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Petroleum Demand Restraint Act 1981

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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An Act to make provision for the imposition of measures restraining the demand for petroleum products or ensuring the equitable distribution in New Zealand of petroleum products that are, or are likely to be, in short supply in New Zealand

1 Short Title

This Act may be cited as the Petroleum Demand Restraint Act 1981.

2 Interpretation

In this Act, unless the context otherwise requires,—

administrative regulations are regulations—

(a) which are of a formal nature or are necessary or desirable for the establishment or administration of any scheme, restrictions, or controls provided for in any petroleum demand restraint regulations; and

(b) which do not impose obligations on—

(i) any body that is not a local authority within the meaning of the Local Government Act 2002; or

(ii) any person other than in his or her capacity as an officer or employee of the Crown or any such body; and

(c) which do not prescribe offences

engine fuel has the meaning given by section 1B of the Energy (Fuels, Levies, and References) Act 1989

Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

petroleum demand restraint regulations means regulations made under this Act

petroleum products—

(a) means substances, whether refined or semi-refined, produced directly or indirectly from petroleum feedstocks, natural gas, or coal; and

(b) includes—

(i) motor gasoline:

(ii) aviation fuels whether of a gasoline type or a kerosine type:

(iii) kerosine:

(iv) naphtha:

(v) diesel oil:

(vi) fuel oil:

(vii) bitumen:

(viii) lubricants derived from petroleum:

(ix) solvents derived from petroleum:

(x) petroleum coke:

(xi) liquefied petroleum gas separated from natural gas:

(xii) methanol derived from the conversion of natural gas; but

(c) subject to paragraph (b)(xi) and (xii), does not include natural gas

production, in relation to petroleum, includes processing; and **produce** has a corresponding meaning

Secretary means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

undertaking includes a business, and also any activity carried on by a body of persons, whether corporate or unincorporate.

Section 2 **administrative regulations** paragraph (b): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **administrative regulations** paragraph (c): added, on 13 January 1984, by section 14 of the Local Government Amendment Act 1983 (1983 No 132).

Section 2 **engine fuel**: inserted, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 2 **Minister**: substituted, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 2 **petroleum demand restraint regulations**: amended, on 23 October 1981, by section 5(a) of the Petroleum Demand Restraint (Regulations Validation and Revocation) Act 1981 (1981 No 116).

Section 2 **Secretary**: inserted, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

3 Act to bind the Crown

This Act shall bind the Crown.

Petroleum demand restraint regulations

4 Petroleum demand restraint regulations

(1) Subject to section 5, the Governor-General may from time to time, by Order in Council, make regulations (in this Act referred to as petroleum demand restraint regulations) for the purpose of restraining the demand for, or reducing the consumption of, petroleum products in New Zealand or for the purpose of ensuring the equitable distribution in New Zealand of petroleum products that are, or are likely to be, in short supply in New Zealand.

(2) Regulations made under this section may—

(a) control, regulate, prohibit, or otherwise make provision as to the acquisition, distribution, supply, storage, sale, or use of petroleum products or engine fuel in New Zealand:

(b) restrict, regulate, or prohibit the use of motor vehicles or of any class of motor vehicles:

(c) prescribe a scheme for the rationing of petroleum products or engine fuel or of any class of petroleum products or engine fuel:

(d) authorise the Governor-General, by Order in Council, to determine or alter the value of any coupons issued under any rationing scheme or to cancel any such coupons:

(e) enable coupons issued under any rationing scheme to be transferred, with or without consideration:

(f) authorise the Secretary to buy and sell coupons issued under any rationing scheme:

(g) provide for appeals against decisions made under the regulations:

(h) provide for exemptions from the regulations:

(i) provide for the setting aside of reserve supplies of crude petroleum, condensate, or petroleum products or engine fuel or of any class of crude petroleum, condensate, or petroleum products or engine fuel:

(j) provide for the appointment of officers and committees and other bodies (including tribunals), and define their functions and powers:

(k) deem any tribunal established by the regulations to be a commission of inquiry under the Commissions of Inquiry Act 1908; and apply that Act

to any such tribunal with such modifications, if any, as are specified in the regulations:

(ka) *[Repealed]*

(l) prescribe matters in respect of which fees are to be payable under the regulations, the amount of the fees, and the persons liable to pay them; and authorise the refund or remission of any such fees:

(m) prescribe offences in respect of the contravention of, or non-compliance with, any provision of any regulations made under this section or of any direction, requisition, or condition given or imposed under any such regulations:

(n) prescribe the amount of the fines that may be imposed in respect of offences against any regulations made under this section, which fines shall be an amount not exceeding $10,000:

(o) provide for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(3) Any regulations made under this section may empower or provide for empowering such authorities, tribunals, persons, or classes of persons as may be specified in the regulations to give directions, notices, exemptions, or consents or make orders for any of the purposes for which regulations are authorised by this section to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General in Council to be necessary or expedient for the purposes of the regulations.

(4) Any regulations made under this section—

(a) may relate to petroleum products or engine fuel or classes of petroleum products or engine fuel generally; or

(b) may relate to particular petroleum products or engine fuel or particular classes of petroleum products or engine fuel; or

(c) may make different provision in respect of different classes of persons.

(5) Regulations under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

(6) If the regulations authorise the giving, making, revoking, or varying of an instrument referred to in subsection (7),—

(a) the instrument is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the regulations must contain a statement to that effect.

(7) Subsection (6) applies to the following instruments:

(a) an Order in Council under subsection (2)(d):

(b) a direction, revocation, or variation by the Minister referred to in section 7:

(c) a direction (other than a direction referred to in paragraph (b)), notice, exemption, consent, or order referred to in subsection (3), unless it applies only to 1 or more named persons.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (7)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (5)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 4(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(c): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(f): amended, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 4(2)(i): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(2)(ka): repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4(4)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(4)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 4(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 4(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 4(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

5 Restrictions on making of regulations

(1) No regulations (other than administrative regulations) shall be made under this Act unless—

(a) the Governor-General in Council is satisfied that the reasonably available supplies of petroleum products or any class of petroleum products or any particular petroleum products, as the case may be, are or are likely to be insufficient to maintain stocks of such products at normal prudent levels—

(i) in New Zealand; or

(ii) in the case of regulations that apply only within a specified part or subdivision of a district of a local authority or within any specified part of New Zealand, in the area to which the regulations apply,—

and so recites in the regulations; or

(b) the regulations provide (to the extent that they are not administrative regulations) that they shall come into force on a date to be appointed by Order in Council.

(2) No Order in Council shall be made under any provision to which subsection (1)(b) applies unless the Governor-General in Council is satisfied, in respect of the regulations to which the order relates, as to the matters specified in subparagraph (i) or subparagraph (ii) of subsection (1)(a), and so recites in the Order in Council.

(3) Section 40 of the Legislation Act 2019 has effect subject to subsections (1) and (2).

(4) An order under subsection (1)(b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 5(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(3): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 5(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

6 Regulations to have force of law

(1) *[Repealed]*

(2) Subject to sections 9 and 10, all petroleum demand restraint regulations shall, while they continue in force, have the force of law.

(3) *[Repealed]*

Section 6 heading: amended, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 6(1): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 6(3): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

6A Regulations are confirmable instruments

The explanatory note of regulations made under section 4(1) must indicate that—

(a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and

(b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and

(c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Section 6A: inserted, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

7 Power of Minister to give directions

(1) Petroleum demand restraint regulations may authorise the Minister, after he has held appropriate consultations, to give, or revoke or vary, for the purposes of those regulations, directions—

(a) to any person carrying on an undertaking in the course of which he acquires, supplies, or distributes petroleum products or engine fuel, as to the acquisition, supply, or distribution thereof by him in New Zealand:

(b) to any person carrying on an undertaking which involves the use of petroleum products or engine fuel, as to the use thereof by him, whether for purposes specified by the Minister or during periods specified by him or otherwise.

(2) Without restricting the generality of subsection (1)(b), petroleum demand restraint regulations may authorise the giving, for the purposes of those regulations, of a direction which—

(a) prohibits or restricts the acquisition, supply, or distribution of petroleum products or engine fuel by or to persons specified by the Minister:

(b) requires the supply or distribution of petroleum products or engine fuel to persons specified by the Minister in accordance with requirements specified by him.

