of New South Wales for the purposes of the Commonwealth Act.

(2) A reference in this Act to liquefied petroleum gas sold for eligible use includes a reference to liquefied petroleum gas that, by virtue of a provision of the scheme, is deemed to have been sold for eligible use.

(3) A reference in this Act to an Act of another State includes a reference to a law of the Northern Territory.

(4) A reference in this Act to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

4. There are payable, in accordance with this Act, to registered distributors amounts ascertained in accordance with the scheme.

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5. The Minister may authorise an advance on account of a payment under this Act to be made in accordance with the scheme to a registered distributor on such terms and conditions (including conditions with respect to the giving to purchasers from the distributor of eligible gas for eligible use of the benefit of the amount of the advance) as the Minister thinks fit. Advance on account of amounts payable.

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

(2) A person may be appointed to be an authorised officer for the purposes of this Act notwithstanding that he is an officer of the Commonwealth.

(3) An officer of the Commonwealth shall not be appointed to be an authorised officer for the purposes of this Act without the consent of the Commonwealth Minister.

7. A claim by a registered distributor for a payment under this Act shall be made— Claims for payment.

- (a) to an authorised officer; and
- (b) in accordance with the regulations.

8. (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. Certificates.

(2) An authorised officer, upon examining a claim for a payment under this Act, may give a certificate in writing—

- (a) that a specified person sold a specified quantity of liquefied petroleum gas for eligible use on a specified date;

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(b) that a specified quantity of liquefied petroleum gas or naphtha was purchased by, delivered to, or used in the production of eligible reticulation gas by, a specified person on a specified date; or

(c) that a specified person sold a specified quantity of eligible reticulation gas for eligible use, or sold a specified quantity of eligible reticulation gas, during a specified period.

(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 an overpayment to that person.

(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.

(6) Where a certificate has been given under subsection (1), the certification prescribed by section 41 (3) of the Audit Act, 1902, shall not be necessary.

Payments.

9. Where a certificate is given under section 8 (1), the Minister shall 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.

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10. (1) Where 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, the amount paid or the amount of the excess, as the case may be—

- (a) is an overpayment to the person, which the person is liable to repay to the Minister; and
- (b) may be recovered as a debt due to the Minister from the person in a court of competent jurisdiction.

(2) In proceedings in a court against a person for the recovery of an amount by reason that it is an overpayment to the person, a certificate given under section 8 (3) that the amount is such an overpayment is prima facie evidence that the amount is such an overpayment.

11. An authorised officer may require a registered distributor to give security in an amount determined by the authorised officer by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by him with the provisions of this Act and the regulations or for the purposes of an undertaking given by him for the purpose of this Act or the regulations, and the distributor is not entitled to a payment under this Act unless he gives security in accordance with the requirement.

12. (1) A person who receives a payment under this Act in respect of the sale of any liquefied petroleum gas shall preserve the accounts, books, documents and other records relating to that sale until the expiration of not less than 1 year after the date of making the claim in respect of which the payment was made.

(2) A person who receives a payment under this Act in respect of the purchase by him of any liquefied petroleum gas or naphtha delivered to him during a period shall preserve the accounts, books, documents and other records relating to that

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purchase or to the production or sale by him of eligible reticulation gas during that period until the expiration of not less than 2 years after the date of making the claim in respect of which the payment was made.

Penalty : \$1,000.

Stock-taking and inspection of accounts, etc.

13. (1) For the purpose of this Act or an Act of another State relating to subsidy for the sale of liquefied petroleum gas or the purchase of liquefied petroleum gas or naphtha, an authorised officer may at all reasonable times—

- (a) enter any premises of a registered distributor;
- (b) enter any premises of a person who is registered as a distributor of liquefied petroleum gas or a distributor of eligible reticulation gas in accordance with a scheme formulated by the Commonwealth Minister in relation to another State or the Northern Territory for the purposes of the Commonwealth Act; or
- (c) enter any vehicle used by such a distributor or person for the carriage of any liquefied petroleum gas,

and may inspect the accounts, books, documents and other records relating to the sale of liquefied petroleum gas, the production or sale of eligible reticulation gas or the purchase of liquefied petroleum gas or naphtha.

(2) The occupier of any premises, or any 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) For the purposes of this Act, an authorised officer may, at all reasonable times, enter any premises to which eligible gas has been or is supplied by a registered distributor, being gas in relation to which a claim for payment under this Act has been made.

