No. 84 of 1980

An Act to subsidize the cost of liquefied petroleum gas and naphtha that is sold or purchased for certain purposes; and to provide for other related matters.

[Assented to 27th November, 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the “Liquefied Petroleum Gas Subsidy Act, 1980”.

2. This Act shall be deemed to have come into operation on the day upon which the Commonwealth Act came into operation.

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

“authorized officer” means a person appointed as an authorized officer under section 6:

“the Commonwealth Act” means the Liquefied Petroleum Gas (Grants) Act 1980 of the Commonwealth:

“the Commonwealth Minister” means the Minister for the time being administering the Commonwealth Act:

“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:

“eligible use”, in relation to liquefied petroleum gas or eligible reticulation gas, has the meaning from time to time attributed to that expression by the Commonwealth Act:

“registered distributor” means—

(a) a registered distributor of liquefied petroleum gas;

or
4. There are payable, in accordance with this Act and the scheme, to registered distributors of eligible gas amounts ascertained in accordance with the scheme.

5. 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 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.

6. (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.

(3) An officer of the Commonwealth shall not be appointed to be such an authorized officer without the consent of the Commonwealth Minister.

7. A claim by a registered distributor for a payment under this Act shall be made to an authorized officer and in the manner and form determined by the Minister.

8. (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, 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;

(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 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 an overpayment to that person.

(4) A certificate given under this section shall, for the purposes of the Audit Act, 1921-1975, be deemed to be correct in all respects.

(5) For the purposes of this Act and any proceedings under this Act, a document purporting to be a certificate given under this section shall, in the absence of proof to the contrary, be deemed to be such a certificate and to have been duly given.

9. Where a certificate has been given under section 8 (1), 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. (1) Where a certificate is given under section 8 (3), the Minister shall cause a copy of the certificate to be served, personally or by post, upon the person specified in the certificate.

(2) The amount of the overpayment specified in a certificate given under section 8 (3) is due and payable to the Minister by the person specified in the certificate not later than one month after receiving a copy of the certificate in accordance with subsection (1) and, upon the default of that person, the Minister may recover the amount, or so much of it as remains unpaid, from him as a debt in a court of competent jurisdiction.

(3) In any proceedings for the recovery of an overpayment, a statement in a certificate given under section 8 (3) that a specified amount is an overpayment made to a specified person shall, in the absence of proof to the contrary, be proof of the facts so stated.

11. An authorized officer may require a registered distributor to give security in an amount determined by the authorized 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 or for the purposes of an undertaking given by him for the purposes of this Act, 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, docu-
ments and other records relating to that sale until the expiration of twelve months 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 purchase and delivery, and to the production or sale by him during that period of eligible reticulation gas for eligible use until the expiration of two years after the date of making the claim in respect of which the payment was made.

(3) A person who fails to comply with the requirements of subsection (1) or (2) shall be guilty of an offence.
Penalty: One thousand dollars.

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 authorized officer may, at all reasonable times, enter any premises of a registered distributor, or 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 any vehicle used by such a distributor or person for the carriage of any liquefied petroleum gas or naphtha, and may—

(a) 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 or delivery of liquefied petroleum gas or naphtha;

and

(b) make and retain copies of, or take extracts from, any of those accounts, books, documents or records.

(2) The occupier of any premises or any person in charge of any vehicle referred to in subsection (1) shall provide the authorized 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 authorized 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, and may inspect the premises and any plant or equipment on the premises.

(4) 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.
Penalty: Five hundred dollars.

14. (1) An authorized 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 relating to the claim, and to produce to him such accounts, books, documents and other records in relation to the claim as are referred to in the notice.
(2) The authorized 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 section 16 (3).

15. (1) An authorized 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.

(2) The oath or affirmation to be 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.

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

(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, document or other record,

when so required in pursuance of this Act.

Penalty: One thousand dollars.

(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: Two thousand dollars or imprisonment for twelve months.

(3) A person shall not make to an authorized officer a statement that he knows to be false or misleading in a material particular.

Penalty: One thousand dollars.

(4) Where a person is found guilty 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 wrongfully obtained under this Act.

(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 and is thereupon enforceable in all respects as a final judgment of that court.
17. (1) Proceedings for an offence against this Act shall not be commenced later than one year after the day on which it is alleged that the offence was committed.

(2) Proceedings for an offence against this Act shall be disposed of summarily.

18. (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 or duties under this Act to such person as may be specified in the instrument of delegation.

(2) A power or duty so delegated may be exercised or discharged by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section shall be revocable at will and shall not prevent the exercise of a power or discharge of a duty by the Minister.

