



ANNO VICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1972

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**No. 59 of 1972**

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

*[Assented to 31st July, 1972]*

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—PRELIMINARY

PART I

1. This Act may be cited as the "Liquid Fuel (Rationing) Act, 1972".

Short title.

2. This Act is divided as follows—

Division  
of Act.

PART I—PRELIMINARY

PART II—THE PROCLAMATION

PART III—PERMITS, ETC.

PART IV—BULK FUEL

PART V—MISCELLANEOUS

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

Interpretation.

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

PART I

“liquid fuel” means—

- (a) motor spirit or the motor fuel known as distillate;  
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 7 of this Act that is for the time being in force and includes a permit that was granted for the purposes of the Proclamation 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 next following the day on which this Act is assented to by the Governor:

“the Proclamation” means a proclamation made on the twenty-eighth day of July, 1972 and published in *Gazette* No. 36 of the twenty-eighth day of July, 1972 at page 746A.

PART II

## PART II—THE PROCLAMATION

Validation  
of the  
proclamation.

4. (1) The Proclamation is deemed to be and always to have been as valid and effectual in all respects as it would have been if, at the time when it was made, there had been express power conferred by the Industrial Code, 1967-1972, to make the Proclamation.

PART II

(2) Without otherwise limiting the generality of subsection (1) of this section, no proceedings, under the Industrial Code, 1967-1972, shall be brought in respect of an offence under that Act where those proceedings depend for their efficacy on the validation of the Proclamation by that subsection.

5. (1) On the appointed day the Proclamation shall, by force of this section, be revoked.

Revocation  
of the  
proclamation.

(2) The revocation effected by subsection (1) of this section shall not—

- (a) affect the operation of the Proclamation or alter the effect of the doing, suffering or omission of anything prior to such revocation;
- (b) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable or any status or capacity existing prior to such revocation;
- (c) affect any duty, obligation, liability or burden of proof imposed, created or incurred or any penalty, forfeiture or punishment incurred or imposed or liable to be incurred or imposed, prior to such revocation; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty, forfeiture, or punishment as aforesaid.

(3) Any investigation, legal proceeding, or remedy referred to in subsection (2) of this section may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed and enforced as if the proclamation had not been revoked.

6. The revocation effected by subsection (1) of section 5 of this Act shall not affect the efficacy of any permit granted for the purposes of the Proclamation and unless that permit is sooner revoked pursuant to this Act that permit shall continue in full force and effect as if it were a permit issued under subsection (1) of section 7 of this Act until the fourth day of August, 1972 but thereafter that permit shall have no further force or effect.

Expiration of  
certain permits.

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PART III—PERMITS, ETC.

PART III

7. (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 provided in the schedule to this Act.

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

**PART III****Revocation  
of permits.**

**8.** (1) The Minister may in his absolute discretion revoke a permit (including a permit granted for the purposes of the Proclamation) and upon that revocation that permit shall have no further force or effect.

(2) Without limiting the generality of subsection (1) of this section, the Minister may revoke any permit referred to in that subsection 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 under this section shall forthwith deliver that permit to the Minister or to a person directed by the Minister.

Penalty: One thousand dollars.

**Authorization  
to sell liquid  
fuel.**

**9.** (1) The Minister may authorize a person to sell or deliver liquid fuel to another person notwithstanding that the other person is not a permit holder and a person who sells or delivers liquid fuel in accordance with that authorization will, notwithstanding any other Act or law, not, by reason of that sale or delivery, commit an offence.

(2) The Minister may, by notice in writing, revoke an authorization given under subsection (1) of this section.

(3) Upon the revocation of an authorization pursuant to subsection (2) of this section that authorization shall have no further force or effect.

**Prohibition on  
the sale of  
liquid fuel.**

**10.** (1) Subject to this section, on or after the appointed day a person shall not—

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

or

(b) sell by retail any liquid fuel in contravention of a condition applicable to the seller 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 9 of this Act.

