

## LIQUID FUEL ACT.

### Act No. 40, 1949.

**George VI.** An Act to make provision for the preservation and  
**No. 40, 1949.** continuance in operation of Commonwealth  
 Regulations relating to the rationing and  
 distribution of liquid fuel; and for purposes  
 connected therewith. [Assented to, 16th  
 November, 1949.]

**B**E it enacted by the King's Most Excellent Majesty,  
 by and with the advice and consent of the Legis-  
 lative 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 "Liquid Fuel Act,  
 1949".

**Commence-  
 ment.**

**2.** This Act shall commence upon a day to be appointed  
 by the Governor and notified by proclamation published  
 in the New South Wales Government Gazette.

Such day may be the day of publication of such  
 proclamation or a day either before or after the day of  
 publication of such proclamation.

Such day shall be appointed after consultation has  
 taken place between the Premier of this State and the  
 Prime Minister of the Commonwealth.

**Interpre-  
 tation.**

**3.** (1) In this Act unless inconsistent with the context  
 or subject-matter—

"Commonwealth Regulations" means the regulations  
 made or purporting to have been made under the  
 Liquid Fuel (Rationing) Act 1949 of the Parlia-  
 ment of the Commonwealth and includes any  
 orders made or purporting to have been made  
 under the authority of those Regulations.

(2) If the Liquid Fuel (Rationing) Act 1949 of  
 the Parliament of the Commonwealth is or is held to be  
 invalid the expression "Commonwealth Regulations"  
 shall

shall mean the regulations and orders which were made or purport to have been made under that Act and which, if that Act had been valid, would have been in operation as regulations or orders. No. 40, 1949.

4. (1) Where the day appointed by the Governor pursuant to section two of this Act is a day earlier than the date of the publication of the proclamation in the Gazette appointing such day— Operation  
of Common-  
wealth  
Regula-  
tions.

- (a) the provisions of the Commonwealth Regulations which were or purported to be in force on that day shall, as on and from that day, be deemed to have been in force as laws of this State, and any regulations made or purporting to have been made under the Liquid Fuel (Rationing) Act 1949 of the Parliament of the Commonwealth after that day and before the date of publication of the proclamation aforesaid shall be deemed to have come into force as laws of this State at the respective times at which they came or purport to have come into operation in this State as laws of the Commonwealth; and
- (b) the provisions of the Commonwealth Regulations which were or purported to be in force in this State immediately before the date of the publication of the proclamation aforesaid shall, subject to this Act, be in force in this State as laws of this State as on and from such date.

(2) Where the day appointed by the Governor pursuant to section two of this Act is the date of the publication of the proclamation appointing such day or any later date, the provisions of the Commonwealth Regulations which were or purported to be in force in this State immediately before such day shall, subject to this Act, be in force in this State as laws of this State as on and from such day.

(3) In the provisions in force, or deemed to have been in force at any time, by virtue of this section—

- (a) any reference to the Minister shall be deemed to be or to have been a reference to any Minister of State of the Commonwealth;

(b)

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- (b) any reference to the Gazette shall be deemed to be or to have been a reference to the Commonwealth of Australia Gazette;
- (c) any reference to a State shall, where the context so permits, be deemed to include or to have included a reference to a Territory of the Commonwealth forming part of the Commonwealth.

(4) Where on or after the date of the publication of the proclamation under section two of this Act or the date of commencement of this Act, whichever is the later date, the Commonwealth Regulations which are applicable to or in respect of the Australian Capital Territory are amended (otherwise than by an amendment which is expressed to apply only to or in respect of the Australian Capital Territory) such amendment shall have and take effect in respect of those Regulations in force in this State by virtue of this Act as if made by regulations made under this Act.

(5) All things done or purporting to be done before the date of commencement of this Act under or for the purposes of the provisions of the Commonwealth Regulations, in their application, or purported application, to this State, shall be deemed to have been done under or for the purposes of those provisions as in operation by virtue of this Act.

(6) The provisions of any order made before the date of commencement of this Act and in force by virtue of this Act may be amended or repealed by order made under the provisions in force by virtue of this Act.

Offences.

5. (1) Any person who contravenes or fails to comply with—

- (a) any provision of any regulation in operation by virtue of this Act; or
- (b) any order, rule or other instrument in operation by virtue of this Act or made in pursuance of any regulation in operation under this Act,

shall be guilty of an offence against this Act.

(2)

(2) Any person who is guilty of an offence against this Act shall be liable to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months. No. 40, 1949.

(3) All proceedings for offences against this Act shall be disposed of summarily before a court of petty sessions holden before a stipendiary magistrate or two justices of the peace.

(4) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of any goods in respect of which an offence against this Act has been committed.

**6.** Where a person convicted of an offence against this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence. Offences by corporations.

**7.** (1) Where any person is convicted of an offence against this Act, the court before which he is convicted may, either in addition to or in lieu of any punishment provided for the offence, require him to enter into recognizances with or without sureties to comply with the provisions of the regulations, orders, rules or other instruments in relation to which the offence was committed. Power to order recognizances.

(2) If any person fails to comply with an order of the court requiring him to enter into recognizances, the court may order him to be imprisoned for any term not exceeding six months.

**8.** The Supreme Court may, at the suit of the Attorney-General for the Commonwealth, make such orders and injunctions as the court thinks fit restraining persons from committing offences against this Act and generally for ensuring compliance with the provisions in force by virtue of this Act. Injunctions.

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Regulations.

**9.** (1) The Governor may, after consultation has taken place between the Premier of this State and the Prime Minister of the Commonwealth, make regulations—

- (a) for or in respect of any matters or class of matters dealt with in the Commonwealth Regulations in operation by virtue of this Act;
- (b) repealing or amending any regulations in operation by virtue of this Act.

(2) The regulations made under this section shall—

- (a) be published in the New South Wales Government Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Duration of Act.

**10.** (1) This Act and any regulations in operation by virtue of this Act and any orders, rules or other instruments in operation by virtue of this Act or such regulations shall terminate on the thirty-first day of August, one thousand nine hundred and fifty, or on such earlier day as may, after consultation has taken place between the Premier of this State and the Prime Minister of the Commonwealth, be appointed by the Governor and notified by proclamation published in the New South Wales Government Gazette.

(2) The provisions of section eight of the Interpretation Act of 1897 shall apply in relation to the termination of this Act and of any such regulations, orders, rules or other instruments as if that termination were a repeal and any such regulation, order, rule or other instrument were an Act.