

South Australia

Petroleum Products Management and Emergencies Act 1995

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

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Petroleum Products Management and Emergencies Act 1995*.

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.

4—Interpretation

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

authorised officer means—

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

Commissioner means the person for the time being holding or acting in the position of the Commissioner of State Taxation or a position of Deputy Commissioner of State Taxation and any other person performing any of the duties or functions of the Commissioner of State Taxation or a Deputy Commissioner of State Taxation;

Commonwealth customs duty means customs duty on petroleum products payable under the *Customs Tariff Act 1995* of the Commonwealth, or other legislation of the Commonwealth prescribed under this Act;

Commonwealth excise duty means excise duty on petroleum products payable under the *Excise Tariff Act 1921* of the Commonwealth, or other legislation of the Commonwealth prescribed under this Act;

condition, in relation to a licence, includes a limitation or restriction;

contravention includes failure to comply with a requirement;

corresponding law means a law of another State, or of a Territory, of the Commonwealth declared by regulation to be a corresponding law for the purposes of this Act;

diesel fuel means a petroleum or shale product used or capable of being used in propelling a diesel engined road vehicle, but does not include a prescribed substance;

eligible petroleum products means petroleum products on which Commonwealth customs or excise duty has been paid or is payable but does not include petroleum products prepared by mixture of a petroleum product on which such duty has been paid or is payable with a petroleum product on which such duty has not been paid nor is payable;

licence means a licence under Part 2;

licensee means the holder of a licence under Part 2;

liquefied petroleum gas means a hydrocarbon fluid composed predominantly of any of the following hydrocarbons or mixtures of all or any of them:

- (a) propane (C_3H_8);
- (b) propylene (C_3H_6);
- (c) butane (C_4H_{10});
- (d) butylene (C_4H_8);

motor spirit means petrol or other petroleum or shale spirit having a closed-cup flash point of less than 23° Celsius when tested by the Abel method as set out in Part 1 of Australian Standard 2106 "Determination of the Flash Point of Flammable Liquids (Closed Cup)", but does not include—

- (a) solvents; or
- (b) special boiling point spirits; or
- (c) liquefied petroleum gas; or
- (d) any prescribed substance;

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

petroleum product means—

- (a) motor spirit; or
- (b) diesel fuel; or
- (c) liquefied petroleum gas; or
- (d) any other substance declared by regulation to be a petroleum product;

premises includes any place or vehicle;

record includes any book, document or writing and any other source of information compiled, recorded or stored in any manner or by any means;

Note—

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

retail licence means a licence under Part 2 that authorises retail sales of petroleum products;

retail sale means a sale in a retail quantity for the purposes of use or consumption, and its correlatives and derivatives have corresponding meanings;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

unleaded petrol means petrol that—

- (a) does not contain more than 0.013 grams of lead; and
- (b) does not contain more than 0.0013 grams of phosphorus,

per litre;

vehicle includes any kind of aircraft or vessel;

vending machine means a machine constructed to dispense petroleum products on the insertion into the machine of money or a token, card, disk or other object;

wholesale means a sale other than a retail sale;

wholesale licence means a licence under Part 2 that authorises the sale of petroleum products by wholesale.

- (2) In this Act, a reference to a Commonwealth Act includes a reference to—
- (a) that Commonwealth Act as amended and in force for the time being; and
 - (b) an Act enacted in substitution for that Act.

4A—Retail quantity

- (1) Subject to this section, for the purposes of this Act **retail quantity** in relation to petroleum products means a quantity not exceeding 3 000 litres or, if some other quantity is prescribed by regulation, that quantity.
- (2) However, a quantity of petroleum products is not a retail quantity unless it is delivered at a fixed site by a metered pump into—
- (a) a running tank of a vehicle; or
 - (b) a container that has a capacity of less than 250 litres.
- (3) The regulations may prescribe different quantities for different types of petroleum products.

4D—Notional sale and purchase

The regulations may declare that, for the purposes of a specified provision of this Act, a sale and purchase of petroleum products is to be taken to occur in specified circumstances where petroleum products are delivered or allocated for sale or consumption.

6—Application of Act

- (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.
- (1) The Minister may, by notice published in the Gazette—
- (a) exempt a class of persons or petroleum products from the application of this Act or a specified provision of this Act unconditionally or subject to specified conditions; and
 - (b) vary or revoke a notice under this subsection.
- (2) The Minister may, by notice in writing to a person—
- (a) exempt the person from the application of this Act or a specified provision of this Act unconditionally or subject to specified conditions; and
 - (b) vary or revoke a notice under this subsection.

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.

7—Non-derogation

- (1) The provisions of this Act are in addition to and do not derogate from the provisions of any other Act.

Part 2—Licences

8—Requirement for licence

A person must not sell petroleum products by retail sale or wholesale unless authorised to do so under a licence.

Maximum penalty:

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

9—Issue or renewal of licence

- (1) The Minister may, on application by a person, issue or renew, or refuse to issue or renew, a licence under this Act.
- (3) The Minister may, if he or she thinks fit, renew a licence despite the fact that application for renewal of the licence was made after the end of the previous term of the licence.

10—Licence term etc

- (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.
- (3) A licence has effect, on issue or renewal, from the date specified in the licence for that purpose which may be earlier than the date of application for the issue or renewal of the licence.
- (4) The holder of a licence may, at any time, by notice in writing to the Minister, surrender the licence, at which time the licence ceases to have effect.
- (5) A licence is not transferable except by way of variation of the licence under section 12.

