

**APPENDIX 2**

**DRAFT ELECTRICITY (AMENDMENT) BILL**

**Bill No. /2018.**

*Read the first time on .*

A BILL

*i n t i t u l e d*

An Act to amend the Electricity Act (Chapter 89A of the 2002 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### Short title and commencement

1. This Act is the Electricity (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### Amendment of section 2

2. Section 2 of the Electricity Act is amended —

(a) by deleting the words “section 64(3) or 98(2)” in the definition of “Appeal Panel” and substituting the words “section 65”;

(b) by deleting paragraph (a) of the definition of “earthworks” and substituting the following paragraph:

“(a) any act of excavating earth, rock or other material (by whatever means);

(aa) any act done on, in or under the ground in connection with —

(i) any work for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, road, railway, bridge, viaduct, flyover, sewer or sewage works;

(ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fitting or other apparatuses;

(iii) any soil investigation work; or

(iv) such other works as are usually undertaken by a person carrying on business as a contractor in the construction industry or as a professional civil or structural engineer;”;

(c) by deleting the words “earth rod” in paragraph (c) of the definition of “earthworks” and substituting the words “bar, rod, pole, picket,”;

(d) by deleting paragraph (a) of the definition of “electrical installation” and substituting the following paragraph:

“(a) any electric line, supply line or electrical plant —

(i) of a transmission licensee for the transmission of electricity; or

(ii) of a generation licensee for the generation of electricity;”;

(e) by deleting the definition of “electricity cable” and substituting the following definition:

““electricity cable” means a length of insulated single conductor or of 2 or more such conductors, whether or not the conductor or conductors are provided with an overall covering for mechanical protection, and —

- (a) all other apparatuses or devices connected to the conductor or conductors, as the case may be (including by any remote or wireless means); and
- (b) any data communication cable used to monitor and control the transmission of electricity;”; and

(f) by inserting, immediately after the definition of “market support services licensee”, the following definitions:

“ “meter” means any device for measuring the flow of electricity;

“meter installation” means any meter and, if so equipped, its associated equipment, apparatus, device and installation, including any self-contained meter transformers, wiring, seal, meter test terminal block, test links, fuses, lamps, data recorders, circuit breakers, and communication modem required to provide remote access to the metered data so that readings from the meter can be taken;”.

### **Amendment of section 6**

3. Section 6(1) of the Electricity Act is amended —

- (a) by deleting the word “or” at the end paragraph (f); and
- (b) by deleting the comma at the end of paragraph (g) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
  - “(h) carry on such other activity relating to electricity as the Minister may, by order published in the *Gazette*, specify,”.

### **Amendment of section 9**

4. Section 9(1) of the Electricity Act is amended —

- (a) by deleting the word “or” at the end of paragraph (f); and
- (b) by deleting the full-stop at the end of paragraph (g) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
  - “(h) for the purpose referred to in paragraph (h) of section 6(1), a licence for such activity as may be specified in any order made under that paragraph.”.

### **Amendment to section 10**

5. The Electricity Act is amended by inserting, immediately after the words “for the purpose of allowing the consumer”, the words “(if the consumer remains a contestable consumer under section 41)”.

### **New section 20A**

6. The Electricity Act is amended by inserting, immediately after section 20, the following section:

### “Connections to electrical plants

**20A.**—(1) The Authority may direct any electricity licensee (*E*) to allow a transmission licensee to connect the electrical plant or electrical line of the transmission licensee, to *E*’s electrical plant.

(2) For the purpose of subsection (1), the direction may —

- (a) require *E* to allow the transmission licensee to enter the premises of *E* for purposes of making and maintaining the connection, and not to do or suffer to be done anything which may prevent the transmission licensee from making and maintaining the connection; and
- (b) require *E* and the transmission licensee to enter into an agreement after the connection under paragraph (a) has been made, within the time specified in the direction, for the purpose of maintaining the connection and compensating *E* for its losses directly suffered as a result of the connection,

and *E* and the transmission licensee must comply with a direction under subsection (1) to the extent that it relates to either of them.