(3) For the purpose of subsection (1), **appropriate consultations** means such consultations as the Minister thinks practicable and appropriate—

(a) with persons who appear to him to be representative of those suppliers of petroleum products or engine fuel who are likely, in his opinion, to be affected by the directions or with representatives of those persons; and

(b) with persons who appear to him to be representative of those users of petroleum products or engine fuel who are likely, in his opinion, to be affected by the directions or with representatives of those persons.

(4) *[Repealed]*

Section 7(1)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(1)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(2)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(3)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(3)(b): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 7(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Further provisions as to regulations

(1) No petroleum demand restraint regulation shall be held invalid because it is, or authorises any act or omission which is, repugnant to, or inconsistent with,—

(a) *[Repealed]*

(b) *[Repealed]*

(c) *[Repealed]*

(d) the Land Transport Act 1998.

(2) Petroleum demand restraint regulations may—

(a) provide that a person acting in compliance with any such regulations, or with any direction or other instrument made thereunder, shall not be liable or held to account for contravening or failing to satisfy, whether in whole or in part, the requirements of any other enactment or of any contractual obligation relating to, or involving, the acquisition, distribution, supply, or use of petroleum products or engine fuel:

(b) make any incidental, supplementary, or transitional provision which is necessary or expedient for carrying out the purposes of this Act.

(3) Nothing in section 7 shall limit the power in section 4 to make regulations as to any matter mentioned in the said section 7 applicable to all, or any class of, persons to whom, or in respect of whom, directions could be given under, or by virtue of, the said section 7.

Section 8(1)(a): repealed, on 5 May 1988, by section 5(1)(h) of the Petroleum Sector Reform Act 1988 (1988 No 95).

Section 8(1)(b): repealed, on 5 May 1988, by section 5(1)(h) of the Petroleum Sector Reform Act 1988 (1988 No 95).

Section 8(1)(c): repealed, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 8(1)(d): added, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 8(2)(a): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

9 Special provisions as to regulations

(1) Any petroleum demand restraint regulations may apply generally, or may apply, or be applied from time to time by the Governor-General by Order in Council within any specified district or subdivision of a district of any local authority, or within any specified part of New Zealand; and any such order may be revoked or varied at any time in like manner.

(2) If at any time while any such regulations apply within any specified district or subdivision of a district of any local authority the boundaries of the district or subdivision are altered, the regulations, unless the context thereof or of any such order as aforesaid otherwise requires, shall thereafter apply within the district or subdivision as so altered.

(3) The operation of any petroleum demand restraint regulations may, if so provided in the regulations, be wholly suspended until they are applied by the Governor-General by Order in Council pursuant to subsection (1).

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 9(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

10 Suspension of petroleum demand restraint regulations

(1) Where the Minister is satisfied that as a result of exceptional circumstances substantial problems have arisen or will arise in any part of New Zealand from the need to observe all or any of the provisions of any petroleum demand restraint regulations, he may, by notice, suspend the operation of all or any of those provisions in that part of New Zealand for such period, not exceeding 14 days, as he thinks fit.

(2) The Minister may, by notice, vary or revoke any notice issued under subsection (1).

(3) No notice under subsection (1) or subsection (2) shall be in force for more than 14 days, without prejudice to the issue of another notice under subsection (1) at or before the end of that period.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) The Minister may also publish a summary of the matters contained in the notice—

(a) *[Repealed]*

(b) in a newspaper circulating in the part of New Zealand to which the notice relates; or

(c) in a radio or television broadcast made by the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must: • publish it in the *Gazette* • publish it in a newspaper circulating in the part of New Zealand to which the notice relates • publish it in a radio or television broadcast made by the Broadcasting Corporation of New Zealand or other holder of a warrant under the Broadcasting Act 1976	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 10(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 10(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 10(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 10(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 10(5)(a): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

11 Certain stabilisation regulations to continue in force as petroleum demand restraint regulations

[Repealed]

Section 11: repealed, on 23 October 1981, by section 5(b) of the Petroleum Demand Restraint (Regulations Validation and Revocation) Act 1981 (1981 No 116).

12 Publication or notification is sufficient notice

(1) The publication in the *Gazette* of any order, notice, warrant, licence, or other act of authority other than the making of any secondary legislation under this Act or under any petroleum demand restraint regulations must be treated for all purposes as notice of the act of authority to all persons concerned, and in any prosecution under this Act the liability of the defendant must be determined accordingly.

