



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 41 of 1973

An Act relating to the rationing of liquid fuel during the present emergency and for other purposes.

[Assented to 25th October, 1973]

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 "Liquid Fuel (Rationing) Act, 1973" and shall come into operation on a day to be fixed by proclamation. Short title.

2. This Act is divided as follows:—

Division of Act.

PART I—PRELIMINARY
 PART II—PERMITS, ETC.
 PART III—BULK FUEL
 PART IV—MISCELLANEOUS
 THE SCHEDULE.

3. (1) In this Act, unless the contrary intention appears—

Interpretation.

"condition" in relation to a permit, includes any condition, limitation or restriction, however expressed:

"liquid fuel" means—

(a) motor spirit;
 and

(b) any substance, whether or not of the same kind as the foregoing, for the time being declared by proclamation to be liquid fuel for the purpose of this Act:

“Minister” means the Minister of Labour and Industry:

“permit holder”, in relation to a permit, means the holder of that permit:

“permit” means a permit issued under section 4 of this Act that is for the time being in force:

“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:

“the appointed day” means the day on which this Act comes into operation.

(2) The Governor may by proclamation declare any substance to be liquid fuel for the purposes of this Act and may by subsequent proclamation revoke or amend any such declaration.

PART II

PART II

PERMITS, ETC.

4. (1) The Minister may, in his absolute discretion, issue a permit to any person if the Minister is satisfied that it is in the public interest that the person should be issued with a permit. Power to issue permits.

(2) A permit shall be in the form set out in the schedule to this Act.

(3) A permit under this section may be issued subject to such conditions as the Minister thinks fit.

5. (1) The Minister may in his absolute discretion revoke a permit and upon that revocation that permit shall have no further force or effect. Revocation of permits.

(2) Without limiting the generality of subsection (1) of this section, the Minister may revoke any permit if he believes, on reasonable grounds, that the permit holder has committed or is likely to commit an offence against this Act.

(3) 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.

6. (1) The Minister may by notice in writing authorize a person to sell or deliver liquid fuel to another person notwithstanding that the other person is not a permit holder. Authorization to sell liquid fuel.

(2) An authorization under subsection (1) of this section may contain such conditions, limitations or restrictions, as to the purposes for which liquid fuel sold or supplied pursuant to the authorization may be used.

(3) Notwithstanding any Act or law, including this Act, to the contrary, a person who sells or delivers liquid fuel under and in accordance with an authorization under subsection (1) of this section will not, by reason only of such sale or delivery, 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.

7. (1) Subject to this section, on or after the appointed day a person shall not— Prohibition on the sale of liquid fuel.

(a) sell by retail any liquid fuel to a person other than a permit holder;

or

PART II

(b) sell by retail any liquid fuel in contravention of a condition applicable to him set out in that permit.

Penalty: One thousand dollars.

(2) Subsection (1) of this section shall not apply to or in relation to the sale of liquid fuel to a person where that sale is authorized by the Minister under section 6 of this Act.

Liquid fuel
restriction
on use.

8. (1) A permit holder who has been sold liquid fuel under a permit shall not use that liquid fuel for a purpose other than the purpose referred to in that permit or for a purpose necessarily incidental to that purpose.

Penalty: One thousand dollars.

(2) A person to whom liquid fuel has been sold or delivered pursuant to an authorization of the Minister under section 6 of this Act shall not use that liquid fuel for a purpose other than the purpose for which that liquid fuel was sold or delivered or for a purpose necessarily incidental to that purpose.

Penalty: One thousand dollars.

Unlawful
disposition of
liquid fuel.

9. A permit holder shall not sell, or otherwise part with, to any other person any liquid fuel sold to him under a permit.

Penalty: One thousand dollars.

Lending
permit, etc.

10. Except as provided by this Act, a permit holder shall not lend, hire or otherwise part with his permit to another person.

Penalty: Five hundred 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 liquid fuel.

Penalty: One thousand dollars.

(2) Subsection (1) of this section does not apply to or in relation to the sale of liquid fuel to a person under or in accordance with an authorization under section 6 of this Act.

Permit holder
to carry
permit.

12. A permit holder shall at all times while he is in charge of a vehicle using liquid fuel that has been sold under a permit, 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.

PART II

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 liquid fuel in or on the vehicle including questions relating to the circumstances in which the liquid 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 that is a contravention of 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.

PART III

PART III

BULK FUEL

Definition of
bulk fuel.

15. In this Part—

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

Notice by
Minister.

16. (1) 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.

(2) A person shall not move or suffer or permit to be moved a consignment of bulk fuel in contravention of a notice under subsection (1) of this section.

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

(3) In any prosecution for a contravention of subsection (2) of this section, a certificate purporting to be signed by the Minister authenticating a notice purporting to have been made under subsection (1) of this section shall in the absence of proof to the contrary be proof of the due making of the notice and of the contents thereof.

(4) A notice under subsection (1) of this section—

(a) may be revoked by the Minister at any time and upon such revocation shall cease to have any further force or effect; and

(b) shall, if not already revoked, cease to have any further force or effect on and after the day on which this Act expires.

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.

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

- (a) that any substance was liquid fuel;
 - (b) that any liquid fuel was bulk fuel;
 - (c) that any liquid fuel was of a quantity specified;
 - (d) that a person was or was not at a particular time a permit holder;
 - (e) that a person was or was not at a particular time authorized to sell or deliver liquid fuel under section 6 of this Act;
- or
- (f) that a person was at a particular time authorized by the Minister under section 17 of this Act,

shall be *prima facie* evidence 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 liquid fuel or to liquid 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 was, 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 was effected by an Act amending this Act.

21. Notwithstanding anything in paragraph (a) of subsection (3) of section 50 of the Prices Act, 1948-1973, the punishment for an offence 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 liquid fuel, shall be a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months or both.

Profiteering.

PART IV

Consent of
Attorney-
General.

22. (1) A prosecution for a contravention of this Act shall not be commenced without the consent of the 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.

Forfeiture of
liquid fuel.

23. Any liquid fuel in relation to which an offence was committed against this Act shall be forfeited to the Crown.

Summary
proceedings.

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

Regulations.

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.

(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 thirtieth day of November, 1973, and on and after that day shall, for all purposes, be deemed to have been repealed by an Act.

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

M. L. OLIPHANT, Governor

THE SCHEDULE

Section 4.

No.

SOUTH AUSTRALIA

PERMIT FOR EMERGENCY LIQUID FUEL

Pursuant to the provisions of the Liquid Fuel (Rationing) Act, 1973, I, a person authorized by the Minister of Labour and Industry hereby issue a permit to the owner of motor vehicle REGISTRATION No. to purchase motor spirit/distillate not exceeding gallons in the aggregate for use in the abovenamed vehicle for the purpose of.....

Date of issue:

Expiry date:

Specimen Signature of Permit Holder

Authorized person

Record of liquid fuel supplied pursuant to this permit:—

Table with 4 columns: Date, Quantity sold in gallons, Name and Address of Seller, Signature of Seller. The table contains several rows of dotted lines for recording data.

This permit is extended to gallons and permits the purchase of a further gallons of motor spirit/distillate.

Date of Issue:

Authorized person

This permit is extended to gallons and permits the purchase of a further gallons of motor spirit/distillate.

Date of Issue:

Authorized person

This permit is extended to gallons and permits the purchase of a further gallons of motor spirit/distillate.

Date of Issue:

Authorized person

This permit is extended to gallons and permits the purchase of a further gallons of motor spirit/distillate.

Date of Issue:

Authorized person