



Liquid Fuel Emergency Guidelines 2019

I, Angus Taylor, Minister for Energy, make the following guidelines.

Dated 25 March 2019

Angus Taylor
Minister for Energy

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Part 1—Preliminary

1 Name

This instrument is the *Liquid Fuel Emergency Guidelines 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 March 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Liquid Fuel Emergency Act 1984*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) liquid petroleum product;
- (b) period of national liquid fuel emergency;
- (c) refined liquid petroleum product;
- (d) relevant fuel industry corporation;
- (e) relevant liquid fuel;
- (f) relevant person.

In this instrument

Act means the *Liquid Fuel Emergency Act 1984*.

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bulk customer means a person or organisation that is identified as a bulk customer in an instrument under subsection 10(1) of the Act.

essential user means a person or organisation that is identified as an essential user in an instrument under subsection 11(1) of the Act.

liquid fuel emergency Ministers means the following Ministers:

- (a) the Minister;
- (b) each Energy Minister.

Note 1: **Energy Minister** is defined in subsection 3(1) of the Act.

Note 2: The Minister may delegate the Minister's powers or functions under the Act (subject to some exceptions): see section 49 of the Act.

Part 2—Bulk customers of relevant fuel industry corporations or of relevant persons

6 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 10 of the Act.

Subsection 10(1) of the Act authorises the Minister to identify a person or an organisation as a bulk customer of a particular relevant fuel industry corporation, or of a particular relevant person, in relation to a particular refined liquid petroleum product.

An instrument made under subsection 10(1) of the Act must be in accordance with these guidelines (as in force at the time the instrument is made).

7 Minister must consult on what constitutes a bulk quantity

- (1) Before making an instrument under subsection 10(1) of the Act in relation to a particular refined liquid petroleum product, the Minister must invite relevant fuel industry corporations and relevant persons to provide submissions on the following:
 - (a) the quantity of the refined liquid petroleum product that should constitute a bulk quantity of the product;
 - (b) the persons or organisations who meet the criteria in section 8 of this instrument to be identified as a bulk customer of the relevant fuel industry corporation or relevant person in relation to the product.
- (2) The Minister must specify, in an invitation under subsection (1), a reasonable period for relevant fuel industry corporations and relevant persons to provide submissions in relation to a matter referred to in paragraph (1)(a) or (b).
- (3) In deciding whether to make an instrument under subsection 10(1) of the Act in relation to the refined liquid petroleum product, the Minister must take into account any relevant submissions given to the Minister within the specified period.

8 Guidelines for identification of bulk customers

- (1) The Minister must not identify a person or an organisation as a bulk customer in an instrument under subsection 10(1) of the Act other than as provided for in this section.
- (2) The Minister may identify a person or organisation as a bulk customer in an instrument under subsection 10(1) of the Act if the Minister is satisfied that:
 - (a) the person or organisation has a current contractual arrangement (which may consist of one contract or multiple contracts) to purchase bulk quantities of a refined liquid petroleum product from a relevant fuel industry corporation or from a relevant person; and

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- (b) the contractual arrangement is for a period of at least 3 months.
- (3) However, the Minister must not identify the person or organisation as a bulk customer if the person or organisation:
 - (a) has ceased to carry on the activities for which the bulk quantities of the refined liquid petroleum product were purchased; or
 - (b) does not intend to carry on the activities for which the bulk quantities of the refined liquid petroleum product were purchased.

Part 3—Essential users of refined liquid petroleum products

9 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 11 of the Act.

Subsection 11(1) of the Act authorises the Minister to identify a person or organisation as an essential user of a particular refined petroleum product in a particular State or Territory if the person or organisation carries out activities mentioned in that subsection.

Those activities are or include:

- (a) activities related to the defence of Australia; or
- (b) activities related to the provision of the product as fuel for ships and aircraft engaged in trade or commerce (other than within a State or Territory); or
- (c) activities related to the export of the product from Australia; or
- (d) activities determined under subsection 11(3) of the Act (being activities essential for the health, safety and welfare of the community).

An instrument made under subsection 11(1) of the Act must be in accordance with these guidelines (as in force at the time the instrument is made).

