



ANNO VICESIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1977

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**No. 30 of 1977**

An Act to provide for the distribution of motor fuel during any period of limitation of supplies of motor fuel and for other purposes.

*[Assented to 11th August, 1977]*

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

- Short title.** 1. This Act may be cited as the "Motor Fuel Rationing (Temporary Provisions) Act, 1977".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Division of Act.** 3. This Act is divided as follows:—  
 PART I—PRELIMINARY.  
 PART II—PERMITS, ETC.  
 PART III—BULK FUEL, ETC.  
 PART IV—MISCELLANEOUS.
- Interpretation.** 4. (1) In this Act unless the contrary intention appears—  
 "condition" in relation to a permit, includes any condition, limitation or restriction, however expressed:  
 "motor fuel" means any substance for the time being declared by proclamation to be motor fuel for the purposes of this Act:  
 "permit" means a permit issued under section 5 of this Act that is for the time being in force:

“permit holder” in relation to a permit, means the person for the time being lawfully holding that permit:

“sell” includes—

- (a) offer or expose for sale;
  - (b) keep or have in possession for sale;
  - (c) barter or exchange;
  - (d) deal in or agree to sell;
  - (e) send forward or deliver for sale or on sale;
- and
- (f) the act of authorizing, directing, causing, permitting or suffering any of the acts referred to in paragraphs (a) to (e) of this definition,

and the expressions “sale” and “sold” have corresponding meanings.

(2) The Governor may by proclamation declare any substance, whether gaseous or liquid, used or capable of being used as fuel for a motor vehicle as defined for the purposes of the Road Traffic Act, 1961-1976, to be motor fuel for the purposes of this Act and may by subsequent proclamation revoke or amend any such declaration.

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## PART II

## PART II

### PERMITS, ETC.

5. (1) The Minister may, in his absolute discretion issue a permit if the Minister is satisfied that it is in the public interest that the permit be issued.

Power to issue permits.

(2) A permit under this section may contain such conditions as the Minister thinks fit.

6. (1) The Minister may, in his absolute discretion, by notice in writing revoke a permit and upon that revocation that permit shall have no further force or effect.

Revocation of permits.

(2) A person who has possession, custody or control of a permit that has been revoked shall forthwith deliver that permit to the Minister or to a person specified by the Minister.

Penalty: One thousand dollars.

7. (1) The Minister may by notice in writing authorize a person to sell motor fuel to another person notwithstanding that the other person is not a permit holder.

Authorization to sell motor fuel.

(2) An authorization under subsection (1) of this section may contain such conditions as the Minister thinks fit.

**PART II**

(3) Notwithstanding any provision of this Act or any other Act or law, a person who sells motor fuel under and in accordance with an authorization under subsection (1) of this section shall not, by reason only of such sale commit an offence.

(4) The Minister may, in his absolute discretion, by notice in writing, revoke an authorization under subsection (1) of this section and upon that revocation that authorization shall have no further force or effect.

Prohibition on the sale of motor fuel.

8. (1) Subject to this section, a person shall not sell by retail any motor fuel to a person other than a permit holder.

Penalty: One thousand dollars.

(2) Subsection (1) of this section does not apply to or in relation to the sale of motor fuel to a person in accordance with an authorization under section 7 of this Act.

Restriction on use of motor fuel.

9. (1) A person shall not use, or cause, suffer or permit another person to use, motor fuel sold under a permit for a purpose other than a purpose, if any, specified in a condition contained in that permit as a purpose for which that fuel may be used or a purpose necessarily incidental to that purpose.

Penalty: One thousand dollars.

(2) A person shall not use, or cause, suffer or permit another person to use, motor fuel that has been sold pursuant to an authorization of the Minister under section 7 of this Act for a purpose other than a purpose, if any, for which that fuel was sold or a purpose necessarily incidental to that purpose.

Penalty: One thousand dollars.

Unlawfully parting with possession of a permit.

10. A permit holder shall not part with possession of that permit in contravention of a condition, if any, contained in that permit.

Penalty: Twenty dollars.

Persons other than permit holders not to purchase fuel.

11. (1) Except as is provided by this Act, a person other than a permit holder shall not buy, by retail, any motor fuel.

Penalty: One thousand dollars.

(2) Subsection (1) of this section does not apply to or in relation to the sale of motor fuel to a person in accordance with an authorization under section 7 of this Act.

Permit holder to carry permit.

12. A person who is in charge of a vehicle using motor fuel that has been sold under a permit shall while in charge of that vehicle carry that permit and shall not refuse or fail to produce that permit for inspection by a member of the police force on demand by that member.

Penalty: Twenty dollars.

Power to stop vehicle and ask questions.

13. (1) A member of the police force may—

(a) request the driver of a vehicle on a road to stop that vehicle;

or

(b) ask a driver or the person apparently in charge of a vehicle (whether on a road or elsewhere) questions for the purpose of ascertaining the name and place of residence or place of business of that driver or person or of the owner of the vehicle and questions relating to any motor fuel in or on the vehicle including questions relating to the circumstances in which the motor fuel was obtained.

(2) A person shall forthwith—

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

and

(b) truly answer all questions put to him under subsection (1) of this section.

Penalty: Two hundred dollars.

