

Queensland



LIQUID FUEL SUPPLY ACT 1984

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This Act is reprinted as at 28 July 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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LIQUID FUEL SUPPLY ACT 1984

[as amended by all amendments that commenced on or before 28 July 1999]

An Act to provide for the production, supply, distribution, sale, use and conservation of liquid fuel in the event of a shortage of liquid fuel occurring in the State and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Liquid Fuel Supply Act 1984*.

Commencement

2.(1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act shall commence on a date to be appointed by proclamation.

(3) The date so appointed is in this Act referred to as the commencement of this Act.

Application of Act to Crown

3. This Act binds the Crown but nothing in this Act renders the Crown liable to be prosecuted for an offence.

Interpretation

5. In this Act—

“**aircraft**” means any machine or craft that can derive support in the

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atmosphere from the reactions of the air or from buoyancy but does not include an air cushion vehicle.

“authorised person” means a person holding an appointment as an authorised person pursuant to section 36 and any police officer.

“document” includes—

- (a) a book, plan, paper, parchment, film or other material on which there is writing or printing or on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them; and
- (b) a disc, tape, paper, film or other device from which sounds or images are capable of being reproduced; and
- (c) any other record of information.

“examine” includes account, measure, weigh, grade or gauge.

“liquid fuel” means liquid petroleum, a liquid petroleum product, a liquid petrochemical, methanol or ethanol.

“liquid fuel emergency” means an emergency declared to exist pursuant to section 23.

“liquid petrochemical” means a substance that is a petrochemical and is in a liquid state at standard temperature and pressure.

“liquid petroleum” means a substance that is petroleum and is in a liquid state at standard temperature and pressure or a temperature and pressure prescribed for the purposes of this definition.

“liquid petroleum product” means a substance that is a petroleum product and is in a liquid state at standard temperature and pressure or a temperature and pressure prescribed for the purposes of this definition.

“petrochemical” means a substance (not being a petroleum product) whether in a gaseous, liquid or solid state manufactured from any of, or from a mixture of any of, the following substances, that is to say, a petroleum product, petroleum or a petroliferous mineral.

“petroleum” means—

- (a) any naturally occurring hydrocarbon or mixture of hydrocarbons whether in a gaseous, liquid or solid state; or

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- (b) any naturally occurring mixture of a hydrocarbon or hydrocarbons and of another substance or other substances whether in a gaseous, liquid or solid state.

“petroleum product” means—

- (a) any hydrocarbon or mixture of hydrocarbons produced by subjecting petroleum to a process of refining or produced from petroliferous minerals; or
- (b) any mixture of a hydrocarbon or hydrocarbons so produced with another substance or other substances.

“prescribed business” means a business prescribed by the regulations for the purposes of section 10.

“price” includes a charge of any description.

“refined liquid petroleum product” means—

- (a) a liquid petroleum product, being—
- (i) aviation gasoline; or
 - (ii) motor spirit; or
 - (iii) aviation turbine fuel; or
 - (iv) lighting kerosene; or
 - (v) heating oil; or
 - (vi) power kerosene; or
 - (vii) automotive distillate; or
 - (viii) industrial diesel fuel; or
 - (ix) liquid petroleum gas; or
 - (x) fuel oil; or
 - (xi) bitumen; or
 - (xii) naphtha; or
 - (xiii) lubricating oil; or
 - (xiv) lubricating grease; or
- (b) a liquid petroleum product (other than a liquid petroleum product

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referred to in paragraph (a)) that is declared by the regulations to be a refined liquid petroleum product for the purposes of this Act; or

- (c) methanol; or
- (d) ethanol.

“relevant person” means—

- (a) a person engaged in importing into Queensland or exporting from Queensland liquid fuel; or
- (b) a person engaged in selling in Queensland liquid fuel either in bulk or otherwise;

whether or not that activity constitutes the sole or principal activity in which the person engages.

“service” means anything done or necessary or expedient to be done for or with respect to the production, supply, distribution or sale of liquid fuel.

“standard temperature and pressure” means a temperature of 15°C and a pressure of 101.325 kPa.

“utter” means to use or deal with or attempt to use or deal with or attempt to induce any person to use, deal with or act upon the thing in relation to which the term is used in this Act.

“vehicle” means any thing designed as a means of transport or conveyance by movement on wheels but does not include a tram or train.

“vessel” means a ship, boat or vessel of any description and includes—

- (a) a floating structure; or
- (b) an air cushion vehicle.

PART 2—ADMINISTRATION

Minister

6. This Act shall be administered by the Minister for Mines and Energy

or such other Minister of the Crown as is for the time being charged with the administration of this Act.

Delegation

7.(1) The Minister may by instrument in writing delegate all or any of the Minister's powers and functions under this Act, except this power of delegation, to any person or persons and may make such number of delegations of the same power or function concurrently as the Minister thinks fit.

(2) A power or function so delegated may be exercised or discharged by the delegate in accordance with the instrument of delegation and when so exercised or discharged shall be deemed, for the purposes of this Act, to have been exercised or discharged by the Minister.

(3) A delegation under this section is revocable at the Minister's will and does not derogate from the Minister's power to act personally in any matter.

(4) A person purporting to exercise a power or to discharge a function pursuant to a delegation under this section shall be presumed to be acting in accordance with the instrument of delegation in the absence of proof to the contrary.

PART 3—CONTINGENCY PLANNING

Power to require information

8.(1) The Minister may, by notice in writing, require any person who is, in the Minister's opinion, in a position to do so to furnish information of a description specified in the notice relating to the extraction, production, storage, supply, distribution, sale, purchase, use or consumption of liquid fuel.

(2) Information sought under subsection (1) must be relevant to the administration of this Act.

(3) A person required to furnish information under subsection (1) shall, within the time allowed in the notice, furnish in accordance with the notice

the information sought by the notice to the best of the person's knowledge, information and belief.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Confidentiality

9. A person shall not disclose information obtained in connection with the administration or execution of this Act unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained; or
- (b) in connection with the administration or execution of this Act; or
- (c) for the purposes of any legal proceeding arising out of this Act or for the purposes of any report of any such proceeding; or
- (d) under the compulsion of an order made by a court of competent jurisdiction in any proceedings to which the information is material.

Maximum penalty—\$1 000.

Notification of address of prescribed businesses

10.(1) A person who carries on a prescribed business shall give to the Minister notice in writing containing particulars of—

- (a) the name of that person and the address and telephone number of each place where the person carries on the business; and
- (b) the kinds of liquid fuel that can be stored at each place where the person carries on the business; and
- (c) the quantity of each kind of liquid fuel that can be stored at each place where the person carries on the business.

(2) Notice required by subsection (1) shall be given—

- (a) in the case of a person who at the commencement of this Act, carries on a business that becomes a prescribed business—within

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14 days after the business becomes a prescribed business;

- (b) in the case of a person who, after the commencement of this Act, begins to carry on a prescribed business—within 14 days after the person begins to carry on the business.

(3) Where a change occurs in any of the particulars contained in a notice given under subsection (1) the person carrying on the prescribed business to which the notice relates shall within 14 days after the change occurs give to the Minister notice in writing containing particulars of the change.

(4) A person who ceases to carry on a prescribed business shall, within 14 days after the day on which the person ceases to carry on the business, give to the Minister a notice in writing of the person's ceasing and the date on which the person ceased to carry on the business.

(5) A person who being required by this section to give a notice fails to give the notice in accordance with this section commits an offence against this Act.

Maximum penalty—\$1 000.

Essential or high priority users of liquid fuel

11.(1) At any time (whether or not during a period of liquid fuel emergency) the Minister may, by notification published in the gazette—

- (a) specify guidelines to be observed in identifying in relation to a refined liquid petroleum product of a kind specified in the notification persons, associations of persons or classes of persons as essential users or high priority users of that product; and
- (b) vary guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection; and
- (c) revoke guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection.

(2) Without limiting the powers of the Minister under subsection (1), guidelines specified under that subsection for the identification of persons, associations or classes as essential users or high priority users of a refined liquid petroleum product may relate to—

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- (a) activities carried on by those persons, associations or classes outside Queensland; or
- (b) the likelihood that activities carried on by those persons, associations or classes before being so identified will continue to be carried on by them during any period in relation to which the identification has effect.