19. (1) All moneys paid by the Commonwealth to the State pursuant to the Commonwealth Act, and all other moneys paid to the Minister under this Act, or provided by the Treasurer pursuant to this Act shall be paid into a trust account at the Treasury, and the Treasurer is authorized to pay from that trust account, without any other authority than this Act, the amounts required to be paid in accordance with this Act.

(2) The Treasurer may, if he considers it expedient to do so pending receipt of grants from the Commonwealth, advance any moneys to the trust account for the purposes of this Act.

(3) The total amount of any moneys advanced under subsection (2) shall not at any time exceed fifty thousand dollars.

20. (1) The Governor may make such regulations as are contemplated by, or are necessary or expedient for the purposes of, this Act.

(2) The regulations may prescribe penalties, not exceeding two hundred dollars, for breach of, or non-compliance with, the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor
SCHEDULE
LIQUEFIED PETROLEUM GAS (GRANTS) ACT 1980
SCHEME FOR THE PROVISION OF FINANCIAL ASSISTANCE TO THE STATE OF SOUTH AUSTRALIA

PART A
PRELIMINARY

A.1. The Liquefied Petroleum Gas (Grants) Act 1980 of the Parliament of the Commonwealth of Australia ("the Act") provides for the payment to each State of the Commonwealth and to the Northern Territory by way of financial assistance of amounts equal to the amounts expended by that State or the Northern Territory in making payments to distributors of liquefied petroleum gas or eligible reticulation gas in accordance with a scheme formulated by the Minister in relation to that State or the Northern Territory for the purposes of the Act. This is the scheme so formulated in relation to the State of South Australia.

A.2. This scheme shall apply to—
(a) liquefied petroleum gas that, during the period to which the Act applies, is, or has been, sold by distributors of that gas; and
(b) liquefied petroleum gas or naphtha purchased by distributors of eligible reticulation gas for use in the production of eligible reticulation gas for sale by them for eligible use, being liquefied petroleum gas or naphtha delivered to them during the period to which the Act applies.

A.3. (1) In this scheme, unless the contrary intention appears—
"approved person" means a person who is an approved person for the purposes of the Act by virtue of an appointment under section 8 of the Act;
"distributor" means a person who is registered for the purposes of this scheme under clause B1 or clause B2 as a distributor of liquefied petroleum gas or as a distributor of 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;
"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 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, by an individual or individuals; or
(c) the use of the gas at a school, not being a school conducted for the profit, direct or indirect, by an individual or individuals;
"gas cylinder" means a cylinder designed to contain liquefied petroleum gas;
"period to which the Act applies" means the period of 3 years commencing on 28 March 1980;
"prescribed cylinder" means a gas cylinder designed to contain not more than 46 kg of liquefied petroleum gas, but does not include a gas cylinder designed with liquid draw-off for the supply of fuel to an internal combustion engine;
"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;
(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 Minister, by notice published in the Gazette, to be a class of premises that are not residential premises for the purposes of the Act;
"the Minister" means the Minister of State for Business and Consumer Affairs of the Commonwealth or the Minister of State for any other Department of the Commonwealth who is for the time being responsible for the Act and includes such other Minister or member of the Federal Executive Council who is for the time being acting for and on behalf of that Minister;
"the State" means the State of South Australia.

(2) Unless a contrary intention appears, a reference to a clause or Part is a reference to a clause or Part of this scheme and a reference to a subclause is a reference to the relevant subclause of the clause in which the reference appears.

(3) Words in the singular number include the plural and the plural the singular and words denoting the masculine gender include the feminine or neuter gender.
PART B
REGISTRATION OF DISTRIBUTORS OF LIQUEFIED PETROLEUM GAS AND ELIGIBLE RETICULATION GAS

B.1. The Minister or an approved person may register as a distributor of liquefied petroleum gas for the purposes of this scheme a person who 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) any liquefied petroleum gas that, after the agreement is entered into or the undertaking is given and before the expiration of the period to which the Act applies, is sold by the person for eligible use will be sold by him at a price that gives to the purchaser the benefit of any payment under this scheme received or to be received by him in respect of the sale;

and

(b) he will not make a claim for a payment from the State in respect of the sale of any liquefied petroleum gas, including a sale before the agreement was made or the undertaking was given, unless he sold the gas at a price that gave to the purchaser the benefit of the payment that the distributor claims to receive in respect of the sale.