10 Guidelines for determination of activities for the purposes of paragraph 11(1)(d) of the Act

In deciding whether to determine, under subsection 11(3) of the Act, an activity for the purposes of paragraph 11(1)(d) of the Act, the Minister must take the following matters into account:

- (a) the extent to which the activity is essential to the health, safety or welfare of the community;
- (b) the extent to which the supply of a particular refined liquid petroleum product is essential for the carrying out of that activity.

11 Guidelines for identification of essential users of refined liquid petroleum products

- (1) A person or organisation must not be identified as an essential user of a refined liquid petroleum product in an instrument under subsection 11(1) of the Act other than as provided for in this section.

Threshold for identifying a person or organisation as an essential user

- (2) The Minister may identify a person or organisation as an essential user of a particular refined petroleum product in an instrument under subsection 11(1) of the Act if:

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- (a) goods or services provided by the person or organisation in undertaking an activity mentioned in subsection 11(1) of the Act are essential for the preservation of the health, safety or welfare of the community; and
 - (b) the person or organisation would not be able to undertake that activity without a continuing supply of that refined liquid petroleum product.
- (3) For the purposes of paragraph (2)(a), goods or services are taken to be essential for the preservation of the health, safety or welfare of the community if a failure to provide them would be likely to impair substantially the health, safety or welfare of members of the community.
- (4) Subsection (3) does not limit the meaning of the expression essential for the preservation of the health, safety or welfare of the community for the purposes of paragraph (2)(a).

Matters that must be taken into account in deciding whether to identify a person or organisation as an essential user

- (5) The Minister must take the following matters into account in deciding whether to identify a person or organisation as an essential user in an instrument under subsection 11(1) of the Act:
- (a) the expected severity, type, impact and duration of liquid fuel supply disruption during a period of national liquid fuel emergency or a period of national liquid fuel emergency that may be declared under section 16 of the Act;
 - (b) the established need of each category of person or organisation for the refined liquid petroleum product and the availability of that product to meet those needs;
 - (c) the likelihood that the person or organisation can be identified by relevant fuel industry corporations and relevant persons as an essential user.

Minister must make decision as to who is an essential user as soon as practicable after national liquid fuel emergency is declared

- (6) If:
- (a) a period of national liquid fuel emergency is declared under section 16 of the Act; and
 - (b) the Minister is aware that a person or organisation meets the criteria in this section to be identified as an essential user;
- the Minister should, as soon as practicable after the declaration, make a decision to identify, or refuse to identify, the person or organisation as an essential user.

Note: Notice of the decision must be given: see subsection 11(10) of the Act.

- (7) To avoid doubt, the Minister may make a decision to identify, or refuse to identify, a person or organisation as an essential user at any other time.

Part 4—Directions to relevant fuel industry corporations to maintain reserves etc. as part of contingency planning

12 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 12 of the Act.

Subsection 12(1) of the Act authorises the Minister to direct a relevant fuel industry corporation:

- (a) to maintain at all times after a specified day, at specified places in Australia, specified quantities of reserve supplies of a specified kind of liquid fuel; or
- (b) to accumulate, by a specified day, specified quantities of reserve supplies of a specified kind of liquid fuel and to maintain, at all times after that day, such quantities of reserve supplies of liquid fuel of that kind at specified places in Australia.

A direction may not be given during a period of national liquid fuel emergency (see Part 8 for directions in this circumstance).

A direction given under subsection 12(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

13 Guidelines for directions in relation to the maintenance of reserves etc. as part of contingency planning

Minister must consult before giving direction

- (1) Before giving a direction under subsection 12(1) of the Act to a relevant fuel industry corporation, the Minister must:
 - (a) inform the corporation and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
 - (b) invite the corporation and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Note: There are limitations on directions given under subsection 12(1) of the Act: see subsection 12(3) of the Act.

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during a period of national liquid fuel emergency that may be declared under section 16 of the Act;

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(b) any relevant submissions given to the Minister within the specified period.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
- (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

Part 5—Bulk allocation procedures of relevant fuel industry corporations

14 Simplified outline of this Part

This Part sets out guidelines for the purposes of subsection 13(3) of the Act.