(3) The Minister may, by instrument in writing—

- (a) identify any person, association or class as an essential user or as a high priority user of a refined liquid petroleum product of a particular kind; and
- (b) at any time revoke an instrument identifying any person, association or class as such an essential user or a high priority user.

(4) The Minister shall not identify any person, association or class as an essential user or as a high priority user of a refined liquid petroleum product of a particular kind unless the identification is in accordance with guidelines specified under subsection (1) that are in force, in relation to that product, immediately before the person, association or class is so identified.

(5) The Minister shall not revoke an instrument identifying any person, association or class as an essential user or a high priority user of a refined liquid petroleum product of a particular kind unless the Minister is satisfied that the person, association or class has ceased to carry on activities by reason of which the person or it could have been identified as such a user of that product at the time the instrument was made.

(6) Where the Minister—

- (a) identifies any person, association or class under subsection (3) as an essential user or as a high priority user of a refined liquid petroleum product of a particular kind; or
- (b) revokes under subsection (3) an instrument identifying any person, association or class as such a user of a refined liquid petroleum product of a particular kind;

the Minister shall cause a copy of the instrument of identification or, as the case may be, of revocation to be served on the person, association or class concerned.

Bulk customers of relevant persons

12.(1) At any time (whether or not during a period of liquid fuel emergency) the Minister may, by notification published in the gazette—

- (a) specify guidelines to be observed in identifying persons who or associations of persons that have purchased in bulk or propose to purchase in bulk a refined liquid petroleum product of a kind specified in the notification from a relevant person as bulk customers of that relevant person in relation to that product; and
- (b) vary guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection; and
- (c) revoke guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection.

(2) Without limiting the powers of the Minister under subsection (1), guidelines specified under that subsection may relate to the likelihood that activities carried on by any person or association before being identified as a bulk customer will continue to be carried on by that person or association during the period in relation to which the identification has effect.

(3) The Minister may, by instrument in writing—

- (a) identify any person or association as a bulk customer of a relevant person in relation to a refined liquid petroleum product of a particular kind; and
- (b) at any time revoke an instrument identifying any person or association as such a bulk customer.

(4) The Minister shall not identify any person or association as a bulk customer of a particular relevant person in relation to a refined liquid petroleum product of a particular kind unless the identification is in accordance with guidelines specified under subsection (1) that are in force, in relation to that product, immediately before the person or association is so identified.

(5) The Minister shall not revoke an instrument identifying any person or association as a bulk customer of a relevant person in relation to a particular period of emergency and to a refined liquid petroleum product of a particular kind unless the Minister is satisfied that the person or association

has ceased to carry on activities by reason of which the person or it could have been identified as such a bulk customer at the time the instrument was made.

(6) Where the Minister—

- (a) identifies any person or association under subsection (3) as a bulk customer of a relevant person in relation to a refined liquid petroleum product of a particular kind; or
- (b) revokes under subsection (3) an instrument identifying any person or association as such a bulk customer;

the Minister shall cause a copy of the instrument of identification or, as the case may be, of revocation to be served on the person or association concerned.

Allocations to bulk customers

13. At any time (whether or not during a period of liquid fuel emergency) the Minister may, by notification published in the gazette—

- (a) specify guidelines for the calculation of the quantity of a refined liquid petroleum product of a kind specified in the notification that, in the event of a liquid fuel emergency being proclaimed, would be required to be made available by relevant persons to a person who or association that is a bulk customer of that relevant person in respect of that product; and
- (b) vary guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection; and
- (c) revoke guidelines specified under this subsection, including guidelines varied by virtue of a previous application of this subsection.

Development of bulk allocation procedures

14.(1) At any time (whether or not during a period of liquid fuel emergency) the Minister may, by notification published in the gazette—

- (a) specify guidelines for the allocation by relevant persons included

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in a class of relevant person specified in the guidelines of bulk supplies of a refined liquid petroleum product of a kind specified in the notification to persons who or associations that would be likely to be, during the whole or a part of a liquid fuel emergency, bulk customers of those relevant persons in relation to that product; and

- (b) vary guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection; and
- (c) revoke guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection.

(2) The Minister may, by notification, direct that each relevant person who—

- (a) is included in a class of relevant person in relation to whom guidelines under subsection (1) are in force; and
- (b) supplies a refined liquid petroleum product of a kind specified in those guidelines;

shall furnish to the Minister, by a date specified in the notification and in the form (if any) specified therein, particulars of procedures developed by that relevant person to enable that person to allocate bulk supplies of that product in accordance with those guidelines.

(2A) A notification given under subsection (2) shall be published in the gazette and in a newspaper that circulates throughout the State or, as the case may be, the part of the State in which the relevant persons to whom it is directed carry on business with a view to all such relevant persons being made aware of the notification.

(3) In respect of particulars of procedures furnished to the Minister under subsection (2) by a relevant person the Minister shall, by notice in writing given to the relevant person—

- (a) if the Minister is satisfied that the procedures will enable the relevant person to allocate bulk supplies of the refined liquid petroleum product concerned in accordance with the guidelines—approve those procedures; or
- (b) if the Minister is not so satisfied—direct the relevant person—

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- (i) to make such amendment of the procedures of which particulars have been so furnished as the Minister specifies in the notice;
- (ii) to furnish to the Minister, by a date specified in the notice and in the form (if any) specified therein, particulars of the procedures as so amended.

(4) In respect of particulars of procedures furnished to the Minister by a relevant person as required by a direction given under subsection (3)(b), being procedures amended in the manner specified in the direction, the Minister shall, by notice in writing given to the relevant person, approve the procedures as so amended.

(5) A relevant person shall not refuse or fail to comply with a direction under subsection (2) that is applicable to the person or a direction given to the person under subsection (3) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Regulation or prohibition of supply of liquid fuel

15. The Minister may, by notification published in the gazette—

- (a) specify guidelines for the giving of directions, in the event of a liquid fuel emergency being proclaimed, for regulating or prohibiting the supply by relevant persons in the course of business of a refined liquid petroleum product of a kind specified in the notification; and
- (b) vary guidelines specified under this section, including guidelines varied by reason of a previous application of this section; and
- (c) revoke guidelines specified under this section, including guidelines varied by reason of a previous application of this section.

Maintenance of reserves

16. The Minister may, by notification published in the gazette—

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- (a) specify guidelines for determining in relation to a liquid fuel of a particular kind—
 - (i) the quantity of reserve supply of liquid fuel of that kind—
 - (A) that should be accumulated in Queensland by relevant persons before the proclamation of a liquid fuel emergency; or
 - (B) that should be maintained in Queensland by relevant persons at all times before the proclamation of a liquid fuel emergency;
 - (ii) the places in Queensland at which relevant persons should be required to keep the whole or any part of a reserve supply of liquid fuel of that kind, which they accumulate or maintain before the proclamation of a liquid fuel emergency;
 - (iii) the period within which relevant persons should accumulate particular quantities of a reserve supply of liquid fuel of that kind at particular places before the proclamation of a liquid fuel emergency; and
- (b) vary guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection; and
- (c) revoke guidelines specified under this subsection, including guidelines varied by reason of a previous application of this subsection.

Directions to create and maintain reserves

17.(1) The Minister may, by notice in writing served upon a relevant person, direct that person—

- (a) to accumulate, by a date specified in the notice such quantities as are specified therein of reserve supply of liquid fuel of a kind specified therein and at all times thereafter to maintain such quantities as are specified therein of reserve supply of liquid fuel of that kind at such places in Queensland as are specified in the notice;
- (b) to maintain at all times after a date specified in the notice at such

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places in Queensland as are specified therein, such quantities as are specified therein of reserve supply of liquid fuel of a kind specified in the notice.

