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ELIZABETHAE II REGINAE

A.D. 1960

No. 54 of 1960

An Act to regulate the storage, conveyance and quality of liquefied petroleum gas and for other purposes.

[Assented to 24th November, 1960.]

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

- Short title.** 1. (1) This Act may be cited as the "Liquefied Petroleum Gas Act, 1960".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Interpretation.** 3. In this Act, unless the context otherwise requires—
- “liquefied petroleum gas” means a liquid which is a mixture of hydro-carbons, basically consisting of butanes or butenes, propane or propene, or any mixture of them, or any of them :
- “store” means a place whether situated in a building or not where liquefied petroleum gas is kept and which has been approved by and registered with the Chief Inspector :
- “convey” includes any form of moving whether by means of a vehicle or in a pipe line, but shall not include moving in a boat or a ship, or a railway under the control of the South Australian Railways Commissioner :

“chief inspector” means the Chief Inspector appointed under this Act :

“inspector” means any Inspector appointed under this Act and includes the Chief Inspector :

“Director of Chemistry” means the Director for the time being of the Department of Chemistry in the Public Service of this State.

4. This Act shall bind the Crown.

Application.

5. A person shall not keep, or cause to be kept, liquefied petroleum gas in quantities exceeding the maximum quantities prescribed except in a store as prescribed : Provided that this section shall not apply to the refinery site referred to in the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958.

Keeping of liquefied petroleum gas.

6. A person shall not convey, or cause to be conveyed, liquefied petroleum gas in quantities exceeding the maximum quantities prescribed except as prescribed.

Conveyance of liquefied petroleum gas.

7. All containers for and equipment for the use of liquefied petroleum gas shall conform to the standards prescribed.

Containers for liquefied petroleum gas.

8. All liquefied petroleum gas offered for sale shall conform to the standards prescribed.

Standard for liquefied petroleum gas.

9. An inspector may—

Powers of inspectors.

- (a) at any time enter, inspect and examine any place where he believes that liquefied petroleum gas may be found and may inspect any container, vehicle or pipe line in which he believes that liquefied petroleum gas is being stored, kept or conveyed ;
- (b) make any general or particular inquiries as to the observance of this Act or the regulations ;
- (c) take without payment any samples of any substance which he believes to be liquefied petroleum gas for the examination and testing thereof ;
- (d) seize, detain and remove any liquefied petroleum gas and any container, tank or vehicle in which the same is contained if he has reasonable cause to believe that there has been a contravention to this Act or regulations in respect of such gas.

10. Proceedings for offences against this Act shall be heard and determined in a summary way.

Summary proceedings.

Offences.

11. A person who acts in contravention of this Act or the regulations whether by act or omission shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

Evidence.

12. (1) In any proceedings for a contravention of this Act or the regulations any allegation or averment in any complaint, information or proceedings that a person therein named is an inspector appointed under this Act or the Government Analyst or an assistant to the Government Analyst or the Director of Chemistry shall be deemed to be proved in the absence of proof to the contrary.

(2) In any proceedings under this Act with respect to any article analysed or tested in pursuance of this Act of the regulations the production of the certificate of the Government Analyst shall be *prima facie* evidence of the facts therein stated.

Regulations.

13. The Governor may make regulations not inconsistent with this Act prescribing all matters which under this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular but without limiting the generality of the foregoing for all or any of the following matters :—

- (a)** Determining the standard for the calorific value of liquefied petroleum gas ;
- (b)** Requiring liquefied petroleum gas when used or intended to be used for certain purposes to have a distinctive smell ;
- (c)** Prescribing standards for the construction of containers and the fittings for such containers for the storage, conveyance or use of liquefied petroleum gas ;
- (d)** Limiting toxic substances and impurities in liquefied petroleum gas ;
- (e)** Prescribing conditions for the safe keeping and the conveyance of liquefied petroleum gas ;
- (f)** Prescribing requirements for the installation of equipment using liquefied petroleum gas ;
- (g)** Prescribing the situation of stores for the keeping of liquefied petroleum gas and regulating the construction and fitting up of such stores ;
- (h)** Prescribing the form and manner of applying for and granting approvals and registrations of stores for the keeping of liquefied petroleum gas and transfers, revocations, alterations and amendments thereto ;

- (i) Prescribing fees to be paid ;
- (j) Prescribing maximum quantities of liquefied petroleum gas for the purposes of section 5 or section 6 or of any regulations.

14. (1) This Act shall not save as herein expressly provided ^{Saving of remedies.} exempt any person from any action or suit in respect of any nuisance, tort, or otherwise which might, but for the provisions of this Act, have been brought against him.

(2) This Act shall not exempt any person from any indictment or other proceeding for a nuisance or for an offence which is indictable at common law or under any other Act, so however, that no person be punished twice for the same offence.

(3) Where proceedings are taken before any court against a person in respect of any offence under this Act which is also an offence indictable at common law or by some other Act the court may direct that instead of those proceedings being continued proceedings shall be taken for indicting the person at common law or under such other Act.

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

J. M. NAPIER, Lieutenant-Governor.