

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

FUEL LEGISLATION AMENDMENT BILL 2026

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
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FUEL LEGISLATION AMENDMENT BILL 2026

The Bill is A Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

This explanatory statement is related to the Fuel Legislation Amendment Bill 2026 (the Bill) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The purpose of the Bill is to create powers for the ACT Government to require fuel retailers to provide information on fuel stock levels and expected incoming fuel supplies. This will allow proper planning and consideration of appropriate and proportional responses, including any potential activation of a fuel restriction scheme.

The 2026 energy crisis has been described by the International Energy Agency (IEA) as the largest supply disruption in the history of the global oil market¹. Disruptions to upstream production and exports have already had significant impacts on pricing and supply within Australia, prompting a coordinated release of emergency stocks by IEA members and adjustments to Minimum Stock obligations (MSO) settings for fuel retailers domestically Australia.

At the time of the preparation of the Bill, it is not possible to predict when the fuel crisis will end. Access to timely and reliable fuel supply information has emerged as critical to effective coordination between state and territory governments and the Commonwealth consistent with the National Fuel Security Plan² (the Plan) released 30 March 2026.

To provide a proportionate and effective regulatory framework to respond to the fuel crisis the Bill makes the following amendments to the *Fuels Rationing Act 2019* (the Fuels Rationing Act) to:

- allow the Minister to require information from a fuel seller in order to inform decisions about a fuel restriction scheme;
- require the Minister to provide at least 24 hours for the production of information;
- create a strict liability offence for not complying with the notice;

¹ [Oil Market Report - March 2026 – Analysis - IEA](#)

² [National Fuel Security Plan | Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#)

- make it an offence for a person to use protected information, except in accordance with the Act;
- redefine the definition of inspector to be an inspector investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;
- create the Magistrates Court (Fuels Rationing Infringement Notices) Regulation 2026, which sets an infringement notice for the offence of not complying with a notice; and
- make other necessary technical changes to give effect to these amendments.

The Bill also proposes amendments to the *Fair Trading (Fuel Prices) Act 1993* (the Fuel Prices Act) and the *Fair Trading (Australian Consumer Law) Act 1992* (the Fair Trading Act) that:

1. amend section 5A of the Fuel Prices Act to facilitate a future infringement notice scheme for the offence of price mismatching at petrol stations;
2. increases the maximum penalty of the price mismatching offence from 20 penalty units to 50 under the Fuel Prices Act ; and
3. adds the Fuel Prices Act to the list of Acts that make up the definition of fair trading legislation, under the Fair Trading Act, allowing investigators appointed under section 36 to use their existing powers under Div 5.2 to enforce compliance with the Fuel Prices Act.

CONSULTATION ON THE PROPOSED APPROACH

The Bill has been developed in close coordination with other Australian jurisdictions, many of whom are progressing similar proposed legislative amendments, and the Commonwealth. Internal ACT public service agencies were also consulted including the Housing and Consumer Protection, Human Rights and Social Policy and Criminal Law teams within the Justice and Community Safety Directorate, Access Canberra and the Intergovernmental Relations team in the Chief Minister, Treasury and Economic Development Directorate.

CLIMATE IMPACT

The fuel crisis is entirely within the fossil fuels space, with the cost of fuel seeing significant increases, despite continuing supply. As discussed above, it is not possible to predict how long the crisis might last, or whether fuel supply may reduce.

Should fuel supply be impacted, an unintended consequence of the crisis might be reduced emissions.

CONSISTENCY WITH HUMAN RIGHTS

The *Human Rights Act 2004* (the HRA) provides protection for individuals. Despite any provisions in this Bill referring to a “person”, those provisions in this Bill only refer to fuel sellers, as defined in section 10 of the Fuels Rationing Act.

It is possible for a fuel seller to operate as a sole trader and therefore it is possible that the provisions in this Bill may engage their human rights.

Rights engaged

The Bill engages and limits the following rights for fuel sellers who operate as a sole trader:

- section 22 – Rights in criminal proceedings; and
- section 12 – Right to privacy.

Section 28 of the HRA provides that human rights may be subject to reasonable limits set by laws that can be demonstrably justified in a free and democratic society. The justification for the limitation on rights in criminal proceedings is provided below.

Rights Promoted

The Bill does not promote any human rights.