(2) A relevant person shall not refuse or fail to comply with a direction given to the person under subsection (1) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

(3) The Minister may, to meet temporary circumstances, in writing, authorise a relevant person who is required by a notice under subsection (1) to maintain at a particular place a particular quantity of a reserve supply of a liquid fuel of a particular kind to maintain at that place during a period specified in the authority a less quantity specified in the authority of a reserve supply of that liquid fuel.

(4) The maintenance by a relevant person of a quantity of a reserve supply of liquid fuel of a particular kind at a particular place at a particular time in accordance with an authority given to that relevant person under subsection (3) shall be sufficient compliance by that relevant person with a requirement that the person should maintain a reserve supply of that liquid fuel at that place at that time imposed on the person under subsection (2).

Directions not controlled by guidelines

18. A direction given under section 17 or under any other part of this Act—

- (a) may be given notwithstanding that there are no relevant guidelines specified under this part; and
- (b) shall be validly given and be of force and effect whether or not it is in accordance with relevant guidelines specified under this part.

PART 4—POWERS IN EVENT OF SHORTAGE OR ANTICIPATED SHORTAGE OF LIQUID FUEL

Directed release and sale of liquid fuel

19.(1) If the Minister is satisfied—

- (a) that there is a shortage of liquid fuel of a particular kind; or
- (b) that there is reason to anticipate a shortage of liquid fuel of a particular kind;

the Minister may, by notice in writing served on a relevant person, direct that the relevant person shall in the course of the person's business take all such measures as are necessary to make such quantity as is specified in the notice of liquid fuel of that kind available for purchase, on or before such date as is specified therein at such place or places as is or are specified therein, by such person or persons or members of such class of person as is or are specified in the notice.

(2) A direction under subsection (1) may provide that the price at which the liquid fuel of the kind to which it relates shall be available for purchase shall be such as is agreed by the relevant person concerned and the purchaser or, in the absence of agreement, as is determined by the Minister and declared in writing by the Minister.

(3) A relevant person shall not refuse or fail to comply with any particular of a direction given to the person under subsection (1) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Output from refineries

20.(1) If the Minister is satisfied—

- (a) that there is a shortage of liquid fuel of a particular kind; or
- (b) that there is reason to anticipate a shortage of liquid fuel of a particular kind;

the Minister may, by notice in writing served on a relevant person who is engaged in the production or refining of liquid fuel of that kind, direct that the relevant person produce or refine in Queensland, during a period specified in the notice, such quantity of liquid fuel of that kind as is specified in the notice.

(2) A relevant person shall not refuse or fail to comply with a direction given to the person under subsection (1) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Directed transfer of liquid fuel

21.(1) If the Minister is satisfied—

- (a) that there is a shortage of liquid fuel of a particular kind; or
- (b) that there is reason to anticipate a shortage of liquid fuel of a particular kind;

the Minister may, by notice in writing served on a relevant person, direct that the relevant person shall cause such quantity of liquid fuel of that kind as is specified in the notice to be transferred from supplies of liquid fuel of that kind held by the relevant person at a place in Queensland specified in the notice to another place in Queensland where the relevant person has facilities adequate to hold the quantity of liquid fuel of that kind to be transferred.

(2) A relevant person shall not refuse or fail to comply with a direction given to the person under subsection (1) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Shortage may be general or restricted

22. In this part a reference to a shortage of liquid fuel of a particular kind includes a shortage throughout Queensland of liquid fuel of that kind and a shortage in any part or parts of the State of liquid fuel of that kind.

PART 5—LIQUID FUEL EMERGENCY**Proclamation of emergency**

23.(1) Where, in the opinion of the Governor in Council, circumstances have arisen or are likely to arise, such as to have caused or to be likely to cause a shortage of liquid fuel, the Governor may, by proclamation, declare that an emergency exists in relation to liquid fuel generally or to liquid fuel of the particular kind or kinds specified in the proclamation.

(2) A proclamation may be made under subsection (1) in respect of the whole State or in respect of such part or parts of the State as is or are specified in the proclamation.

(3) A proclamation made under subsection (1) shall, unless it is sooner revoked by a further proclamation, be in force for the period specified therein, but not exceeding 30 days from the date of its publication in the gazette, and the period for which a proclamation is in force (including all extensions thereof) is in this Act referred to as a period of emergency.

(4) A period of emergency may from time to time be extended by a further proclamation made before the expiration of that period specified therein but not exceeding 30 days in the case of any such further proclamation.

Ministerial control during emergency

24.(1) During a period of emergency the Minister may assume control of the extraction, production, supply, distribution, sale, purchase, use, consumption and storage of liquid fuel in relation to which the emergency is declared to exist and therein may—

- (a) provide, operate, control, regulate and direct any service, whether

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by way of continuation of a service previously provided or by way of provision of a service in a modified form or by way of provision of a new service; and

- (b) employ such persons as the Minister considers necessary to the proper exercise of the Minister's powers.

(2) Without limiting the generality of the powers conferred by subsection (1), the Minister may in writing—

- (a) give such directions as in the Minister's opinion are necessary to control, restrict or prohibit the extraction, production, supply, distribution, sale, purchase, use, consumption or storage of liquid fuel in relation to which the emergency is declared to exist;
- (b) direct a person who extracts, produces, transports or distributes liquid fuel referred to in paragraph (a) to extract or produce it for or to transport or distribute it to the person or persons specified therein;
- (c) direct a person concerned with the extraction, production, supply, distribution, sale, purchase, use, consumption or storage of liquid fuel referred to in paragraph (a) to comply with the conditions specified therein in respect thereof;
- (d) direct a person to whom liquid fuel referred to in paragraph (a) is supplied to accept the liquid fuel;
- (e) in relation to services provided or to be provided in connection with the extraction, production, supply, distribution, sale, purchase, use, consumption or storage of liquid fuel referred to in paragraph (a)—
 - (i) direct which of those services shall be maintained or provided and the extent to which and the conditions on which they shall be maintained or provided;
 - (ii) direct at what times and places and upon what conditions and in what manner those services may be provided or availed of;
 - (iii) prohibit the provision of those services except with the consent of the Minister;
- (f) requisition the use of land, buildings, structures, equipment and

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utensils used or that may be used effectually in the provision of services referred to in paragraph (e);

- (g) provide for or control, by direction, prohibition or requisition, the operation, use, disposal, distribution, storage, upkeep, repair and maintenance of any property, commodity, equipment or utensil used or that may be used in the provision of services referred to in paragraph (e);
- (h) authorise a person specified therein to enter upon and into any land, building or structure used or that may be used effectually in the provision of services referred to in paragraph (e) with a view to exercising all or any of the powers conferred by subsection (1);
- (i) provide, by direction, prohibition or requisition, for any matter incidental to the exercise of the powers conferred by subsection (1);
- (j) revoke or vary any writing previously issued by the Minister under this section.

(3) The following provisions apply in respect of a direction given under subsection (2)—

- (a) it may be directed to a person specified therein, to all members of a class of person specified therein or to the members of the public;
- (b) it may be expressed to have force throughout the whole State or within such part or parts of the State as is or are specified therein;
- (c) it may have force for the period specified therein or upon the occasions specified therein or without limit of time;

provided that no direction shall have force beyond the period of emergency for the purposes of which it was issued;

- (d) where the terms of the direction, being such as is referred to in subsection (2)(e)(ii) are inconsistent with the terms of an order made by the Full Bench of the Industrial Commission under the *Industrial Relations Act 1999* or with the provisions of any Act with respect to trading hours in shops, then while the direction continues to have force, its terms shall prevail and the terms of the order or the provisions of the Act, as the case may be, shall to the extent of the inconsistency cease to have force or effect.

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(4) The termination of a direction given under this section shall not affect the previous operation thereof or the validity of any action taken thereunder prior to its termination and any investigation concerning an alleged refusal or failure to comply therewith prior to its termination may be instituted or continued and a penalty, forfeiture or punishment may be imposed and exacted in respect of such a refusal or failure to comply therewith as if the direction had not terminated.

(5) A person to whom a direction under this section is directed shall not refuse or fail to comply with the direction.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

(6) If a refusal or failure to comply with a direction issued under this section consists in doing or in refusing or failing to do an act in respect of liquid fuel then upon convicting a person of the offence thereby constituted the court may, in addition to any penalty imposed, order that the liquid fuel in respect of which the offence was committed be forfeited to the Crown.

