

Legislative Council—No 13

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South Australia

**Petroleum Products Regulation (Emergencies and
Other Matters) Amendment Bill 2026**

A BILL FOR

An Act to amend 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 *Petroleum Products Regulation (Emergencies and Other Matters) Amendment Act 2026*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Petroleum Products Regulation Act 1995*

3—Amendment of section 1—Short title

Section 1—delete "*Regulation*" and substitute:

Management and Emergencies

4—Insertion of section 2

After section 1 insert:

2—Objects

The objects of this Act are—

- (a) to provide for a licensing scheme for the sale of petroleum products by retail and wholesale; and
- (b) to authorise the Minister to fix conditions of licences and issue directions to control the storage, sale, distribution and use of, and other activities relating to, petroleum products during periods of rationing; and
- (c) to promote the efficient and equitable allocation and use of petroleum products during periods of actual or anticipated shortage, disruption or rationing; and
- (d) to facilitate coordination between the State, the Commonwealth and other jurisdictions in the management of shortages of petroleum products during periods of rationing; and
- (e) to promote compliance with statutory requirements through effective enforcement measures.

5—Amendment of section 4—Interpretation

(1) Section 4(1), definition of *authorised officer*—delete the definition and substitute:

authorised officer means—

- (a) an authorised officer appointed under section 42; or
- (b) a police officer;

- (2) Section 4(1), definition of **condition**—delete "or permit"
- (3) Section 4(1), definition of **record**—delete "by computer, microfilm or other process, or in any other manner or by any other means" and substitute:

in any manner or by any means

- (4) Section 4(1)—after the definition of **record** insert:

Note—

See also section 8 of the *Legislation Interpretation Act 2021*.

- (5) Section 4(1), definitions of **period of restriction**, **permit** and **permit holder**—delete the definitions and substitute:

period of rationing means a period of rationing declared under Part 5;

- (6) Section 4(1), definitions of **rationed petroleum product** and **rationing period**—delete the definitions

6—Amendment of section 6—Application of Act

Section 6—before subsection (1) insert:

- (a1) The regulations may provide that this Act or a specified provision of this Act does not apply, or applies with prescribed variations, in respect of a particular class of persons, or in any circumstance or situation (or circumstance or situation of a prescribed class), specified by the regulations.

7—Insertion of section 6A

After section 6 insert:

6A—Extraterritorial application

- (1) It is the intention of the Parliament that this Act is to apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.
- (2) Nothing in this section is to be taken to require a person to be licensed under Part 2 for the sale of petroleum products by retail sale or wholesale solely outside the State.

8—Amendment of section 8—Requirement for licence

Section 8, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;
- (b) in the case of an individual—\$10 000.

9—Substitution of section 17

Section 17—delete the section and substitute:

17—Offence relating to licence conditions

- (1) A licensee must not contravene a condition of the licence authorised or fixed under Part 5.

Maximum penalty: \$1 000 000.

- (2) A licensee must not contravene any other condition of the licence.

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;

- (b) in the case of an individual—\$10 000.

Expiation fee: \$1 200.

10—Amendment of heading to Part 5

Heading to Part 5—delete "restriction and"

11—Substitution of Part 5 Division 2

Part 5 Division 2—delete Division 2 and substitute:

Division 2—Declaration of periods of rationing

33—Declaration of periods of rationing

- (1) The Governor may, on the recommendation of the Minister, by proclamation, declare a period of rationing (which must not exceed 90 days).

- (2) The Minister may only make a recommendation under subsection (1) if either or both of the following apply:

- (a) in the opinion of the Minister, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, shortages of petroleum products in the State;

- (b) a national liquid fuel emergency is declared under the *Liquid Fuel Emergency Act 1984* of the Commonwealth.

- (3) The Governor may, by proclamation, extend a period of rationing for such further periods (each of which must not exceed 90 days) determined by the Governor.

- (4) The Governor may, by proclamation, vary or revoke a declaration under this section at any time.

- (5) If a period of rationing expires, no subsequent period of rationing may be declared unless the subsequent period commences 14 days or more after the expiration of the former period of rationing.

12—Amendment of heading to Part 5 Division 3

Heading to Part 5 Division 3—delete "restriction" and substitute:

rationing

13—Amendment of section 34—Controls during periods of restriction

(1) Section 34, heading—delete "restriction" and substitute:

rationing

(2) Section 34(1)—delete "in the public interest" and substitute:

necessary

(3) Section 34(1) and (7)—delete "restriction" wherever occurring and substitute in each case:

rationing

(4) Section 34—after subsection (2) insert:

(2a) In addition, licence conditions or directions may be for the purposes of giving effect to arrangements entered into on behalf of the State under section 15 of the *Liquid Fuel Emergency Act 1984* of the Commonwealth.