(3) If *E* and the transmission licensee are unable to agree on any matter so as to be able to enter into an agreement in accordance with a requirement under paragraph (b), either *E* or the transmission licensee may request the Minister to establish an Appeal Panel under section 65 to determine the reasonable terms for that matter.

(4) The decision of the Appeal Panel under subsection (3) must include a date on which *E* and the transmission licensee are treated as having entered into an agreement comprising —

- (a) (if any) the terms agreed between *E* and the transmission licensee; and
- (b) the terms determined by the Appeal Panel,

and *E* and the transmission licensee are treated as having entered into an agreement with each other as from that date on all such terms.

(5) The direction of the Authority is revoked as from the date mentioned in subsection (4).

(6) Nothing in subsection (4) prevents *E* and the transmission licensee from varying or terminating the agreement under that subsection.”.

### Amendment of section 30A

7. Section 30A of the Electricity Act is amended by inserting, immediately before the definition of “associate”, the following definition:

““arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;”.

### Amendment of section 30B

8. Section 30B of the Electricity Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) The notice under subsection (1) must be given within 5 days after the electricity licensee, a designated entity or the trustee-manager of a designated business becomes aware of the acquisition mentioned in that subsection.”;

(b) by inserting, immediately after the word “business” wherever it appears in subsection (3), the words “, or any part of the business,”;

(c) by deleting the comma at the end of paragraph (b) of subsection (3) and substituting the word “; or” and by inserting immediately thereafter the following paragraph:

“(c) the business, or any part of the business, of a designated business trust relating to a transmission system or any part of a transmission system in respect of which, wholly or in part, the business trust is established,”;

(d) by deleting the words “or entity” in subsection (3) and substituting the words “, the entity or the trustee-manager of the business trust”.”; and

(e) by inserting, immediately after subsection (6), the following subsection:

“(6A) The Authority may at any time add to, vary or revoke any condition imposed under this section.”.

### **Amendment of section 30C**

9. Section 30C(2) of the Electricity Act is amended by deleting paragraph (e) and substituting the following paragraphs:

- “(e) the conditions which the Authority may impose in granting any approval under section 30B, including conditions —
  - (i) restricting the disposal or further acquisition of equity interests or voting power in the designated electricity licensee, designated entity or designated business trust; or
  - (ii) restricting the exercise of voting power in the designated electricity licensee, designated entity or designated business trust;
- (ea) the form of any notice given or application made under section 30B, the manner in which the notice may be given or the application made, and the person or persons who may give the notice or make the application; and”.

### **New section 30CA**

10. The Electricity Act is amended by inserting, immediately after section 30C, the following section:

#### **“Power to exempt**

**30CA.** The Authority may, by order published in the *Gazette*, exempt —

- (a) any person or class of persons; or

(b) any class or description of equity interests, from section 30B(1), (2) or (3), subject to such conditions as may be specified in the order.”.

### **Amendment of section 30D**

**11.** Section 30D of the Electricity Act is amended —

(a) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

“(b) in the case of a person who has obtained the Authority’s approval under section 30B(2) or who has been exempted from section 30B(2) under section 30CA —

(i) the person is not or ceases to be a fit and proper person;

(ii) having regard to the person’s likely influence —

(A) the designated electricity licensee or designated entity, as the case may be, is not, or is no longer, likely to conduct its business prudently or to comply with the provisions of this Act; or

(B) the trustee-manager of the designated business trust is not, or is no longer, likely to conduct the business of the business trust prudently or to comply with the provisions of this Act; or

(iii) it is not, or is no longer, in the public interest to allow the person to continue to be a 12% controller, a 30% controller or an indirect controller, as the case may be;

(ba) in the case of a person who has obtained the Authority’s approval under section 30B(3) or who has been exempted from section 30B(3) under section 30CA, and who has acquired as a going concern a business referred to in section 30B(3) —

(i) the person is not or ceases to be a fit and proper person; or

(ii) it is not, or is no longer, in the public interest to allow the person to continue to own or manage that business;”;

(b) by deleting the word “or” at the end of subsection (1)(c);

(c) by deleting the full-stop at the end of paragraph (d) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(e) any condition imposed on the person under section 30B or 30CA has not been complied with.”;