(7) All liquid fuel so forfeited shall be applied—

- (a) if the emergency declared to exist in relation to that liquid fuel continues in being—in relieving that emergency in such manner as the Minister directs; or
- (b) in any other case—in such manner as the Minister directs.

Permits

25.(1) During a period of emergency the Minister may issue a permit to any person for the purchase of liquid fuel in relation to which the emergency is declared to exist, if the Minister is satisfied that it is in the public interest to do so.

(2) A permit under subsection (1) may be issued subject to—

- (a) conditions of limitation, by reference to a specified maximum quantity of liquid fuel authorised to be purchased pursuant to the permit, by reference to the requirement to deliver up coupons upon the purchase of liquid fuel pursuant to the permit, or by

reference to such other means as are specified therein; and

- (b) such other conditions as the Minister thinks fit and specifies therein.

(3) A permit issued under subsection (1) shall cease to be of any validity upon the expiration of the period of emergency during which it was issued or upon the cancellation of the permit under section 28.

Application for permit

26.(1) A person desirous of obtaining a permit shall make application to the Minister in the prescribed form.

(2) A person shall not, in connection with an application by the person for a permit, make a statement or representation that is false or misleading in a material particular.

Maximum penalty—\$2 000 or 3 months imprisonment.

(3) It is a defence to a charge of the offence defined in subsection (2) that the defendant did not know and could not by the exercise of reasonable diligence have ascertained that the statement or representation was false or misleading.

Offences in respect of permits

27.(1) A person shall not contravene or fail to comply with a condition specified in a permit issued to the person or specified in a permit issued to another person on whose behalf the person is acting on a particular occasion.

Maximum penalty—\$1 000.

(2) A permit is not transferable.

(2A) A person shall not, by delivery or otherwise, purport to transfer to another person a permit or the entitlements conferred on the person as a person to whom a permit is issued.

Maximum penalty—\$1 000.

(3) During a period of emergency a person shall, while in charge of a vehicle, vessel or aircraft to which liquid fuel in relation to which the

emergency is declared to exist has been supplied pursuant to a permit—

- (a) carry the permit with him or her in the vehicle; and
- (b) upon the request of an authorised person, produce the permit for inspection by that authorised person.

Maximum penalty—\$500.

Cancellation of permit

28.(1) The Minister may, at any time by instrument in writing served on the person to whom a permit is issued, cancel the permit.

(2) Upon cancellation of a permit, the person to whom it was issued shall deliver it up to the Minister or to a person nominated by the Minister.

Maximum penalty—\$1 000.

Unlawful supply and purchase of liquid fuel

29.(1) During a period of emergency, a person shall not supply liquid fuel in relation to which the emergency is declared to exist except—

- (a) under the authority of and in accordance with a direction of the Minister duly given under this Act; or
- (b) in accordance with the conditions of a permit issued under section 25, to the person to whom the permit is issued or a person acting on the person's behalf.

Maximum penalty—20 penalty units.

(1A) Subsection (1) does not apply in respect of a supply of liquid fuel to a person who carries on the business of trading in that liquid fuel where the person purchases the liquid fuel as part of that trading.

(2) During a period of emergency, a person shall not purchase liquid fuel in relation to which the emergency is declared to exist, except—

- (a) under the authority of and in accordance with a direction of the Minister duly given under this Act; or
- (b) under the authority of, and in accordance with the conditions imposed in respect of, a permit under section 25 issued to the

person or to a person on whose behalf the person is acting.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply in respect of the purchase of liquid fuel by a person who carries on the business of trading in that liquid fuel where the person purchases the liquid fuel as part of that trading.

Directions for allocations to bulk customers

30.(1) During a period of emergency the Minister may, for the purpose of dealing with a shortage or likely shortage of liquid fuel in relation to which the emergency is declared to exist, by notification published in the gazette and in such other manner as, in the Minister's opinion, is likely to bring it to the notice of relevant persons concerned, direct that each relevant person who ordinarily in the course of business supplies a refined liquid petroleum product of a kind specified in the notification for purchase in bulk in Queensland by persons or associations of persons who are bulk customers of that relevant person in relation to that product shall make available for purchase in bulk in Queensland by those customers during the period specified in the notification in accordance with the bulk allocation procedures approved by the Minister under section 14—

- (a) in the case of such customers as have been identified by the Minister as essential or high priority users of that product in Queensland—such quantities of that product as—
 - (i) are calculated by or on behalf of the Minister, by a method specified in the notification; and
 - (ii) are notified in writing, by or on behalf of the Minister, to that relevant person;
- (b) in the case of such customers as are persons or associations of persons to whom paragraph (a) does not apply—such quantities of that product as—
 - (i) are calculated by or on behalf of the Minister, by a method specified in the notification; and
 - (ii) are notified in writing, by or on behalf of the Minister, to that relevant person.

(2) Where the Minister has under subsection (1) directed relevant persons

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to make available for purchase by bulk customers quantities of a refined liquid petroleum product, a relevant person to whom the direction is issued shall not—

- (a) refuse or fail to make that product available for purchase by such a bulk customer of that relevant person during the period specified in the direction in accordance with the direction; or
- (b) make that product available for purchase in bulk, during the period specified in the direction, by a person who is not a bulk customer of that relevant person in relation to that product; or
- (c) make that product available for purchase in bulk by such a bulk customer of that relevant person during the period specified in the direction otherwise than in accordance with the direction;

unless that relevant person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

(3) Without limiting the generality of the expression “reasonable excuse” in subsection (2), it is a reasonable excuse for the purposes of subsection (2)(a)—

- (a) if the person or association of persons in respect of whom a contravention of that subsection is alleged to have been committed in respect of a particular refined liquid petroleum product refused or failed to produce to the relevant person concerned a copy of the instrument that was caused by the Minister to be served on the person or association under section 12 and identified the person or association as a bulk customer of that relevant person in relation to that product;
- (b) if the person or association of persons in respect of whom a contravention of that subsection is alleged to have been committed in respect of a particular refined liquid petroleum product, being a person who or association that is an essential user or a high priority user of that product in Queensland, refused or failed to produce to the relevant person concerned—
 - (i) a copy of the instrument that was caused by the Minister to

be served on the person or association under section 12 and identified the person or association as a bulk customer of that relevant person in relation to that product; or

- (ii) a copy of the instrument that was caused by the Minister to be served on the person or association under section 11 and identified the person or association as an essential user or high priority user of that product in Queensland.

(4) A method of calculation of a quantity of a refined liquid petroleum product specified in a notification under subsection (1) may be specified as applicable generally to all persons or associations referred to respectively in subsection (1)(a) and (b) or to persons or associations included in classes of persons or associations referred to respectively in those paragraphs specified in the notification.

Directions regulating supply of liquid fuel

31.(1) During a period of emergency the Minister may, for the purpose of dealing with a shortage or likely shortage of liquid fuel in relation to which the emergency is declared to exist, by notification published in the gazette and in such other manner as, in the Minister's opinion, is likely to bring it to the notice of relevant persons concerned, issue directions regulating or prohibiting the supply by relevant persons in the course of their business, during a period specified in the notification, of a refined liquid petroleum product specified in the notification to persons generally or to persons included in a class of person specified in the notification.

(2) The Minister shall not issue a direction under subsection (1) if the direction would relate only to the supply of a refined liquid petroleum product to bulk customers of the relevant persons to whom the direction would be issued in relation to that product.

(3) A relevant person shall not refuse or fail to comply with a direction issued to the person under subsection (1) unless that person has reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—\$10 000; or
- (b) in the case of an individual—\$1 000.

Fixing maximum prices for liquid fuel

32.(1) During a period of emergency the Minister may, by notification published in the gazette—

- (a) fix a maximum price or maximum prices for the sale of a refined liquid petroleum product of a kind specified in the notification during a period specified in the notification; and
- (b) vary or revoke a notification previously published under this subsection.