Rights Limited

Right to privacy – sole traders operating as a fuel seller

Nature of the right and the limitation (sections 28(2)(a) and (c))

New sections 16A and 19 require the production of information if the Minister or an inspector believe it is reasonably necessary. Section 16A limits this power to being related to the production, supply, use or consumption of a fuel. Section 19 is more prescriptive and allows an inspector to require information about the kind or quantity of fuel held by the person, or other information prescribed by regulation. It is possible that a regulation could be made which required a fuel seller operating as a sole trader to produce information that is personal in nature. This may limit those sole traders right to privacy.

Including the Fuel Prices Act in the definition of fair trading legislation will (per section 43) allow investigators to use their existing powers to inspect, examine, or copy documents and to require the occupier or person on the premises to give the investigator reasonable help to exercise a power under Div 5.2 of the Fair Trading Act for the purposes of ensuring compliance with the Fuel Prices Act. It will also give investigators the power to make requests for information related to investigations (section 52). In effect, these powers require fuel sellers (including fuel sellers who are sole traders) to produce information related to compliance with the Fuel Prices Act. These powers also allow investigators to apply for a warrant from a magistrate to enter premises (section 41) and to seize materials related to the purpose for which the warrant was issued (section 43).

Legitimate purpose (s 28(2)(b))

The overarching purpose of the Bill is to protect consumers in cases of disruption to fuel supply in the ACT. It achieves this by introducing requirements for fuel sellers to provide information. New section 16A requires the Minister to reasonably consider the information necessary in determining whether to approve, declare or extend a fuel restriction scheme. This ensures that in exercising powers under the Fuels

Rationing Act, the Minister is appropriately informed and can act in the in the interest of the community. Similarly, new section 19 is only applicable if the fuel seller is subject to a fuel restriction scheme. Extending existing investigator powers to inspect, examine, copy, and request documents will ensure that investigators can obtain the information needed to enforce the Fuel Prices Act. The ability to apply for a warrant is needed where a petrol station does not consent to an investigator entering the premises.

Rational connection between the limitation and the purpose (s 28(2)(d))

The information that a fuel seller would be required to produce has a clear rational connection to the legitimate purpose of consumer protection. In the case of 16A, there is a clear need for information to determine whether the fuel situation in the ACT is such that a restriction scheme is necessary. Section 19 provides the ability for information to be produced to inform the duration of a fuel restriction scheme, as well as a fuel sellers compliance. These types of information are necessary to enable the Minister to determine whether to approve, declare or extend a fuel restriction scheme in the interest of the community. In the case of investigator powers being used in relation to the Fuel Prices Act, access to premises and documents is needed to ensure enforcement action is taken against the correct legal entity and based on correct information.

Proportionality (s 28(2)(e))

New sections 16A and 19 require the reasonable production of information. Should the information required include personal information about a sole trader, that information would be subject to the requirements of the *Privacy Act 2014*.

The Bill furthers protections by including several safeguards against misuse of this information. Specifically, new section 43A makes it an offence for a person to use or disclose protected information except in accordance with subsection (3). Permitted uses include use or disclosure of the information under the Fuels Rationing Act, in relation to exercising a function under this Act or another law applying in the ACT, in a court proceeding or with the person's consent. New section 43B allows the Minister or an Inspector to share information with an entity of the Commonwealth or a state if they are satisfied that it is reasonably necessary and appropriate.

The powers of investigators under the Fair Trading Act are calibrated to the purpose of enforcing fair trading legislation. Extending these powers to the Fuel Prices Act is proportionate to the purpose of ensuring consumers have accurate and reliable information about petrol prices and are not subject to deceptive pricing practices. The existing powers are situated within a framework that includes safeguards on the use of powers. For example, if documents are produced which disclose evidence that may tend to incriminate the person, the documents obtained are not admissible in evidence against the person in a criminal proceeding (section 49). Having magistrates issue warrants for a power to enter premises where there is no consent ensures judicial oversight of this entry power. If materials are seized, there are provisions requiring the return of the item or the payment of reasonable compensation (section 48). The general powers of investigators listed under section 43 are available only for the specific purpose of the fair trading legislation.

Rights in Criminal Proceedings (Strict Liability Offences) – sole traders operating as a fuel seller

Nature of the right and the limitation (sections 28(2)(a) and (c))

Section 22 of the HRA provides that everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The Bill limits this right through the introduction of a strict liability offence and through changing an existing fuel pricing offence to a strict liability offence.

Clause 8 inserts new section 16A, which allows the Minister to require information from a fuel seller about the production, use or consumption of a fuel. Section 16A (4) makes it an offence for the person to fail to comply with a notice and sets the maximum penalty at 50 penalty units. Section 14A (5) makes this offence strict liability.