(5) Section 34—after subsection (5) insert:

(5a) The Minister may exempt (conditionally or unconditionally) any person or class of persons from a direction or licence condition under this section.

(6) Section 34(6)—delete subsection (6) and substitute:

(6) A licensee must not contravene, or cause or permit the contravention of, a direction issued under this section.

Maximum penalty: \$1 000 000.

(6a) A person (other than a licensee) must not contravene, or cause or permit the contravention of, a direction issued under this section.

Maximum penalty:

(a) in the case of a body corporate—\$100 000;

(b) in the case of an individual—\$10 000.

Expiation fee:

(a) for a first offence—\$250;

(b) for a second offence—\$500;

(c) for a third or subsequent offence—\$1 000.

14—Repeal of Part 5 Division 4

Part 5 Division 4—delete Division 4

15—Amendment of section 38—Publication of desirable principles for conserving petroleum

Section 38(1) and (2)—delete "restriction" wherever occurring and substitute in each case:

rationing

16—Amendment of section 42—Appointment of authorised officers

Section 42(1) to (4)—delete subsections (1) to (4) (inclusive) and substitute:

- (1) The Minister may, subject to any conditions determined by the Minister, appoint—
 - (a) a specified person to be an authorised officer; or
 - (b) persons of a specified class to be authorised officers.
- (2) The Minister may, by instrument in writing applicable to a specified authorised officer or each authorised officer of a specified class—
 - (a) vary or revoke an appointment under subsection (1); or
 - (b) add to, vary or revoke conditions of an appointment under subsection (1).

17—Amendment of section 43—Identification of authorised officers

Section 43(1) and (3)—delete "member of the police force" wherever occurring and substitute in each case:

police officer

18—Amendment of section 44—Powers of authorised officers

- (1) Section 44(1)—after paragraph (g) insert:

(ga) seize and retain anything that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a breach of this Act, or require a person to surrender, either immediately or within a specified period and at a specified place, anything held or maintained in breach of this Act; and

- (2) Section 44(1)(l)—delete "or permit"

- (3) Section 44(1)—after paragraph (l) insert:

(la) give expiation notices under the *Expiation of Offences Act 1996* for alleged offences against this Act;

19—Amendment of section 45—Offence to hinder etc authorised officers

Section 45, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;
- (b) in the case of an individual—\$10 000.

20—Amendment of section 47—Reviews

- (1) Section 47(1)(b)—delete paragraph (b)
- (2) Section 47(1)(d)—delete paragraph (d)
- (3) Section 47(5)—delete subsection (5) and substitute:
 - (5) A decision to vary, suspend or cancel a licence is suspended pending the determination of a review of the decision.

21—Amendment of section 49—Delegation

Section 49(1)(b)—delete paragraph (b)

22—Amendment of section 51—Particulars of dealings with petroleum products

- (1) Section 51(1)—delete subsection (1) and substitute:
 - (1) The Minister may, by written notice, require a person—
 - (a) who is carrying on, or has carried on, or is or was concerned in, a business involving or related to petroleum products; or
 - (b) who, as agent or employee of a person referred to in paragraph (a), has or has had duties or provides or has provided services in connection with such a business, to provide to the Minister, at the time or times, and in the manner and form, specified in the notice, written information with respect to those petroleum products.
- (2) Section 51(2), penalty provision—delete "\$5 000" and substitute:

\$10 000

23—Amendment of section 52—Records to be kept of bulk transport of petroleum products

Section 52, penalty provision and expiation fee—delete the penalty provision and expiation fee and substitute:

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

24—Amendment of section 53—Records to be kept

- (1) Section 53(1), penalty provision and expiation fee—delete the penalty provision and expiation fee and substitute:

Maximum penalty: \$10 000.
Expiation fee: \$1 200.
- (2) Section 53(3), penalty provision and expiation fee—delete the penalty provision and expiation fee and substitute:

Maximum penalty: \$10 000.
Expiation fee: \$1 200.

25—Amendment of section 53A—Falsely claiming to hold licence or permit etc

- (1) Section 53A, heading—delete "or permit etc"
- (2) Section 53A—delete "or permit"
- (3) Section 53A, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;
- (b) in the case of an individual—\$10 000.

26—Amendment of section 54—False or misleading information

Section 54, penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;
- (b) in the case of an individual—\$10 000.

27—Insertion of section 54A

After section 54 insert:

54A—Liability of vehicle owners and expiation of certain offences

- (1) In this section—

owner, in relation to a vehicle, has the same meaning as in section 5(1) of the *Road Traffic Act 1961*;

designated direction means a direction under section 34 relating to the filling of vehicles with petroleum products;

prescribed offence means an offence against section 34(6a) involving a contravention of a designated direction;

principal offender means a person who has committed a prescribed offence;

vehicle has the same meaning as in section 5(1) of the *Road Traffic Act 1961*.