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(4) A person shall not obstruct, molest or hinder an authorised officer in the exercise of his powers under this section.

Penalty : \$500.

14. (1) An authorised officer may, by notice signed by him, 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 in respect of the sale of liquefied petroleum gas or the purchase of liquefied petroleum gas or naphtha to attend before him at the time and place specified in the notice and there to answer questions and produce to him such accounts, books, documents and other records in relation to the claim as are referred to in the notice.

Power to require a person to answer questions and produce documents.

(2) The authorised officer may make and retain copies of, or take extracts from, any accounts, books, documents or other records produced in pursuance of this section.

(3) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, documents or other records, 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 16 (1) (c) or (3).

15. (1) An authorised officer may examine, on oath or affirmation, a person attending before him in pursuance of section 14 and, for that purpose, may administer an oath or affirmation to that person.

Examination on oath, etc.

(2) The oath or affirmation to be taken or made by a person for the purpose of subsection (1) is an oath or affirmation that the answers he will give to questions asked him will be true.

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Offences. **16.** (1) A person shall not, without reasonable excuse, 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, document or other record,

when so required in pursuance of this Act.

Penalty : \$1,000.

(2) A person shall not—

- (a) knowingly obtain or attempt to obtain a payment under this Act that is not payable; or
- (b) obtain or attempt to obtain a payment under this Act by means of a statement that he knows to be false or misleading or by means of a document which to his knowledge contains information that is false or misleading.

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

(3) A person shall not make to an authorised officer a statement that is false or misleading in a material particular.

Penalty : \$1,000.

(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 that person to refund to the Minister the amount of any payment under this Act wrongfully obtained.

(5) Where a court has made an order under subsection (4), a certificate signed by 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 of competent jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

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17. (1) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone. ^{Proceedings for offences.}

(2) Notwithstanding anything in any Act, proceedings for any offence against this Act or the regulations may be brought within the period of 1 year after the alleged commission of the offence.

18. (1) The Minister may by instrument in writing delegate ^{Delegation.} to any person specified in the instrument, or to the holder for the time being of any office so specified, the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Minister by or under this Act and may in like manner revoke wholly or in part any such delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any of the functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.

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(6) An instrument purporting to be signed by or on behalf of a delegate of the Minister in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Minister and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Minister under this section.

Special
Deposits
Account.

19. For the purposes of this Act, there shall be established in the Special Deposits Account in the Treasury an account called the Commonwealth Government—Liquefied Petroleum Gas (Grants) Account which shall be credited with all the money, including recoveries, received by the State in accordance with the scheme and this Act and which shall be drawn upon for the purpose of making payments in accordance with the scheme and this Act, including any amounts repayable by the State to the Commonwealth.

Regula-
tions.

20. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is 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; and
- (b) the information to be furnished by claimants in connection with claims for payments under this Act.

(2) A regulation may impose a penalty not exceeding \$200 for any offence against the regulation.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;

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- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th December, 1980.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

Liquefied Petroleum Gas (Control) Act

(b) apply differently according to different factors of a spe-

Special Deposits Account

19. (1) The Act shall be read with the Special Deposits Account in the Treasury as if the Special Deposits Account were a part of the Special Deposits Account.

Government House
25th December, 1980

Regulations

20. (1) The Governor may make regulations for carrying out the purposes of this Act, and in particular, for or with respect to—

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

(2) A regulation made under this section shall be subject to the provisions of section 20 of the Interpretation Act, 1975.

(3) A provision of this Act shall be subject to the provisions of section 20 of the Interpretation Act, 1975.

(4) A provision of this Act shall be subject to the provisions of section 20 of the Interpretation Act, 1975.





LIQUEFIED PETROLEUM GAS (GRANTS) BILL, 1980

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to authorise certain payments to be made to registered distributors of liquefied petroleum gas and to registered distributors of gas produced from liquefied petroleum gas or naphtha if the gas is sold for certain non-commercial uses and at a price which gives the purchaser the benefit of those payments. Any payments made by the State are to be reimbursed by the Commonwealth pursuant to the Liquefied Petroleum Gas (Grants) Act 1980 of the Parliament of the Commonwealth.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Interpretation.

Clause 4 provides that amounts ascertained in accordance with the scheme are payable to registered distributors.

Clause 5 authorises the advance on account of a payment to a registered distributor.

