



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 1 of 1980

An Act to provide for temporary rationing, and control over the distribution, of motor fuel; and for other purposes.

[Assented to 13th March, 1980]

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Motor Fuel Rationing Act, 1980". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. This Act is arranged as follows:— Arrangement of Act.
 - PART I—PRELIMINARY
 - PART II—RESTRICTIONS UPON SALE AND USE OF RATIONED MOTOR FUEL
 - PART III—SUPPLY AND DISTRIBUTION OF MOTOR FUEL
 - PART IV—MISCELLANEOUS
4. In this Act, unless the contrary intention appears— Interpretation.
 - "condition", in relation to a permit, includes a limitation or restriction:
 - "motor fuel" means any substance (whether liquid or gaseous) used or capable of being used as fuel for a motor vehicle:
 - "permit" means a permit under this Act:
 - "permit holder" means a person to whom a permit is issued under this Act:
 - "rationed motor fuel" means motor fuel of a kind declared by regulation to be rationed motor fuel:
 - "to sell" includes—
 - (a) to barter or exchange;

PART I

(b) to offer or agree to sell, barter or exchange;
and "sale" has a corresponding meaning.

Delegation by
the Minister of
powers under
this Act.

5. (1) The Minister may, by instrument in writing, delegate any of his powers under this Act to any other persons.

(2) A delegation under this section is revocable at will and does not derogate from the power of the Minister to act personally in any matter.

PART II

PART II

RESTRICTIONS UPON SALE AND USE OF RATIONED
MOTOR FUEL

Restrictions
upon sale and
use of
rationed
motor fuel.

6. (1) A person shall not sell any rationed motor fuel by retail except to a permit holder.

Penalty: One thousand dollars.

(2) A person (other than a permit holder) shall not purchase any rationed motor fuel by retail.

Penalty: One thousand dollars.

(3) A permit holder—

(a) shall not use, or permit another to use motor fuel purchased in pursuance of the permit in contravention of a condition contained in the permit;

and

(b) shall not otherwise contravene or fail to comply with a condition contained in the permit.

Penalty: One thousand dollars.

Permits.

7. (1) The Minister may, if satisfied that it is in the public interest to do so, issue a permit to any person.

(2) A permit under this section shall be subject to such conditions as the Minister thinks fit to include in the permit.

(3) The Minister may, in his absolute discretion, by instrument in writing served personally or by post upon a permit holder, cancel the permit.

(4) Upon cancellation of a permit, the former permit holder shall deliver up the permit to the Minister or a person nominated by the Minister.

Penalty: One thousand dollars.

(5) A permit is not transferable.

(6) A person shall, while driving a motor vehicle to which motor fuel has been supplied in pursuance of a permit, carry the permit with him in the vehicle.

Penalty: Twenty dollars.

(7) A permit holder shall, at the request of a member of the police force, produce the permit for inspection by that member of the police force.

Penalty: Five hundred dollars.

(8) A person shall not, in connection with an application for a permit, make a statement or representation that is false or inaccurate in a material particular.

Penalty: One thousand dollars.

(9) It is a defence to a charge of an offence against subsection (8) of this section for the defendant to prove that he did not know, and could not by the exercise of reasonable diligence have ascertained, that the statement or representation was false or inaccurate.

8. (1) The Minister may, by instrument in writing, grant an exemption from the provisions of this Part in respect of—

Exemptions from the provisions of this Part.

(a) any specified person or class of persons;

or

(b) transactions involving the sale and purchase of rationed motor fuel that take place in specified parts of the State, or any other specified class of transactions involving the sale and purchase of rationed motor fuel.

(2) The Minister may, by instrument in writing, vary or revoke an exemption under subsection (1) of this section.

(3) An exemption under this section may be granted upon such conditions as the Minister thinks fit and specifies in the instrument of exemption.

(4) A person shall not contravene or fail to comply with a condition of an exemption granted under this section.

Penalty: One thousand dollars.

(5) A copy of an instrument under subsection (1) or (2) of this section shall be published in the *Gazette* as soon as reasonably practicable after execution of the instrument.