(2) In relation to secondary legislation, *see* sections 80 and 81 of the Legislation Act 2019.

Section 12: replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Section 12(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 12(1): amended, on 4 October 2013, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Section 12(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Miscellaneous provisions

13 Inquiries and investigations

(1) For the purpose of obtaining any information that may be required for the purposes of this Act or of any petroleum demand restraint regulations, the Minister or any person authorised by him in writing in that behalf may from time to time—

(a) inspect, examine, and audit any books or documents:

(b) require any person to produce any books or documents in his possession or under his control, and to allow copies of or extracts from any such books or documents to be made:

(c) require any person to furnish any information or particulars that may be required by the regulations, and any copies of or extracts from any such books or documents as aforesaid.

(2) The Minister may, if he thinks fit, require that any written information or particulars or any copies or extracts furnished under this section shall be verified by statutory declaration or otherwise as the Minister may require.

(3) Where any person is exercising any of the powers conferred by paragraphs (a) to (c) of subsection (1), he shall have with him, and shall produce if required to do so, evidence of—

(a) his identity; and

(b) where applicable, his authorisation.

14 Delegation of powers

(1) Subject to subsection (6), the Minister or any other person in the service of the Crown with the authority of the Minister may from time to time, either generally or particularly, delegate to any person in the service of the Crown or any local authority within the meaning of the Local Government Act 2002 any of the powers conferred by this Act or by any petroleum demand restraint regulations on the person effecting the delegation, but not including the power of delegation conferred by this section.

(2) Subject to any general or special directions given or conditions attached by the person effecting the delegation, the person to whom the powers are delegated under subsection (1) may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act or by the regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

(5) The delegation by the Minister or by any other person of any powers conferred on him by or under this Act or by or under any petroleum demand restraint regulations shall not prevent the personal exercise of those powers by the Minister or by that other person.

(6) Subject to section 47 of the Legislation Act 2019, the Minister shall not delegate the powers conferred on him by section 7 or section 10 of this Act.

Section 14(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 14(2): amended, on 13 January 1984, by section 14 of the Local Government Amendment Act 1983 (1983 No 132).

Section 14(6): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(6): amended, on 16 December 2013, by section 66 of the Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93).

15 Authentication of documents

Any written notice, direction, approval, requisition, or other instrument, given, granted, or made by the Minister or by any other person authorised in that behalf under this Act or under any petroleum demand restraint regulations shall be sufficiently authenticated if it is signed by the Minister or authorised person or by any person on behalf of and by direction of the Minister or authorised person, as the case may be.

16 Notices

(1) The Minister or any person authorised in that behalf may give notice to any person of any direction, approval, requisition, or condition given or imposed under this Act or under any petroleum demand restraint regulations, and every person to whom the notice is given shall be bound thereby.

(2) Except where otherwise specially provided, any notice required to be given to any person for the purposes of this Act or of any petroleum demand restraint regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application, notice, or other document received from him by the Minister or authorised person or to be posted in a letter addressed to him at that place of abode or business or at that address.

(3) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(4) Every notice under this Act or under any petroleum demand restraint regulations shall take effect on the date when it is published or given, or on such later date as may be specified in that behalf in the notice.

(5) Any notice given under this Act or under any petroleum demand restraint regulations may be at any time varied or revoked by a subsequent notice.

17 Power of entry

(1) Subject to subsection (2), a person authorised in writing by the Minister may enter any premises or vehicle of a retailer of petroleum products or engine fuel for the purpose of—

(a) securing compliance with any petroleum demand restraint regulations or with any direction, requisition, or condition given or imposed under them; or

(b) making enquiries and inspections under the regulations; or

(c) purchasing or taking samples of any substance; or

(d) checking or verifying information and returns required for the purposes of the regulations.

(2) The power of entry set out in subsection (1)—

(a) shall not apply to premises used only as a dwelling; and

(b) may be exercised only at reasonable hours.

(3) Where any person is exercising any of the powers conferred by paragraphs (a) to (d) of subsection (1), he shall have with him, and shall produce if required to do so, evidence of—

(a) his identity; and

(b) his authorisation.