(2) A notification under subsection (1)—

- (a) may fix different maximum prices that vary according to factors specified in the notification;
- (b) may apply to sales generally of a refined liquid petroleum product, or to sales of a class specified in the notification;
- (c) may apply throughout the State or in any part or parts of the State as is or are specified in the notification.

(3) Where a notification under subsection (1) has fixed a maximum price for the sale of a refined liquid petroleum product a person shall not sell or offer to sell that product, by way of a sale for which the maximum price has been so fixed, at a price in excess of the maximum price.

Maximum penalty—\$10 000 or 12 months imprisonment.

Regulation of disposal of liquid fuel brought into State

33.(1) The Minister may, by notification published in the gazette, declare liquid fuel of a kind specified in the notification to be liquid fuel to which this section applies.

(1A) Liquid fuel declared pursuant to subsection (1) is in subsection (2) referred to as “**declared liquid fuel**”.

(2) A person shall not—

- (a) in Queensland sell or otherwise dispose of declared liquid fuel that has been brought into Queensland; or

(b) remove from Queensland declared liquid fuel, except in accordance with the directions of the Minister.

Maximum penalty—\$1 000.

Shortage may be general or restricted

34. In this part a reference to a shortage or likely shortage of liquid fuel includes a shortage or likely shortage throughout Queensland of liquid fuel and a shortage or likely shortage in any part or parts of Queensland of liquid fuel.

Rights of appeal

35.(1) A person who is aggrieved by the Minister's decision—

- (a) refusing a permit under this part; or
- (b) cancelling a permit under this part; or
- (c) refusing to identify any person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind; or
- (d) revoking an instrument identifying any person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind; or
- (e) refusing to identify any person or association of persons as a bulk customer of a relevant person in relation to a particular refined liquid petroleum product; or
- (f) revoking an instrument identifying any person or association of persons as a bulk customer of a relevant person in relation to a particular refined liquid petroleum product;

may appeal against that decision to a Magistrates Court constituted by a stipendiary magistrate under the *Justices Act 1886*.

(2) Every such appeal shall be instituted within 28 days after the person aggrieved has been informed in writing of the refusal or cancellation in question or, in the case of a revocation, of the receipt of the copy instrument in accordance with section 11 or, as the case may be, section 12, and not

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thereafter, by filing in the office of the clerk of the court the prescribed form, payment of the prescribed fee and service of a copy of the prescribed form, endorsed with the official stamp of such clerk of the court, on the Minister or another person nominated by the Minister either generally or in a particular case.

(3) Every such appeal shall be heard at the place where the appellant is employed or carries on the appellant's business or calling or if that place is not appointed as a place for holding Magistrates Courts at the place so appointed nearest to such firstmentioned place and, subject to this section, the provisions of the *Justices Act 1886*, with all necessary modifications, shall apply in respect of the proceedings and every order made therein.

(4) The parties to every such appeal shall be the appellant and the Minister each of whom may appear in person or be represented by counsel or solicitor or an agent acceptable to the court.

(5) Upon every such appeal the court may by its order confirm or reverse the Minister's decision the subject of the appeal.

(5A) Where an order reverses the Minister's decision the order shall be deemed to be the Minister's decision, subject to its being set aside upon any further appeal, and, subject as aforesaid, shall be given effect by the Minister and all persons concerned.

(5B) Jurisdiction is hereby conferred on every Magistrates Court accordingly.

(5C) Costs shall not be awarded to either party to an appeal by a Magistrates Court.

(6) In the event that a decision against which an appeal lies has been made by a delegate of the Minister every reference in this section to the Minister's decision shall be construed as a reference to the delegate's decision.

PART 5A—ETHANOL SUBSTITUTION

Requirement to purchase ethanol

35A.(1) For the purpose of requiring the use in motor spirit of ethanol manufactured in Queensland the Governor in Council may make an order in council under this section, which order in council—

- (a) may be directed to every person who in Queensland owns or operates an oil refinery or a seaboard terminal with facilities for the bulk storage of motor spirit, or 1 or more of such persons or a prescribed class thereof;
- (b) may direct that a person to whom it applies, shall prior to selling any motor spirit while the order in council remains in force—
 - (i) purchase at a prescribed price a quantity of ethanol manufactured in Queensland equal to a prescribed number of litres for each 100 L of motor spirit sold; and
 - (ii) blend the ethanol so purchased with the motor spirit and in accordance with prescribed directions (if any);

and may vary the quantity of ethanol required to be so purchased and blended by reference to prescribed criteria;

- (c) may prescribe the person or class of person from whom ethanol shall be purchased for the purpose of complying with the directions;
- (d) may direct a person to whom the order in council applies to furnish to the Minister prescribed returns of information;
- (e) may provide such other directions as may be necessary or desirable to implement the objects of the order in council.

(2) The Governor in Council shall not make an order in council under this section unless the Governor in Council is satisfied that there shall be available for purchase at the prescribed price quantities of ethanol manufactured in Queensland sufficient to allow compliance with the order in council.

(3) In calculating the quantity of ethanol required to be purchased and

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blended by a person to whom an order in council made under subsection (1) applies—

- (a) subject to paragraph (b), every sale made by the person in Queensland of motor spirit shall be taken into account, whether or not the sale is made in connection with the ownership or operation of an oil refinery or a seaboard terminal with facilities for the bulk storage of motor spirit;
- (b) there shall not be taken into account the sale by the person of any motor spirit that is the subject of interstate trade or commerce within the meaning of section 92 of the Constitution of the Commonwealth;
- (c) in the case of the resale by the person of motor spirit purchased by the person, ethanol manufactured in Queensland and blended with the motor spirit (in accordance with prescribed directions, if any) prior to its purchase by the person shall be deemed to have been purchased and blended by the person in accordance with the requirements of the order in council in respect of the resale.

(4) A person shall not refuse or fail to comply with a direction under subsection (1) that is applicable to the person unless the person has a reasonable excuse.

Maximum penalty—

- (a) in the case of a body corporate—1 000 penalty units; or
- (b) in the case of an individual—200 penalty units or 12 months imprisonment.

(5) In this section—

- (a) a reference to the sale of motor spirit includes a reference to its sale by barter or exchange, and its supply for profit;
- (b) the term “**prescribed**” means prescribed by an order in council made under this section;
- (c) the term “**motor spirit**” means prescribed motor spirit.

Limitation of actions

35B. Neither the Crown, the Minister nor any person acting in the

administration of this Act shall incur any liability because of any loss or damage or costs and expenses incurred by any person in complying with this part, and section 50 does not apply to any such person.

PART 6—ENFORCEMENT PROVISIONS

Authorised persons

36.(1) The Minister may appoint such number of authorised persons as the Minister thinks necessary for the purpose of giving effect to and enforcing the provisions of this Act.

(2) An authorised person shall perform such duties as the person is directed by the Minister, either generally or in a particular case.

(3) Each authorised person shall be furnished with an identity card, which shall contain a certificate by the Minister that the person is an authorised person for the purposes of this Act.

(3A) In subsection (3)—

“**authorised person**” does not include a person who is a police officer.

(4) A person to whom an identity card has been issued under this Act shall, upon the person ceasing to be an authorised person, surrender the identity card to the Minister or to a person nominated by the Minister by instrument in writing.

Maximum penalty—\$100.

Powers of authorised persons

37.(1) An authorised person may, with such assistance as the authorised person considers necessary—

- (a) subject to subsection (4), enter any premises or place where there is carried on a business concerned with trading in liquid fuel and enter any other premises or place where the authorised person suspects on reasonable grounds that there is to be found evidence that an offence against this Act is being, has been or is about to be

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committed;

- (b) inspect all parts of any premises or place lawfully entered by the authorised person and any vehicle, vessel or aircraft therein that is so constructed as to be capable of transporting liquid fuel and all compartments, receptacles and equipment in or on such premises, places, vehicle, vessel or aircraft;
- (c) require the occupier or person apparently in charge of any premises or place lawfully entered by the authorised person—
 - (i) to open in the presence of the authorised person any compartment or receptacle in or on such premises or place or in or on any such vehicle, vessel or aircraft therein;
 - (ii) to examine in the presence of the authorised person the contents, being in the authorised person's opinion liquid fuel, of any such compartment or receptacle;
 - (iii) to produce to the authorised person all documents relating to the business carried on at such premises or place;
- (d) examine and take extracts from or make copies of documents relating to a business carried on in or on any premises or place lawfully entered by the authorised person;
- (e) break open any compartment or receptacle that has not been opened in response to a requisition made by the authorised person;
- (f) examine the contents, being in the authorised person's opinion liquid fuel, of any compartment or receptacle in or on any premises or place lawfully entered by the authorised person;
- (g) seize and retain or secure any liquid fuel, vehicle, vessel, aircraft, receptacle, equipment, document or other thing whatsoever that in the authorised person's opinion is likely to afford evidence of an offence against this Act.