(d) by deleting subsection (2) and substituting the following subsection:

“(2) Where the person is a 12% controller, a 30% controller or an indirect controller of a designated electricity licensee, designated entity or designated business trust, the Authority may, by notice in writing —

- (a) direct the person to take such steps as are necessary, within such period as may be specified by the Authority, to ensure that he ceases to be a 12% controller, a 30% controller or an indirect controller of the licensee, entity or business trust;
- (b) direct the person or any of his associates to transfer or dispose of any or all of the equity interests in the licensee, entity or business trust held by the person or his associate (referred to in this section and section 30E as the specified equity interests) within such time and subject to such conditions as the Authority considers appropriate;
- (c) restrict the transfer or disposal of the specified equity interests; or
- (d) make such other direction as the Authority considers appropriate.”; and
- (e) by deleting the word “or” at the end of paragraph (a) of subsection (3) and by inserting immediately thereafter the following paragraph:
 

“(aa) restrict the transfer or disposal of the business or any part thereof; or”.

#### **Amendment of section 30E**

**12.** Section 30E(2) of the Electricity Act is amended by deleting the word “section 30D(2)(a) or (b)” and substituting the word “section 30D(2)(b) or (c)”.

#### **Amendment of section 41**

**13.** Section 41 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:
 

“(1) The Authority may, with the approval of the Minister, make regulations prescribing the circumstances in which a consumer becomes, or ceases to be, a contestable consumer (including upon the grant of an application made by the consumer to be or to cease to be such).”; and
- (b) by inserting, immediately after the words “a market support services licensee shall” in subsection (10), the words “(if the contestable consumer remains as such under this section)”.

#### **New section 53A**

**14.** The Electricity Act is amended by inserting, immediately after section 53, the following section:

##### **“Guidelines**

**53A.**—(1) The Authority may issue guidelines with a view to providing practical guidance or certainty in respect of any one or more of the provisions in this Part.

(2) For the purpose of preparing any guidelines under subsection (1), the Authority may consult with such person as the Authority thinks fit.

(3) Where, in any administrative proceedings commenced in connection with this Part, any provision in this Part to which any guideline issued under subsection (1) relates is alleged to have been contravened, then —

- (a) compliance with such guideline; or
- (b) a contravention of or failure to comply with, whether by act or omission, such guideline,

may be relied upon by any party to those proceedings as tending to negative or establish the contravention which is in question in those proceedings.”.

#### **Amendment of section 64**

**15.** Section 64 of the Electricity Act is amended —

- (a) by deleting the words “under subsection (3)” in subsection (2) and substituting the words “to consider and determine the appeal”; and
- (b) by deleting the words “establish by direction, within 30 days of the request, an Appeal Panel to consider an appeal made under this section” in subsection (3) and substituting the words “establish an Appeal Panel within 30 days after the request, to consider and determine the appeal in question”.

#### **Amendment of section 65**

**16.** Section 65(1) of the Electricity Act is amended —

- (a) by deleting the words “established by direction under section 64(3) or 98(2)” and substituting the words “established by the Minister”; and
- (b) by deleting subsection (3) and substituting the following subsection:

“(3) The remuneration and allowances, if any, of a member of an Appeal Panel shall be determined by the Minister and —

- (a) subject to paragraph (b), shall form part of the expenses of the Authority; and
- (b) where the Appeal Panel is established for purposes of section 20A, shall be borne equally by *E* and the transmission licensee, or in such other proportion between *E* and the transmission licensee as the Appeal Panel may specify.”.

#### **Amendment of section 66**

**17.** Section 66 of the Electricity Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) An Appeal Panel must —



- (a) by notice to the Authority and the appellant; or
- (b) where the Appeal Panel is established for purposes of section 20A, by notice to *E* and the transmission licensee concerned,

specify the date on and the place at which the appeal is to be heard; and

- (b) by inserting, immediately after subsection (10), the following subsection:

“(11) Where an Appeal Panel is established for purposes of section 20A, the Appeal Panel must notify *E* and the transmission licensee of its decision in respect of the terms of the agreement required to be determined by it, and its reasons for its decision.”.