Clause 12 substitutes existing provision 19 and in doing so it provides a minimum timeframe for when a fuel seller needs to provide information, being not less than 24 hours, rather than a maximum timeframe, currently not later than 14 days. The provision carries over the existing offence, with a maximum penalty of 50 penalty units. Subsection (5) continues to make this offence strict liability.

Clause 19 establishes new section 43A in which a new offence is created for the misuse of information (see also under 'proportionality' in the assessment of the right to privacy limitation above). Subsection 43(3) creates an exception to this offence in specific circumstances in which information sharing would be allowed. The defendant has the evidential burden to prove that they fall within the scope of exceptions, albeit to a lower standard of proof (section 58 *Criminal Code 2002*). This burden of proof on the defendant also constitutes a limitation of rights in criminal proceedings.

Clauses 6 and 7 amend section 5A (the offence of price mismatching) of the *Fair Trading (Fuel Prices) Act 1993* (the Fuel Prices Act) to make it a strict liability offence and increases the maximum penalty from 20 to 50 penalty units.

Legitimate purpose (s 28(2)(b))

The overarching purpose of the Bill is to protect consumers in cases of disruption to fuel supply in the ACT. It achieves this by introducing a legal requirement for the production of information required to inform the Minister's decision about a fuel restriction scheme. An offence provision provides a measure to disincentivise fuel sellers from not complying with the requirement. It is critical that, if these powers are used, information is provided from all fuel sellers. Inconsistent information from fuel sellers may result in poorly considered measures or enlivening of fuel restriction measures that are unnecessary.

The purpose of the offence of price mismatching is to ensure that consumers have accurate and reliable information about the price of petrol at petrol stations.

Inaccurate information distorts consumer behaviour, regardless of whether the inaccurate information was published intentionally or unintentionally.

The purpose of the offence to misuse information or disclose it without authorisation is to protect privacy of third parties and the integrity of the information requirements. The purpose of the exceptions in section 43A(3) is to enable information sharing where that is warranted for an official process or because the protected person provided consent.

Rational connection between the limitation and the purpose (s 28(2)(d))

There is a clear and rational connection between the legitimate purpose, and the strict liability infringement notice offence. The Bill provides clear requirements for the production of information in amended section 16A and is reasonable allowing not less than 24 hours to do so. The information required is also limited to only that which is necessary, being the production, use or consumption of fuel. This is information which will be readily known by a fuel seller.

There is a clear and rational connection between the legitimate purpose and the amendment to make sections 5A and 19 of the Fuel Prices Act a strict liability offence. The mischief being addressed by the offence provision is not affected by the intent or fault of the person who published the incorrect information. It is sufficient that the information is incorrect that the policy purpose is engaged. A strict liability offence will best protect consumers from deceptive pricing practices (regardless of whether the offender intended to publish the incorrect price).

For exceptions in section 43A(3), the burden of proof is on the defendant because that strengthens the presumption that, as a rule, information misuse or unauthorised disclosure is an offence.

Proportionality (s 28(2)(e))

The strict liability offences are directed at conduct where a person knows, or ought to reasonably know, their legal obligations. The offences apply in circumstances where requirements are clearly communicated and within the control of the person subject to them. Section 10 of the Fuels Rationing Act already requires that fuel sellers must give notice to the director-general stating their name, email address and phone number. Section 10 (3) requires a fuel seller to notify a change of any particulars and section 10 (5) makes it an offence to fail to comply with the provision. This means that any notice under new sections 16A or 19 will be provided directly to the fuel seller, with a high degree of confidence that their contact information is accurate. Further, the Bill provides a clear framework for what is required if the Minister or an Inspector requires information and provides a timeframe for the production of information. For the price mismatching offence, the intent of the seller is not a material consideration.

The accused person is best placed to produce evidence in relation to the matters in subsection 43A (3) (i.e. whether they had to use the protected information in the context of another law of function, in a court proceeding, or with the protected person's consent). Accordingly, the limitation of a person's rights under section 22

HRA resulting from imposing an evidential burden on the accused where an exception is raised is necessary to ensure that appropriate regulatory action can be taken if information confidentiality is breached.

Fuel Legislation Amendment Bill 2026
Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Fuel Legislation Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

PART 1 – PRELIMINARY

Clause 1 Name of Act

This clause provides the name of the Act, which is the *Fuel Legislation Amendment Act 2026*.