Clause 6 provides for the appointment of authorised officers for the purposes of the proposed Act.

Clause 7 specifies the method by which a registered distributor may make a claim for payment.

Clause 8 provides for the issue by an authorised officer of a certificate specifying the amount payable to a registered distributor or stating that an overpayment has been made to a person under the proposed Act.

Clause 9 empowers the Minister to authorise payment to a registered distributor of the amount specified in a certificate issued by an authorised officer.

Clause 10 provides for recovery of overpayments.

Clause 11 enables an authorised officer to require a registered distributor to give security for compliance with the provisions of the proposed Act and regulations.

Clause 12 requires registered distributors to preserve certain records.

Clause 13 empowers an authorised officer to enter premises and vehicles of registered distributors and inspect certain records.

Clause 14 empowers an authorised officer to require a person to answer questions and produce documents relevant to a claim for payment under the proposed Act or a similar Act of another State.

Clause 15 provides for examination on oath of persons required to attend before an authorised officer to answer questions.

Clause 16 creates certain offences relating to the administration of the proposed Act.

Clause 17 provides for proceedings for offences against the proposed Act or regulations to be disposed of in a summary manner.

Clause 18 enables the Minister to delegate his powers, authorities, duties and functions under the proposed Act.

Clause 19 provides for the establishment of an account in the Special Deposits Account in the Treasury for the purposes of the proposed Act.

Clause 20 allows the Governor to make regulations to give effect to the proposed Act.

Act No. 118 of 1980

LIQUEFIED PETROLEUM GAS (GRANTS) BILL, 1980

Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Liquefied Petroleum Gas Grants Act, 1980.

2. (1) This section and section 1 shall commence on the date of commencement.

No. , 1980.

(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

A BILL FOR

An Act with respect to a scheme granting financial assistance in relation to certain non-commercial uses of liquefied petroleum gas and gas produced by the use of liquefied petroleum gas or naphtha.

[MR HILLS—23 October, 1980.]

Liquefied Petroleum Gas (Grants).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Liquefied Petroleum Gas Short
(Grants) Act, 1980". title.

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 be deemed to have commenced on 28th March, 1980.

3. (1) In this Act, except in so far as the context or subject- Inter-
matter otherwise indicates or requires— pretation.

 "authorised officer" means a person appointed under section
6;

15 "Commonwealth Act" means the Liquefied Petroleum Gas
(Grants) Act 1980 of the Parliament of the Common-
wealth as amended from time to time;

 "Commonwealth Minister" means the Minister of State of
the Commonwealth administering the Commonwealth
20 Act or another Minister of State of the Commonwealth
acting for or on behalf of that Minister;

 "eligible gas" means—

- (a) liquefied petroleum gas; or
- (b) eligible reticulation gas;

25 "eligible reticulation gas" means gas supplied to premises by
means of pipes, being gas the production of which
involves the use of liquefied petroleum gas or naphtha;

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“eligible use”, in relation to liquefied petroleum gas or eligible reticulation gas, means—

- 5 (a) the use of the gas at residential premises in providing food and drink for, in providing heating, air-conditioning, hot water or similar amenities for, or in meeting other domestic requirements of, residents of the premises;
- 10 (b) the use of the gas at a hospital, nursing home or other institution providing medical or nursing care, not being an institution conducted for the profit, direct or indirect, of a person; or
- (c) the use of the gas at a school, not being a school conducted for the profit, direct or indirect, of an individual or individuals;

15 “function” includes power, authority and duty;

“registered distributor” means—

- (a) a distributor of liquefied petroleum gas who is registered as such a distributor in accordance with the scheme; or
- 20 (b) a distributor of eligible reticulation gas who is registered as such a distributor in accordance with the scheme;

“regulation” means a regulation made under this Act;

“residential premises” means—

- 25 (a) premises used as a house; or
- (b) other premises at which at least one person resides,

but does not include—

- 30 (c) premises used to conduct the business of a hotel, motel or boarding house or a similar business;

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(d) premises used as a hospital, nursing home or other institution providing medical or nursing care;

(e) premises used as a boarding school; or

5 (f) premises referred to in paragraph (b) that are included in a class of premises declared by the Commonwealth Minister, by notice published in the Commonwealth of Australia Gazette, to be a class of premises that are not residential
10 premises for the purposes of the Commonwealth Act;

15 "scheme" means the scheme, as in force from time to time, formulated by the Commonwealth Minister in relation to the State of New South Wales for the purposes of the Commonwealth Act.

