



UNLEADED PETROL ACT, 1985

No. 74 of 1985

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ELIZABETHAE II REGINAE

A.D. 1985

No. 74 of 1985

An Act to regulate the sale and use of leaded and unleaded petrol; and for other purposes.

[Assented to 6 June 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Unleaded Petrol Act, 1985".

Short title.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

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

Interpretation

"analyst" means a person appointed as an analyst by the Minister pursuant to this Act:

"authorized officer" means a person appointed as an authorized officer by the Minister pursuant to this Act:

"leaded petrol" means petrol that is not unleaded petrol:

"to sell" includes—

(a) to barter or exchange;

(b) to offer for sale;

(c) to have in possession for sale;

(d) to supply in circumstances in which the supplier derives, or hopes to derive, a direct or indirect pecuniary benefit:

"unleaded petrol" means petrol that does not contain more than—

(a) 0.013 grams of lead;

or

(b) 0.0013 grams of phosphorus,
per litre.

Act binds Crown.

4. This Act binds the Crown.

Leaded petrol not
to be used in
certain vehicles.

5. (1) A person shall not introduce leaded petrol into the petrol tank of a motor vehicle designed to use unleaded petrol.

Penalty: \$10 000

(2) It is a defence to a charge of an offence against subsection (1) to prove that the defendant did not know and could not reasonably have been expected to have known—

(a) that the petrol was leaded petrol;

or

(b) that the motor vehicle was designed to use unleaded petrol.

Petrol retailer to
sell unleaded
petrol if leaded
petrol sold.

6. (1) A person in conducting the business of selling petrol by retail for use in propelling motor vehicles shall not sell leaded petrol unless, at the same time and place, unleaded petrol having a research octane number of not less than 91—

(a) is offered for sale at a price that does not exceed the price at which leaded petrol is offered for sale;

and

(b) is available for delivery.

Penalty: \$10 000

(2) It is a defence to a charge of an offence against subsection (1) to prove that—

(a) unleaded petrol of the kind usually offered for sale by the defendant in compliance with subsection (1) was unavailable for delivery for reasons beyond the control of the defendant;

(b) the defendant had made written application to the Minister for exemption under subsection (3) within 3 days after the unleaded petrol became unavailable for delivery;

and

(c) the defendant had not received written notification from the Minister granting or refusing the application.

(3) The Minister may exempt absolutely or conditionally, a person, or a class of persons, from the operation of subsection (1), and may, on giving reasonable notice in writing to the person or class concerned, vary or revoke an exemption.

(4) The Minister, if of the opinion that an exemption under subsection (3) would result in an unreasonable reduction in the availability of unleaded petrol shall not grant such an exemption.

(5) A notice varying or revoking an exemption in favour of a class may be given by publication of the notice in the *Gazette*.

Misdescription of
petrol.

7. A person who carries on the business of selling petrol shall not—

- (a) represent petrol, that is in fact leaded petrol, to be unleaded petrol;
- (b) sell leaded petrol as unleaded petrol.

Penalty: \$10 000

8. A person shall not sell as unleaded petrol, petrol stored in a tank unless—

Certification in relation to tanks in which petrol stored.

- (a) before that petrol is offered for sale or before the first sale of that petrol is made from the tank (whichever occurs first) an analyst has certified in writing that the lead content of the petrol has not been increased by storage of the petrol in the tank to the extent that the petrol has ceased to be unleaded petrol;
- (b) an analyst has issued a certificate under paragraph (a) in respect of petrol previously stored in the tank and no leaded petrol has been stored in the tank since the storage of the petrol to which the certificate relates;

or

- (c) the petrol is stored in the tank in the course of the business of refining crude oil.

Penalty: \$10 000

9. A person who sells petrol by retail shall comply with prescribed requirements as to the equipment used—

Regulation of storage and dispensing equipment.

- (a) to store petrol for the purpose of sale;
- (b) to dispense petrol to customers.

Penalty: \$10 000

10. The Minister may, by notice published in the *Gazette*—

Appointment of authorized officer.

- (a) appoint a person as an authorized officer for the purposes of this Act;

and

- (b) revoke such an appointment at any time.

11. (1) An authorized officer may, at any reasonable time—

Powers of authorized officer.

- (a) inspect premises at which petrol is sold by retail;
- (b) inspect and test equipment that is used in selling petrol by retail;
- (c) take samples of petrol offered for sale or stored on any premises and for that purpose may require the owner or occupier of the premises to open any tank in which petrol is stored;
- (d) take samples of petrol carried by a motor vehicle (including petrol carried for the purpose of propelling the vehicle) and, for that purpose, may require the driver, or the person in charge, of the vehicle—
 - (i) to stop the vehicle;
 - (ii) to open any tank in which petrol is carried;
- (e) require a person who has custody of records that may be relevant to the administration of this Act, to produce those records;

- (f) take extracts from, or make copies of, those records;
- (g) require a person reasonably suspected of having knowledge concerning any breach of, or failure to comply with, this Act, to answer questions in relation to those matters;
- (h) enter any land for the purpose of exercising powers under this section.

(2) A person who, without reasonable excuse—

- (a) hinders an authorized officer in the exercise of powers conferred by this section;
- (b) fails to comply with a requirement of an authorized officer under this section;
- (c) fails to answer a question put by an authorized officer under this section to the best of the knowledge, information and belief of that person,

is guilty of an offence.

Penalty: \$10 000

(3) A person is excused from answering a question put under this section or producing records in compliance with a requirement under this section on the ground that the answer to the question or the production of the records would result in or tend towards self-incrimination.

Appointment of
analyst.

12. The Minister may, by notice published in the *Gazette*—

- (a) appoint a person as an analyst for such of the purposes of this Act as are specified in the notice;

and

- (b) revoke such an appointment at any time.

Procedures for
analysis.

13. For the purposes of this Act a sample of petrol shall be taken for analysis and the analysis of the sample shall be carried out—

- (a) in accordance with directions of the Minister published from time to time in the *Gazette*;

or

- (b) where no such direction is in force—in accordance with Australian Standard 1876.

Evidentiary
provision.

14. A certificate purporting to be signed by an analyst who is, by the terms of his appointment, authorized to issue certificates for the purposes of this section and setting out the quantity of lead or phosphorus per litre contained in a particular sample of petrol shall be accepted in legal proceedings, in the absence of proof to the contrary, as proof that the sample was taken and analysed in accordance with this Act and that it was found to contain the quantity of lead or phosphorous set out in the certificate.

Offence by body
corporate.

15. A director of a body corporate that is guilty of an offence against this Act is guilty of an offence and liable to the penalty prescribed for the principal offence unless it is proved that the director could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence.

16. The offences constituted by this Act are summary offences.

Summary
offences.

17. The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

Regulations.

18. This Act shall expire on 31 December, 1989.

Expiry of Act.

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

D. B. DUNSTAN, Governor