Clause 2 Commencement

This clause states that the Act, other than section 4, commences on the day after its notification. Subsection 2 specifies that clause 4 commences on the day the Act is notified.

Clause 3 Legislation amended

This clause states that the Act amends the legislation mentioned in parts 2 to 4.

Clause 4 New Magistrates Court (Fuels Rationing Infringement Notices) Regulation 2026—sch 1

This clause sets out that the provisions in schedule 1 are taken to be a regulation made under the *Magistrates Court Act 1930*, section 321. Further, the regulation is taken to be notified under the Legislation Act on the day this Act is notified, commences on the commencement of schedule 1, is not required to be presented to the Legislative Assembly under section 61(1) of the Legislation Act and may be amended or repealed as if it had been made under section 321 of the *Magistrates Court Act 1930*.

PART 2 – FAIR TRADING (AUSTRALIAN CONSUMER LAW) ACT 1992

Clause 5 Dictionary, definition of *fair trading legislation*, new paragraph (da)

This clause inserts the *Fair Trading (Fuel Prices) Act 1993* into the list of acts that make up the definition of fair trading legislation.

PART 3 – FAIR TRADING (FUEL PRICES) ACT 1993

Clause 6 Fair Trading (Fuel Prices) Act 1993 Section 5A (1), penalty

This section substitutes the maximum penalty to increase it from 20 penalty units to 50 penalty units.

Clause 7 Fair Trading (Fuel Prices) Act 1993

New section 5A (1A)

This clause inserts a new subclause (1A) to make the offence contained in section 5A a strict liability offence.

PART 4 – FUELS RATIONING ACT 2019

Clause 8 New section 16A

This clause inserts a new provision, section 16A into the Act.

Subsection (1) allows the Minister to reasonably require information from a fuel seller to decide whether to approve a fuel restriction scheme, declare a fuel restriction scheme is in force or extend a fuel restriction scheme.

Subsection (2) allows the Minister to, by written notice, require the fuel seller to give the Minister information relating to the production, supply, use or consumption of fuel. The Act includes in the definition of use to buy, sell, hold or distribute (section 7 (1)). To sell fuel includes by wholesale, retail, auction or tender, to barter or exchange, supply for profit or other commercial gain, offer for sale, receive for sale or expose for sale or have in possession for sale (section 7 (2)).

The broad definition of use or sell provides a broad range of information that the Minister can request.

Subsection (3) requires the notice to state the information that must be given, a period of time within which the information must be given, and how the information must be given. This section also specifies that the period of time is to be less than 24 hours. This will require the notice to clearly state the information that is needed.

Subsection (4) makes it an offence to fail to comply with a notice given under section (2) and section (5) makes this offence strict liability.

Clause 9 Part 3 Heading

This clause substitutes the heading from part 3 to Part 2A Fuel restriction offences.

PART 2A FUEL RESTRICTION OFFENCES

Clause 10 Fuel restriction offences Division 3.1 heading

This clause omits the heading of division 3.1.

Clause 11 Definitions – pt 3 Section 17

This clause omits section 17, which contained definitions for part 3. Each of the definitions in this clause will now apply to the Act in its entirety and as such have been moved to the Dictionary.

Clause 12 Section 19

This clause substitutes section 19 of the Act to allow an Inspector to request the same information as new section 16A. The provision retains the offence for non-compliance as a strict liability offence. The amendment also changes the timeframe for the production of information from a maximum of 14 days to a timeframe set by the Inspector, but not less than 24 hours.

Clause 13 Division 3.2 heading

This clause substitutes the heading from division 3.2 to Part 2 Enforcement.

Clause 14 Subdivision 3.2.1 heading

This clause substitutes the heading from division 3.2.1 to division 3.1 General.

Clause 15 Section 23 heading

This clause substitutes the heading from section 23 to Definitions – pt 3.

Clause 16 Section 23

This clause omits the word “division” and substitutes it with “part”.

Clause 17 Section 23, definition of *warrant*

This clause omits the words “subdivision 3.2.3 (Search warrants)” and substitutes it with “division 3.3 (Search warrants)”.

Clause 18 Subdivisions 3.2.2 to 3.2.5 headings

This clause substitutes the headings of divisions 3.2.2 to 3.2.5 and replaces them with: division 3.2 Powers, Division 3.3 Search warrants, Division 3.4 Return and forfeiture of things seized, and Division 3.5 Miscellaneous.