11—Conditions of licence

- (1) The Minister may fix conditions of a licence.
- (2) Without limiting subsection (1), licence conditions may include the following:
 - (f) conditions limiting the premises that may be used under the licence;
 - (g) conditions limiting sales of petroleum products that may be authorised by the licence;

- (gb) conditions as to the terms that any contract for the sale of eligible petroleum products entered into between a licensee who is a manufacturer or importer of petroleum products and any purchaser must contain in relation to the time of payment for that component of the sale price of the petroleum products that is referable to the Commonwealth excise or customs duty paid or payable by the manufacturer or importer, as the case may be;
- (h) conditions requiring the keeping of records and the provision of information;
- (i) conditions authorised or fixed by Part 5 or the regulations.

12—Variation of licence

- (1) The Minister may, on application or at the Minister's own initiative, substitute, add, remove or vary a condition of a licence or otherwise vary a licence.
- (2) Without limiting subsection (1)—
 - (a) the Minister may vary a licence by substituting another person as the licensee;
 - (b) the Minister may vary a licence on the Minister's own initiative if satisfied that the licensee has contravened or failed to comply with this Act or that other sufficient cause exists.
- (3) A licence may be varied—
 - (a) by endorsement of the licence; or
 - (b) by notice in writing to the licensee; or
 - (c) by a notice published under Part 5.

13—Form of application and licence fee

- (1) An application for the issue, renewal or variation of a licence must be made to the Minister in a manner and form approved by the Minister and contain the information required by the Minister.
- (2) An applicant must provide any further information that the Minister reasonably requires for the purposes of determining the application.
- (3) An application may not be granted except on payment of the appropriate fee under the regulations.

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.

18—Cancellation or suspension of licence

The Minister may, if satisfied that a licensee has contravened or failed to comply with this Act or that other sufficient cause exists, suspend or cancel the licence.

Part 5—Periods of rationing

Division 1—Interpretation

32—Interpretation

In this Part, unless the contrary intention appears—
sale includes—

- (a) barter or exchange;
 - (b) offer or agreement to sell, barter or exchange;
 - (c) delivery in pursuance of sale, barter or exchange,
- and *sell* and *purchase* have corresponding meanings.

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.

Division 3—Controls during periods of rationing

34—Controls during periods of rationing

- (1) The Minister may, if of the opinion that it is necessary to do so—
 - (a) fix conditions of licences; and
 - (b) issue directions,

that apply during a period of rationing in relation to petroleum products.

- (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.
- (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.
- (3) Licence conditions or directions under this section may relate to petroleum products generally, or to petroleum products of a specified kind.
- (4) Licence conditions under this section—
 - (a) may apply to—
 - (i) a particular licence; or
 - (ii) a particular class of licences; and
 - (b) if applying to a class of licences—may be fixed by notice published in the Gazette or in a newspaper circulating generally throughout the State.
- (5) Directions under this section—
 - (a) may apply to—
 - (i) a particular person; or
 - (ii) a particular class of persons; or
 - (iii) the public generally; and
 - (b) if applying to—
 - (i) a particular person—may be issued by notice in writing to the person; or
 - (ii) a particular class of persons or the public generally—may be issued by notice published—
 - (A) in the Gazette; or
 - (B) on a website determined by the Minister; or
 - (C) in a newspaper circulating generally throughout the State.
- (5a) The Minister may exempt (conditionally or unconditionally) any person or class of persons from a direction or licence condition under this section.
- (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.
- (7) A licence condition or direction under this section—
- (a) does not operate after the end of the period of rationing in relation to which it was fixed or issued; and
 - (b) may be varied or revoked by the Minister in the manner in which it was fixed or issued.
- (8) The Minister may, if of the opinion that it is just to do so, compensate a licensee or person who has incurred expenses in complying with a condition or direction under this section.

Division 5—Limit on proceedings against Minister

37—Limit on proceedings against Minister

Except as provided by Part 9, no proceedings can be instituted against the Minister to compel the Minister to take, or to refrain from taking, any action under this Part.

Division 6—Conservation of petroleum products

38—Publication of desirable principles for conserving petroleum

- (1) The Minister may publish principles that the public should, in the Minister's opinion, be encouraged to observe in relation to the conservation of petroleum products during a period of rationing, by notice published—
- (a) in the Gazette; or
 - (b) on a website determined by the Minister; or
 - (c) in a newspaper circulating generally throughout the State.
- (2) If, during a period of rationing, a person, by conforming with principles published under subsection (1), commits a breach of a policy of insurance, that breach is, for the purpose of determining the rights of that person under the policy, to be disregarded.

39—Special consideration to be given to those living in country areas

In exercising powers under this Part, the Minister must give special consideration to the needs of those living in country areas of this State.

Part 8—Authorised officers

42—Appointment of authorised officers

- (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).

43—Identification of authorised officers

- (1) An authorised officer, other than a police officer, must be issued with an identity card—
 - (a) containing the person's name and a photograph of the person; and
 - (b) stating that the person is an authorised officer for the purposes of this Act.
- (2) Where the powers of an authorised officer have been limited by conditions under this Part, the identity card issued to the authorised officer must contain a statement of the limitation on the officer's powers.
- (3) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise any powers under this Act, produce for the inspection of the person—
 - (a) in the case of an authorised officer who is a police officer and is not in uniform—his or her certificate of authority; or
 - (b) in the case of an authorised officer who is not a police officer—his or her identity card.