Subsection 13(3) of the Act requires the Minister to make guidelines relating to a specified class of relevant fuel industry corporations allocating bulk supplies of a specified kind of refined liquid petroleum product to persons who, or organisations that, would be likely to be bulk customers for those supplies during a period of national liquid fuel emergency.

The Minister may direct, under subsection 13(1) of the Act, each relevant fuel industry corporation in that class who supplies products of that kind to give the Minister particulars of procedures the corporation has developed to enable it to allocate bulk supplies of that product in accordance with these guidelines.

The Minister approves these procedures under subsection 13(5) or (7) of the Act. The approved procedures are relevant for the purposes of giving a direction under subsection 21(1) of the Act (see Part 10 of this instrument for guidelines for the purposes of section 21 of the Act).

15 Classes of relevant fuel industry corporations

For the purposes of subsection 13(3) of the Act, corporations that, as a principal or substantial part of their activities, engage in the wholesaling of refined liquid petroleum products are a specified class of relevant fuel industry corporations.

16 Kinds of refined liquid petroleum products

For the purposes of subsection 13(3) of the Act, the specified kinds of refined liquid petroleum products are each of the liquid fuels defined as a *refined liquid petroleum product* in subsection 3(1) of the Act.

17 Guidelines for bulk allocation procedures

- (1) A procedure of a relevant fuel industry corporation in a class specified under section 15 of this instrument, that supplies a kind of refined liquid petroleum product specified in section 16 of this instrument, must include a mechanism to enable the equitable allocation of the available product to bulk customers in such quantities as are specified in, or worked out in accordance with, a direction given by the Minister under subsection 21(1) of the Act.
- (2) The mechanism must:
 - (a) enable the reduction, by a certain percentage or amount, of the quantity of the future supply of the bulk product to be supplied to a bulk customer; and

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- (b) enable the continuing supply of the reduced volume of the future supply of the bulk product to the bulk customer during a period of national liquid fuel emergency; and
- (c) enable further reductions or increases, by certain percentages or amounts, of the quantity of the future supply of the bulk product to be supplied to a bulk customer, and the continuing supply of the varied volume of the future supply of the bulk product to the bulk customer during a period of national liquid fuel emergency; and
- (d) be able to be applied on a daily, weekly or monthly basis.

Part 6—Directions to relevant fuel industry corporations and relevant persons to maintain statistical information

18 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 14 of the Act.

Subsection 14(1) of the Act authorises the Minister to direct:

- (a) each relevant fuel industry corporation included in a specified class of relevant fuel industry corporations; and
- (b) each relevant person included in a specified class of relevant persons;

to maintain, in a specified form and after a specified day, specified statistical information relating to liquid fuels that come into the possession or under the control of that corporation or person after that day.

A direction given under subsection 14(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

19 Classes of relevant fuel industry corporations

For the purposes of paragraph 14(1)(a) of the Act, the specified classes of relevant fuel industry corporations are the following:

- (a) corporations that, as a principal or substantial part of their activities, engage in the production of liquid petroleum products;
- (b) corporations that, as a principal or substantial part of their activities, engage in the processing of liquid petroleum products;
- (c) corporations that, as a principal or substantial part of their activities, engage in the refining of liquid petroleum products;
- (d) corporations that, as a principal or substantial part of their activities, engage in the wholesaling of liquid petroleum products;
- (e) corporations that, as a principal or substantial part of their activities, engage in the retailing of refined liquid petroleum products;
- (f) corporations that, as a principal or substantial part of their activities, engage in the storage of liquid petroleum products.

20 Classes of relevant persons

For the purposes of paragraph 14(1)(b) of the Act, the specified classes of relevant persons are the following:

- (a) relevant persons who, as a principal or substantial part of their activities, engage in the production of liquid petroleum products;
- (b) relevant persons who, as a principal or substantial part of their activities, engage in the processing of liquid petroleum products;

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- (c) relevant persons who, as a principal or substantial part of their activities, engage in the refining of liquid petroleum products;
- (d) relevant persons who, as a principal or substantial part of their activities, engage in the wholesaling of liquid petroleum products;
- (e) relevant persons who, as a principal or substantial part of their activities, engage in the retailing of refined liquid petroleum products;
- (f) relevant persons who, as a principal or substantial part of their activities, engage in the storage of liquid petroleum products.