(2) An authorised person may, with such assistance as the authorised person considers necessary—

- (a) where the authorised person suspects on reasonable grounds that any vehicle, vessel or aircraft is being used or is so constructed as to be capable of being used for the transport of liquid fuel, require

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the driver or person in charge thereof—

- (i) to stop the vehicle, vessel or aircraft; or
 - (ii) to move the vehicle, vessel or aircraft to a place indicated by the authorised person; or
 - (iii) not to move the vehicle, vessel or aircraft;
- (b) subject to subsection (4), enter any premises or place in or on which any such vehicle, vessel or aircraft is found;
- (c) board any such vehicle, vessel or aircraft and inspect all parts thereof and all compartments, receptacles and equipment in or on the vehicle, vessel or aircraft;
- (d) require the driver or person in charge of such a vehicle, vessel or aircraft—
- (i) to open in the presence of the authorised person any compartment or receptacle in or on the vehicle, vessel or aircraft;
 - (ii) to inform the authorised person of the nature of any substance being transported therein or thereon;
 - (iii) to inform the authorised person of the place where such substance was loaded onto the vehicle, vessel or aircraft and the person to whom and place where the substance is to be delivered;
 - (iv) to examine in the presence of the authorised person the contents, being in the authorised person's opinion, liquid fuel, of any compartment or receptacle in or on the vehicle, vessel or aircraft;
 - (v) to produce to the authorised person for the authorised person's examination all waybills, consignment notes or delivery notes relevant to the load in or on the vehicle, vessel or aircraft;
- (e) break open any compartment or receptacle that has not been opened in response to a requisition made by the authorised person;
- (f) examine the contents, being in the authorised person's opinion

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liquid fuel, of any compartment or receptacle in or on a vehicle, vessel or aircraft stopped or boarded by the authorised person;

- (g) seize and retain or secure any liquid fuel, vehicle, vessel, aircraft, receptacle, equipment, document or other thing whatsoever that in the authorised person's opinion is likely to afford evidence of an offence against this Act.

(3) Where an authorised person suspects on reasonable grounds that an offence against this Act is being, has been or is about to be committed—

- (a) by any person; or
(b) in or in respect of any premises, place, vehicle, vessel or aircraft;

the authorised person may require that person or, as the case may be, the person in charge of the premises, place, vehicle, vessel or aircraft to state the person's true name and place of residence and place of business and may further require that person to produce evidence as to the person's true name and place of residence and place of business, immediately or at a place and within a period stipulated by the authorised person.

(4) An authorised person is not entitled to enter any dwelling house used exclusively for residential purposes or a part used exclusively for residential purposes of any building unless the authorised person first obtains—

- (a) the consent of the occupier thereof; or
(b) a search warrant that authorises such entry.

(4A) A justice who is satisfied upon the complaint of an authorised person that there is reasonable cause to suspect that in any place there is to be found evidence that an offence against this Act is being, has been or is about to be committed may issue the justice's warrant directed to the authorised person to enter the place specified in the warrant with such assistance as the justice considers necessary for the purpose of exercising therein the powers conferred on an authorised person by this Act.

(4B) Such a warrant shall be, for a period of 1 month from the date of its issue, lawful authority for the authorised person and all persons acting in aid of the authorised person—

- (a) to enter the place specified in the warrant; and
(b) to exercise therein the powers conferred on the authorised person by this Act.

(4C) In subsection (4) a dwelling house or part of a building used for residential purposes does not include the curtilage thereof.

(5) The following provisions apply in respect of the exercise of the authorised person's powers by an authorised person—

- (a) an authorised person is not entitled to remain in or on any premises, place, vehicle, vessel or aircraft entered or boarded by the authorised person for the purposes of this Act if, upon the request of the occupier, driver or person apparently in charge thereof, he fails to produce the identity card issued to the authorised person pursuant to section 36(3);
- (b) during a period of emergency the powers of an authorised person may be exercised by the authorised person at any hour of the day or night;
- (c) where a liquid fuel emergency has been declared in relation to a liquid fuel of a particular kind the powers of an authorised person may be exercised only in relation to liquid fuel of that kind.

Compliance with authorised person's requisition

38. A person shall not refuse or fail to comply with a requisition made on him or her by an authorised person pursuant to section 37.

Maximum penalty—\$1 000.

Limitation on seizure etc.

39.(1) Where an authorised person has seized and retained or secured any thing pursuant to section 37 that thing may be so retained or secured until the expiration of 60 days from its seizure or, if within that period proceedings are commenced in which the thing seized may afford evidence, until those proceedings (including all appeals arising out of those proceedings) are terminated.

(2) At any time while anything seized is retained or secured the Minister may, by instrument in writing, authorise its release to the person from whose possession it was seized, either unconditionally or upon such conditions as the Minister thinks fit and such instrument shall be given effect.

Authorised person may require information and documents

40.(1) An authorised person who suspects on reasonable grounds that any person is in a position to furnish information or produce a document concerning a matter relevant to—

- (a) the exercise of a power conferred on the Minister by this Act; or
- (b) the commission of an offence against this Act;

may, by notice in writing served on that person, require that person—

- (c) to furnish to the authorised person, in writing signed by that person or in the case of a body corporate by a competent officer of the body corporate, within the time and in the manner specified in the notice, such information; or
- (d) to produce to the authorised person, or to another authorised person specified in the notice, in accordance with the notice, such document.

(2) A person shall not refuse or fail to comply with a notice under subsection (1) to the extent that the person is capable of complying with it.

Maximum penalty—\$1 000.

(3) A person shall not, purporting to comply with a notice under subsection (1), knowingly furnish information that is false or misleading in a material particular.

Maximum penalty—\$2 000 or 3 months imprisonment.

(4) A person is not excused from furnishing information or producing a document as required by a notice under subsection (1) on the ground that the information or the production of the document might tend to incriminate the person but the information furnished or the document produced is not admissible in evidence against the person in proceedings upon a charge of an offence other than an offence consisting of a contravention of this section or section 47.

(5) An authorised person may examine a document produced pursuant to a notice under subsection (1) and take extracts from or make copies of the document.

(6) An authorised person, may, for the purposes of this Act, take and retain for as long as is necessary for the purposes referred to in

subsection (5) possession of a document produced pursuant to a notice under subsection (1) but any person otherwise entitled to possession of the document is entitled to be supplied, as soon as is practicable, with a copy certified by the authorised person to be a true copy and such certified copy shall be received in all courts as evidence as if it were the original.

(7) Until such certified copy is supplied, the authorised person having possession of the document shall, at such times and places as the authorised person thinks fit, permit a person otherwise entitled to possession of the document or a person authorised by that person to inspect and take extracts from and make copies of the document.

Police powers of inquiry

41.(1) During a period of emergency a police officer—

- (a) may, for the purpose of making inquiry of a driver or person in charge of any vehicle, vessel or aircraft in accordance with paragraph (b), require the driver or person in charge to stop the vehicle, vessel or aircraft;
- (b) may question a driver or person in charge of any vehicle, vessel or aircraft as to—
 - (i) the true name and place of residence and place of business of that driver or person;
 - (ii) the true name and place of residence and place of business of the owner of the vehicle, vessel or aircraft or of liquid fuel in or on the vehicle, vessel or aircraft;
 - (iii) the source from which liquid fuel in or on the vehicle, vessel or aircraft was obtained;
 - (iv) any other particulars concerning such liquid fuel as the police officer thinks material to the proper enforcement of this Act;
- (c) may require a person questioned by the police officer to produce evidence as to the person's true name and place of residence and place of business, immediately or at a place and within a period stipulated by the police officer.