44—Powers of authorised officers

- (1) Subject to this Part, an authorised officer may—
 - (a) enter and remain on premises and inspect premises for any reasonable purpose connected with the administration or enforcement of this Act;
 - (b) with the authority of a warrant issued under this Part or in circumstances in which the authorised officer reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on premises;
 - (d) require a person to produce a record, including a written record that reproduces in an understandable form information stored by computer, microfilm or other process, as reasonably required in connection with the administration or enforcement of this Act;
 - (e) examine, copy or take extracts from a record, or require a person to provide a copy of a record, as reasonably required in connection with the administration or enforcement of this Act;
 - (f) remove and retain a record for so long as is reasonably necessary for the purpose of making a copy of the record;
 - (g) take photographs, films, audio, video or other recordings as reasonably required in connection with the administration or enforcement of this Act;

- (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
 - (j) require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, a contravention of this Act to state the person's full name and usual place of residence and to produce evidence of the person's identity;
 - (k) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of this Act to answer questions in relation to those matters;
 - (l) require a person holding or required to hold a licence to produce it for inspection;
 - (la) give expiation notices under the *Expiation of Offences Act 1996* for alleged offences against this Act;
 - (m) give directions reasonably required in connection with the exercise of a power conferred by this subsection or otherwise in connection with the administration or enforcement of this Act.
- (2) A magistrate may issue a warrant for the purposes of subsection (1) if satisfied that the warrant is reasonably required for the administration or enforcement of this Act.
- (3) In the exercise of powers under this Act an authorised officer may be assisted by such persons as he or she considers necessary in the circumstances.
- (4) An authorised officer may require an occupier of any place to give to the authorised officer or a person assisting the authorised officer such assistance as is reasonably required by the authorised officer for the effective exercise of powers conferred by this Act.

45—Offence to hinder etc authorised officers

A person who—

- (a) hinders or obstructs an authorised officer, or a person assisting an authorised officer, in the exercise of powers conferred by this Act; or
 - (b) uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or
 - (c) refuses or fails to comply with a requirement or direction of an authorised officer under this Part; or
 - (d) when required by an authorised officer under this Part to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or
 - (e) falsely represents, by words or conduct, that he or she is an authorised officer,
- is guilty of an offence.

Maximum penalty:

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

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

46—Self-incrimination

- (1) It is not an excuse for a person to refuse or fail to answer a question or to produce, or provide a copy of, a record or information as required under this Part on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.
- (2) If compliance by a person with a requirement to answer a question or to produce, or provide a copy of, a record or information might tend to incriminate the person or make the person liable to a penalty, then—
 - (a) in the case of a person who is required to produce, or provide a copy of, a record or information—the fact of production, or provision of a copy of, the record or the information (as distinct from the contents of the record or the information); or
 - (b) in any other case—the answer given in compliance with the requirement, is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings under this Act).

Part 9—Reviews

47—Reviews

- (1) If—
 - (a) a person who applies for the issue, renewal or variation of a licence is dissatisfied with a decision of the Minister on the application; or
 - (c) a person who holds a licence is dissatisfied with a decision of the Minister to vary, suspend or cancel the licence,the person may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) The Minister must, on application by a person affected by a decision that may be the subject of a review, state in writing the reasons for the Minister's decision.
- (3) Subject to subsection (4), an application for a review must be made within 1 month after the person receives notice of the relevant decision (or such longer period as the Tribunal may allow).
- (4) If the reasons of the Minister are not given in writing at the time of making the decision that is to be the subject of a review and the person seeking the review, within 1 month of the making of the decision, requires the Minister's reasons in writing, the time for applying for a review runs from the time when the person receives the written statement of those reasons.
- (5) A decision to vary, suspend or cancel a licence is suspended pending the determination of a review of the decision.

Part 11—Miscellaneous

49—Delegation

- (1) The Minister may delegate any of the Minister's powers or functions under this Act to—
 - (a) another Minister; or
 - (c) any person or body.
- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (3) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the power of the delegator to act in any matter; and
 - (d) is revocable at will by the delegator.

50—Register

- (1) The Minister must cause a register to be kept of licensees under Part 2.
- (2) The register must be kept available for public inspection at a place approved by the Minister during ordinary office hours.

51—Particulars of dealings with petroleum products

- (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) A person who fails to comply with a requirement under subsection (1) is guilty of an offence.

Maximum penalty: \$10 000.

52—Records to be kept of bulk transport of petroleum products

Where a quantity of petroleum products other than a retail quantity is being transported in the State by road in a vehicle (whether with or without any other goods), the person transporting the petroleum products must, while so transporting them, carry in the vehicle at all times a record containing the prescribed particulars.

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

53—Records to be kept

- (1) A person who carries on a business involving or related to petroleum products must keep accounts, invoices, receipts, records, books and documents as required by the Minister from time to time by notice published in the Gazette for a period of five years after the last entry is made in any of the accounts, invoices, receipts, records, books or documents.

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

- (2) This section does not apply so as to require the preservation of any accounts, invoices, receipts, records, books or documents—
- (a) in respect of which the Minister has notified the person carrying on the business that preservation is not required; or
 - (b) of a body corporate that has gone into liquidation and been finally dissolved.

- (3) A person who purchases petroleum products pursuant to a certificate must keep invoices, receipts, records, books and documents as required by the Minister from time to time by notice published in the Gazette for a period of five years after the last entry is made in any of the records, receipts, books or documents.

Maximum penalty: \$10 000.

Expiation fee: \$1 200.

- (4) In subsection (3)—

certificate means a bulk end user certificate issued by the Commissioner under Part 2A of this Act before the repeal of that Part by the *Statutes Amendment (Budget 2010) Act 2010*.

53A—Falsely claiming to hold licence

A person must not falsely claim or purport to be the holder of a licence.

Maximum penalty:

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

54—False or misleading information

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished, or record kept, under this Act.

Maximum penalty:

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

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.

55—Statutory declarations

Where a person is required by or under this Act to furnish information to the Minister or the Commissioner, the Minister or the Commissioner may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Minister or the Commissioner.