(2) A reference in this Act to liquefied petroleum gas sold for eligible use includes a reference to liquefied petroleum gas that, by virtue of a provision of the scheme, is deemed to have been sold for eligible use.

20 (3) A reference in this Act to an Act of another State includes a reference to a law of the Northern Territory.

(4) A reference in this Act to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

25 4. There are payable, in accordance with this Act, to registered distributors amounts ascertained in accordance with the scheme. Calculation of amounts payable.

Liquefied Petroleum Gas (Grants).

- 5 **5.** The Minister may authorise an advance on account of a payment under this Act to be made in accordance with the scheme to a registered distributor on such terms and conditions (including conditions with respect to the giving to purchasers from the distributor of eligible gas for eligible use of the benefit of the amount of the advance) as the Minister thinks fit. Advance on account of amounts payable.
6. **6.** (1) The Minister may appoint persons to be authorised officers for the purposes of this Act. Authorised officers.
- (2) A person may be appointed to be an authorised officer for the purposes of this Act notwithstanding that he is an officer of the Commonwealth.
- (3) An officer of the Commonwealth shall not be appointed to be an authorised officer for the purposes of this Act without the consent of the Commonwealth Minister.
- 15 **7.** A claim by a registered distributor for a payment under this Act shall be made— Claims for payment.
- (a) to an authorised officer; and
- (b) in accordance with the regulations.
- 20 **8.** (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. Certificates.
- (2) An authorised officer, upon examining a claim for a payment under this Act, may give a certificate in writing—
- 25 (a) that a specified person sold a specified quantity of liquefied petroleum gas for eligible use on a specified date;

Liquefied Petroleum Gas (Grants).

- (b) that a specified quantity of liquefied petroleum gas or naphtha was purchased by, delivered to, or used in the production of eligible reticulation gas by, a specified person on a specified date; or
- 5 (c) that a specified person sold a specified quantity of eligible reticulation gas for eligible use, or sold a specified quantity of eligible reticulation gas, during a specified period.
- (3) Where an authorised officer is satisfied that an amount
10 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 an overpayment to that person.
- 15 (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
20 contrary is proved, be deemed to be such a certificate and to have been duly given.
- (6) Where a certificate has been given under subsection (1), the certification prescribed by section 41 (3) of the Audit Act, 1902, shall not be necessary.
- 25 9. Where a certificate is given under section 8 (1), the Minister shall 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.

Liquefied Petroleum Gas (Grants).

10. (1) Where 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, the amount paid or the amount of the excess, as the case may be—
- (a) is an overpayment to the person, which the person is liable to repay to the Minister; and
 - (b) may be recovered as a debt due to the Minister from the person in a court of competent jurisdiction.
- 10 (2) In proceedings in a court against a person for the recovery of an amount by reason that it is an overpayment to the person, a certificate given under section 8 (3) that the amount is such an overpayment is prima facie evidence that the amount is such an overpayment.
- 15 11. An authorised officer may require a registered distributor to give security in an amount determined by the authorised officer by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by him with the provisions of this Act and the regulations or for the purposes of an undertaking given by him
- 20 for the purpose of this Act or the regulations, and the distributor is not entitled to a payment under this Act unless he gives security in accordance with the requirement.
12. (1) A person who receives a payment under this Act in respect of the sale of any liquefied petroleum gas shall preserve the accounts, books, documents and other records relating to that sale until the expiration of not less than 1 year after the date of making the claim in respect of which the payment was made.
- 25 accounts, books, documents and other records relating to that sale until the expiration of not less than 1 year after the date of making the claim in respect of which the payment was made.
- (2) A person who receives a payment under this Act in respect of the purchase by him of any liquefied petroleum gas or naphtha delivered to him during a period shall preserve the accounts, books, documents and other records relating to that
- 30 naphtha delivered to him during a period shall preserve the accounts, books, documents and other records relating to that

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purchase or to the production or sale by him of eligible reticulation gas during that period until the expiration of not less than 2 years after the date of making the claim in respect of which the payment was made.

5 Penalty : \$1,000.

13. (1) For the purpose of this Act or an Act of another State relating to subsidy for the sale of liquefied petroleum gas or the purchase of liquefied petroleum gas or naphtha, an authorised officer may at all reasonable times—

Stock-taking and inspection of accounts, etc.