Clause 19 New section 43A and 43B

This clause inserts new section 43A and 43B into the Act. These clauses provide safeguards about the use, disclosure or sharing of protected information that is provided under new sections 16A or 19.

Subsection (1) makes it an offence for a person to exercise a function under this Act and uses protected information about someone else and is reckless about whether the information is protected information. The maximum penalty is set at 50 penalty units.

Subsection (2) makes it an offence for a person to exercise a function under this Act and discloses protected information about someone else and is reckless about whether the information is protected and doing the thing would result in information being disclosed to someone else. The maximum penalty is set at 50 penalty units.

Subsection (3) states that subsections (1) and (2) do not apply if the person uses or discloses information either by:

- (a) under this Act or another law applying in the ACT; or
- (b) in relation to the exercise of a function under this Act or another law applying in the ACT; or
- (c) in a court proceeding; or
- (d) with the protected person's consent.

Subsection (4) provides that a person does not need to provide protected information to a court unless it is necessary to do so for this Act or for another law applying in the ACT.

Subsection (5) provides definitions for this new section, including court, disclose, produce, protected information and use.

Protected information is defined as information about a person that is disclosed to, or obtained by, another person because of the exercise of a function under this Act by the other person or someone else.

New section 43B allows an information sharing entity, being an inspector or the Minister, to share protected information with an entity of the Commonwealth or a State if they are satisfied that it is appropriate and reasonably necessary for the other entity to exercise a function relating to managing a fuel shortage or likely fuel shortage.

Clause 20 Dictionary, definition of *connected*

This clause amends the definition of connected to remove “division 3.2 (Inspectors)” and substitute with “part 3 (Enforcement)”.

Clause 21 Dictionary, definition of *identity card* etc

This clause omits and substitutes definitions of identity card, inspector and occupier for the Act. The new definition of inspector means a police officer or an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*. The definition of identity card has been amended in line with this and the amendment will specify that identity card for an inspector who is section 36 of the *Fair Trading (Australian Consumer Law) Act*, is the card issued under section 17 of that Act.

Clause 22 Dictionary, definitions of *offence* and *warrant*

This clause amends the definitions of offence and warrant to omit “division 3.2 (Inspectors)” and substitute it with “part 3 (Enforcement)”.

SCHEDULE 1 MAGISTRATES COURT (FUELS RATIONING INFRINGEMENT NOTICES) REGULATION 2026

Clause 1 Name of the Regulation

This clause sets out the name of the regulation, being the *Magistrates Court (Fuels Rationing Infringement Notices) Regulation 2026*.

Clause 2 Notes

This clause states that a note included in the regulatory is explanatory and is not part of the regulation.

Clause 3 Purpose of the regulation

This clause states that the purpose of the regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for an offence against the *Fuels Rationing Act 2019*, section 16A.

Clause 4 Administering authority

This clause states that the administering authority for an infringement notice offence against the *Fuels Rationing Act 2019* is the commissioner for fair trading.

Clause 5 Infringement notice offence

This clause states that the *Magistrates Court Act 1930*, part 3.8 applies to an offence against the *Fuels Rationing Act 2019*, section 16A.

Clause 6 Infringement notice penalty

This clause sets the penalty payable under section 16A of the *Fuels Rationing Act 2019* is \$1,600 for an individual and \$8,000 for a corporation.

Subsection (3) sets the cost of serving a reminder for an infringement notice against section 16A of the *Fuels Rationing Act 2019* at \$34.

Clause 7 Contents of infringement notices—identifying authorised person

This clause requires an infringement notice served on a person for an offence under section 16A of the *Fuels Rationing Act 2019* to identify the authorised person. This must include the authorised person's full name, or surname and initials or any unique number given, for this regulation, to the authorised person by the administering authority.

Clause 8 Contents of infringement notices—other information

This clause requires the company's ACN to be included on infringement notice that is served on a company by an authorised person under section 16A of the *Fuels Rationing Act 2019*.

Clause 9 Contents of reminder notices—identifying authorised person

This clause requires an reminder notice serviced on a person for an offence under section 16A of the *Fuels Rationing Act 2019* to identify the authorised person. This must include the authorised person's full name, or surname and initials or any unique number given, for this regulation, to the authorised person by the administering authority.

Clause 10 Authorised person for infringement notice offences

This clause allows an inspector to service an infringement notice and reminder notice against section 16A of the *Fuels Rationing Act 2019*.