56—Confidentiality

- (1) A person who is or has been engaged in the administration of this Act must not disclose any information obtained (whether by that person or some other person) under or in relation to the administration of this Act, except as permitted by this section.

Maximum penalty:

- (a) in the case of a body corporate—\$100 000;
 - (b) in the case of an individual—\$10 000.
 - (2) A person who is or has been engaged in the administration of this Act may disclose information obtained (whether by that person or some other person) under or in relation to the administration of this Act—
 - (a) as authorised by or under this Act; or
 - (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
 - (c) in connection with the administration or enforcement of this Act or a corresponding law; or
 - (d) for the purpose of any legal proceedings arising out of the administration or enforcement of this Act or a corresponding law; or
 - (e) to the holder of a prescribed office or a prescribed body established under a law of this jurisdiction or another Australian jurisdiction; or
 - (f) as authorised under the regulations.
 - (3) The Minister or the Commissioner may disclose information obtained under or in relation to the administration of this Act that does not directly or indirectly identify a particular licensee or any particular person to whom a regulatory scheme under this Act applies.
 - (4) A person other than a person who is or has been engaged in the administration of this Act must not disclose information that—
 - (a) has been obtained (whether properly or improperly and whether directly or indirectly) from another person who is or has been engaged in the administration of this Act; and
 - (b) the other person obtained under or in relation to the administration of this Act,unless—
 - (c) the disclosure is of a kind that a person who is or has been engaged in the administration of this Act would be permitted to make under this section; or
 - (d) if the person is a prescribed office holder or body under a law of this jurisdiction or another Australian jurisdiction—the disclosure is made in connection with the performance of functions conferred or imposed on the person under a law of this jurisdiction or another Australian jurisdiction (including for the purposes of legal proceedings connected with the performance of such functions); or
 - (e) the disclosure is made with the consent of the Minister or the Commissioner.
- Maximum penalty:
- (a) in the case of a body corporate—\$100 000;
 - (b) in the case of an individual—\$10 000.
 - (5) Neither the Tribunal nor a court has power to require a disclosure of information contrary to this section.

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.

57—General defence

It is a defence to a charge of an offence against this Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

60—Continuing offence

- (1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission—
- (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and
 - (b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.
- (2) If an offence consists of an omission to do something that is required to be done, the omission will be taken to continue for as long as the thing required to be done remains undone after the end of the period for compliance with the requirement.

61—Prosecutions

- (1) Proceedings for an offence against this Act must be commenced—
- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
 - (b) in any other case—within two years after the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within five years after that date.
- (2) A prosecution for an offence against this Act cannot be commenced except with the consent of the Minister.
- (3) In any proceedings, an apparently genuine document purporting to be a certificate of the Minister, certifying authorisation of, or consent to, a prosecution for an offence against this Act will be accepted, in the absence of proof to the contrary, as proof of the authorisation or consent.

62—Evidence

- (1) In any proceedings for an offence against this Act, an apparently genuine document purporting to be a certificate of the Minister certifying—
- (a) that a person is an authorised officer or was an authorised officer at a specified date; or
 - (b) that a person was or was not the holder of a licence of a specified kind at a specified date; or
 - (ca) that a person was or was not the holder of a certificate of a specified kind at a specified date; or
 - (d) that a specified period is or was a period of rationing; or
 - (e) that a specified substance is or was a petroleum product of a specified kind,
- constitutes proof of the matters so certified in the absence of proof to the contrary.

- (1a) In subsection (1)(ca)—

certificate means a bulk end user certificate issued by the Commissioner under Part 2A of this Act before the repeal of that Part by the *Statutes Amendment (Budget 2010) Act 2010*.

- (2) The presence on any premises of a vending machine from which petroleum products may be obtained is to be taken to constitute conclusive evidence that the occupier of the premises has sold petroleum products by means of the machine unless a licensee is authorised by licence to sell petroleum products by means of the machine.

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.

63—Service

- (1) A notice, order or other document to be given to or served on a person under this Act may be given or served—
- (a) by delivering it personally to the person or an agent of the person; or
 - (b) by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
 - (c) by posting it to the person or agent of the person at the person's or agent's last known place of residence or business; 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) Without limiting the effect of subsection (1), a notice, order or other document required or authorised to be given to or served on a person may—
 - (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
 - (b) if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth—be served on that company or registered body in accordance with section 109X or 601CX of that Act, as the case requires.

64—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), those regulations may—
 - (a) prescribe matters required or authorised to be prescribed under this Act;
 - (b) provide for and require the making of returns relating to dealings with petroleum products;
 - (c) provide for the keeping of records under this Act;
 - (d) fix fees (which may vary according to different factors) to be paid in respect of any matter under this Act and regulate the payment, recovery, waiver or reduction of such fees;
 - (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.
- (2a) The Governor may make regulations authorising specified powers conferred by or under this Act to be exercised for the purposes of the administration or enforcement of a corresponding law.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Formerly

Petroleum Products Regulation Act 1995

Legislation repealed by principal Act

The *Petroleum Products Management and Emergencies Act 1995* repealed the following:

Business Franchise (Petroleum Products) Act 1979

Motor Fuel Distribution Act 1973

Petroleum Shortages Act 1980

Legislation amended by principal Act

The *Petroleum Products Management and Emergencies Act 1995* amended the following:

Environment Protection Act 1993

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1995	30	<i>Petroleum Products Regulation Act 1995</i>	27.4.1995	1.7.1995 (<i>Gazette</i> 1.6.1995 p2529)
1998	29	<i>Petroleum Products Regulation (Licence Fees and Subsidies) Amendment Act 1998</i>	16.4.1998	1.5.1998 (<i>Gazette</i> 23.4.1998 p1926)
2000	4	<i>District Court (Administrative and Disciplinary Division) Amendment Act 2000</i>	20.4.2000	Sch 1 (cl 29)—1.6.2000 (<i>Gazette</i> 18.5.2000 p2554)
2000	21	<i>National Tax Reform (State Provisions) Act 2000</i>	8.6.2000	8.6.2000

2001	23	<i>Statutes Amendment (Corporations) Act 2001</i>	14.6.2001	Pt 27 (s 97)—15.7.2001 being the day on which the <i>Corporations Act 2001</i> of the Commonwealth came into operation: <i>Commonwealth of Australia Gazette</i> No. S 285, 13 July 2001 (<i>Gazette</i> 21.6.2001 p2270)
2002	35	<i>Statutes Amendment (Stamp Duties and Other Measures) Act 2002</i>	28.11.2002	Pt 5 (s 14)—28.11.2002: s 2(1)
2007	35	<i>Statutes Amendment (Petroleum Products) Act 2007</i>	20.9.2007	Pt 3 (ss 5—21)—1.7.2008 (<i>Gazette</i> 13.3.2008 p1006)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 111 (s 263)—1.2.2010 (<i>Gazette</i> 28.1.2010 p320)
2010	22	<i>Statutes Amendment (Budget 2010) Act 2010</i>	18.11.2010	Pt 9 (ss 45—58)—1.1.2011: s 2(5)
2011	36	<i>Statutes Amendment (Directors' Liability) Act 2011</i>	22.9.2011	Pt 14 (ss 16—19)—1.1.2012 (<i>Gazette</i> 15.12.2011 p4988)
2017	51	<i>Statutes Amendment (SACAT No 2) Act 2017</i>	28.11.2017	Pt 35 (ss 195 to 198)—22.2.2018 (<i>Gazette</i> 30.1.2018 p524)
2019	25	<i>Statutes Amendment and Repeal (Simplify) Act 2019</i>	3.10.2019	Pt 34 (ss 75 & 76)—3.10.2019: s 2(1)
2026	1	<i>Petroleum Products Regulation (Emergencies and Other Matters) Amendment Act 2026</i>	11.6.2026	9.7.2026 (<i>Gazette</i> 9.7.2026 p2206)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
	substituted by 35/2007 s 5	1.7.2008
Pt 1		
s 1	amended by 1/2026 s 3	9.7.2026
s 2	omitted under <i>Legislation Revision and Publication Act 2002</i>	
	inserted by 1/2026 s 4	9.7.2026
s 3	<i>deleted by 29/1998 s 3</i>	1.5.1998
s 4		
s 4(1)		
annual licence	<i>deleted by 29/1998 s 4(a)</i>	1.5.1998
authorised officer	substituted by 1/2026 s 5(1)	9.7.2026
bulk end user certificate	<i>inserted by 29/1998 s 4(b)</i>	1.5.1998
	<i>deleted by 21/2000 s 14(a)</i>	8.6.2000
certificate	<i>inserted by 29/1998 s 4(b)</i>	1.5.1998
	<i>deleted by 21/2000 s 14(a)</i>	8.6.2000

<i>bulk end user certificate or certificate</i>	<i>inserted by 21/2000 s 14(a)</i>	8.6.2000
	<i>deleted by 22/2010 s 45(1)</i>	1.1.2011
Commissioner	amended by 29/1998 s 4(c)	1.5.1998
Commonwealth customs duty	inserted by 29/1998 s 4(d)	1.5.1998
Commonwealth excise duty	inserted by 29/1998 s 4(d)	1.5.1998
condition	amended by 29/1998 s 4(e)	1.5.1998
	amended by 22/2010 s 45(2)	1.1.2011
	amended by 1/2026 s 5(2)	9.7.2026
<i>Consumer Price Index</i>	<i>deleted by 29/1998 s 4(f)</i>	1.5.1998
<i>conveyance</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
corresponding law	inserted by 29/1998 s 4(g)	1.5.1998
<i>dangerous situation</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
<i>development authorisation</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
eligible petroleum products	inserted by 29/1998 s 4(h)	1.5.1998
<i>Environment Protection Fund</i>	<i>deleted by 29/1998 s 4(i)</i>	1.5.1998
<i>Highways Fund</i>	<i>deleted by 29/1998 s 4(i)</i>	1.5.1998
<i>industrial pump</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
licence	amended by 29/1998 s 4(j)	1.5.1998
<i>member of a group</i>	<i>deleted by 29/1998 s 4(k)</i>	1.5.1998
<i>monthly licence</i>	<i>deleted by 29/1998 s 4(k)</i>	1.5.1998
<i>off-road diesel fuel user certificate</i>	<i>inserted by 29/1998 s 4(l)</i>	1.5.1998
	<i>deleted by 21/2000 s 14(b)</i>	8.6.2000
<i>plant</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
period of rationing	inserted by 1/2026 s 5(5)	9.7.2026
period of restriction	deleted by 1/2026 s 5(5)	9.7.2026
permit	deleted by 1/2026 s 5(5)	9.7.2026
permit holder	deleted by 1/2026 s 5(5)	9.7.2026
<i>prescribed retail sale</i>	<i>deleted by 35/2007 s 6</i>	1.7.2008
rationed petroleum product	deleted by 1/2026 s 5(6)	9.7.2026
rationing period	deleted by 1/2026 s 5(6)	9.7.2026
record	amended by 1/2026 s 5(3)	9.7.2026
	Note inserted by 1/2026 s 5(4)	9.7.2026