B.2. The Minister or an approved person may register as a distributor of eligible reticulation gas for the purposes of this scheme a person who 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) any eligible reticulation gas that, after the agreement is entered into or the undertaking is given and before the expiration of the period to which the Act applies, is sold by the person for eligible use and in the production of which he uses liquefied petroleum gas or naphtha purchased by him and, during the period to which the Act applies, delivered to him will be so sold by him at a price that gives to the purchaser the benefit of any payment under this scheme received or to be received by him in respect of the purchase;

and

(b) he will not make a claim for a payment from the State in respect of the sale of any liquefied petroleum gas or naphtha unless eligible reticulation gas sold by him for eligible use produced by using the liquefied petroleum gas or naphtha was so sold at a price that gave to the purchaser the benefit of the payment that the distributor claims to receive in respect of the purchase of the gas or naphtha by him.

B.3. (1) The Minister or an approved person may consider an application for registration in accordance with clause B1 or clause B2 as he sees fit and having regard to such matters and such information as he considers relevant and he shall not be bound to accept any application for registration.

(2) A decision by the Minister or an approved person in respect of an application for registration shall be—

(a) made within 28 days from the date on which the application is received;

(b) recorded as to its terms in writing;

and

(c) set out in a document, a copy of which is furnished to the person making the application, stating that it has been decided to register that person as a distributor of liquefied petroleum gas or eligible reticulation gas, as the case may be, from the date set out in the document, as determined in accordance with clause B4.

B.4. The registration of a person as a distributor of liquefied petroleum gas or as a distributor of eligible reticulation gas for the purposes of this scheme may take effect from 28 March 1980 or from such later date as is specified by the Minister or approved person at the time the person is so registered and may be revoked by the Minister or an approved person at any time.

B.5. The registration of a person as a distributor may be revoked by the Minister or an approved person if—

(a) the person so requests;

(b) the Minister or an approved person is satisfied that the person has ceased to carry on business in the State as a distributor;

(c) the person is prosecuted under any legislation of the State for the time being in force relating to this scheme and a case against him is found proven in relation to that prosecution;

or

(d) the person has in the opinion of the Minister or an approved person failed to act in accordance with an agreement entered into or an undertaking given under clause B1 or clause B2.

B.6. A decision of the Minister or of an approved person to revoke the registration of a person for the purposes of this scheme pursuant to clause B5 shall be—

(a) recorded as to its terms in writing;

(b) set out in a document a copy of which is furnished to the person whose registration is being revoked, stating that it has been decided to revoke the registration of that person as a distributor from the date set out in the document and for the reason stated in the document.

B.7. Where a person has been registered as a distributor or the registration of such a person is revoked the Minister or an approved person shall forthwith cause a copy of the notification of registration or revocation to be forwarded to the State.

B.8. The revocation of the registration of a distributor shall not affect the operation of this scheme in respect of sales by that person prior to the date on which the revocation took place.
PART C
PAYMENTS TO DISTRIBUTORS IN RESPECT OF SALES OF LIQUEFIED PETROLEUM GAS

C.1. (1) The State shall make payments in accordance with this Part to distributors of liquefied petroleum gas that, during the period to which the Act applies, is, or has been, sold by them for eligible use.

(2) The payments to be made to a distributor pursuant to subclause (1) shall be at the rate of $80 per tonne of the weight of liquefied petroleum gas that, during the period to which the Act applies, is, or has been, sold by him for eligible use.

C.2. (1) Where the Minister or an approved person is satisfied by reason of the size or location of a container, that liquefied petroleum gas decanted into the container will be used primarily for decanting into prescribed cylinders, the Minister or the approved person may determine that the container is a container the decanting into which of liquefied petroleum gas is substantially equivalent to the supply of that gas for eligible use.

(2) The Minister or an approved person may revoke a determination referred to in subclause (1) at any time if he is satisfied that liquefied petroleum gas decanted into a container has not been used primarily for decanting into prescribed cylinders.

C.3. (1) Where the Minister or an approved person is satisfied by reason of the size or location of a container, that liquefied petroleum gas decanted into the container during a past period commencing on or after 28 March 1980 was used primarily for decanting into prescribed cylinders, the Minister or the approved person may determine that the container was, during that period, a container the decanting into which of liquefied petroleum gas was substantially equivalent to the supply of that gas for eligible use.

(2) A determination referred to in subclause (1) shall be deemed to have been in force during, and only during, the period to which it relates.

C.4. (1) For the purposes of this scheme, liquefied petroleum gas sold by a distributor of liquefied petroleum gas shall be deemed to have been sold for eligible use if the gas is supplied to the purchaser by decanting the gas into—

(a) a prescribed cylinder;

or

(b) a container in respect of which a determination referred to in clause C2 or clause C3 is in force,

and was not so decanted, and had never previously been decanted, from a prescribed cylinder or a container referred to in subparagraph (b).