### **Amendment of section 79**

**18.** Section 79 of the Electricity Act is amended —

- (a) by deleting the words “other than an electricity licensee” in subsection (1); and
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Subsection (1) does not prohibit an electricity licensee from commencing or carrying out, or causing or permitting the commencement or carrying out of, earthworks within the vicinity of any low voltage electricity cable which belongs to or which is under the management or control of the electricity licensee.”.

### **Amendment of section 80**

**19.** Section 80 of the Electricity Act is amended —

- (a) by deleting the words “other than an electricity licensee” in subsection (1); and
- (b) by deleting the words “carries out” in subsection (4) and substituting the words “commences or carries out, or causes or permits the commencement or carrying out of,”; and
- (c) by inserting, immediately after subsection (6), the following subsection:

“(6A) Subsection (1) does not prohibit an electricity licensee from commencing or carrying out, or causing or permitting the commencement or carrying out of, earthworks within the vicinity of any high voltage electricity cable which belongs to or which is under the management or control of the electricity licensee.”.

### **Amendment of section 82**

**20.** Section 82 of the Electricity Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) An individual must not carry out, or offer or undertake to carry out, any electrical work unless —

- (a) the individual is a licensed electrical worker; or
- (b) the individual acts under the supervision of an individual who is a licensed electrical worker.

(1A) An individual must not hold himself out (whether by an advertisement or any other means) as authorised under this Act to carry out any electrical works, unless the individual is a licensed electrical worker.

(1B) A person must not in the course of business (whether or not carried on for profit) provide, or offer or undertake to provide, the carrying out of any electrical work unless the person ensures that the work is carried out by —

- (a) one or more individuals each being a licensed electrical worker; or
- (b) one or more individuals acting under the supervision of one or more individual each being a licensed electrical worker.

(1C) A person must not hold out (whether by an advertisement or any other means) that the person is authorised under this Act to provide in the course of business the carrying out of any regulated works, unless the person ensures that those works are carried out by the individuals mentioned in subsection (1B)(a) or (b).

(1D) An owner or occupier of any premises who wishes to have any electrical works carried out at the premises must not knowingly engage (whether with or without consideration) a person that is not permitted under subsection (1) or (1B) to carry out those works or provide the carrying out of those works (as the case may be).”; and

(b) by inserting, immediately after the words “subsection (1)” in subsection (3), the words “, (1A), (1B), (1C) or (1D)”.

### **Amendment of section 85**

**21.** Section 85 of the Electricity Act is amended by deleting subsections (1), (2) and (3) and substituting the following the following subsection:

“(1) Any person who wilfully, recklessly or negligently hinders or prevents any electrical plant or electricity cable in the transmission system belonging to or under the management or control of an electricity licensee from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) A person (X) shall be guilty of an offence if X —

- (a) removes, destroys or damages; or

- (b) causes or permits to be removed, destroyed or damaged by any other person (Y),

any electrical plant or electricity cable in the transmission system belonging to or under the management or control of an electricity licensee.

(3) X shall, upon conviction of an offence under subsection (2), be liable to a fine not exceeding \$1 million or to imprisonment for a term not exceeding 5 years or to both.

(3A) To avoid doubt, subsection (2)(b) applies whether or not Y —

- (a) is an employee, agent or independent contractor of X; or
- (b) is an employee, agent or independent contractor of a third party, whether or not the third party is engaged by X.”.

### **New section 85A**

**22.** The Electricity Act is amended by inserting, immediately after section 85, the following section:

#### **“Damage to submarine electricity cables, etc.**

**85A.** Where any person wilfully, recklessly or negligently —

- (a) does any act, or causes or permits any act to be done, which damages or is likely to damage any submarine electric line or electricity cable in the territorial waters of Singapore; or
- (b) omits to do anything required to prevent any damage to any submarine electric line or electricity cable in the territorial waters of Singapore,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2 million or to imprisonment for a term not exceeding 5 years or to both.”.