9. In exercising his powers under this Part, the Minister shall give special consideration to the needs of those living in country areas of this State.

Special consideration to be given to those living in country areas.

PART III

PART III

SUPPLY AND DISTRIBUTION OF MOTOR FUEL

Directions in relation to the supply or distribution of rationed motor fuel.

10. (1) Where, in the opinion of the Minister, it is in the public interest to do so, he may give directions to any person in relation to the supply or distribution of rationed motor fuel.

(2) A direction under this section shall be given—

(a) by instrument in writing served personally or by post upon the person to whom the direction is addressed;

or

(b) by publication of the direction in the *Gazette*.

(3) A person to whom a direction is given under this section shall not contravene or fail to comply with the direction.

Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

(4) Any rationed motor fuel in relation to which an offence is committed under subsection (3) of this section shall be forfeited to the Crown.

(5) In any proceedings for an offence against subsection (3) of this section, an apparently genuine document purporting to be a copy of a direction given in pursuance of this section shall, in the absence of proof to the contrary, be accepted as proof of the making and contents of the direction.

(6) A direction under this section may be revoked by the Minister at any time.

(7) A person who incurs expenses in complying with a direction under this section may, by action in any court of competent jurisdiction, recover the amount of those expenses by action against the Crown.

Power to require information.

11. (1) The Minister may, by notice in writing, require any person, who is, in his opinion, in a position to do so, to furnish information specified in the notice, relating to the storage, supply or distribution of motor fuel.

(2) Any information sought under subsection (1) of this section must be relevant to the administration of this Act.

(3) A person required to furnish information under subsection (1) of this section shall, within the time allowed in the notice, furnish the information sought in the notice to the best of his knowledge, information and belief.

Penalty: One thousand dollars.

PART IV

PART IV

MISCELLANEOUS

12. No action to restrain or compel the Minister, or a delegate of the Minister, to take or refrain from taking any action in pursuance of this Act shall be entertained by any court.

Actions for injunctions and mandamus against Minister.

13. A person who sells rationed motor fuel for a price in excess of the price for which it may lawfully be sold under the law of this State shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars, or imprisonment for six months, or both.

Profiteering.

14. (1) A member of the police force—

Powers of investigation.

(a) may, for the purpose of putting questions to the driver of a motor vehicle under paragraph (b) of this subsection, request the driver to stop the vehicle;

(b) may ask the driver or person apparently in charge of a vehicle (whether on a road or elsewhere) questions relating to—

(i) the name and place of residence or business of that person;

(ii) the name and place of residence or business of the owner of the vehicle or of any motor fuel in or on the vehicle;

(iii) the source from which the motor fuel on or in the vehicle was obtained and any other matters relating to that motor fuel.

(2) A person shall forthwith—

(a) comply with a request to stop a vehicle under subsection (1) of this section;

and

(b) truly answer to the best of his knowledge, information and belief questions put to him under subsection (1) of this section.

Penalty: Two hundred dollars.

(3) A person is not obliged to answer a question put to him under this section if the answer to the question would tend to incriminate him of an offence.

15. In any proceedings for an offence against this Act, an allegation in the complaint—

Evidentiary provision.

(a) that a substance, referred to in the complaint was, on a specified date, rationed motor fuel;

(b) that a person was or was not, on a specified date, a permit holder;

(c) that a person named in the complaint was, on a specified date, entitled to exercise powers referred to in the complaint by virtue of a delegation under this Act,

shall be accepted as proved in the absence of proof to the contrary.

PART IV

Proceedings for
offences
against this
Act.

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

(2) Proceedings for an offence against this Act shall not be commenced without the authorization of the Attorney-General.

(3) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorize the commencement of proceedings for an offence against this Act shall, in the absence of proof to the contrary, be proof of that authorization.

Regulations.

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

(2) Any regulation may impose a penalty (recoverable summarily) not exceeding five hundred dollars for contravention of, or failure to comply with, the regulation.

Expiry of
this Act.

18. This Act shall expire on a date of expiry fixed by proclamation, or on the 28th day of March, 1980, whichever is the earlier.

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

K. D. SEAMAN, Governor