(2) A police officer may exercise the powers conferred by subsection (1) in respect of a vehicle and the driver or person in charge thereof whether the

vehicle is on a road or elsewhere and, where the vehicle is not on a road, may, subject to section 37(4), enter into and upon any premises or place where the vehicle is.

(3) A person to whom a requisition or question is directed under subsection (1) shall not refuse or fail to comply with the requisition or to answer the question.

Maximum penalty—\$1 000.

(4) A person to whom a requisition or question is directed under subsection (1) shall not in answer to the requisition or question knowingly furnish information that is false or misleading in a material particular.

Maximum penalty—\$2 000 or 3 months imprisonment.

Assistance of authorised persons

42. The occupier or person in charge of any premises or place entered by an authorised person pursuant to the powers conferred by this Act or of any vehicle, vessel or aircraft boarded by an authorised person pursuant to those powers shall upon the request of the authorised person provide all reasonable assistance to the authorised person and to all persons acting in aid of the authorised person for the purpose of the exercise of the authorised person's powers under this Act unless the authorised person has upon the request of the occupier or person in charge, failed to produce the authorised person's identity card furnished to the authorised person under section 36(3).

Maximum penalty—\$1 000.

Obstruction etc. of Minister, authorised person etc.

43. A person shall not threaten, obstruct or attempt to obstruct or intimidate or attempt to intimidate the Minister, a delegate of the Minister or an authorised person in respect of the exercise of his or her powers or the discharge of his or her functions or duties under this Act.

Maximum penalty—\$2 000 or 3 months imprisonment.

Proceedings for offences

44.(1) A person who contravenes or attempts to contravene or who does not comply with any provision of this Act that applies to the person commits an offence against this Act and is liable to—

- (a) a penalty not exceeding that specifically prescribed for the contravention or failure to comply; or
- (b) where a penalty is not so specifically prescribed, a penalty not exceeding \$500.

(2) Proceedings in respect of an offence alleged to have been committed against this Act shall be by way of summary proceedings under the *Justices Act 1886*.

(3) Where an offence against this Act consists in a refusal or failure by any person to state the person's true name and place of residence or place of business or to produce evidence thereof in response to a requisition directed to the person by an authorised person the person may be arrested without warrant and dealt with according to law—

- (a) upon a charge of that offence; and
- (b) upon a charge of any other offence against this Act that the person is alleged to have committed.

PART 7—MISCELLANEOUS PROVISIONS**Trade secrets**

45.(1) A person who believes that supplying information to the Minister or to an authorised person in the discharge of an obligation under this Act will result in the disclosure of a trade secret may, by writing served on the Minister, object to discharging the obligation so far as it relates to the trade secret.

(2) The Minister may cause the matter of an objection to be investigated and may, by instrument in writing, exempt the person who has objected from the obligation in question, either absolutely or to such extent as the Minister thinks fit and specifies in the instrument.

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(2A) A copy of such instrument shall be served on the person who has objected.

(3) If a person who has objected as referred to in subsection (1) is dissatisfied with the Minister's decision on the person's objection the person may appeal therefrom to a judge of District Courts.

(3A) Upon hearing an appeal the court may make an order that reverses, confirms or varies the Minister's decision as to the court appears just and such order shall be final and binding and shall be given effect.

(3B) Without limiting the orders that a court may make under subsection (3), such an order—

- (a) may require the appellant to discharge the obligation referred to in subsection (1) to the extent or in the manner specified in the order;
- (b) may, as a condition of the appellant discharging the obligation referred to in subsection (1), prohibit the disclosure of the information in question except in circumstances specified in the order.

(4) The following provisions apply in respect of every such appeal—

- (a) it shall be instituted within 21 days after the person who is subject to the obligation referred to in subsection (1) receives notice of the Minister's decision on the person's objection;
- (b) it shall be instituted and conducted in accordance with rules of court that regulate the procedure and practice of District Courts or in the absence of such a rule that adequately provides therefor, in accordance with the directions of a judge of District Courts;
- (c) the room in which the hearing takes place shall not be open court;
- (d) the persons entitled to be present at the hearing are the appellant, the Minister and their respective counsel, solicitors and agents;
- (e) the persons permitted to be present at the hearing are officials engaged in duties for the purposes of the court and all other persons shall be excluded.

(5) Jurisdiction is hereby conferred on District Courts to hear and determine appeals under this section and it is declared that the power to make rules of court for regulating the procedure and practice of District Courts includes power to make such rules relating to such appeals.

(6) For the purposes of this section—

“**trade secret**” includes information or knowledge concerning the technology of the extraction, production or storage of liquid fuel resources or liquid fuel or concerning the marketing of liquid fuel or concerning reserves of liquid fuel or concerning the business of the person subject to the obligation referred to in subsection (1), being information or knowledge that would be expected on reasonable grounds to affect the business interests of that person if it were disclosed to another person in a like business.

Injunctions

46.(1) Where a person has engaged, is engaging or is proposing to engage in conduct that contravenes a provision of this Act the Supreme Court may on the application of—

- (a) the Minister; or
- (b) a person whose interests have been, are or are likely to be affected by the conduct;

grant an injunction restraining the firstmentioned person from engaging in the conduct and, if in the opinion of the court, it is desirable to do so, requiring that person to do any act or thing.

(2) Where—

- (a) a person has refused or failed, is refusing or failing or is proposing to refuse or fail to do any act or thing; and
- (b) that refusal or failure is or would be a contravention of a provision of this Act;

the court may on the application of—

- (c) the Minister; or
- (d) a person whose interests have been, are or are likely to be affected by that refusal or failure;

grant an injunction requiring the firstmentioned person to do that act or thing.

(3) Where an application is made to the Supreme Court for an injunction under subsection (1) the court may, if in its opinion it is desirable to do so,

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before considering the application, grant an interim injunction restraining conduct of the kind referred to in the subsection pending the determination of the application.

(4) The Supreme Court may rescind or vary an injunction granted under subsection (1), (2) or (3).

(5) Where an application is made for an injunction restraining conduct of a particular kind or requiring the doing of any act or thing the power of the Supreme Court to grant the injunction may be exercised—

- (a) if the court is satisfied that the person whose conduct is to be restrained or who is to be required to do the act or thing has engaged in conduct of that kind or, as the case may be, has refused or failed to do the act or thing—whether or not it appears to the court that the person intends to engage again or continue to engage in conduct of that kind or, as the case may be, intends to refuse or fail again or to continue to refuse or fail to do the act or thing; or
- (b) if it appears to the court that in the event that an injunction is not granted it is likely that the person whose conduct is to be restrained or who is to be required to do the act or thing will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind—or, as the case may be, will refuse or fail to do the act or thing—whether or not the person has previously refused or failed to do the act or thing—and, in either case, whether or not there is an imminent danger of substantial damage to any other person if the person engages in conduct of that kind or, as the case may be, refuses or fails to do the act or thing.

(6) Where the Minister makes application to the Supreme Court for an injunction under this section the court shall not require the Minister or any other person to give an undertaking as to damages as a condition of granting an interim injunction.

Use of false documents etc.

47. A person shall not, with intent to deceive—

- (a) use a document made or issued for the purposes of this Act or of

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a direction given under this Act; or

- (b) make, have in the person's possession or utter a document, not being a document of a kind referred to in paragraph (a), so closely resembling a document of a kind referred to in that paragraph as to be likely to deceive; or
- (c) utter for purposes connected with this Act or with any direction or requisition given under this Act any document that is false in a material particular.

Maximum penalty—

- (a) in the case of a body corporate—\$50 000; or
- (b) in the case of an individual—\$10 000 or 12 months imprisonment.