### **Repeal and re-enactment of section 87**

**23.** Section 87 of the Electricity Act is repealed and the following section substituted therefor:

#### **“Unauthorised use of electricity**

**87.—(1)** A person commits an offence if the person —

- (a) dishonestly or fraudulently abstracts, uses or consumes, or dishonestly or fraudulently diverts or causes to be diverted, any electricity supplied by an electricity licensee;
- (b) alters or tampers with any part of any meter or meter installation supplied by an electricity licensee for registering the quantity of electricity supplied to any person or premises;
- (c) does any thing that compromises or adversely affects the ability or proper operation of any meter or meter installation supplied by an electricity licensee, in duly registering the quantity of electricity supplied to any person or premises; or

(d) causes or permits any other person to contravene paragraph (a), (b) or (c).

(2) A person that is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine that is the total of the following:

(i) an amount not exceeding \$50,000;

(ii) an amount equal to 3 times the value of the electricity, the abstraction, use, consumption, diversion or supply of which is in contravention of, or a result of a contravention of, paragraph (a), (b) or (c) of subsection (1) (as the case may be); or

(b) to imprisonment for a term not exceeding 3 years,

or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

(3) The value of the electricity abstracted, used, consumed, diverted or supplied as mentioned in subsection (2)(a)(ii), may be determined based on the amount of such electricity fairly and reasonably estimated from a comparison of records of electricity usage before, during and after the abstraction, use, consumption, diversion or supply, as are appropriate and available.

(4) Any of the following is a rebuttable presumption that a person has contravened subsection (1)(b) (including in connection with an offence of another person under subsection (1)(d)), if the meter or meter installation in question was in the custody or under the control of the person at the time of the alleged contravention:

(a) the existence of any device or wire attached to or in the vicinity of any part of a meter or meter installation for altering the index of the meter or the meter installation, or for preventing the meter or meter installation from duly registering the quantity of electricity supplied by an electricity licensee;

(b) the existence of any hole on the meter cover of a meter or meter installation supplied by an electricity licensee;

(c) the existence of any damage to, removal of or change to the chemical composition of any paint or other chemical compound applied by an electricity licensee over any screw, or other component or mechanism of a meter or meter installation;

(d) the existence of any damage to, removal of or change in the seal which is fastened by an electricity licensee to any part of a meter or meter installation, to ensure that the meter or meter installation is not tampered with;

(e) any change to or alteration of the position or arrangement of any test link on a meter terminal test block of a meter installation.”.

### **Amendment of section 93**

**24.** Section 93 of the Electricity Act is amended by deleting subsection (3).

### **Amendment of section 98**

**25.** Section 98 of the Electricity Act is amended —

(a) by deleting the words “, together with adequate details of the grounds for the appeal” in subsection (1);

(b) by deleting subsection (1B) and substituting the following subsections:

“(1B) The person lodging an appeal under subsection (1) must, in the manner and time specified by the Minister —

(a) state as concisely as possible the circumstances under which the appeal arises, the issues and the grounds for appeal; and

(b) state all relevant facts, evidence and arguments for the appeal,

and the Minister may reject the appeal if the person fails to comply with this subsection.

(1BA) The person who has lodged an appeal under subsection (1B) must provide such further information and documents as may be required by the Minister in such manner and within such period as may be specified by the Minister.”;

(c) by inserting, immediately after the word “Act” in subsection (1C)(a), the words “or allowed by the Minister”; and

(d) by deleting subsections (3) and (4) and substituting the following subsections:

“(3) The Minister may determine an appeal under this section by —

(a) confirming, varying or reversing any decision or direction of the Authority;

(b) (if applicable) by amending any code of practice or standard of performance issued or approved by the Authority to which the appeal relates; or

(c) directing the Authority to reconsider its decision or direction,

and the decision of the Minister is final.

(4) Subsection (3) applies whether the appeal is lodged with the Minister before, on or after the date on which section 25(d) of the Electricity (Amendment) Act 2018 comes into operation).

(5) The Minister may make regulations in respect of the manner in which an appeal may be made to, and the procedure to be adopted in the hearing of any appeal by, the Minister under this section.”.