(4) Petroleum demand restraint regulations may provide for the following matters in respect of suspected offences against this Act or against any petroleum demand restraint regulations, regardless of whether any such suspected offences (**relevant offences**) are imprisonable or not:

(a) authorising persons, designated by the Minister in writing for the purpose (**designated persons**), to search places, vehicles, or other things under a warrant in relation to any relevant offence:

(b) providing for the application of provisions of the Search and Surveillance Act 2012 to the powers conferred under paragraph (a) and, in particular and without limitation,—

(i) deeming all designated persons, or any designated persons of a specified class, to be enforcement officers for the purposes of that Act:

(ii) authorising all designated persons, or any designated persons of a specified class, to apply for a warrant under section 6 of that Act as if such designated persons were constables.

Section 17(1): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 17(4): replaced, on 1 October 2012, by section 291(2) of the Search and Surveillance Act 2012 (2012 No 24).

18 Self-incrimination

No person shall be required, pursuant to section 13 or section 17, to answer any question if the answer would or could tend to incriminate that person or the spouse, civil union partner, or de facto partner of that person.

Section 18: amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

19 Powers of enforcement officers

An enforcement officer under the Land Transport Act 1998, if for the time being in uniform or in possession of any warrant or other evidence of his or her authority as an enforcement officer, is authorised to enforce the provisions of this Act or any regulations made under this Act on any road as defined in section 2 of that Act.

Section 19: substituted, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

20 Secrecy

[Repealed]

Section 20: repealed, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Legal proceedings

21 Offences

Every person commits an offence against this Act and is liable on conviction to a fine not exceeding $1,000 who—

(a) wilfully resists, obstructs, or deceives, or attempts to deceive any court, authority, or person that is exercising or attempting to exercise any power or function under this Act or under any petroleum demand restraint regulations:

(b) wilfully makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of this Act or of any petroleum demand restraint regulations, or in any information, particulars, copy, extract, or return furnished under this Act or under any such regulations.

(c) *[Repealed]*

Section 21: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21(c): repealed, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

22 Infringement offences and owner liability

(1) In this section,—

infringement offence means an offence against any petroleum demand restraint regulations (being an offence that is punishable by a fine not exceeding $100) which involves the use of a motor vehicle and which is specified in those regulations as an infringement offence

proceedings means proceedings under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957; and includes the issue of an infringement notice under section 139 of the Land Transport Act 1998.

(2) Proceedings for an infringement offence may be taken against any 1 or more of the following persons:

(a) the person who allegedly committed the offence:

(b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242 of that Act, a person who, at the time of the alleged offence, was registered as the owner, or one of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986):

(c) any person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether jointly with any other person or not)—

whether or not (in the case of a person referred to in paragraph (b) or paragraph (c)) the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed.

(3) Subject to subsections (5) and (7), in any proceedings taken against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) it shall be conclusively presumed that—

(a) the person was the driver, person in charge, and user of the vehicle at the time of the alleged offence (whether or not the person is an individual); and accordingly

(b) the acts or omissions of the driver, person in charge, or user of the vehicle at that time were the acts or omissions of the first-mentioned person.

(4) It shall be a defence to proceedings taken under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957 against a person for an infringement offence if the person proves that—

(a) an infringement notice has been issued in respect of the offence and the infringement fee specified in the notice has been paid to the enforcement authority before the commencement of the proceedings; or

(b) another person has been ordered to pay an amount in respect of the offence pursuant to section 375 of the Criminal Procedure Act 2011.

(5) It shall be a defence to proceedings taken under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957 against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) if the person proves that—

(a) at the time the alleged offence was committed—

(i) he was not lawfully entitled to possession of the vehicle (either jointly with any other person or severally); or

(ii) another person was unlawfully in charge of the vehicle; and

(b) forthwith after becoming aware of the alleged offence he advised the enforcement authority that, at the time the offence was committed, he was not lawfully entitled to possession of the vehicle or another person unlawfully had charge of the vehicle, as the case may be; and

(c) he has done everything reasonably possible on his part to comply with all requests of the enforcement authority to supply to the authority information regarding the person lawfully entitled to possession, or who was in charge, of the vehicle at the time of the alleged offence.