- 10 (a) enter any premises of a registered distributor;
- (b) enter any premises of a person who is registered as a distributor of liquefied petroleum gas or a distributor of eligible reticulation gas in accordance with a scheme formulated by the Commonwealth Minister in relation to another State or the Northern Territory for the purposes of the Commonwealth Act; or
- 15 (c) enter any vehicle used by such a distributor or person for the carriage of any liquefied petroleum gas,

and may inspect the accounts, books, documents and other records relating to the sale of liquefied petroleum gas, the production or sale of eligible reticulation gas or the purchase of liquefied petroleum gas or naphtha.

(2) The occupier of any premises, or any 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) For the purposes of this Act, an authorised officer may, at all reasonable times, enter any premises to which eligible gas has been or is supplied by a registered distributor, being gas in relation to which a claim for payment under this Act has been made.

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(4) A person shall not obstruct, molest or hinder an authorised officer in the exercise of his powers under this section.

Penalty : \$500.

14. (1) An authorised officer may, by notice signed by him, 5 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 in respect of the sale of liquefied petroleum gas or the purchase of liquefied petroleum gas or naphtha to attend before him at the time and place specified 10 in the notice and there to answer questions and produce to him such accounts, books, documents and other records in relation to the claim as are referred to in the notice. **Power to require a person to answer questions and produce documents.**

(2) The authorised officer may make and retain copies of, or take extracts from, any accounts, books, documents or other 15 records produced in pursuance of this section.

(3) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, 20 documents or other records, 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 16 (1) (c) or (3).

15. (1) An authorised officer may examine, on oath or 25 affirmation, a person attending before him in pursuance of section 14 and, for that purpose, may administer an oath or affirmation to that person. **Examination on oath, etc.**

(2) The oath or affirmation to be taken or made by a person for the purpose of subsection (1) is an oath or affirmation 30 that the answers he will give to questions asked him will be true.

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16. (1) A person shall not, without reasonable excuse, refuse or fail—

- (a) to attend before an authorised officer;
- (b) to be sworn or make an affirmation; or

5 (c) to answer a question or produce an account, book, document or other record,
when so required in pursuance of this Act.

Penalty : \$1,000.

(2) A person shall not—

- 10 (a) knowingly obtain or attempt to obtain a payment under this Act that is not payable; or
 - (b) obtain or attempt to obtain a payment under this Act by means of a statement that he knows to be false or misleading or by means of a document which to his
- 15 knowledge contains information that is false or misleading.

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

(3) A person shall not make to an authorised officer a statement that is false or misleading in a material particular.

20 Penalty : \$1,000.

(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 that person to refund to the Minister the amount of any payment under this Act wrongfully obtained.

25 (5) Where a court has made an order under subsection (4), a certificate signed by 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 of competent jurisdiction to the extent of that amount and is thereupon enforce-
30 able in all respects as a final judgment of that court.

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17. (1) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences.

(2) Notwithstanding anything in any Act, proceedings for any offence against this Act or the regulations may be brought within the period of 1 year after the alleged commission of the offence.

18. (1) The Minister may by instrument in writing delegate to any person specified in the instrument, or to the holder for the time being of any office so specified, the exercise of such of the functions (other than this power of delegation) conferred or imposed on the Minister by or under this Act and may in like manner revoke wholly or in part any such delegation. Delegation.

(2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any of the functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise all or any of the functions delegated.

25 (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.

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(6) An instrument purporting to be signed by or on behalf of a delegate of the Minister in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Minister and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Minister under this section.

19. For the purposes of this Act, there shall be established in the Special Deposits Account in the Treasury an account called the Commonwealth Government—Liquefied Petroleum Gas (Grants) Account which shall be credited with all the money, including recoveries, received by the State in accordance with the scheme and this Act and which shall be drawn upon for the purpose of making payments in accordance with the scheme and this Act, including any amounts repayable by the State to the Commonwealth.

20. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is 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; and
- (b) the information to be furnished by claimants in connection with claims for payments under this Act.

(2) A regulation may impose a penalty not exceeding \$200 for any offence against the regulation.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;

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- (b) apply differently according to different factors of a specified kind; or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- 5
- or may do any combination of those things.

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(b) apply differently according to different factors of a specified kind; or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.

or may do any combination of those things.

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