Western Australia

Fuel, Energy and Power Resources Act 1972

Fuel, Energy and Power Resources (State of Emergency) Regulations 2026

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Western Australia

Fuel, Energy and Power Resources (State of Emergency) Regulations 2026

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Fuel, Energy and Power Resources (State of Emergency) Regulations 2026

1. Citation

These regulations are the *Fuel, Energy and Power Resources (State of Emergency) Regulations 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. 4.]

3. Terms used

In these regulations —

Minister means the Minister for Energy and Decarbonisation;

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

4. Minister may require information or documents to be provided

(1) The Minister may make an order, or give a direction, requiring a specified person, or each person of a specified class, who is a producer, holder, supplier, transporter or user of fuel, or of diesel exhaust fluid, to give a specified relevant authority specified information or documents relating to the production, holding, supply, transportation or use of fuel or diesel exhaust fluid.

(2) Without limiting subregulation (1), the order or direction may require details in relation to any of the following to be given —

(a) written agreements or other documents;

(b) contractual commitments;

(c) current or expected capacity;

(d) pricing;

(e) customer behaviour.

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

(4) 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.

(5) A direction under subregulation (1) must be given in writing to each person who is required to give specified information or documents under the direction.

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

5. Penalty for offences relating to these regulations

(1) This regulation applies to the following offences —

(a) an offence under section 50(7) or (8) of the Act if the order or direction is an order or direction made or given under regulation 4(1);

(b) an additional offence under section 49(6) of the Act if the offence that is deemed to continue under section 49 of the Act is an offence covered by paragraph (a).

(2) The penalty for the offence is —

(a) in the case of an individual — a fine of $10 000;

(b) in the case of a body corporate — a fine of $100 000.

6. Giving, disclosure or use of information or documents

(1) A person required to give specified information or documents under an order or direction made or given under regulation 4(1) is authorised to give the specified information or documents to the specified relevant authority.

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

(3) Without limiting subregulation (2), 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.

(4) A relevant authority is not authorised under subregulation (2) to disclose information or documents to the public in a form that would enable particulars relating to a specific person to be readily ascertained.

(5) 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 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 2026	SL 2026/40 1 Apr 2026	2 Apr 2026 (see r. 2)
Fuel, Energy and Power Resources Regulations Amendment (State of Emergency) Regulations 2026 Pt. 2	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)
Minister	3
relevant authority	3
specified	3

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