<i>relevant period</i>	<i>deleted by 29/1998 s 4(m)</i>	<i>1.5.1998</i>
retail licence	inserted by 29/1998 s 4(m)	1.5.1998
<i>Retail Outlets Board</i>	<i>deleted by 35/2007 s 6</i>	<i>1.7.2008</i>
retail sale	amended by 29/1998 s 4(n)	1.5.1998
Tribunal	inserted by 51/2017 s 195	22.2.2018
<i>voting share</i>	<i>deleted by 29/1998 s 4(o)</i>	<i>1.5.1998</i>
wholesale	inserted by 29/1998 s 4(o)	1.5.1998
wholesale licence	inserted by 29/1998 s 4(o)	1.5.1998
s 4(2)	substituted by 29/1998 s 4(p)	1.5.1998
s 4A	inserted by 29/1998 s 5	1.5.1998
s 4B	<i>inserted by 29/1998 s 5</i>	<i>1.5.1998</i>
	<i>deleted by 22/2010 s 46</i>	<i>1.1.2011</i>
s 4C	<i>inserted by 29/1998 s 5</i>	<i>1.5.1998</i>
	<i>deleted by 21/2000 s 15</i>	<i>8.6.2000</i>
s 4D	inserted by 29/1998 s 5	1.5.1998
s 5	<i>deleted by 22/2010 s 47</i>	<i>1.1.2011</i>
s 6		
s 6(a1)	inserted by 1/2026 s 6	9.7.2026
s 6A	inserted by 1/2026 s 7	9.7.2026
s 7		
s 7(2)	<i>deleted by 35/2007 s 7</i>	<i>1.7.2008</i>
Pt 2		
Pt 2 Div 1	heading deleted by 29/1998 s 6	1.5.1998
s 8 before substitution by 35/2007		
s 8(1)	<i>amended by 29/1998 s 7(a)</i>	<i>1.5.1998</i>
s 8(1a)	<i>inserted by 29/1998 s 7(b)</i>	<i>1.5.1998</i>
s 8(2)	<i>deleted by 29/1998 s 7(c)</i>	<i>1.5.1998</i>
s 8	substituted by 35/2007 s 8	1.7.2008
	amended by 22/2010 s 48	1.1.2011
	amended by 1/2026 s 8	9.7.2026
s 9		
s 9(2)	<i>deleted by 29/1998 s 8(a)</i>	<i>1.5.1998</i>
s 9(3)	amended by 29/1998 s 8(b)	1.5.1998
s 9(4) and (5)	<i>deleted by 29/1998 s 8(c)</i>	<i>1.5.1998</i>
s 10		
s 10(1)	<i>deleted by 29/1998 s 9(a)</i>	<i>1.5.1998</i>
s 10(2)	amended by 29/1998 s 9(b)	1.5.1998
	substituted by 35/2007 s 9	1.7.2008
s 10(4)	amended by 29/1998 s 9(c)	1.5.1998
s 10(5)	inserted by 29/1998 s 9(d)	1.5.1998
s 11		

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s 11(2)	amended by 29/1998 s 10	1.5.1998
	(a)—(e) deleted by 35/2007 s 10(1)	1.7.2008
	amended by 35/2007 s 10(2)	1.7.2008
	(ga) deleted by 22/2010 s 49	1.1.2011
s 11(3)	<i>deleted by 35/2007 s 10(3)</i>	1.7.2008
s 12		
s 12(2)	amended by 35/2007 s 11	1.7.2008
s 13		
s 13(3)	inserted by 29/1998 s 11	1.5.1998
ss 14—16	<i>deleted by 35/2007 s 12</i>	1.7.2008
s 17	amended by 35/2007 s 13	1.7.2008
	substituted by 1/2026 s 9	9.7.2026
s 19	<i>deleted by 35/2007 s 14</i>	1.7.2008
Pt 2 Div 2	<i>deleted by 29/1998 s 12</i>	1.5.1998
Pt 2A before deletion by 22/2010	<i>inserted by 29/1998 s 13</i>	1.5.1998
s 20		
s 20(3)	<i>substituted by 21/2000 s 16(a)</i>	8.6.2000
s 20(5)	<i>deleted by 21/2000 s 16(b)</i>	8.6.2000
s 20(7)	<i>deleted by 21/2000 s 16(c)</i>	8.6.2000
s 20(8)	<i>substituted by 21/2000 s 16(d)</i>	8.6.2000
s 20(10)	<i>deleted by 21/2000 s 16(e)</i>	8.6.2000
s 23		
s 23(7)	<i>deleted by 21/2000 s 17(a)</i>	8.6.2000
s 23(12)	<i>deleted by 21/2000 s 17(b)</i>	8.6.2000
ss 23B and 23C	<i>deleted by 21/2000 s 18</i>	8.6.2000
s 23F		
s 23F(1)	<i>amended by 21/2000 s 19</i>	8.6.2000
s 23I		
s 23I(1)	<i>substituted by 21/2000 s 20</i>	8.6.2000
Pt 2A	<i>deleted by 22/2010 s 50</i>	1.1.2011
Pt 3	<i>deleted by 35/2007 s 15</i>	1.7.2008
Pt 4	<i>deleted by 35/2007 s 15</i>	1.7.2008
Pt 5		
heading	amended by 1/2026 s 10	9.7.2026
s 38		
s 38(1)	substituted by 25/2019 s 76	3.10.2019
Pt 5 Div 2	substituted by 1/2026 s 11	9.7.2026
Pt 5 Div 3		
heading	amended by 1/2026 s 12	9.7.2026
s 34		
heading	amended by 1/2026 s 13(1)	9.7.2026
s 34(1)	amended by 1/2026 s 13(2), (3)	9.7.2026

