

NORTHERN TERRITORY OF AUSTRALIA  
PETROLEUM PRODUCTS SUBSIDY AMENDMENT ACT 1989

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No. 11 of 1989

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## NORTHERN TERRITORY OF AUSTRALIA

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### AN ACT

to amend the *Petroleum Products Subsidy Act*

[Assented to 5 April 1989]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Petroleum Products Subsidy Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Petroleum Products Subsidy Act* is in this Act referred to as the Principal Act.

4. LONG TITLE OF PRINCIPAL ACT

The Principal Act is amended by omitting the long title and substituting the following:

"An Act to provide for the carrying out of a scheme relating to the prices of certain petroleum products sold in the Northern Territory formulated under the *State Grants (Petroleum Products) Act 1965* of the Commonwealth".

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5. DEFINITIONS

Section 2 of the Principal Act is amended -

- (a) by inserting after the definition of "authorized officer" the following:

"'Commonwealth Act' means the *State Grants (Petroleum Products) Act 1965* of the Commonwealth as amended from time to time;

'Commonwealth Minister' means the Minister of State for the Commonwealth who, for the time being, is responsible for the administration of the Commonwealth Act and includes another Minister of State for the Commonwealth who is, for the time being, acting for and on behalf of that Minister;";

- (b) by omitting the definition of "Minister";

- (c) by omitting from the definition of "registered distributor of eligible petroleum products" the words "by the Minister";

- (d) by omitting the definition of "the scheme" and substituting the following:

"'scheme' means the scheme formulated in relation to the Territory by the Commonwealth Minister for the purposes of the Commonwealth Act."; and

- (e) by adding at the end the following:

"(2) Where in accordance with the scheme it is directed that goods are or are not to be treated for the purposes of the scheme as motor spirit, 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."

6. REPEAL AND SUBSTITUTION

Sections 4, 5, 7, 8 and 9 of the Principal Act are repealed and the following substituted:

"4. FINANCIAL PROVISIONS

"(1) The Treasurer shall establish and keep as part of the Trust Fund of the Territory a trust account to be called the 'Commonwealth Petroleum Products Subsidies Account'.

"(2) There shall be credited to the trust account all moneys received by the Territory -

- (a) from the Commonwealth by way of financial assistance under the Commonwealth Act; and

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(b) otherwise in pursuance of this Act.

"(3) There shall be debited to the trust account all moneys paid to registered distributors of eligible petroleum products pursuant to this Act and all moneys, if any, repayable by the Territory to the Commonwealth."

7. REPEAL AND SUBSTITUTION

Section 12 of the Principal Act is repealed and the following substituted:

"12. AUTHORIZED OFFICERS

"The Minister may appoint an officer of the Australian Customs Service or other body, service or Department of the Commonwealth for the time being responsible to the Commonwealth Minister for the administration of the Commonwealth Act, to be an authorized officer for the purposes of this Act."

8. CERTIFICATES

Section 14 of the Principal Act is amended -

(a) by omitting from subsection (3) "Commonwealth" and substituting "Territory"; and

(b) by inserting after subsection (3) the following:

"(3A) The Auditor-General shall treat a certificate under this section as correct in all respects."

9. OVER PAYMENTS

Section 16 of the Principal Act is amended -

(a) by omitting "Commonwealth" (the first three times occurring) and substituting "Territory"; and

(b) by omitting "in the Territory as a debt due to the Commonwealth" and substituting "as a debt due and payable to it".

10. PRESERVATION OF ACCOUNTS, &c.

Section 17(1) of the Principal Act is amended by omitting "Penalty: \$200" and substituting "Penalty: \$1,000".

11. STOCKTAKING AND INSPECTION OF ACCOUNTS, &c.

Section 18(3) of the Principal Act is amended by omitting "Penalty: \$100" and substituting "Penalty: \$1,000".

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12. OFFENCES

Section 21 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Penalty: \$100" and substituting "Penalty: \$2,000"; and
- (b) by omitting from subsection (4) "Commonwealth" and substituting "Territory".

13. PROSECUTION OF OFFENCES IN COURT OF SUMMARY JURISDICTION

Section 22 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Subject to subsection (2)" and substituting "Subject to this section"; and
- (b) by inserting after subsection (1) the following:

"(1A) A complaint in relation to an offence against this Act shall not be made later than 2 years from the time when the matter of the complaint arose."

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