

**House of Assembly—No 18**

As laid on the table and read a first time, 31 May 2007

South Australia

**Statutes Amendment (Petroleum Products)  
Bill 2007**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984* and the *Petroleum Products Regulation Act 1995*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Petroleum Products) Act 2007*.

#### 2—Commencement

- 5 This Act will come into operation on a day to be fixed by proclamation.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Controlled Substances Act 1984*

### 4—Amendment of section 19—Sale or supply of volatile solvents

Section 19—after its present contents (now to be designated as subsection (1)) insert:

- 5 (2) If a person, acting at the request of another person, purchases a volatile solvent on behalf of the other person for the purpose of inhalation, the person is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- 10 (3) A person must not sell or supply a volatile solvent to which this subsection applies to a person under the age prescribed for the volatile solvent.  
Maximum penalty: \$10 000.
- (4) Subsection (3) applies to such volatile solvents as may be prescribed, individually or by class, by the regulations.
- 15 (5) An authorised officer may confiscate a volatile solvent (together with its container) found in the possession of a person if the authorised officer has reason to suspect that the person has the solvent for the purpose of inhalation.
- 20 (6) Anything confiscated under subsection (5) is forfeited to the Crown and may be sold, destroyed or otherwise disposed of as the Minister or the Commissioner of Police directs.

## Part 3—Amendment of *Petroleum Products Regulation Act 1995*

### 5—Substitution of long title

Long title—delete the long title and substitute:

An Act to regulate the sale of petroleum products; and for other purposes.

25 **6—Amendment of section 4—Interpretation**

Section 4(1), definitions of *conveyance*, *dangerous situation*, *development authorisation*, *industrial pump, plant, prescribed retail sale* and *Retail Outlets Board*—delete the definitions

30 **7—Amendment of section 7—Non-derogation**

Section 7(2)—delete subsection (2)

**8—Substitution of section 8**

Section 8—delete the section and substitute:

**8—Requirement for licence**

35 A person must not, other than as a bulk end user, sell petroleum products by retail sale or wholesale unless authorised to do so under a licence.

Maximum penalty: \$10 000.

## **9—Amendment of section 10—Licence term etc**

Section 10(2)—delete subsection (2) and substitute:

- 5                   (2) Subject to this Act, a licence expires on the second anniversary of the date of its issue and may be renewed on application for successive terms of 2 years.

## **10—Amendment of section 11—Conditions of licence**

- (1) Section 11(2)(a) to (e)—delete paragraphs (a) to (e) (inclusive)  
(2) Section 11(2)(i)—delete "or 6"  
(3) Section 11(3)—delete subsection (3)

## **11—Amendment of section 12—Variation of licence**

Section 12(2)(a)—delete paragraph (a) and substitute:

- 10                   (a) the Minister may vary a licence by substituting another person as the licensee;

## **12—Repeal of sections 14, 15 and 16**

15                   Sections 14, 15 and 16—delete the sections

## **13—Amendment of section 17—Offence relating to licence conditions**

Section 17—delete "(whether fixed by the Minister or by Part 5 or 6)"

## **14—Repeal of section 19**

Section 19—delete the section

## **15—Repeal of Parts 3 and 4**

Parts 3 and 4—delete the Parts

## **16—Amendment of section 34—Controls during periods of restriction**

Section 34(2)—delete subsection (2) and substitute:

- 25                   (2) Without limiting the effect of subsection (1), licence conditions or directions may—  
                          (a) fix maximum prices in relation to classes of sales of petroleum products; or  
                          (b) prohibit sales of petroleum products.

## **17—Repeal of Parts 6 and 7**

30                   Parts 6 and 7—delete the Parts

## **18—Amendment of section 44—Powers of authorised officers**

- (1) Section 44(1)(c), (h) and (i)—delete paragraphs (c), (h) and (i)  
(2) Section 44(4)—delete "or a person apparently in charge of any plant, equipment, vehicle or other thing"

**19—Amendment of section 47—Appeals**

- (1) Section 47(1)(f)—delete paragraph (f)
- (2) Section 47(5)(c)—delete paragraph (c)
- (3) Section 47(7)(e)—delete paragraph (e)
- 5 (4) Section 47(8)—delete subsection (8)

**20—Amendment of section 64—Regulations**

Section 64(3) and (4)—delete subsections (3) and (4)

**21—Repeal of Schedules 1 and 3**

Schedules 1 and 3—delete the Schedules