s 34(2)	substituted by 35/2007 s 16	1.7.2008
s 34(2a)	inserted by 1/2026 s 13(4)	9.7.2026
s 34(5)	amended by 25/2019 s 75	3.10.2019
s 34(5a)	inserted by 1/2026 s 13(5)	9.7.2026
s 34(6)	amended by 36/2011 s 16	1.1.2012
	substituted by 1/2026 s 13(6)	9.7.2026
s 34(6a)	inserted by 1/2026 s 13(6)	9.7.2026
s 34(7)	amended by 1/2026 s 13(3)	9.7.2026
<i>Pt 5 Div 4 before deletion by 1/2026</i>		
<i>s 35</i>		
<i>s 35(1)</i>	<i>substituted by 29/1998 s 14(a)</i>	<i>1.5.1998</i>
	<i>amended by 36/2011 s 17</i>	<i>1.1.2012</i>
<i>s 35(2)</i>	<i>amended by 36/2011 s 17</i>	<i>1.1.2012</i>
<i>s 35(3)</i>	<i>amended by 29/1998 s 14(b)</i>	<i>1.5.1998</i>
<i>s 36</i>		
<i>s 36(5) and (7)</i>	<i>amended by 36/2011 s 18</i>	<i>1.1.2012</i>
Pt 5 Div 4	deleted by 1/2026 s 14	9.7.2026
Pt 5 Div 6		
s 38		
s 38(1)	amended by 1/2026 s 15	9.7.2026
s 38(2)	amended by 1/2026 s 15	9.7.2026
<i>Pt 6</i>	<i>deleted by 35/2007 s 17</i>	<i>1.7.2008</i>
<i>Pt 7</i>	<i>deleted by 35/2007 s 17</i>	<i>1.7.2008</i>
<i>Pt 8</i>		
<i>s 42</i>		
s 42(1)	substituted by 1/2026 s 16	9.7.2026
s 42(2)	substituted by 1/2026 s 16	9.7.2026
<i>s 42(3)</i>	<i>deleted by 1/2026 s 16</i>	<i>9.7.2026</i>
<i>s 42(4)</i>	<i>amended by 29/1998 s 15</i>	<i>1.5.1998</i>
	<i>deleted by 1/2026 s 16</i>	<i>9.7.2026</i>
s 43		
s 43(1)	amended by 1/2026 s 17	9.7.2026
s 43(3)	amended by 1/2026 s 17	9.7.2026
<i>s 44</i>		
<i>s 44(1)</i>	<i>amended by 29/1998 s 16</i>	<i>1.5.1998</i>
	<i>(c), (h), (i) deleted by 35/2007 s 18(1)</i>	<i>1.7.2008</i>
	<i>amended by 22/2010 s 51</i>	<i>1.1.2011</i>
	amended by 1/2026 s 18(1)—(3)	9.7.2026
<i>s 44(4)</i>	<i>amended by 35/2007 s 18(2)</i>	<i>1.7.2008</i>
s 45	amended by 1/2026 s 19	9.7.2026
<i>Pt 9 before substitution by 51/2017</i>		

<i>s 47</i>		
<i>s 47(1)</i>	<i>amended by 29/1998 s 17(a)—(c)</i>	<i>1.5.1998</i>
	<i>(f) deleted by 35/2007 s 19(1)</i>	<i>1.7.2008</i>
	<i>(ab) deleted by 22/2010 s 52(1)</i>	<i>1.1.2011</i>
	<i>(ca) deleted by 22/2010 s 52(2)</i>	<i>1.1.2011</i>
	<i>(e) and (ea) deleted by 22/2010 s 52(3)</i>	<i>1.1.2011</i>
<i>s 47(2)</i>	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 29(a))</i>	<i>1.6.2000</i>
<i>s 47(3)</i>	<i>amended by 29/1998 s 17(d), (e)</i>	<i>1.5.1998</i>
	<i>amended by 22/2010 s 52(4)</i>	<i>1.1.2011</i>
<i>s 47(4)</i>	<i>amended by 29/1998 s 17(f)</i>	<i>1.5.1998</i>
	<i>deleted by 22/2010 s 52(5)</i>	<i>1.1.2011</i>
<i>s 47(5)</i>	<i>amended by 29/1998 s 17(g), (h)</i>	<i>1.5.1998</i>
	<i>(c) deleted by 35/2007 s 19(2)</i>	<i>1.7.2008</i>
<i>s 47(6)</i>	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 29(b))</i>	<i>1.6.2000</i>
<i>s 47(7)</i>	<i>substituted by 29/1998 s 17(i)</i>	<i>1.5.1998</i>
	<i>(e) deleted by 35/2007 s 19(3)</i>	<i>1.7.2008</i>
	<i>(b) deleted by 22/2010 s 52(6)</i>	<i>1.1.2011</i>
	<i>(d) deleted by 22/2010 s 52(7)</i>	<i>1.1.2011</i>
<i>s 47(8)</i>	<i>substituted by 4/2000 s 9(1) (Sch 1 cl 29(c))</i>	<i>1.6.2000</i>
	<i>deleted by 35/2007 s 19(4)</i>	<i>1.7.2008</i>
<i>s 47(9)</i>	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 29(d))</i>	<i>1.6.2000</i>
<i>s 47(10)</i>	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 29(e))</i>	<i>1.6.2000</i>
<i>s 47(11)</i>	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 29(f))</i>	<i>1.6.2000</i>
Pt 9	<i>substituted by 51/2017 s 196</i>	<i>22.2.2018</i>
s 47		
s 47(1)	(b) deleted by 1/2026 s 20(1)	9.7.2026
	(d) deleted by 1/2026 s 20(2)	9.7.2026
s 47(5)	substituted by 1/2026 s 20(3)	9.7.2026
<i>Pt 10</i>	<i>deleted by 29/1998 s 18</i>	<i>1.5.1998</i>
Pt 11		
s 49		
s 49(1)	(b) deleted by 1/2026 s 21	9.7.2026
s 50		
s 50(1)	<i>substituted by 29/1998 s 19</i>	<i>1.5.1998</i>
	<i>amended by 21/2000 s 21</i>	<i>8.6.2000</i>
	<i>substituted by 22/2010 s 53</i>	<i>1.1.2011</i>
s 51		
s 51(1)	substituted by 1/2026 s 22(1)	9.7.2026
s 51(2)	amended by 1/2026 s 22(2)	9.7.2026
s 52	<i>substituted by 29/1998 s 20</i>	<i>1.5.1998</i>
	amended by 1/2026 s 23	9.7.2026
s 53		
s 53(1)	<i>amended by 29/1998 s 21(a)</i>	<i>1.5.1998</i>

