

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

---

**No. 13 of 1988**

**An Act to amend the Liquid Fuel Supply Act 1984 in certain particulars and to repeal The Motor Spirit Vendors Acts, 1933 to 1934**

[ASSENTED TO 7TH APRIL, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Liquid Fuel Supply Act Amendment Act 1988*.

(2) In this Act, the *Liquid Fuel Supply Act 1984* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Liquid Fuel Supply Act 1984-1988*.

**2. Repeals.** The following Acts are hereby repealed:—

*The Motor Spirit Vendors Act of 1933;*

*The Motor Spirit Vendors Act Amendment Act of 1934.*

**3. Amendment of s. 4. Arrangement of Act.** Section 4 of the Principal Act is amended by inserting after the expression “(ss. 23-35);” the following words:—

“PART VA—ETHANOL SUBSTITUTION (ss.35A-35B);”.

**4. Amendment of s. 5. Interpretation.** Section 5 of the Principal Act is amended by omitting the definition “rationed liquid petroleum product”.

**5. Repeal of and new s. 29.** The Principal Act is amended by repealing section 29 and substituting the following section:—

“**29. Unlawful supply and purchase of liquid fuel.** (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 his behalf.

Penalty: 20 penalty units.

This subsection 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 him or to a person on whose behalf he is acting.

Penalty: 20 penalty units.

This subsection 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.”

**6. New Part VA.** The Principal Act is amended by inserting after section 35 the following Part—

“PART VA—ETHANOL SUBSTITUTION

**35A. Requirement to purchase ethanol.** (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 one 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 one hundred litres 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 he 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 blended by a person to whom an Order in Council made under subsection (1) applies—

- (a) subject to paragraph (b), every sale made by him in Queensland of motor spirit shall be taken into account, whether or not the sale is made in connexion 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 him 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 him, ethanol manufactured in Queensland and blended with the motor spirit (in accordance with prescribed directions, if any) prior to its purchase by him shall be deemed to have been purchased and blended by him 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 him unless he has a reasonable excuse.

Penalty: in the case of a body corporate, 1000 penalty units;  
in the case of an individual, 200 penalty units or imprisonment for 12 months or both.

(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.

**35B. Limitation of actions.** 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.”.

**7. Amendment of s. 54. Averment provision.** Section 54 of the Principal Act is amended by omitting all words from and including

---

“relates is” to and including “shall be accepted” and substituting the words “relates is liquid fuel of a particular kind shall be accepted”.