21 Guidelines for directions in relation to the maintenance of statistical information

Minister must consult before giving direction

- (1) Before giving a direction under subsection 14(1) of the Act to each relevant fuel industry corporation in a class specified in section 19 of this instrument, and each relevant person in a class specified in section 20 of this instrument, the Minister must:
 - (a) inform those corporations and relevant persons and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under subsection 14(1) of the Act; and
 - (b) invite those corporations, relevant persons and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) any relevant submissions given to the Minister within the specified period;
 - (b) the current statistical information available to the Minister (including information given by those corporations or relevant persons under the *Petroleum and Other Fuels Reporting Act 2017*);
 - (c) the manner and form in which the information would be required to be maintained and the extent to which this is consistent with any obligations of those corporations or relevant persons to report information under the *Petroleum and Other Fuels Reporting Act 2017*.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account any other relevant matter in deciding whether to give the direction.

Part 7—Directions to relevant fuel industry corporations and relevant persons to make available statistical information

22 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 14A of the Act.

Subsection 14A(1) of the Act authorises the Minister to direct a relevant fuel industry corporation or a relevant person to make available to the Minister and any specified Energy Minister, specified statistical information of the kind that the corporation or person is required to maintain under section 14 of the Act.

A direction given under subsection 14A(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

23 Guidelines for directions in relation to making statistical information available

Minister must consult before giving direction

- (1) Before giving a direction under subsection 14A(1) of the Act to a fuel industry corporation or a relevant person to make available specified statistical information, the Minister must:
 - (a) inform the corporation or relevant person and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under subsection 14A(1) of the Act; and
 - (b) invite the corporation or relevant person and those Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) any relevant submissions given to the Minister within the specified period;
 - (b) the current statistical information available to the Minister;
 - (c) the purposes for which the information is expected to be used;
 - (d) whether personal information (within the meaning of the *Privacy Act 1988*) is likely to be collected;
 - (e) the manner in which commercially sensitive information and personal information (if any) is likely to be handled and whether measures are in place to appropriately protect this information;
 - (f) the manner and form in which the information would be required to be made available and the extent to which this is consistent with any

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obligations of fuel industry corporations or relevant persons to make the information, or information of a similar kind, available under other laws.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account any other relevant matter in deciding whether to give the direction.

Part 8—Directions to relevant fuel industry corporations to maintain reserves etc. during period of national liquid fuel emergency

24 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 17 of the Act.

During a period of national liquid fuel emergency, subsection 17(1) of the Act authorises the Minister to direct a relevant fuel industry corporation:

- (a) to maintain at all times after a specified day, at specified places in Australia, specified quantities of reserve supplies of a specified kind of liquid fuel; or
- (b) to accumulate, by a specified day, specified quantities of reserve supplies of a specified kind of liquid fuel and to maintain, at all times after that day, such quantities of reserve supplies of liquid fuel of that kind at specified places in Australia.

A direction given under subsection 17(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

25 Guidelines for directions in relation to the maintenance of reserves etc. during period of national liquid fuel emergency

Minister must consult before giving direction

- (1) Before giving a direction under subsection 17(1) of the Act during a period of national liquid fuel emergency to a relevant fuel industry corporation, the Minister must:
 - (a) inform the corporation and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
 - (b) invite the corporation and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Note: There are limitations on directions given under subsection 17(1) of the Act: see subsection 17(2) of the Act.

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;
 - (b) any relevant submissions given to the Minister within the specified period.

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Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
- (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

Part 9—Directions to relevant fuel industry corporations as to output from refineries

26 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 20 of the Act.

During a period of national liquid fuel emergency, subsection 20(1) of the Act authorises the Minister to direct a relevant fuel industry corporation that is engaged in producing or refining liquid fuel to produce in Australia, during a specified period, a specified quantity of liquid fuel of a specified kind.

