

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2026

(Amendments made by the Legislative Council)

1. Clause 1, page 3, line 13, omit "amendments." and insert "amendments;".
2. Clause 1, page 3, after line 13, insert—
 - "(l) the **Fuel Emergency Act 1977**—
 - (i) to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences; and
 - (ii) to increase the penalty for certain existing offences against the Act."
3. Clause 34, omit this clause.

NEW CLAUSES

4. Insert the following New Part after Part 12—

'Part 12A—Amendment of Fuel Emergency Act 1977

58A Definitions

In section 2 of the **Fuel Emergency Act 1977** insert the following definitions—

"**Commonwealth Minister** means the Minister administering the Liquid Fuel Emergency Act 1984 of the Commonwealth;

information direction means a direction under section 2A;"

58B New sections 2A to 2D inserted

After section 2 of the **Fuel Emergency Act 1977** insert—

"**2A Directions for the giving of information relating to the production, supply, distribution, sale, use or consumption of a fuel**

- (1) The Minister, by written notice, may direct a person to give the Minister information, in the person's possession or control, relating to the production, supply, distribution, sale, use or consumption of a fuel.
- (2) A notice under subsection (1) must specify—
 - (a) the kind of fuel (the *specified fuel*); and
 - (b) the kind of information that the person must give the Minister; and
 - (c) the manner and form in which the person must give the Minister the information; and
 - (d) the date by which the person must give the information to the Minister.
- (3) A notice under subsection (1) may be given during a period of emergency.
- (4) In addition, a notice under subsection (1) may be given when there is no period of emergency if and only if the Minister is of the view that—
 - (a) there is or is likely to be a threat to the production, supply or distribution of the specified fuel; and
 - (b) the kind of information specified in the notice is relevant for the planning of, and preparation for, the production, supply, distribution or sale of the specified fuel to ensure a sufficient amount of the specified fuel will remain available to meet the reasonable requirements of the community.
- (5) To avoid doubt, section 41A of the **Interpretation of Legislation Act 1984** applies to this section.

2B Compliance with information direction

A person who is given an information direction must comply with the direction unless the person has a lawful excuse.

Penalty: In the case of a natural person, 60 penalty units.
In the case of a body corporate, 2500 penalty units.

2C False and misleading information

A person must not, in purported compliance with an information direction, give information to the Minister that the person knows is false or misleading in a material particular.

Penalty: In the case of a natural person, 60 penalty units.
In the case of a body corporate, 2500 penalty units.

2D Confidentiality

(1) A person given confidential or commercially sensitive information under an information notice must not disclose that information.

Penalty: 120 penalty units.

(2) Subsection (1) does not apply to a disclosure of confidential or commercially sensitive information of the following kind—

- (a) a disclosure made with the consent of the person who gave the confidential or commercially sensitive information; or
- (b) a disclosure made for the purposes of the exercise of a power or the performance of a function under, or in connection with, this Act or the regulations; or
- (c) a disclosure made to the Commonwealth Minister for the purpose of administering the Liquid Fuel Emergency Act 1984 of the Commonwealth; or

- (d) a disclosure made by the Minister for the purposes of any arrangement entered into by the Minister and the Commonwealth Minister under section 15(1) of the Liquid Fuel Emergency Act 1984 of the Commonwealth; or
- (e) a disclosure made in the performance of a function or exercise of a power under the Liquid Fuel Emergency Act 1984 of the Commonwealth that is delegated, under section 49 of that Act, to—
 - (i) the Minister; or
 - (ii) an officer or employee of the State; or
 - (iii) a person who constitutes, is a member of, or is employed by, an authority established by or under a law of Victoria; or
- (f) a disclosure made to a court or tribunal in the course of legal proceedings; or
- (g) a disclosure made pursuant to an order of a court or tribunal; or
- (h) a disclosure of confidential or commercially sensitive information that is in the public domain at the time of the disclosure."

58C Compliance with directions etc. of Minister

In section 5(1) of the **Fuel Emergency Act 1977**, after "direction" (where first occurring) **insert** "(other than an information direction)".

58D Application and operation of directions etc.

In section 7(1) and (2) of the **Fuel Emergency Act 1977**, after "direction" **insert** "(other than an information direction)".

58E Provision for compensation to persons complying with directions

In section 8(1) of the **Fuel Emergency Act 1977**, after "direction" (where first occurring) **insert** "(other than an information direction)".

58F Section 9 amended

- (1) **Insert** the following heading to section 9 of the **Fuel Emergency Act 1977**—
"**General offence**".
- (2) In section 9(1) of the **Fuel Emergency Act 1977**, after "direction" **insert** "(other than an information direction)".
- (3) In section 9(2) of the **Fuel Emergency Act 1977**, for "50 penalty units" **substitute** "in the case of a natural person, 120 penalty units and in the case of a body corporate, 2500 penalty units.".!

AMENDMENT OF LONG TITLE

5. Long title, after "**Restricting Non-disclosure Agreements (Sexual Harassment at Work) Act 2025**" insert ", the **Fuel Emergency Act 1977** to confer a power on the Minister to direct persons to give the Minister information relating to the production, supply, distribution, sale, use or consumption of a fuel and create related offences and to increase the penalty for certain existing offences against that Act".

Certified –

Clerk of the Legislative Council