### **New section 100A**

**26.** The Electricity Act is amended by inserting, immediately after section 100, the following section:

### “Payment into Consolidated Fund

**100A.** All sums collected by the Authority in the composition of any offence under section 93 or as a financial penalty imposed under this Act, must be paid into the Consolidated Fund.”.

### Amendment of section 103

**27.** Section 103(2) of the Electricity Act is amended —

- (a) by deleting the word “and” at the end of paragraph (q); and
- (b) by deleting the full-stop at the end of paragraph (r) and substituting the word “; and”, and by inserting, immediately thereafter the following paragraph:
  - “(s) the prescribing of any service provided in connection with the performance of any function or duty of the Authority, for which the Authority may charge a price by way of agreement with the person to whom the service is provided (instead of prescribing the price).”.

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### EXPLANATORY STATEMENT

This Bill seeks to amend the Electricity Act (Cap. 89A).

Clause 1 relates to the short title and commencement.

Clause 2(a) makes a technical amendment to the definition of “Appeal Panel”.

Clause 2(b) and (c) amend the definition of “earthworks”. Clause 2(b) makes it clear that “earthworks” relates to works carried out on, in or under the ground (and not only the act of excavation). Clause 2(c) extends the definition of “earthwork” to the driving or sinking of any bar, rod, pole, casing or tube into the ground (and not only of any earth rod, casing or tube).

Clause 2(d) amends paragraph (a) of the definition of “electrical installation” to clarify its ambit.

Clause 2(e) amends the definition of “electricity cable” to include apparatuses and devices that are remotely or wirelessly connected to the connector or connectors, as well as data communication cables.

Clause 2(f) inserts new definitions of “meter” and “meter installation”.

Clause 3 amends section 6(1) to extend the prohibited activities set out in that provision, to activities relating to electricity that the Minister of Trade and Industry (the Minister) prescribes by way of order in the *Gazette*.

Clause 4 makes a consequential amendment to section 9, following from the amendment to section 6(1) at clause 3.

Clause 5 amends section 10 to clarify that the section applies where a contestable consumer continues as such.

Clause 6 inserts a new section 20A to empower the Energy Market Authority of Singapore (“Authority”) to direct any electricity licensee to allow a transmission licensee to connect the electrical plant or electrical line of the transmission licensee to the electrical plant of that electricity licensee. As the connection is intended to be a long-term arrangement, the Authority may further direct that the 2 licensees enter into an agreement concerning the maintenance of the connection, and any compensation to be paid by the transmission licensee to that electricity licensee. If the parties are unable to agree on the terms of the

agreement, either party may request that the Minister establish an Appeal Panel to determine the terms of the agreement.

Clauses 7 to 12 make various amendments to Part IVA (Control of Electricity Licensees and Entities with Interests in Transmission Systems) to bring this Part in alignment with Part VIIB of the Gas Act (Cap. 117A).

Clause 13 deletes and substitutes subsection (1) of section 41 to make it clear that regulations made under that subsection can provide for the circumstances in which a contestable consumer ceases to be such. The clause further amends section 41(10) to clarify that the provision applies where a contestable consumer continues as such.

Clause 14 inserts a new section 53A to empower the Authority to issue guidelines to provide practical guidance and certainty in respect of provisions under Part VII (Competition), and to provide for the evidential value of the guidelines.

Clauses 15 and 16 amend sections 64 and 65, respectively, to clarify that an Appeal Panel established for the purposes of the Act is established under section 65. Clause 16 further makes a consequential amendment to section 65 for the purposes of the new section 20A inserted under clause 6.

Clause 17 makes consequential amendments to section 66 for the purposes of the new section 20A inserted under clause 6.

Clause 18 amends section 79 to clarify that the prohibition concerning earthworks within the vicinity of any low voltage electricity cable in subsection (1) of that section, does not apply to an electricity licensee in relation to any low voltage electricity cable under the management or control of the electricity licensee.

Clause 19 amends section 80 to clarify that the prohibition concerning earthworks within the vicinity of any high voltage electricity cable in subsection (1) of that section, does not apply to an electricity licensee in relation to any high voltage electricity cable under the management or control of the electricity licensee.