	amended by 1/2026 s 24(1)	9.7.2026
s 53(2)	amended by 29/1998 s 21(a)	1.5.1998
s 53(3)	inserted by 29/1998 s 21(b)	1.5.1998
	amended by 1/2026 s 24(2)	9.7.2026
s 53(4)	inserted by 29/1998 s 21(b)	1.5.1998
	substituted by 22/2010 s 54	1.1.2011
s 53A	inserted by 29/1998 s 22	1.5.1998
	amended by 22/2010 s 55	1.1.2011
	heading amended by 1/2026 s 25(1)	9.7.2026
	amended by 1/2026 s 25(2), (3)	9.7.2026
s 54	amended by 1/2026 s 26	9.7.2026
s 54A	inserted by 1/2026 s 27	9.7.2026
s 56	amended by 29/1998 s 23	1.5.1998
	substituted by 35/2002 s 14	28.11.2002
s 56(1)	amended by 1/2026 s 28(1)	9.7.2026
s 56(3)	amended by 22/2010 s 56	1.1.2011
s 56(4)	amended by 1/2026 s 28(2)	9.7.2026
s 56(5)	amended by 51/2017 s 197	22.2.2017
s 56A	inserted by 1/2026 s 29	9.7.2026
s 58	<i>deleted by 84/2009 s 263</i>	1.2.2010
s 59	<i>deleted by 36/2011 s 19</i>	1.1.2012
s 61		
s 61(1)	substituted by 29/1998 s 24	1.5.1998
s 62		
s 62(1)	amended by 29/1998 s 25	1.5.1998
	(c) deleted by 1/2026 s 30(1)	9.7.2026
	amended by 1/2026 s 30(2), (3)	9.7.2026
s 62(1a)	inserted by 22/2010 s 57	1.1.2011
s 62A	inserted by 1/2026 s 31	9.7.2026
s 63		
s 63(1)	amended by 1/2026 s 32(1)	9.7.2026
s 63(2)	amended by 23/2001 s 97	15.7.2001
	amended by 1/2026 s 32(2)	9.7.2026
s 64		
s 64(2)	amended by 1/2026 s 33	9.7.2026
s 64(2a)	inserted by 29/1998 s 26	1.5.1998
s 64(3) and (4)	<i>deleted by 35/2007 s 20</i>	1.7.2008
<i>Sch 1 before deletion by 35/2007</i>		
cl 3		
cl 3(1)	<i>amended by 29/1998 s 27</i>	1.5.1998
<i>Sch 1</i>	<i>deleted by 35/2007 s 21</i>	1.7.2008
<i>Sch 2</i>	<i>deleted by 29/1998 s 28</i>	1.5.1998

*Sch 3 before deletion by
35/2007*

*cl 1 omitted under Legislation Revision and
Publication Act 2002*

Sch 3 deleted by 35/2007 s 21

1.7.2008

*Sch 4 omitted under Legislation Revision and
Publication Act 2002*

Transitional etc provisions associated with Act or amendments

Statutes Amendment (Budget 2010) Act 2010

58—Transitional provision

The amendments made by this Act to the *Petroleum Products Regulation Act 1995* (the **principal Act**) do not affect—

- (a) an entitlement to a subsidy that arose under Part 2A of the principal Act in relation to petroleum products sold or purchased before the repeal of that Part by this Act (and a claim for any such subsidy that has not been made or determined before that repeal is to be made or determined (as the case requires) as if Part 2A were still in force); or
- (b) the Commissioner's right to require the payment or repayment of an amount under section 23 of the principal Act (as if that section were still in force); or
- (c) the right of—
 - (i) a claimant for a subsidy under the principal Act to appeal to the Administrative and Disciplinary Division of the District Court against a decision by the Commissioner on the claim; or
 - (ii) a person to whom the Commissioner has given a notice under section 23 of the principal Act requiring the payment or repayment of an amount to appeal to the Administrative and Disciplinary Division of the District Court against the decision to issue the notice,

(as if section 47 of the principal Act had not been amended by this Act).

Statutes Amendment (SACAT No 2) Act 2017, Pt 35

198—Transitional provisions

- (1) A right to appeal to the Administrative and Disciplinary Division of the District Court under section 47 of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal Act before the relevant day.
- (3) In this section—
principal Act means the *Petroleum Products Regulation Act 1995*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

Petroleum Products Regulation (Emergencies and Other Matters) Amendment Act 2026, Sch 1

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.

Historical versions

Reprint No 1—1.5.1998

Reprint No 2—8.6.2000

Reprint No 3—15.7.2001

Reprint No 4—28.11.2002

1.7.2008

1.2.2010

1.1.2011

1.1.2012

22.2.2018

3.10.2019