

No. 11 of 2023.

National Energy Authority (Amendment) Act 2023.

Certified on : 22 SEP 2023



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ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 2).
2. General powers of the Minister (Amendment of Section 6).
3. Preservation of licence rights (Repeal and replacement of Section 50).

“50. PRESERVATION OF LICENCE RIGHTS.”

4. Administration of fees, levies and other charges (Amendment of Section 58).
5. Operations requiring licences (Amendment of Section 61).
6. Application for a licence (Amendment of Section 62).
7. Licence fees and returns (Amendment of Section 67).
8. Licensing of electrical contractors and electricians (Amendment of Section 105).
9. Prohibited appliances, etc. (Amendment of Section 108).
10. Regulations (Amendment of Section 121).
11. New Section 145.

“145. EXISTING LICENCES.”

12. Schedules.

**“SCHEDULE 1.
SCHEDULE 2.”**



No. 11 of 2023.

An Act

entitled

National Energy Authority (Amendment) Act 2023,

Being an Act to amend the *National Energy Authority Act 2021*, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended -

- (a) by inserting before the definition of “assessable income” the following new definition:

““AS/NZS” means Australian Standard/New Zealand Standard;” and

- (b) repealing the definition of “electrician’s licence” and replacing it with the following new definition:

““electrician’s licence” means an electrician’s licence issued under Section 105;”.

2. GENERAL POWERS OF THE MINISTER (AMENDMENT OF SECTION 6).

Section 6 of the Principal Act is amended in Subsection (1), by repealing Paragraph (e).

3. PRESERVATION OF LICENCE RIGHTS (REPEAL AND REPLACEMENT OF SECTION 50).

Section 50 of the Principal Act is repealed and replaced with the following new Section:

“50. PRESERVATION OF LICENCE RIGHTS.

The rights granted to a licensee under the *Independent Consumer and Competition Commission Act 2002* before the coming into operation of this Act, shall continue until the surrender of the licence under Section 145(1).”.

4. ADMINISTRATION OF FEES, LEVIES AND OTHER CHARGES (AMENDMENT OF SECTION 58).

Section 58 of the Principal Act is amended in Subsection (1), by repealing the words “or prescribed by regulation”.

5. OPERATIONS REQUIRING LICENCES (AMENDMENT OF SECTION 61).

Section 61 of the Principal Act is amended by repealing Subsection (6) and replacing it with the following -

- “(6)(a) for licences under Section 61(5)(a) with installed capacity under one megawatt, the following annual fees:
- (i) for a generation licence with installed capacity up to fifty kilowatts, the annual fee is K0.00; and
 - (ii) for a generation licence with installed capacity greater than fifty kilowatts up to one-hundred kilowatts, the annual fee is K1,000.00; and
 - (iii) for a generation licence with installed capacity greater than one-hundred kilowatts up to three-hundred kilowatts, the annual fee is K1,500.00; and
 - (iv) for a generation licence with installed capacity greater than three-hundred kilowatts up to five-hundred kilowatts, the annual fee is K2,000.00; and
 - (v) for a generation licence with installed capacity greater than five-hundred kilowatts up to seven-hundred kilowatts, the annual fee is K2,500.00; and
 - (vi) for a generation licence with installed capacity of greater than seven-hundred kilowatts but less than one megawatt, the annual fee is K3,000.00.
- (b) for licences under Section 61(5)(a) with installed capacity of one megawatt and above, the following annual fees:
- (i) for a generation licence with installed capacity of one to ten megawatts, the annual fee is K10,000.00; and
 - (ii) for a generation licence with installed capacity greater than ten megawatts up to twenty megawatts, the annual fee is K20,000.00; and
 - (iii) for a generation licence with installed capacity greater than twenty megawatts up to fifty megawatts, the annual fee is K30,000.00; and
 - (iv) for a generation licence with installed capacity greater than fifty megawatts up to one hundred megawatts, the annual fee is K40,000.00; and
 - (v) for a generation licence with installed capacity greater than one hundred megawatts up to five hundred megawatts, the annual fee is K100,000.00; and
 - (vi) for a generation licence, with installed capacity greater than five hundred megawatts, the annual fee is K500,000.00.
- (c) for licences under Section 61(5)(b) and (c), the following annual fees:
- (i) for transmission or distribution lines of 0 kilometres up to 10 kilometres, the annual fee is K5,000.00; and
 - (ii) for transmission or distribution lines over 10 kilometres up to 50 kilometres, the annual fee is K10,000.00; and

- (iii) for transmission or distribution lines over 50 kilometres up to 100 kilometres, the annual fee is K50,000.00; and
 - (iv) for transmission or distribution lines over 100 kilometres up to 150 kilometres, the annual fee is K100,000.00; and
 - (v) for transmission or distribution lines over 150 kilometres up to 200 kilometres, the annual fee is K150,000.00; and
 - (vi) for transmission or distribution lines over 200 kilometres, the annual fee is K200,000.00.
- (d) for a licence under Section 61(5)(d), the following annual fees:
- (i) for retailing of electricity to up to 5,000 customers, the annual fee is K5,000.00; and
 - (ii) for retailing of electricity to over 5,000 customers up to 10,000 customers, the annual fee is K10,000.00; and
 - (iii) for retailing of electricity to over 10,000 customers up to 50,000 customers, the annual fee is K100,000.00; and
 - (iv) for retailing of electricity to over 100,000 customers up to 150,000 customers, the annual fee is K150,000.00; and
 - (v) for retailing of electricity to over 150,000 customers up to 200,000 customers, the annual fee is K200,000.00; and
 - (vi) for retailing of electricity to over 200,000 customers, the annual fee is K250,000.00.”.

