

LIQUID FUEL (RATIONING).**No. 51 of 1949.**

An Act to ensure, so far as Commonwealth Legislative Power permits, a just and orderly Sharing of Liquid Fuel amongst the People of Australia while such Fuel is in short supply, and for other purposes.

[Assented to 28th October, 1949.]

Preamble.

WHEREAS there has been and is a considerable deficiency in the dollar currency becoming available to Australia for the purchase of essential imports :

AND WHEREAS this deficiency has been and can be made good only by co-operation by Australia with the United Kingdom and other British Commonwealth countries sharing in the sterling area dollar pool :

AND WHEREAS the additional dollar currency required by Australia is supplied from the sterling area dollar pool by the United Kingdom in return for sterling, on the understanding that Australia continues to co-operate in conserving the dollar resources of the sterling area :

AND WHEREAS, in view of the intensification of the shortage of dollar currency available to countries in the sterling area, the Government of the United Kingdom arranged a conference to review the dollar currency position, which conference was held in London in the month of July, One thousand nine hundred and forty-nine, and was attended by Ministers of the United Kingdom, Canada and the following sterling area countries of the British Commonwealth, namely, Australia, Ceylon, India, New Zealand, Pakistan, South Africa and Southern Rhodesia :

AND WHEREAS the Government of the United Kingdom announced to the conference its intention to reduce imports from the dollar area in the year which began on the first day of July, One thousand nine hundred and forty-nine, to seventy-five per centum of the value of imports from that area during the year One thousand nine hundred and forty-eight :

AND WHEREAS the representatives of the other sterling area countries represented at the conference (including Australia) agreed to recommend to their respective Governments action designed to achieve comparable results :

AND WHEREAS Australia has adopted the recommendations of the London conference :

AND WHEREAS the limitation of the importation into Australia of liquid fuel is an essential measure in effecting economy in expenditure of dollar currency generally and in giving effect to the recommendations of the London Conference in particular :

AND WHEREAS, by reason of the foregoing, the importation of liquid fuel into Australia is limited, and there is a shortage of liquid fuel in Australia :

AND WHEREAS it is necessary that adequate stocks of liquid fuel be maintained in Australia for defence purposes, and accordingly the Parliament has, by the *Liquid Fuel (Defence Stocks) Act 1949*, made provision for the maintenance of such stocks :

AND WHEREAS provision for the just and orderly sharing of the limited supplies of liquid fuel is necessary in order to preserve the operation of essential services and to ensure to those requiring liquid fuel a fair share in those supplies :

AND WHEREAS, in the month of June, One thousand nine hundred and forty-nine, the High Court of Australia held that the powers of the Parliament with respect to defence no longer gave validity to the National Security (Liquid Fuel) Regulations under which the Commonwealth had previously maintained a system of just and orderly sharing of liquid fuel :

AND WHEREAS the Parliament of the State of New South Wales, by the Commonwealth Powers Act, 1942, and the Parliament of the State of Queensland, by the *Commonwealth Powers Act 1943*, have referred to the Parliament of the Commonwealth, subject to the provisions of those Acts, certain matters, including the distribution of goods :

AND WHEREAS the Parliament of the State of Western Australia, by the *Commonwealth Powers Act, 1943*, has referred to the Parliament of the Commonwealth, subject to the provisions of that Act, certain matters, including the rationing of goods of which the Parliament of the Commonwealth declares there is a shortage of supplies :

AND WHEREAS a meeting of Premiers and Ministers representing the Governments of all the States was held in Melbourne on the twenty-eighth day of September, One thousand nine hundred and forty-nine, and unanimously agreed to the following resolutions :—

- “ 1. The Commonwealth Government has complete control over the importation of petrol.
- “ 2. If, as the result of the exercise of such control, rationing becomes essential to ensure an equitable distribution to essential users, the imposition of such rationing is a matter for determination of the Commonwealth Government.
- “ 3. The States of New South Wales, Queensland and Western Australia have already referred powers to the Commonwealth and will raise no objection to the exercise of such powers by the Commonwealth.