(2) Where liquefied petroleum gas is deemed to have been sold for eligible use any subsequent sale of that gas shall be deemed to be a sale for other than eligible use.

C.5. For the purposes of this scheme but subject to clause C4, where a quantity of liquefied petroleum gas sold by a distributor of such gas is sold partly for eligible use and partly for other use, that quantity shall be deemed to have been sold—

(a) where more than 50% of that quantity is sold for eligible use—for eligible use;

or

(b) in any other case—for other than eligible use.

C.6. Where—

(a) a quantity of liquefied petroleum gas, or each quantity of such gas supplied to premises included in a class of premises, is sold partly for eligible use and partly for other use;

and

(b) the Minister or an approved person is satisfied that the percentage of that quantity or each of those quantities, as the case may be, that is sold for eligible use cannot be determined,

the percentage of that quantity or each of those quantities, as the case may be, sold for eligible use shall, for the purposes of this scheme, be such percentage as is estimated by the Minister or the approved person, having regard to such information as is available to him, to be the percentage of that quantity or each of those quantities, as the case may be, that is so sold.
PART D
PAYMENTS TO DISTRIBUTORS IN RESPECT OF SALES OF ELIGIBLE RETICULATION GAS

D.1. (1) The State shall make payments in accordance with this Part to distributors of eligible reticulation gas in respect of liquefied petroleum gas or naphtha purchased by them for use in the production of eligible reticulation gas for sale by them for eligible use, being liquefied petroleum gas or naphtha delivered to them during the period to which the Act applies.

(2) A payment made to a distributor pursuant to subclause (1) shall be a payment in respect of the year commencing on 28 March 1980 or one of the 2 next succeeding years of an amount calculated in accordance with the formula—

\[
\frac{80 \times A \times (C + D)}{B}
\]

where—

A is the number of cubic metres of eligible reticulation gas that during the periods in respect of which the distributor rendered accounts for gas sold by him the whole or at least the last day of which fell within that year was sold by him for eligible use;

B is the number of cubic metres of eligible reticulation gas that during those periods was sold by the distributor;

C is the number of the tonnes of liquefied petroleum gas delivered to the distributor during that year that was purchased by him for use in the production of eligible reticulation gas for sale by him;

D is the number of the tonnes of naphtha delivered to the distributor during that year that was purchased by him for use in the production of eligible reticulation gas for sale by him.

D.2. For the purposes of this scheme, where a quantity of eligible reticulation gas sold by a distributor of such gas is sold partly for eligible use and partly for other use, that quantity shall be deemed to have been sold—

(a) where more than 50% of that quantity is sold for eligible use—for eligible use;

or

(b) in any other case—for other than eligible use.

D.3. Where—

(a) a quantity of eligible reticulation gas, or each quantity of such gas supplied to premises included in a class of premises, is sold partly for eligible use and partly for other use; and

(b) the Minister or an approved person is satisfied that the percentage of that quantity or each of those quantities, as the case may be, sold for eligible use cannot be determined, the percentage of that quantity or each of those quantities, as the case may be, sold for eligible use shall, for the purposes of the scheme, be such percentage as is estimated by the Minister or the approved person, having regard to such information as is available to him, to be the percentage of that quantity or each of those quantities, as the case may be, that is so sold.

D.4. Where the Minister or an approved person is satisfied that the number of cubic metres of eligible reticulation gas sold, or sold for eligible use, by a registered distributor of such gas during a period in respect of which the distributor rendered accounts for gas sold by him cannot be accurately determined, the number of cubic metres of such gas so sold or sold for eligible use, as the case may be, shall, for the purposes of the scheme, be such number as is estimated by the Minister or the approved person, having regard to such information as is available to him, to be the number of cubic metres of such gas so sold or sold for eligible use, as the case may be.

D.5. For the purposes of this scheme, where, in the course of the delivery to a distributor of eligible reticulation gas of liquefied petroleum gas or naphtha purchased by him for use in the production of eligible reticulation gas, part of that gas or naphtha so purchased is lost by natural wastage, that gas or naphtha so lost shall be taken to have been delivered with the rest of that gas purchased.
PART E

CLAIMS

E.1. For the purposes of this Part "approved person" includes a person who has been appointed to be an authorized officer under the State legislation which relates to this scheme or otherwise under State law for the purposes of this scheme.

E.2. Subject to this Part a distributor may claim from the State the payments to be made in accordance with clause C1 or clause D1.