- (2) Without derogating from the liability of any other person, but subject to this section, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.
- (3) Where there are 2 or more owners of the same vehicle, a prosecution for an offence against subsection (2) may be brought against 1 of the owners or against some or all of the owners jointly as co-defendants.

(4) The owner of a vehicle and the principal offender are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the principal offender and conversely conviction of the principal offender exonerates the owner.

(5) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if the owner was not the principal offender, to provide the person specified in the notice, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the principal offender; or

(b) if the owner had transferred ownership of the vehicle to another prior to the time of the alleged offence and (in the case of a motor vehicle defined by section 5(1) of the *Road Traffic Act 1961*) has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(6) Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the informant must send the owner a notice—

(a) setting out particulars of the alleged prescribed offence; and

(b) inviting the owner, if the owner was not the principal offender, to provide the informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (5).

(7) Subsection (6) does not apply to—

(a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

(b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the principal offender.

(8) Where a person is found guilty of, or expiates, a prescribed offence or an offence against this section, neither that person nor any other person is liable to be found guilty of, or to expiate, a prescribed offence or an offence against this section in relation to the same incident.

(9) Subject to subsection (10), in proceedings against the owner of a vehicle for an offence against this section, it is a defence to prove—

(a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

(b) that the owner provided the informant with a statutory declaration in accordance with an invitation under this section.

(10) The defence in subsection (9)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(11) If—

(a) an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under this section; or

(b) proceedings are commenced against a person named as the alleged principal offender in such a statutory declaration, the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.

(12) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the principal offender.

(13) In proceedings against the owner or the principal offender for an offence against this Act, an allegation in the information that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

(14) A vehicle will be taken to be involved in a prescribed offence for the purposes of subsection (2) if it was used in, or in connection with, the commission of the offence.

28—Amendment of section 56—Confidentiality

(1) Section 56(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a body corporate—\$100 000;

(b) in the case of an individual—\$10 000.

(2) Section 56(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a body corporate—\$100 000;

(b) in the case of an individual—\$10 000.

29—Insertion of section 56A

After section 56 insert:

56A—Offence to assault, threaten or intimidate certain persons during period of rationing

- (1) A person must not assault, threaten or intimidate a person carrying on an activity in the petroleum products industry during a period of rationing.

Maximum penalty: Imprisonment for 3 years.

- (2) In this section—

petroleum products industry means a business or other commercial or industrial operations relating to the production, distribution, transport, supply, sale, storage or disposal of petroleum products.

30—Amendment of section 62—Evidence

- (1) Section 62(1)(c)—delete paragraph (c)

- (2) Section 62(1)(d)—delete "restriction or a rationing period" and substitute:
rationing

- (3) Section 62(1)(e)—delete paragraph (e) and substitute:

- (e) that a specified substance is or was a petroleum product of a specified kind,

31—Insertion of section 62A

After section 62 insert:

62A—Protection from liability

- (1) No civil or criminal liability will attach to the Minister or an authorised officer for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a function under this Act.

- (2) A liability that would, but for subsection (1), lie against the Minister or an authorised officer lies instead against the Crown.

32—Amendment of section 63—Service

- (1) Section 63(1)—after paragraph (c) insert:

or

- (d) by email to the person's email address (in which case the document will be taken to have been given or served at the time of transmission); or

- (e) in a manner prescribed by the regulations.

(2) Section 63(2)(a)—delete paragraph (a) and substitute:

- (a) if the person is the holder of a licence under this Act—be given to or served on the person by posting it to the person at the address last provided by the person for that purpose; or

33—Amendment of section 64—Regulations

Section 64(2)(e)—delete paragraph (e) and substitute:

- (e) impose fines, not exceeding \$100 000 in cases involving bodies corporate and \$10 000 in cases involving individuals, and expiation fees not exceeding \$1 200, for offences against the regulations;
- (f) prescribe provisions of a saving or transitional nature consequent on the amendment of this Act by another Act.

Schedule 1—Transitional provision

1—Transitional provision

- (1) Subject to this clause, a person who is, immediately before the commencement of section 16 of this Act, appointed as an authorised officer under Part 8 of the *Petroleum Products Regulation Act 1995* continues as an authorised officer appointed under that Part (and a reference in their identity card to the *Petroleum Products Regulation Act 1995* will be taken to be a reference to the *Petroleum Products Management and Emergencies Act 1995*).
- (2) An authorised officer under the *Taxation Administration Act 1996* ceases to be an authorised officer for the purposes of the *Petroleum Products Management and Emergencies Act 1995* on and after the commencement of section 16 of this Act.