Western Australia

Fuel, Energy and Power Resources Act 1972

# Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 3) 2026

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Western Australia

# Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 3) 2026

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# Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 3) 2026

## 1. Citation

These regulations are the *Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 3) 2026*.

## 2. Commencement

These regulations come into operation on the day after the day on which these regulations are published on the WA legislation website.

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. 8.]*

## 3. Terms used

(1) In these regulations —

***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) ascertaining the holdings of all fuel, energy and power resources and the administration of those resources by the State; or

(d) maintaining, controlling and regulating supplies and services so as to secure a sufficiency of those essential to the wellbeing of the community or their equitable distribution, including by a permit or rationing system; or

(e) 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;

***Commissioner of Main Roads*** includes a deputy appointed under the *Main Roads Act 1930* section 7(2);

***departmental CEO*** means a chief executive officer of a department of the Public Service;

***employee*** —

(a) of a departmental CEO — means a public service officer or other person who is in or of, or is employed or works in, the departmental CEO's department; or

(b) of the Commissioner of Main Roads — means —

(i) an employee, officer or servant of the Commissioner of Main Roads mentioned in the *Main Roads Act 1930* section 10; or

(ii) a person of whose services the Commissioner of Main Roads makes use under section 10A of that Act;

or

(c) of the Public Transport Authority — means —

(i) the chief executive officer as defined in the *Public Transport Authority Act 2003* section 3; or

(ii) a person employed, engaged or appointed by the Public Transport Authority as mentioned in section 10(1) or (2) of that Act; or

(iii) a person of whose services the Public Transport Authority makes use under section 10(3) or 11 of that Act;

***government information holder*** means —

(a) a departmental CEO; or

(b) the Commissioner of Main Roads; or

(c) the Public Transport Authority; or

(d) a port authority established under the *Port Authorities Act 1999*; or

(e) a body established by the *Electricity Corporations Act 2005* section 4(1); or

(f) a local government, regional local government or regional subsidiary;

***hold***, in relation to information or documents, means to have possession or control of the information or documents, whether alone or jointly with others;

***Minister*** means the Minister for Energy and Decarbonisation;

***Public Transport Authority*** means the Public Transport Authority of Western Australia established under the *Public Transport Authority Act 2003* section 5;

***relevant authority*** means —

(a) the Minister; or

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

***specified*** means specified or described in —

(a) an order or direction made or given under regulation 4(1); or

(b) a request under regulation 5(1).

(2) For the purposes of these regulations —

(a) information or documents that are held by or for an officer or employee of a government information holder are taken to be held by or for the government information holder (if that would not otherwise be the case); and

(b) information or documents that are held by or for a departmental CEO include information or documents that are held by or for —

(i) the departmental CEO in the departmental CEO's capacity as the holder of a statutory office, post or position; or

(ii) an employee of the departmental CEO in the employee's capacity as the holder of a statutory office, post or position.

**4. Minister may require information or documents to be given**

(1) The Minister may make an order, or give a direction, requiring a specified government information holder, or each government information holder of a specified class, to give a specified relevant authority specified information or documents —

(a) that are held by or for the government information holder; and

(b) that, in the opinion of the Minister, are, or are likely to be, relevant to authorised purposes.

(2) The order or direction must require the specified information or documents to be given by a specified time or within a specified period.

(3) The order or direction may require either or both of the following —

(a) the specified information or documents to be given in a specified manner;

(b) the specified information or documents to be given or verified by statutory declaration.

(4) A direction under subregulation (1) must be given in writing to each government information holder that is required to give specified information or documents under the direction.

(5) Without limiting the *Interpretation Act 1984* section 76, the direction may be given to a government information holder by emailing the direction to an email address provided by the government information holder to a relevant authority if the government information holder consents to the direction being given to the government information holder in that manner.

**5. Minister may request information or documents to be given**

(1) The Minister may request a government information holder, or each government information holder of a specified class, to give a specified relevant authority specified information or documents —

(a) that are held by or for the government information holder; and

(b) that, in the opinion of the Minister, are, or are likely to be, relevant to authorised purposes.

(2) A request under subregulation (1) must be given in writing to each government information holder that is requested to give specified information or documents under the request.

(3) Without limiting the *Interpretation Act 1984* section 76, the request may be given to a government information holder by emailing the request to an email address provided by the government information holder to a relevant authority.

## 6. Giving, disclosure or use of information or documents

(1) This regulation applies if —

(a) a government information holder is required to give a specified relevant authority specified information or documents under an order or direction made or given under regulation 4(1); or

(b) a government information holder is requested under regulation 5(1) to give a specified relevant authority specified information or documents.

(2) The government information holder is authorised to give the specified information or documents to the specified relevant authority.

(3) If the government information holder is a departmental CEO, the Commissioner of Main Roads or the Public Transport Authority, an employee of the departmental CEO, Commissioner of Main Roads or Public Transport Authority (as applicable) is authorised, for the purpose of facilitating compliance with the order, direction or request, to give the specified information or documents to —

(a) the departmental CEO, Commissioner of Main Roads or Public Transport Authority (as applicable); or

(b) an employee of the departmental CEO, Commissioner of Main Roads or Public Transport Authority (as applicable).

(4) A relevant authority is authorised to use or disclose the specified information or documents for, and only for, authorised purposes.

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

(6) A relevant authority is not authorised under subregulation (4) to disclose information or documents to the public in a form that would enable particulars relating to a specific person to be readily ascertained.

(7) If a giving, disclosure or use of information or documents 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.

## 7. Delegation

(1) The Minister may delegate any power or duty of the Minister under these regulations to a State Government Department or State instrumentality or any other person referred to in section 47(2)(f) of the Act.

(2) The delegation must be in writing signed by the Minister.

(3) A State Government Department, State instrumentality or other person to which or whom a power or duty is delegated under this regulation cannot delegate that power or duty.

(4) A State Government Department, State instrumentality or other person exercising or performing a power or duty that has been delegated to them under this regulation is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this regulation limits the ability of the Minister to perform a function through an officer or agent.

# Notes

This is a compilation of the *Fuel, Energy and Power Resources (State of Emergency) Regulations (No. 3) 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. 3) 2026* | SL 2026/103 10 Jun 2026 | 11 Jun 2026 (see r. 2) |
| *Fuel, Energy and Power Resources Regulations Amendment (State of Emergency) Regulations 2026* Pt. 4 | 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 | 3(1) |
| Commissioner of Main Roads | 3(1) |
| departmental CEO | 3(1) |
| employee | 3(1) |
| government information holder | 3(1) |
| hold | 3(1) |
| Minister | 3(1) |
| Public Transport Authority | 3(1) |
| relevant authority | 3(1) |
| specified | 3(1) |

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