E.3. A claim by a distributor for payment in accordance with this scheme shall be made to an approved person as provided by regulations made under the State legislation which relates to this scheme or, if no such regulations are in force for the time being, on a form provided by an approved person for the purposes of making claims in accordance with this scheme.

E.4. (1) An approved person shall examine each claim by a distributor for payment in accordance with this scheme made to him and shall, if he is satisfied that an amount is payable to the distributor, give a certificate in writing to that effect.

(2) Where a certificate is given under subclause (1) the State shall pay the amount specified in the certificate to the distributors in respect of whom the certificate is given.

(3) The giving of a certificate under subclause (1) or the making of a payment on such a certificate pursuant to subclause (2) are not to be taken as finally disposing of a claim and each claim shall be subject to further examination and the provision of such other certificates as to the claim and having such effect as may be provided for by or under the State legislation which relates to this scheme or otherwise under State law for the purposes of this scheme.

(4) Without limiting the generality of subclause (3) as to the further examination of claims or the provision of other certificates as to a claim, an approved person may where an amount previously paid to a distributor was not payable or exceeded the amount that was payable or where the whole or any part of an advance previously made to a distributor was not payable give a certificate to the effect that the amount paid or the overpayment is an overpayment to that distributor by the State.

(5) Where a certificate is given in accordance with subclause (4) the amount of the overpayment specified in the certificate is recoverable by the State from the distributor.

E.5. (1) Subject to subclause (2), for the purposes of this scheme the date of purchase or of sale shall be the date shown on the invoice in relation to the purchase or the sale and the date of delivery shall be the date shown on the delivery document.

(2) An approved person shall—

(a) if upon investigation of a purchase, sale or delivery he is satisfied that the actual date of the purchase or sale, or of the delivery was not the date specified in the invoice or the delivery docket;

or

(b) if no date for the purchase or sale or the delivery is specified in the invoice or in the delivery docket—

give a certificate stating the date on which in his opinion the purchase, sale or delivery took place, and the purchase, sale or delivery shall be regarded as having taken place for the purposes of this scheme on the date stated in the certificate.

E.6. (1) Subject to subclause (2) the State may, in accordance with arrangements approved by the Minister who is referred to in clause A3, make advances to distributors within the State of such amounts as are advanced to it by the Minister for Finance in accordance with section 11 of the Act on account of amounts that may become payable pursuant to this scheme.

(2) An advance which may be made to a distributor by the State in accordance with subclause (1) may be of such an amount as is necessary to be paid to the distributor, being an amount by which the distributor would otherwise be out of pocket by reason of payments to the distributor under this scheme being received by the distributor later in time than the purchase price of the sales of liquefied petroleum gas or eligible reticulation gas in relation to which the distributor may claim pursuant to this scheme.

E.7. A distributor shall—

(a) permit an approved person to have access at all reasonable times to his premises or any vehicle used for the carriage of liquefied petroleum gas and inspect any 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;

(b) if he has made a claim pursuant to this scheme, furnish such further information relating to the claim as is requested or as may be required by the approved person;

(c) if he has received a payment pursuant to this scheme in respect of the sale of any liquefied petroleum gas, preserve the accounts, books, documents and other records relating to that sale until the expiration of 12 months after the date of making the claim in respect of which the payment was made;

and

(d) if he has received a payment pursuant to this scheme in respect of the purchase by him of any liquefied petroleum gas or naphtha delivered to him during a period, preserve the accounts, books, documents and other records relating to that purchase or to the production or sale by him of eligible reticulation gas during that period until the expiration of 2 years after the date of making the claim in respect of which the payment was made.
PART F

MISCELLANEOUS

F.1. A notice, requirement or other communication under this scheme by the Minister or an approved person shall be duly given, made or delivered to a distributor if it is in writing signed by or on behalf of the Minister or by the approved person and is addressed and sent by prepaid post to, or is delivered for, the distributor at such address as is stated in the application of the distributor for registration or at such other address as the distributor from time to time notifies to the Minister or an approved person and shall be taken to have been given, made or delivered when it would have been delivered in the ordinary course of post or when it was delivered, as the case may be.

F.2. (1) An application, notice or other communication under this scheme (other than a claim for payment) by a person to the Minister or an approved person shall be signed by, or by an individual person authorized by, that person in that behalf and shall be addressed and sent by prepaid post to, or delivered for, the Comptroller-General of Customs, Department of Business and Consumer Affairs, Canberra, A.C.T. 2600 or to the Secretary of any other Department of the Commonwealth whose Minister from time to time assumes the administration of the Act, at the then address of the central office of the relevant Department.

(2) Claims for payments in accordance with this scheme may be addressed to the Collector of Customs in the State.