6. APPLICATION FOR A LICENCE (AMENDMENT OF SECTION 62).

Section 62 of the Principal Act is amended by repealing Subsection (2) and replacing it with the following new subsection:

- “(2) The applicant must pay the Authority the following application fees:
- (a) for a generation licence a fee of -
 - (i) K300.00 for a licence with installed capacity under one megawatt; and
 - (ii) K1,000.00 for a licence with installed capacity of one megawatt and above.
 - (b) for a transmission licence a fee of K1,000.00; and
 - (c) for a distribution licence a fee of K1,000.00; and
 - (d) for a retail licence a fee of K1,000.00.”.

7. LICENCE FEES AND RETURNS (AMENDMENT OF SECTION 67).

Section 67 of the Principal Act is amended by repealing Subsection 4 and replacing it with the following new subsection:

- “(4) Where the holder of a licence fails to lodge the annual return or to pay the annual licence fee, the Authority shall, by written notice, require the holder to lodge the annual return or pay the annual licence fee and pay to the Authority the following penalty fees:
- (a) for failing to lodge an annual return is K100.00; and

- (b) for failing to pay the annual licence fee, or an instalment of the annual licence fee, 10% per annum of the outstanding amount calculated daily on a cumulative basis.”.

**8. LICENSING OF ELECTRICAL CONTRACTORS AND ELECTRICIANS
(AMENDMENT OF SECTION 105).**

Section 105 of the Principal Act is amended by inserting immediately after Subsection (2), the following new subsection:

“(3) A licence under this section shall not be granted until the applicant has paid the fees specified in Schedule 1.”.

9. PROHIBITED APPLIANCES, ETC. (AMENDMENT OF SECTION 108).

Section 108 of the Principal Act is amended by inserting immediately after Subsection (2) the following new subsection:

“(3) An approval under this Section shall not be granted until the applicant has paid the fees specified in Schedule 2.”.

10. REGULATIONS (AMENDMENT OF SECTION 121).

Section 121 of the Principal Act is amended in Subsection (2), Paragraph (e), by repealing the words “and the fees to be paid”.

11. NEW SECTION 145.

The Principal Act is amended by inserting immediately after Section 144, the following new section:

“145. EXISTING LICENCES.

(1) All existing licences issued by the Commission prior to the enactment of this Act shall be immediately surrendered to the Authority.

(2) Upon surrender of a licence under Subsection (1), electricity entities and undertakers may apply for a new licence under this Act.”.

12. SCHEDULES.

The Principal Act is amended by inserting the following Schedules:

“SCHEDULE 1. - FEES.

Sec.105.

Sch.1.1 - Electrical Contractor's Licences.

Application.	Fee (PGK).
Application for licence by a National Contractor.	2,500.00
Application for licence by a Foreign Contractor.	5,000.00
Application for renewal of licence.	750.00
Application for duplicate licence.	75.00

Sch.1.2 - Electrician's Licence.

Application.	Fee (PGK).
Application for licence.	200.00
Application for duplicate licence.	100.00

Sch.1.3 - Electrician's Licence Examination.

Application.	Fee (PGK).
Application for permission to attend complete examination.	1,300.00
Application for permission to attend written section only.	200.00
Application for permission to attend practical section only.	1,000.00
Application for permission to attend oral section only.	100.00
Application for re-marking of written examination paper.	20.00

Sch.1.4 - Electrician's Licence without Examination.

Application.	Fee (PGK).
Application for licence by a National with current AS/NZS Electrical Licence.	1,000.00
Application for licence by an Expatriate with current AS/NZS Electrical Licence.	2,000.00

SCHEDULE 2. - FEES.

Sec.108.

Sch.2.1 - Fees for approval of non-prescribed electrical appliances.

No charge is payable by the applicant for the first or the second submission of each model of an appliance submitted for approval. For the third and each subsequent submission of the same model the charge to be paid by the applicant is K5.00 per man-hour or part of a man-hour required to carry out the tests or examination thought necessary by the Regulator.

Sch.2.2 - Fees for approval of prescribed electrical appliances.

Application.	Fee (PGK).
Application for certificate of approval.	4.00
Application for duplicate certificate of approval.	2.00
Application for modification of certificate of approval.	2.00

Sch.2.3 - Miscellaneous Fees.

Miscellaneous.	Fee (PGK).
Inspection of register.	0.50
Certified copy of entry in register, each entry.	1.00
Certified copy of all entries in register applicable to any one person or approvals of one class of electrical appliance.	3.00


Sch.2.4 - Test and examination fees for approval of prescribed electrical appliances.

(1) Where the tests or examinations are carried out by the Regulator, the charge to be paid by the applicant is K5.00 per man-hour or part of a man-hour required to carry out the tests or examinations.

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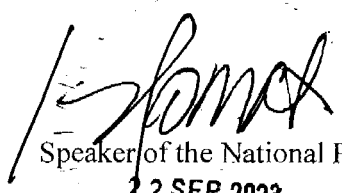
- (2) In all other cases, the applicant shall reimburse the Regulator -
- (a) the actual fees paid by the Regulator for tests or examinations (or both) of the electrical appliances; and
 - (b) the actual out-of-pocket expenses for postage, freight, etc., paid by the Regulator; and
 - (c) the handling charges incurred by the Regulator in connection with the tests and examinations.”.

I hereby certify that the above is a fair print of the *National Energy Authority (Amendment) Act 2023*, which has been made by the National Parliament.



Clerk of the National Parliament.

I hereby certify that the *National Energy Authority (Amendment) Act 2023*, was made by the National Parliament on 9 August 2023, by an absolute majority in accordance with the *Constitution*.



Speaker of the National Parliament.

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