Australian Capital Territory

# Fuels Rationing (Fuel Restriction Scheme) Approval 2019

## Disallowable instrument DI2019 – 226

made under the

Fuels Rationing Act 2019, s 8 (Approved fuel restriction scheme)

### 1 Name of instrument

This instrument is the *Fuels Rationing (Fuel Restriction Scheme) Approval 2019*.

### 2 Commencement

This instrument commences on the commencement of the *Fuels Rationing Act 2019*, section 8.

### 3 Approved fuel restriction scheme

I approve the fuel restriction scheme as set out in Schedule 1 of this instrument.

*Note: Guidelines for this scheme are available at the Environment, Planning and Sustainable Development Directorate website, at* <https://www.environment.act.gov.au/>.

Shane Rattenbury MLA
Minister for Climate Change and Sustainability

4 October 2019

### Schedule 1

(*See section 3)*

### Fuel Restriction Scheme

**Stage 1 Fuel Restrictions - Voluntary Restriction Measures**

In the event of shortage or likely shortage of fuel, the Minister may declare that a Stage 1 fuel restriction measure, including but not limited to those detailed in Table 1, is in force if satisfied that the measure is necessary to meet one or more of the objectives outlined in section 11 (1) (b) of the Act.

**Table 1**

|  |  |  |
| --- | --- | --- |
| **Voluntary Restriction Measure** | **Type of fuel to which the restriction applies** | **Class of buyers, sellers or other people to whom the** **restrictions apply** |
| Non-essential driving is limited | Determined by fuel restriction declaration | All people |
| Driving is replaced by walking, riding and catching public transport where feasible | Determined by fuel restriction declaration | All people |
| Car-pooling is utilised where feasible | Determined by fuel restriction declaration | All people |
| Employers encourage employees to work from home where feasible | Determined by fuel restriction declaration | All people |
| Eco-driving practices are implemented. *Note- Eco-driving practices refer to actions that drivers can take to reduce fuel consumption. Further information about Eco-driving practices is available in the Fuel Restriction Scheme Guidelines.* | Determined by fuel restriction declaration | All people |

**Stage 2 Fuel Restrictions- Mandatory Restriction Measures**

In the event of shortage or likely shortage of fuel and voluntary fuel restrictions are not sufficient, the Minister may declare that a Stage 2 fuel restriction measure is in force if satisfied that the measure is necessary to meet one or more of the objectives outlined in section 11 (1) (b) of the Act. Stage 2 measures include but are not limited to those listed in Table 2.

**Table 2**

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| --- | --- | --- | --- | --- |
| **Restriction measure** | **Restriction measure description** | **Amount or type of fuel to which restriction applies** | **Circumstances of restriction** | **Class of buyers, sellers or other people to whom the** **restrictions apply** |
| Fuel sales | A fuel seller may only sell a quantity of a declared fuel below or equal to a declared limit, per vehicle, per transaction.The Minister may provide conditions by which fuel may be sold; for example the fuel must be pumped directly into a vehicle.  | Determined by fuel restriction declaration | At all times a fuel restriction declaration is in force | All fuel sellers |
| Fuel purchases | A person may only purchase an amount of declared fuel equal to or less than a declared limit. The Minister may provide conditions by which fuel may be purchased; for example the fuel must be pumped directly into a vehicle. | Determined by fuel restriction declaration | At all times a fuel restriction declaration is in force. Restriction applies per vehicle per day.  | All users other than exempt users |

Note: Fuel sellers will be required to identify essential users, as exempted by the Minister in the fuel restriction declaration, and allow them to purchase amounts of fuel in accordance with the conditions of the fuel restriction declaration.

### Exemptions from Fuel Restrictions

**Class A Essential Users**

The Minister may exempt Class A Essential User entities from all Stage 2 fuel restrictions. Class A Essential User entities may receive exemptions for all Stage 2 fuel restrictions regardless of which Australian jurisdiction they are registered in. Class A users include, but are not limited to, those listed in Table 3. The Minister may provide that an essential user is exempt only for a specific activity; e.g. refuelling identifiable vehicles.

**Table 3**

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| **Class A Essential Users** |
| Ambulance services |
| Corrective services |
| Fire and Rescue Services |
| Rural Fire Service |
| Police Services |
| Public Transport services |
| State Emergency Services |
| Emergency Services Agency Support Services |
| Taxi services |
| Emergency Controller |

**Class B Essential Users**

The Minister may exempt additional entities from Stage 2 fuel restrictions in response to the particular circumstances of the fuel emergency. Class B users include but are not limited to those listed in Table 4. The Minister may exempt a Class B user if satisfied that compliance with the fuel restriction would cause the entity or anyone else serious detriment. The Minister may provide that an essential user is exempt only for a specific activity.

**Table 4**

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| **Class B Essential Users** |
| Utility services that hold a current Utilities Licence under the *Utilities Act 2000*, electricity and gas distributors operating in the ACT, and determined electricity and gas technicians. |
| Municipal waste collection services by determination |
| Persons under the direction of the Emergency Controller under the *Emergencies Act 2004.* |

|  |
| --- |
| Inspectors appointed under the *Electricity Safety Act 1971, Gas Safety Act 2000, Building Act 2004*, *Water and Sewerage Act 2000, Dangerous Substances Act 2004*, and the *Work Health and Safety Act 2011*. |
| Roads ACT |
| Fuel transport companies  |