
Fuels Control (Amendment) Ordinance 1982

No. 5 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 25 February 1982.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance to amend the *Fuels Control Ordinance 1979*

Short title

1. This Ordinance may be cited as the *Fuels Control (Amendment) Ordinance 1982*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Fuels Control Ordinance 1979*.²

Delegation

3. Section 4 of the Principal Ordinance is amended by omitting from sub-section (1) "a person" and substituting "an officer of the Department of the Capital Territory".

Powers of inspector

4. Section 9 of the Principal Ordinance is amended by omitting from sub-section (1) "An inspector may, at any reasonable hour of the day" and substituting "Where a declaration under sub-section 11 (1) is in force, an inspector may, at any reasonable hour of the day or night".

Controller may require information from persons having storage capacity exceeding the prescribed capacity

5. Section 10 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “by notice published in a daily newspaper published and circulating in the Territory, require any person” and substituting “by notice in writing given to a person”;
- (b) by inserting in sub-section (1) “, require that person” after “capacity specified in the notice”;
- (c) by omitting sub-section (2) and substituting the following sub-section:
“(2) A person shall comply with a requirement made of him in accordance with sub-section (1).
Penalty: \$1,000 or imprisonment for 6 months.”;
- (d) by omitting sub-section (3) and substituting the following sub-section:
“(3) A notice under sub-section (1) shall be given to a person by delivering it to the person personally or by leaving it with a person apparently over the age of 16 years at his last known place of residence or business.”; and
- (e) by omitting sub-section (4).

Powers of Controller of Fuels during emergency

6. Section 12 of the Principal Ordinance is amended by inserting after paragraph (1) (b) the following paragraphs:

- “(ba) a requirement that the person not sell that fuel by retail to any person, except on such days and at such times as are specified in the instrument;
- (bb) a requirement that the person sell that fuel by retail to the owner or driver of a motor vehicle—
 - (i) where the last number on the number-plates affixed to the motor vehicle is an even number—only on even numbered days of the month; and
 - (ii) where the last number on the number-plates affixed to the motor vehicle is an odd number—only on odd numbered days of the month;
- (bc) a requirement that the person not refuse to sell that fuel by retail to any person who does not operate an account with, or who is not a regular customer of, the prescribed business carried on by the first-mentioned person;
- (bd) a requirement that the person not display or exhibit on or near the premises at which he carries on the prescribed business any notice or sign containing the words ‘account customers only’ or ‘regular customers only’, either alone or in combination with any other words, or any other words indicating or implying that the person will sell fuel only to persons who operate an account with, or who are regular customers of, that business;”.

Repeal

7. Section 14 of the Principal Ordinance is repealed.

Service of notices

8. Section 19 of the Principal Ordinance is amended by omitting "A notice" and substituting "Subject to this Ordinance, a notice".

9. After section 19 of the Principal Ordinance the following section is inserted:

Information not admissible in evidence

"19A. A statement in a notice given to the Controller or any information given to the Controller or to an inspector in compliance with a requirement made by the Controller or an inspector under this Ordinance is not admissible in evidence in a prosecution for an offence other than for an offence against this Ordinance."

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 4 March 1982.
2. No. 14, 1979.