**14.** (1) A person shall not make any statement or representation whether express or implied that is false or inaccurate in a material particular in connection with an application for a permit. False statements.

Penalty: One thousand dollars.

(2) In any prosecution for an offence against subsection (1) of this section, it shall be a defence for the defendant to prove that he did not know and could not by the exercise of all reasonable diligence have known that the statement or representation was false or inaccurate.

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### PART III

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### PART III

#### BULK FUEL, ETC.

**15.** (1) In this section—

Definition of bulk fuel.

“bulk fuel” means the motor fuel in a container having a capacity of not less than 180 litres.

(2) The Minister may, by notice in writing prohibit or restrict the movement of any particular consignment of bulk fuel, of any class of consignments of bulk fuel, or of consignments of bulk fuel generally.

(3) A person shall not move, or cause, suffer or permit another person to move a consignment of bulk fuel in contravention of a notice under subsection (2) of this section.

Penalty: One dollar for every litre of bulk fuel comprised in the consignment.

(4) In any prosecution for an offence against subsection (3) of this section, a certificate purporting to be signed by the Minister authenticating a notice purporting to have been given under subsection (1) of this section shall in the absence of proof to the contrary be proof of the due giving of the notice and of the contents thereof.

(5) A notice under subsection (2) of this section may be revoked by the Minister at any time by notice in writing and upon such revocation shall cease to have any further force or effect.

**PART III**  
Fuel storages.

16. (1) In this section—

“fuel storage” means any place having facilities used or capable of being used for the storage of motor fuel in a quantity in excess of 1 800 litres.

(2) The Minister may from time to time by notice in writing require any person in charge of a fuel storage to—

(a) supply the Minister such particulars in relation to motor fuel as are specified in the notice in relation to that fuel storage;

or

(b) supply to the Minister such other information in relation to that fuel storage as is specified in the notice,

within the period and in the manner specified in the notice.

(3) A person referred to in subsection (2) of this section shall not refuse or fail to comply with a requirement referred to in that subsection.

Penalty: One thousand dollars.

**PART IV**

**PART IV**

**MISCELLANEOUS**

Powers of  
Minister.

17. The powers of the Minister under this Act may be exercised on his behalf by any person for the time being so authorized by the Minister and where the exercise of those powers is expressed to depend on a discretion or a state of mind of the Minister that reference shall be read as if it referred to a discretion or a state of mind of the person authorized to exercise those powers.

Acts, etc., not  
actionable.

18. No proceedings of any kind shall be instituted or heard in any court in respect of any act or decision of the Minister or any person authorized by him in the exercise or purported exercise of his powers under this Act.

Allegations in  
complaint.

19. In proceedings for an offence against this Act, an allegation in a complaint—

(a) that any substance was motor fuel;

(b) that any motor fuel was bulk fuel;

(c) that any motor fuel was of a quantity specified;

(d) that any place was a fuel storage;

(e) that a person was or was not at a particular time a permit holder;

(f) that a person was or was not at a particular time authorized to sell motor fuel under section 7 of this Act;

or

(g) that a person was at a particular time authorized by the Minister under section 17 of this Act,

shall, in the absence of proof to the contrary, be accepted as proof of the matter so alleged.

**20.** (1) The Governor may from time to time by proclamation declare that, on and from a day specified therein, the operation of any provision of this Act shall be suspended—

Suspension of operation of provisions of Act.

(a) in relation to all motor fuel or to motor fuel of a class or kind specified in the proclamation;

or

(b) in relation to the State or to an area of the State described in the proclamation,

and the Governor may by a subsequent proclamation revive the operation of any such provision by revoking any such suspension.

(2) During the currency of any suspension of the operation of a provision of this Act, this Act shall apply and have effect, for all purposes, as if that provision were to the extent set out in the proclamation so suspending the operation, amended or repealed by an Act.

(3) Where by a subsequent proclamation referred to in subsection (1) of this section, any suspension of operation of a provision of this Act is revoked, this Act shall apply and have effect for all purposes as if the revival of the operation of that provision were effected by an Act amending this Act.

**21.** Notwithstanding anything in paragraph (a) of subsection (3) of section 50 of the Prices Act, 1948-1976, the punishment for an offence alleged to have been committed and prosecuted summarily that is a contravention or failure to comply with subsection (1) of section 25 of that Act, where that offence related to declared goods being motor fuel, shall be a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months or both.

Profiteering.

**22.** (1) A prosecution for an offence against this Act shall not be commenced without the consent of the Attorney-General.

Consent of Attorney-General.

(2) In any prosecution referred to in subsection (1) of this section a writing purporting to be a consent referred to in that subsection shall in the absence of proof to the contrary be deemed to be such a consent.

**23.** Any motor fuel in relation to which an offence has been committed against this Act shall be forfeited to the Crown.

Forfeiture of motor fuel.

**24.** Proceedings for an offence against this Act shall be disposed of summarily.

Summary proceedings.

**25.** (1) The Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and objects of this Act.

Regulations.

(2) Without limiting the generality of subsection (1) of this section the regulations may—

(a) create offences;

and

(b) impose a penalty not exceeding five hundred dollars for contravention of or failure to comply with any regulation.

**Expiry of Act.**

**26. This Act shall expire on the thirty-first day of October, 1977.**

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

**W. R. CROCKER, Lieutenant-Governor**