“ 4. Victoria, South Australia and Tasmania agree to introduce legislation to give Commonwealth regulations the effect of State laws to enable a uniform system of rationing to become operative.” :

BE it therefore enacted by the King’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- Short title.** 1. This Act may be cited as the *Liquid Fuel (Rationing) Act* 1949.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Application of Act.** 3.—(1.) The provisions of this Act, other than section twelve, extend and apply to—
- (a) the Australian Capital Territory (including the Territory accepted by the Commonwealth by the *Jervis Bay Territory Acceptance Act* 1915) and the Northern Territory of Australia ;
 - (b) the State of New South Wales ;
 - (c) the State of Queensland ;
 - (d) the State of Western Australia ; and
 - (e) any State which adopts this Act.
- (2.) The operation of this Act, or of any provision of this Act, in any State or Territory is not dependent upon its operation in any other State or Territory.
- Definitions.** 4. In this Act, unless the contrary intention appears—
- “ diesel oil fuel ” means petroleum distillate or residual, either crude or refined, suitable for use in compression ignition engines, and includes diesel oil fuel distilled from coal-tar ;
 - “ fuel oil ” means crude petroleum distillate or residual product of petroleum suitable for use in burners for the production of heat or steam ;
 - “ kerosene ” means petroleum distillate normally marketed as kerosene, as lighting kerosene or as power kerosene ;
 - “ liquid fuel ” includes motor spirit, kerosene, diesel oil fuel, fuel oil, lubricating oil, rectified spirit and shale oil ;
 - “ lubricating oil ” means petroleum or other oils or mixtures of oils suitable for the lubrication of moving parts of machinery, and includes petroleum greases, compounds of oils with other substances to form lubricating grease, and mixtures of oils with plastics ;
 - “ motor spirit ” means liquid petroleum products or similar hydrocarbons distilling completely below two hundred and twenty-five degrees centigrade and suitable for use as fuel in internal combustion engines, and includes motor benzole and power alcohol ;

“rectified spirit” means any spirit produced by fermentation of any material and denatured for industrial or power purposes ;

“shale oil” means shale distillate or residual, either crude or refined, produced from shale or coal and suitable for use, either alone or when mixed with any other liquid, as a fuel or as a source of power in internal combustion engines.

5. For the purposes of the *Commonwealth Powers Act*, 1943 of the State of Western Australia, it is hereby declared that there is a shortage of supplies of liquid fuel. Declaration as to shortage of supplies of liquid fuel.

6.—(1.) The Governor-General may make regulations, not inconsistent with this Act, with respect to— Regulations.

- (a) the rationing of liquid fuel ;
- (b) control of the distribution of liquid fuel with a view to the just and orderly sharing of the available liquid fuel ;
- (c) matters incidental to the matters specified in this sub-section, or incidental to the exercise of the power to make such regulations, including the prevention of unjust advantage to individuals by the hoarding of stocks of liquid fuel (whether occurring before or after the commencement of this Act); and
- (d) matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2.) The regulations may make provision for an appeal to the Supreme Court of a State or Territory of the Commonwealth, constituted by a single judge of that court, against the suspension or revocation of a licence granted under the regulations, and the decision of the court, as so constituted, upon any such appeal shall be final and not subject to further appeal.

(3.) For the purpose of the last preceding sub-section the regulations may make provision for investing the Supreme Court of a State with federal jurisdiction, and for conferring jurisdiction on the Supreme Court of a Territory of the Commonwealth.

7.—(1.) The regulations may empower a person or authority to make orders with respect to all or any of the matters with respect to which this Act authorizes the making of regulations. Orders.