(6) This section shall have effect notwithstanding anything to the contrary in any Act or rule of law.

(7) Nothing in this section shall limit any defence that is specifically prescribed by any petroleum demand restraint regulations as being available in respect of an offence against those regulations.

(8) Every infringement offence shall be an infringement offence for the purposes of section 139 of the Land Transport Act 1998, and a minor traffic offence for the purposes of section 21 of the Summary Proceedings Act 1957 and section 375 of the Criminal Procedure Act 2011.

(9) Where any petroleum demand restraint regulations specify that an offence against those regulations is an infringement offence, those regulations must specify the infringement fee (which fee must not exceed $100) that is payable in respect of that offence and that infringement fee is,—

(a) *[Repealed]*

(b) for the purposes of sections 138 to 141 of the Land Transport Act 1998, deemed to be specified in respect of that offence by regulations made under that Act.

(10) In this section,—

motor vehicle has the meaning given to it in section 2(1) of the Land Transport Act 1998

use, in relation to a motor vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on a road.

Section 22(1) **proceedings**: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 22(1) **proceedings**: amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 22(1) **proceedings**: amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 22(2)(b): substituted, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 22(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 22(4)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 22(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 22(8): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 22(8): amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 22(8): amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 22(9): substituted, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 22(9)(a): repealed, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 22(10): substituted, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

23 Information may charge several offences

[Repealed]

Section 23: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

24 Liability of principal for acts of agents, etc

(1) Where an offence is committed against this Act or against any petroleum demand restraint regulation by any person acting as the agent or employee of another person, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence.

(2) Notwithstanding anything in subsection (1), where any proceedings are brought by virtue of that subsection, it shall be a good defence to the charge if the defendant proves that the offence was committed without his knowledge and that he took all reasonable steps to prevent the commission of the offence.

(3) Where any body corporate is convicted of an offence against this Act or against any regulation made under this Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence if it is proved that the act that constituted the offence took place with his authority, permission, or consent, or that he knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

25 Offences to be punishable on summary conviction

[Repealed]

Section 25: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26 Act not to derogate from certain other Acts

Nothing in this Act shall derogate from the provisions of—

(a) *[Repealed]*

(b) *[Repealed]*

(c) the Emergency Management Act 2026; or

(d) the International Energy Agreement Act 1976.

Section 26: amended, on 23 October 1981, by section 5(c) of the Petroleum Demand Restraint (Regulations Validation and Revocation) Act 1981 (1981 No 116).

Section 26(a): repealed, on 1 September 1987, by section 2(c) of the Public Safety Conservation Act Repeal Act 1987 (1987 No 181).

Section 26(b): repealed, on 1 July 1987, by section 3(2) of the Economic Stabilisation Act Repeal Act 1987 (1987 No 126).

Section 26(c): replaced, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Schedule
Regulations continued in force

[Repealed]

s 11

Schedule: repealed, on 23 October 1981, by section 5(d) of the Petroleum Demand Restraint (Regulations Validation and Revocation) Act 1981 (1981 No 116).

Notes

1 General

This is a consolidation of the Petroleum Demand Restraint Act 1981 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Emergency Management Act 2026 (2026 No 53): section 235

Secondary Legislation Act 2021 (2021 No 7): section 3

Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120): section 14

Members of Parliament (Remuneration and Services) Act 2013 (2013 No 93): section 66

Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409): regulation 3(1)

Legislation Act 2012 (2012 No 119): section 77(3)

Search and Surveillance Act 2012 (2012 No 24): section 291

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Land Transport Amendment Act 2009 (2009 No 17): section 35(4)

Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60): section 17

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Local Government Act 2002 (2002 No 84): section 262

Land Transport Act 1998 (1998 No 110): section 215(1)

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140): section 5

Petroleum Sector Reform Act 1988 (1988 No 95): section 5(1)(h)

Public Safety Conservation Act Repeal Act 1987 (1987 No 181): section 2(c)

Economic Stabilisation Act Repeal Act 1987 (1987 No 126): section 3(2)

Official Information Amendment Act 1987 (1987 No 8): section 25(1)

Local Government Amendment Act 1983 (1983 No 132): section 14

Petroleum Demand Restraint (Regulations Validation and Revocation) Act 1981 (1981 No 116): section 5

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