Clause 20 deletes and substitutes subsection (1) of section 82, and inserts new subsections (1A) to (1D), to provide for the prohibitions concerning the carrying out of electrical works.

- (a) Subsections (1) and (1A) relate to the individual actually carrying out electrical works.
- (b) Subsections (1B) and (1C) relate to persons (whether or not individuals) that, in the course of business, provide or offer or undertake to provide electrical works. This would include, for example, a firm or company in the business of providing electrical works. The firm or company must ensure that the individuals that carry out electrical works for the firm or company are licensed electrical workers or carry out the electrical works under the supervision of one or more licensed electrical workers. Subsections (1B) and (1C) would also require, for example, where an interior designer sub-contracts out the electrical works at premises (the renovations for which the interior designer is overseeing) to another person, both the interior designer and the other person to ensure that any individual carrying out the electrical works is a licensed electrical worker or carries out the electrical works under the supervision of one or more licensed electrical workers. This is even though it is the other person that provides the individual carrying out the electrical works.
- (c) Subsection (1D) prohibits an owner or occupier of premises that wishes to have electrical works carried out at the premises, from knowingly engaging (whether or not for consideration) a person that is not permitted under subsection (1) to carry out those works or not permitted under subsection (1B) to provide the carrying out of those works.

Clause 21 deletes and substitutes subsections (1), (2) and (3), and inserts new subsection (3A), in section 85. The offences in subsections (1), (2) and (3) in relation to certain electrical plants and electricity cables are being rationalised, with hindering of use, etc., now under the new subsection (1) and removal, destruction and damage now under the new subsection (2). Under the latter, an offence is committed by an individual who damages, etc., such plant or cable, and any person that caused or permitted the individual to so damage, etc., such plant or cable. With regard to the person causing or permitting the damage, etc., the relationship between the person who caused or permitted the damage, etc., to, and the individual that damaged, etc., such plant or cable is not relevant — an offence is committed so long as the person caused

or permitted the individual to damage, etc., such plant or cable. The person can cause the individual to damage, etc., such plant or cable by, for instance, giving to the individual person instructions which, when followed, result in the damage, etc.. This is whether the instructions are given directly to the individual, or indirectly through one or more other parties. Each party involved in “passing on” the instructions (including, if applicable, the employer of the individual) is also guilty of the offence of causing the damage, etc..

Clause 22 inserts a new section 85A to provide for a new offence in relation to damage to submarine electric lines and electric cables.

Clause 23 repeals and re-enacts section 87 to include new offences of —

- (a) doing any thing that compromises or adversely affects the ability or proper operation of a meter or meter installation supplied by an electricity licensee, in registering the quantity of electricity supplied to a person or premises; and
- (b) causing or permitting another person to contravene section 87(1)(b) or (c).

To deter behaviour prohibited under section 87(1), the punishment for the offence will now have an additional fixed fine component that is equal to 3 times the value of the electricity abstracted, used, consumed, diverted or supplied in contravention or as a result of a contravention of section 87(1). The value may be based on appropriate and available records of electricity usage, before, during and after the abstraction, use, consumption, diversion or supply.

Clause 24 makes a consequential amendment to section 93 following the new section 100A inserted under clause 27.

Clause 25(a) and (b) amends section 98(1) and inserts new subsections (1B) and (1BA) to ensure that appeals made to the Minister are properly and adequately supported and justified.

Clause 25(c) amends section 98(1C) to empower the Minister to allow the effect of any decision, direction, code of practice or standard of performance to continue despite an appeal against the same.

Clause 25(d) deletes and substitutes subsections (3) and (4) of section 98 to empower the Minister to determine an appeal by directing the Authority to reconsider its decision (in addition the other ways in which the Minister may currently determine an appeal). Clause 25(d) further inserts a new subsection (5) to empower the Minister to make regulations to provide for various matters concerning appeals.

Clause 26 inserts a new section 100A to provide for the payment of various monies collected by the Authority to be paid into the Consolidated Fund.

Clause 27 amends section 103(2) to empower regulations to be made to prescribe services provided by the Authority in connection with any function or duty of the Authority, for which the Authority may charge a price by way of agreement.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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