A direction given under subsection 20(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

27 Guidelines for directions in relation to output from refineries

Minister must consult before giving direction

- (1) Before giving a direction under subsection 20(1) of the Act during a period of national liquid fuel emergency to a relevant fuel industry corporation, the Minister must:
 - (a) inform the corporation and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
 - (b) invite the corporation and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Note: There are limitations on directions given under subsection 20(1) of the Act: see subsection 20(2) of the Act.

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;
 - (b) any relevant submissions given to the Minister within the specified period.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
 - (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

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Part 10—Directions with respect to allocation by relevant fuel industry corporations of liquid fuel to bulk customers

28 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 21 of the Act.

During a period of national liquid fuel emergency, subsection 21(1) of the Act authorises the Minister to direct each relevant fuel industry corporation that, in the course of its trading or commercial activities:

- (a) ordinarily makes a specified kind of refined liquid petroleum product available for purchase in bulk in a State or Territory; and
- (b) ordinarily makes that product available for such purchase by persons or organisations that are bulk customers of the corporation in relation to that product;

to make that product available for purchase in bulk in that State or Territory by those persons or organisations in such quantities as are specified in, or worked out in accordance with, the direction.

A direction given under subsection 21(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

29 Guidelines for directions with respect to allocation by relevant fuel industry corporations of liquid fuel to bulk customers

Minister must consult before giving direction

- (1) Before giving a direction under subsection 21(1) of the Act during a period of national liquid fuel emergency to each relevant fuel industry corporation of the kind referred to in that subsection, the Minister must:
 - (a) inform those corporations and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
 - (c) invite those corporations and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Note: There are limitations on directions given under subsection 21(1) of the Act: see subsections 21(2) to (4) and section 25 of the Act.

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;

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- (b) any relevant submissions given to the Minister within the specified period;
- (c) the bulk allocation procedures of those corporations (as approved by the Minister under subsection 13(5) or (7) of the Act);
- (d) the expected supply needs of essential users.

Note: See Part 5 for guidelines for bulk allocation procedures of relevant fuel industry corporations.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
 - (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

Part 11—Directions with respect to allocation by relevant persons of liquid fuel to bulk customers

30 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 22 of the Act.

During a period of national liquid fuel emergency, subsection 22(1) of the Act authorises the Minister to direct each relevant person who, in the course of the person's trading or commercial activities:

- (a) ordinarily makes a specified kind of refined liquid petroleum product available for purchase in bulk in a State or Territory; and
- (b) ordinarily makes that product available for such purchase by persons or organisations that are bulk customers of the relevant person in relation to that product;

to make that product available for purchase in bulk in that State or Territory by those persons or organisations in such quantities as are specified in, or worked out in accordance with, the direction.

A direction given under subsection 22(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

31 Guidelines for directions with respect to allocation by relevant persons of liquid fuel to bulk customers

Minister must consult before giving direction

- (1) Before giving a direction under subsection 22(1) of the Act during a period of national liquid fuel emergency to each relevant person of the kind referred to in that subsection, the Minister must:
 - (a) inform those relevant persons and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
 - (b) invite those relevant persons and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Note: There are limitations on directions given under subsection 22(1) of the Act: see subsections 22(2) to (4) and section 25 of the Act.

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;
 - (b) any relevant submissions given to the Minister within the specified period;
 - (c) the expected supply needs of essential users.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
- (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

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Part 12—Directions to relevant fuel industry corporations regulating or prohibiting supply of liquid fuel

32 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 23 of the Act.

During a period of national liquid fuel emergency, subsection 23(1) of Act, authorises the Minister to give directions regulating or prohibiting the supply by relevant fuel industry corporations, in the course of their trading or commercial activities, of specified refined liquid petroleum products to persons generally or to specified persons.