**PART III**

**11.** (1) A permit holder who has been sold liquid fuel under a permit shall not, on or after the appointed day, 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.

Liquid fuel restriction on use.

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 9 of this Act shall not, on or after the appointed day, 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.

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

Unlawful disposition of liquid fuel.

Penalty: One thousand dollars.

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

Lending permit, etc.

Penalty: Five hundred dollars.

**14.** Except as is provided by this Act, a person other than a permit holder shall not, on or after the appointed day, buy, by retail, any liquid fuel.

Persons other than permit holders not to purchase fuel.

Penalty: One thousand dollars.

**15.** A permit holder shall at all times while he is in charge of a vehicle using 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.

Permit holder to carry permit.

Penalty: Twenty dollars.

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

Power to stop vehicle and ask questions.

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

and

(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

PART III

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.

**False statements.**

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

Penalty: One thousand dollars.

(2) In any prosecution for 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 IV

## PART IV—BULK FUEL

**Definition of bulk fuel.**

18. In this Part—

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

**Notice by Minister.**

19. (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 gallon 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.

## PART V—MISCELLANEOUS

## PART V

20. 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.

Powers of  
Minister.

21. 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 or under the Proclamation.

Acts, etc. not  
actionable.

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

Allegations in  
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;
- or
- (e) that a person was or was not at a particular time authorized under section 9 of this Act,

shall be *prima facie* evidence of the matter so alleged.

23. (1) The Governor may, by proclamation, declare that, on and from a day specified therein the operation of Part III and Part IV of this Act shall cease.

Cessation of  
operation of  
Parts III  
and IV.

(2) The cessation effected by subsection (1) of this section shall not—

- (a) revive anything not in force or existing at the time at which such cessation took effect;
- (b) affect the operation of a provision of this Act which has ceased, or alter the effect of the doing, suffering, or omission of anything prior to that cessation;
- (c) affect any right, interest, title, power or privilege created, acquired, accrued, established or exercisable, or any status or capacity existing, prior to that cessation;

**PART V**

(d) affect any duty, obligation, liability or burden of proof imposed, created, or incurred, or any penalty, forfeiture or punishment incurred or imposed, or liable to be incurred or imposed, prior to that cessation;

or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty, forfeiture or punishment as aforesaid.

(3) Any investigation, legal proceeding or remedy referred to in subsection (2) of this section may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed and enforced, as if the proclamation referred to in subsection (1) of this section had not been made.

**Profiteering.**

**24.** Notwithstanding anything in paragraph (a) of subsection (3) of section 50 of the Prices Act, 1948-1971, 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 and occurred before the cessation of operation of Part III of this Act shall be a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months or both.

**Consent of Attorney-General.**

**25.** (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 document 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.**

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

**Summary proceedings.**

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

**Regulations.**

**28.** (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.

29. This Act shall expire on the thirty-first day of August, 1972 and on and after that day shall, for all purposes, be deemed to have been repealed. Expiry of Act.

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

M. L. OLIPHANT, Governor

S.7

THE SCHEDULE

No.

PERMIT FOR EMERGENCY LIQUID FUEL

PURSUANT to the provisions of the Liquid Fuel (Rationing) Act, 1972, I, a person authorized by the Minister of Labour and Industry hereby issue a permit to—

.....  
(Name)

.....  
(Address)

to purchase liquid fuel being.....

Conditions of this Permit

- 1. That liquid fuel purchased under this permit may be used only for the following purpose .....
- .....  
and in vehicle(s) No.(s): .....
- 2. That the quantity of liquid fuel purchased under this permit shall not exceed.....gallons in the aggregate.
- 3. That no liquid fuel shall be purchased under this permit after ...../...../1972.
- 4. ....

.....  
(Here insert any other conditions)

.....  
*Authorized person*

.....  
*Specimen signature of permit holder*

It is a further condition of this permit that a person who sells liquid fuel under this permit shall complete the following record of the purchase:

Date	Quantity sold in gallons	Name and address of seller	Signature of seller
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....