Presumed intention and conduct of bodies corporate

48.(1) Where, in proceedings in respect of an offence against this Act or under section 46 for an injunction in respect of conduct engaged in by a body corporate it is necessary to establish the intention of a body corporate that intention shall be presumed to be that shown to have been had by its agent or employee who committed the offence or who engaged in the conduct in question.

(2) For the purposes of this Act, conduct engaged in by an agent or employee of a body corporate on behalf of the body corporate or by any other person at the direction or with the consent or agreement, express or implied, of an agent or employee of the body corporate shall be deemed to have been engaged in also by the body corporate.

(3) In this section a reference to conduct engaged in by any person is a reference to doing or refusing or failing to do any act or thing.

Compensation for acquisition of property

49.(1) Where, but for this subsection, the operation of any provision of this Act, other than a provision that provides for forfeiture by way of a court order, will result in the acquisition of property from one person by another person otherwise than on just terms, there is payable by that other person such amount of compensation as is agreed upon by those persons or, failing

agreement, as is determined by the Supreme Court upon application made by 1 of those persons.

(2) The entitlement conferred by subsection (1) is in addition to and not in substitution for any other right, claim or entitlement in law arising out of the event or transaction by which the acquisition of property occurred but—

- (a) any compensation recovered pursuant to the entitlement conferred by subsection (1) shall be taken into account in assessing damages or compensation or in giving any other remedy in proceedings instituted otherwise than pursuant to that subsection; and
- (b) any damages or compensation recovered or other remedy given in proceedings instituted otherwise than pursuant to subsection (1) shall be taken into account in assessing compensation payable pursuant to the entitlement conferred by that subsection.

Compensation for loss occasioned by compliance with directions

50.(1) Subject to this section, a person or association of persons who—

- (a) as a result of complying with any provision of this Act or with any direction, prohibition or requisition directed to the person or association of persons under this Act; or
- (b) while complying with or engaging in giving effect to any such provision, direction, prohibition or requisition;

suffers injury, loss or damage for which the person or association of persons is not indemnified is entitled to be paid by the Crown such amount of compensation in respect of the injury, loss or damage as is agreed between the Crown and that person or association of persons or, failing agreement, as is determined by the Supreme Court upon application made by or on behalf of the Crown or that person or association.

(2) Compensation is not payable under subsection (1) in respect of injury, loss or damage suffered by a person or association of persons unless a claim for compensation is lodged with the Minister within 12 months, or such longer period as is prescribed, after the injury.

(3) In assessing the amount of compensation payable under subsection (1) in respect of injury, loss or damage suffered—

- (a) account shall be taken only of so much of the injury, loss or damage as the person or association by or on whose behalf the claim therefor was lodged is not and is not likely to be in a position to make good from the market supplied by that person or association; and
- (b) no account shall be taken of such injury, loss or damage as is of a kind that was sustained by the community at large or a substantial section of it as a result of the same event or transaction; and
- (c) due regard shall be had to any damages or compensation recovered or other remedy given in proceedings instituted otherwise than pursuant to this section and arising out of the same event or transaction.

Exemption from suit for breach of contract

51.(1) A right of action shall not lie against a relevant person in respect of a breach of contract made by that person where the act or omission constituting the breach has occurred by reason only of that person complying with the provisions of this Act or with any direction, prohibition or requisition given under this Act.

(2) Subsection (1) shall not prejudice the entitlement to compensation prescribed by section 49.

Exemption from Act

52.(1) The Minister may, by instrument in writing, exempt from the operation of this Act generally, other than subsection (4), or of the provisions of this Act specified in the instrument—

- (a) any person, association of persons or class of person specified in the instrument;
- (b) any part or parts of Queensland specified in the instrument;
- (c) any class of transaction specified in the instrument;
- (d) any premises or class of premises specified in the instrument;

and may in like manner vary or revoke an exemption so granted or the conditions to which an exemption is subject.

(2) An exemption under subsection (1) may be granted upon such conditions as the Minister thinks fit and are specified in the instrument.

(3) A copy of the instrument by which an exemption under subsection (1) is granted, varied or revoked or by which conditions thereof are specified, varied or revoked shall be published in the gazette.

(4) A person or a member of an association or class in whose favour an exemption under subsection (1) subsists and any of his, her or its agents or employees shall not contravene or fail to comply with the conditions to which the exemption is subject for the time being.

Maximum penalty—\$1 000.

(5) For as long as an exemption under subsection (1) subsists and the conditions (if any) to which it is subject are complied with by all relevant persons referred to in subsection (4) this Act (other than subsection (4) or the provisions of this Act specified in the instrument of exemption) shall not apply in respect of the person, association or a member of the class in whose favour the exemption subsists or in respect of his, her or its agents or employees in the discharge of their duties on his, her or its behalf.

Evidentiary provision

53. In any proceedings a certificate purporting to be signed by or on behalf of the Minister that certifies that—

- (a) a period of emergency was in existence either throughout the whole State or in any part or parts of the State specified therein on a day or during a period specified therein in relation to a liquid fuel of a kind specified therein;
- (b) a delegation by the Minister to a person named therein or in relation to the exercise or discharge of any power, function or duty specified therein was in force on a day or during a period specified therein;
- (c) a delegation by the Minister to a person specified therein was either subject to no limitations or subject to the limitations specified therein and to no others;
- (d) a person specified therein was an authorised person on a day or during a period specified therein;

- (e) a person specified therein was not the holder of a permit under this Act on a date specified therein;

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

Averment provision

54. In a complaint in respect of an offence against this Act an averment that a substance to which the complaint relates is liquid fuel of a particular kind shall be accepted as proof of the fact averred in the absence of proof to the contrary.

Injunctions against Minister excluded

56. Except where this Act expressly provides for appeals against a decision of the Minister no action shall lie to compel the Minister or the Minister's delegate to take or to restrain the Minister from taking any action under or for the purposes of this Act.

Regulations

57.(1) The Governor in Council may make regulations with respect to—

- (a) forms to be used for the purposes of this Act and the purposes for which the respective forms are to be used;
- (b) fees payable under this Act and the purposes for which the respective fees are to be payable;
- (c) all matters required or permitted by this Act to be prescribed and in respect of which no other means of prescription are provided for;
- (d) all matters that in the Governor in Council's opinion are necessary or convenient for the administration of this Act or to achieve the objects and purposes of this Act.

(2) A regulation may prescribe a penalty not exceeding \$500 for any contravention or failure to comply with a provision of the regulations.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 July 1999. Future amendments of the Liquid Fuel Supply Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | prev | = | previous |
| amd | = | amended | (prev) | = | previously |
| amdt | = | amendment | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| o in c | = | order in council | sch | = | schedule |
| om | = | omitted | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|-----------------|
| 1 | to Act No. 13 of 1988 | 30 January 1996 |

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

| Name of table | Reprint No. |
|-----------------------------------|-------------|
| Changed names and titles | 1 |
| Changed citations and remade laws | 1 |
| Obsolete and redundant provisions | 1 |
| Renumbered provisions | 1 |

6 List of legislation

Liquid Fuel Supply Act 1984 No. 78

ss 1–2 commenced on date of assent

remaining provisions commenced 23 February 1985 (proc pubd gaz 23 February 1985 p 943)

as amended by—

Liquid Fuel Supply Act Amendment Act 1988 No. 13

date of assent 7 April 1988

commenced on date of assent

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 159)

7 List of annotations

Arrangement of Act

s 4 amd 1988 No. 13 s 3
om R1 (see RA s 36)

Interpretation

- s 5** def “**Minister**” om R1 (see RA s 39)
def “**rationed liquid petroleum product**” om 1988 No. 13 s 4

Ministerial control during emergency

- s 24** amd 1999 No. 33 s 747 sch 3

Unlawful supply and purchase of liquid fuel

- s 29** sub 1988 No. 13 s 5

PART 5A—ETHANOL SUBSTITUTION

- pt hdg** ins 1988 No. 13 s 6

Requirement to purchase ethanol

- s 35A** ins 1988 No. 13 s 6

Limitation of actions

- s 35B** ins 1988 No. 13 s 6

Averment provision

- s 54** amd 1988 No. 13 s 7

Service of documents

- s 55** om R1 (see RA s 39)