Western Australia

Fuel, Energy and Power Resources Act 1972

Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026

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Western Australia

Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026

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Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026

1. Citation

These regulations are the *Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026*.

2. Commencement

These regulations come into operation on 1 May 2026.

Note for this regulation:

In accordance with section 57(2) of the Act, these regulations continue in operation while either of the following subsists —

(a) the state of emergency declared by the *Fuel, Energy and Power Resources (Declaration of State of Emergency) Order 2026*;

(b) that state of emergency as renewed by the *Fuel, Energy and Power Resources (Declaration of State of Emergency) Order (No. 2) 2026*.

[Regulation 2 amended: SL 2026/196 r. 6.]

3. Terms used

(1) In these regulations —

Commissioner has the meaning given in the *Petroleum Products Pricing Act 1983* section 3(1);

FuelWatch website means the website at <www.fuelwatch.wa.gov.au>;

kind of motor fuel has the meaning given in the *Petroleum Products Pricing Act 1983* section 22H(1);

Minister means the Minister for Energy and Decarbonisation;

retail sale does not include an exempt sale as defined in the *Petroleum Products Pricing Act 1983* section 22H.

(2) For the purposes of these regulations, a reference to a person having, at a particular place, no more stock for retail sale of a particular kind of motor fuel at that place includes the person having, at that place, insufficient stock for retail sale of that kind of motor fuel at that place.

4. Stock notifications

(1) This regulation applies if a person stops offering for retail sale a particular kind of motor fuel at a particular place because the person has, at that place, no more stock for retail sale of that kind of motor fuel at that place.

(2) The person must, as soon as reasonably practicable after the person stops offering for retail sale that kind of motor fuel at that place, give the Commissioner a notification, in accordance with regulation 5, that contains the following information —

(a) the identity of the person;

(b) the kind of motor fuel;

(c) details of the place;

(d) a statement that the person has, at that place, no more stock for retail sale of that kind of motor fuel at that place.

(3) The person must, as soon as reasonably practicable after the person restarts offering for retail sale that kind of motor fuel at that place, give the Commissioner a notification, in accordance with regulation 5, that contains the following information —

(a) the identity of the person;

(b) the kind of motor fuel;

(c) details of the place;

(d) a statement that the person has, at that place, stock for retail sale of that kind of motor fuel at that place;

(e) a statement that the person has restarted offering for retail sale that kind of motor fuel at that place.

(4) Subregulation (3) does not apply if, before the person restarts offering for retail sale that kind of motor fuel at that place, the person gives the Commissioner a notification, in accordance with regulation 5, that contains the following information —

(a) the identity of the person;

(b) the kind of motor fuel;

(c) details of the place;

(d) a statement that the person has or will have, at that place, stock for retail sale of that kind of motor fuel at that place;

(e) the date and time when the person will restart offering for retail sale that kind of motor fuel at that place.

5. Manner for giving notification

(1) A notification under regulation 4 must be given —

(a) by using the FuelWatch website; or

(b) in a manner in which an order (if any) under subregulation (2) provides the notification can be given.

(2) The Minister may make an order that provides the manner in which a notification can be given.

6. Minister may exempt person from notification requirement

(1) If the Minister is of the opinion that it is just and reasonable to do so, the Minister may give a written direction to a person stating that the person is not required to comply with the requirements in regulation 4(2) and (3).

(2) Regulation 4(2) and (3) do not apply to a person if —

(a) the Minister gives a direction to the person under subregulation (1); and

(b) the direction has not been revoked.

7. Giving, disclosure or use of information

(1) In this regulation —

authorised purposes means the purposes of —

(a) providing or securing supplies and services required by the community, or any substantial portion of the community; or

(b) preventing supplies or services being disposed of in a manner prejudicial to the attainment of the objects of Part III of the Act; or

(c) ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community;

information user means any of the following —

(a) a Minister of the Crown;

(b) the Commissioner;

(c) an authority, department, instrumentality, person or body that is carrying out the administration of the Act under section 42 of the Act.

(2) A person who gives a notification under regulation 4 is authorised to give the information in the notification to the Commissioner.

(3) For, and only for, authorised purposes, the Commissioner is authorised to disclose any or all of the information to the public by publishing it —

(a) on the FuelWatch website; or

(b) in any other way that the Commissioner considers appropriate.

(4) An information user is authorised to use or disclose any or all of the information for authorised purposes and, to the extent that the information is not disclosed to the public under subregulation (3), only for authorised purposes.

(5) An information user is not authorised under subregulation (4) to disclose information to the public.

(6) Without limiting subregulation (4), an information user is authorised to disclose information under that subregulation to a national body or to an agency or authority of another State or a Territory.

(7) If a giving, disclosure or use of information is authorised under this regulation —

(a) no civil or criminal liability is incurred in respect of the giving, disclosure or use; and

(b) the giving, disclosure or use is not to be regarded as —

(i) a breach of any duty of confidentiality or secrecy imposed by law; or

(ii) a breach of professional ethics or standards or any principles of conduct applicable to a person's employment; or

(iii) unprofessional conduct.

8. Transitional provision for persons out of stock at beginning of 1 May 2026

(1) Subregulation (2) applies if —

(a) during April 2026, a person stopped offering for retail sale a particular kind of motor fuel at a particular place because the person had, at that place, no more stock for retail sale of that kind of motor fuel at that place; and

(b) at the beginning of 1 May 2026, the person still does not have, at that place, stock for retail sale of that kind of motor fuel at that place.

(2) Regulation 4 applies to the person as if at the beginning of 1 May 2026 the person stopped offering for retail sale that kind of motor fuel at that place because the person had, at that place, no more stock for retail sale of that kind of motor fuel at that place.

Notes

This is a compilation of the *Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 2) 2026	SL 2026/56 30 Apr 2026	1 May 2026 (see r. 2)
Fuel, Energy and Power Resources Regulations Amendment (State of Emergency) Regulations 2026 Pt. 3	SL 2026/196 16 Sep 2026	30 Sep 2026 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
authorised purposes	7(1)
Commissioner	3(1)
FuelWatch website	3
information user	7(1)
kind of motor fuel	3(1)
Minister	3(1)
retail sale	3(1)

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