

Legislative Council—No 48

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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:

- (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:

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

12—Repeal of sections 14, 15 and 16

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:

- (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

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