(2.) Sections forty-eight and forty-nine of the *Acts Interpretation Act* 1901–1948 shall apply to orders made under the regulations which are of a legislative and not of an executive character, in like manner as they apply to regulations.

(3.) Orders so made shall not be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903–1939.

(4.) The *Acts Interpretation Act* 1901-1948 shall apply to the interpretation of all orders so made in like manner as it applies to the interpretation of regulations, and, for the purpose of section forty-six of that Act, as so applied, all such orders shall be deemed to be regulations.

Offences.

8.—(1.) A person shall not contravene, or fail to comply with, any provision of any regulation made under this Act, or of any order made under any such regulation.

Penalty: One hundred pounds or imprisonment for six months.

(2.) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of any goods in respect of which an offence against this Act has been committed.

Offences by corporations.

9. Where a person convicted of an offence against this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

Power to order recognizances.

10.—(1.) When a person is convicted of an offence against this Act, the court before which he is convicted may, either in addition to or in lieu of any punishment provided for the offence, require him to enter into recognizances with or without sureties to comply with the provisions of this Act.

(2.) If any person fails to comply with an order of the court requiring him to enter into recognizances, the court may order him to be imprisoned for any term not exceeding six months.

Injunction.

11.—(1.) The High Court, or the Supreme Court of a State or Territory of the Commonwealth, may, at the suit of the Attorney-General, make such orders and injunctions as the court thinks fit for restraining persons from committing offences against this Act and generally for ensuring compliance with this Act, the regulations and orders made under the regulations.

(2.) The Supreme Court of each State is hereby invested with federal jurisdiction, and jurisdiction is hereby conferred on the Supreme Court of each Territory of the Commonwealth, in respect of matters arising under this section.

Regulations applying in all States.

12.—(1.) The Governor-General may make regulations in relation to the withdrawal of liquid fuel from warehouses licensed under the *Customs Act* 1901-1947 or factories within the meaning of the *Excise Act* 1901-1947.

(2.) Regulations under the last preceding sub-section shall have effect notwithstanding anything contained in the *Customs Act* 1901-1947 or in the *Excise Act* 1901-1947.

(3.) Where the law of a State relating to the distribution or rationing of liquid fuel provides for an appeal to the Supreme Court of the State against the suspension or revocation of a licence granted under that law, the decision of that court shall be final and not subject to appeal to any other court.

(4.) This section extends and applies to each State and Territory of the Commonwealth.

13.—(1.) For the purpose of enabling a specified law of a State (being a law relating to the distribution or rationing of liquid fuel) to operate, the Minister may, after consultation between the Prime Minister and the Premier of the State concerned, by notice in the *Gazette*, declare that, on and after a date specified in the notice, the operation of this Act (other than this section and section twelve) in the State specified in the notice shall be suspended.

Suspension of
operation of
Act in States.

(2.) After consultation between the Prime Minister and the Premier of the State concerned, the Minister may, by notice in the *Gazette*, revoke any such declaration as from a date specified in the revoking notice.

(3.) On and after the date specified in a declaration under this section in respect of a State until the day immediately preceding the date as from which the declaration is revoked—

- (a) the operation in the State of this Act (other than this section and section twelve) shall be suspended; and
- (b) nothing in this Act shall operate or be deemed to have operated so as to prevent the full operation of the State law specified in the notice (including its operation in respect of any period prior to the date specified in the declaration).

(4.) On and after the date as from which a declaration under this section in relation to a State is revoked, this Act shall operate fully in that State as if the suspended provisions had not been suspended.

(5.) For the purposes of section eight of the *Acts Interpretation Act 1901-1948*, a suspension effected by this section shall be deemed to be a repeal.

14.—(1.) Subject to this section, this Act shall cease to be in force on a date to be fixed by Proclamation.

Duration.

(2.) This Act shall not continue in force after the thirty-first day of August, One thousand nine hundred and fifty.

(3.) This Act shall be deemed to be repealed as from the time at which it ceases to be in force.