A direction given under subsection 23(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

33 Kinds of directions that may be given

- (1) The kinds of directions that the Minister may give under subsection 23(1) of the Act include the following:
 - (a) a direction that relevant fuel industry corporations must not supply specified refined liquid petroleum products to persons generally, or to specified persons, that are not able to produce evidence of an entitlement to purchase those products;
 - (b) a direction specifying the maximum amount of specified refined liquid petroleum products that can be supplied by relevant fuel industry corporations to persons generally, or to specified persons:
 - (i) at any one time; or
 - (ii) over a specified period;
 - (c) a direction specifying the period or periods of time during the day that specified refined liquid petroleum products can be supplied by relevant fuel industry corporations to persons generally or to specified persons.
- (2) Subsection (1) does not limit the kinds of directions that may be given under subsection 23(1) of the Act.

Note: There are limitations on directions given under subsection 23(1) of the Act: see subsections 23(2) to (4) and section 25 of the Act.

34 Guidelines for directions to relevant fuel industry corporations regulating or prohibiting supply of liquid fuel

Minister must consult before giving direction

- (1) Before giving a direction under subsection 23(1) of the Act, during a period of national liquid fuel emergency regulating or prohibiting the supply of specified refined liquid petroleum products by relevant fuel industry corporations, the Minister must:

- (a) inform those corporations and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
- (b) invite those corporations and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;
 - (b) any relevant submissions given to the Minister within the specified period;
 - (c) any bulk allocation procedures of those corporations (as approved by the Minister under subsection 13(5) or (7) of the Act);
 - (d) the expected supply needs of essential users.

Note: See Part 5 for guidelines for bulk allocation procedures of relevant fuel industry corporations.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
 - (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

Part 13—Directions to relevant persons regulating or prohibiting supply of liquid fuel

35 Simplified outline of this Part

This Part sets out guidelines for the purposes of section 24 of the Act.

During a period of national liquid fuel emergency, subsection 24(1) of the Act authorises the Minister to give directions regulating or prohibiting the supply by relevant persons, in the course of their trading or commercial activities, of specified refined liquid petroleum products to persons generally or to specified persons.

A directions given under subsection 24(1) of the Act must be in accordance with these guidelines (as in force at the time the direction is given).

36 Kinds of directions that may be given

- (1) The kinds of directions that the Minister may give under subsection 24(1) of the Act include the following:
 - (a) a direction that relevant persons must not supply specified refined liquid petroleum products to persons generally, or to specified persons, that are not able to produce evidence of an entitlement to purchase those products;
 - (b) a direction specifying the maximum amount of specified refined liquid petroleum products that can be supplied by relevant persons to persons generally, or to specified persons:
 - (i) at any one time; or
 - (ii) over a specified period;
 - (c) a direction specifying the period or periods of time during the day that specified refined liquid petroleum products can be supplied by relevant persons to persons generally or to specified persons.
- (2) Subsection (1) does not limit the kinds of directions that may be given under subsection 24(1) of the Act.

Note: There are limitations on directions given under subsection 24(1) of the Act: see subsections 24(2) to (4) and section 25 of the Act.

37 Guidelines for directions to relevant persons regulating or prohibiting supply of liquid fuel

Minister must consult before giving direction

- (1) Before giving a direction under subsection 24(1) of the Act, during a period of national liquid fuel emergency regulating or prohibiting the supply of specified refined liquid petroleum products by relevant persons, the Minister must:

- (a) inform those relevant persons and the other liquid fuel emergency Ministers that the Minister is proposing to give a direction under that subsection; and
- (b) invite those relevant persons and Ministers to make submissions on the proposal within a period specified by the Minister (which must be a reasonable period).

Matters that must be taken into account in deciding whether to give direction

- (2) The Minister must take into account the following matters in deciding whether to give the direction:
 - (a) the expected severity, type, impact and duration of liquid fuel supply disruption during the period of national liquid fuel emergency;
 - (b) any relevant submissions given to the Minister within the specified period;
 - (c) the expected supply needs of essential users.

Matters that may be taken into account in deciding whether to give direction

- (3) The Minister may take into account the following matters in deciding whether to give the direction:
 - (a) the expected impact of the proposed direction on the broader community;
 - (b) the expected impact of the proposed direction in relation to Australia's national interests and international obligations;
 - (c) any other relevant matter.

Schedule 1—Repeals

Liquid Fuel Emergency Guidelines 2008

1 The whole of the instrument

Repeal the instrument.