

Environmental Protection and Management (Amendment) Bill

Bill No. 21/2021.

Read the first time on 2 August 2021.

A BILL

i n t i t u l e d

An Act to amend the Environmental Protection and Management Act and to make a related amendment to the Environmental Public Health Act.

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 Environmental Protection and Management (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 **New section 28A**

2. The Environmental Protection and Management Act (called in this Act the principal Act) is amended by inserting, immediately after section 28, the following section:

“**Surveillance system**

10 **28A.**—(1) Where it appears to the Director-General that —

(a) any works of any description mentioned in section 28(1) are being carried out on any construction site (called in this section the subject premises); and

15 (b) the owner or occupier of the subject premises (called in this section the responsible person) has contravened or is contravening any regulations relating to the days and times when the works may be carried out on the subject premises,

20 the Director-General may, by written notice, require the responsible person to install, operate and maintain, at the responsible person’s own expense, an electronic video surveillance system (called in this section a surveillance system) for the purpose of monitoring whether and when the works are being carried out on the subject premises.

25 (2) For the purpose of subsection (1), the written notice may specify —

30 (a) the description or type of surveillance system required, and any criteria for the surveillance system, including —

(i) the resolution of the images, and the number of frames per second, capable of being recorded using the surveillance system;

- (ii) the ability of the surveillance system to record images under various lighting conditions; and
 - (iii) the quality of any sound capable of being recorded using the surveillance system;
 - (b) the location or locations in or on the subject premises, or in or on any premises that are adjacent to the subject premises (called in this section adjacent premises), at which the closed-circuit television cameras or other electronic visual monitoring devices of the surveillance system (whether with or without accompanying audio features) (called in this section monitoring devices) must be installed, the number of such monitoring devices at any such location and the part of the subject premises to be recorded by any such monitoring device;
 - (c) the time by which the surveillance system must be installed; and
 - (d) the period of any day (whether the whole or any part or parts of the day) during which the surveillance system or any part of the surveillance system must be operational.
- (3) For the purpose of subsection (2), the written notice may specify different descriptions or types of surveillance systems, and different criteria for the surveillance systems, for different parts of the subject premises or any adjacent premises.
- (4) The responsible person must —
- (a) keep each recording made using any surveillance system installed under this section, for such period and in accordance with such requirements as may be specified in the written notice; and
 - (b) provide the Director-General or any authorised officer with full and free access to any recording mentioned in paragraph (a), or with a copy of any such recording.

(5) Without affecting subsection (7), if a responsible person fails to comply with a written notice given to the responsible person under subsection (1) in respect of the subject premises —

5 (a) the Director-General or any authorised officer may install, operate and maintain any surveillance system in or on the subject premises, in accordance with the requirements for the surveillance system set out in the written notice;

10 (b) the responsible person must provide the Director-General or authorised officer with any reasonable assistance requested by the Director-General or authorised officer in the exercise of the powers conferred under paragraph (a), including granting the
15 Director-General or authorised officer or a contractor appointed by the Director-General or authorised officer access to such cables and wiring as may be necessary or to the surveillance system so installed; and

20 (c) any costs and expenses incurred by the Director-General or authorised officer in exercise of the powers conferred under paragraph (a) are recoverable from the responsible person as a debt due to the Agency.

25 (6) A responsible person must take all reasonable steps to ensure that no person —

30 (a) in relation to any monitoring device installed under this section, for any part of any period for which the whole or the part of the surveillance system that the monitoring device is a part of, is required to be operational under this section —

 (i) obscures or in any way obstructs any part of the field of view of the monitoring device; or

(ii) prevents the monitoring device from receiving or recording any sound that the monitoring device is intended to receive or record; or

(b) tampers with or does anything to compromise or adversely affect any image, sound or video recorded by, or the proper functioning of, any part of any surveillance system installed under this section.

(7) A responsible person that, without reasonable excuse —

(a) fails to comply with a written notice given to the responsible person under subsection (1); or

(b) contravenes subsection (4), (5)(b) or (6),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(8) For the purpose of subsection (7)(a), it is a reasonable excuse for a responsible person not to comply with a written notice given to the responsible person under subsection (1) if, and to the extent that —

(a) the written notice requires the responsible person to install, operate or maintain any one or more monitoring devices at any location or locations in or on any adjacent premises;

(b) the responsible person is not the owner or occupier of the adjacent premises; and

(c) the responsible person has taken reasonable steps, but is unable, to obtain the consent of the owner or occupier of the adjacent premises for the responsible person to install, operate or maintain the monitoring devices (as the case may be) in the manner required by the written notice.

(9) Section 41 does not apply to a written notice under this section.”.

New Part 10A

3. The principal Act is amended by inserting, immediately after section 40, the following Part:

“PART 10A

GREENHOUSE GAS CONTROL

Division 1 — Preliminary

Interpretation of this Part

40A. In this Part —

“competent person” means any individual —

(a) who meets all the requirements that the individual must satisfy to be a competent person, as published and updated from time to time on the Agency’s official website; and

(b) whose name is listed under any registered GHG entity in the register mentioned in section 40O, as a competent person;

“effective date” —

(a) in relation to any GHG goods of any class, description or type, means the date on which those GHG goods become regulated goods as specified in an order under section 40B; and

(b) in relation to any GHG works, means the date on which those GHG works become regulated GHG works as specified in an order under section 40K;

“GHG goods” means any device, appliance, equipment, article or thing that requires any greenhouse gas (whether or not in its gaseous state) for its use or operation, and includes 2 or more such devices, appliances, equipment, articles or things that are interconnected, and interdependent or interacting, so as to form a system carrying out one or more functions;

“GHG works” means any activity, or any series of activities (including ancillary activities), that involves the use or handling of any greenhouse gas;

“global warming potential”, in relation to a greenhouse gas or a blend or mixture of greenhouse gases, means the climatic warming potential of the greenhouse gas or the blend or mixture (as the case may be) relative to the climatic warming potential of carbon dioxide (calculated in terms of the 100-year warming potential of one kilogram of the greenhouse gas or the blend or mixture of greenhouse gases (as the case may be) relative to one kilogram of carbon dioxide), as published and updated from time to time on the Agency’s official website; 5 10

“global warming potential limit”, in relation to any class, description or type of regulated goods, means the prescribed maximum allowable global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of that class, description or type of regulated goods; 15 20

“greenhouse gas” means any of the following:

(a) any substance that is specified as a greenhouse gas in the prescribed IPCC Assessment Report issued by the Intergovernmental Panel on Climate Change; 25

(b) any other substance that is prescribed as a greenhouse gas for the purposes of this Part;

“label”, in relation to any regulated goods, includes marking or affixing a label to the regulated goods; 30

“manufacture” means to make, fabricate, produce or process any GHG goods and includes —

(a) the adapting for sale of any GHG goods; and

(b) the altering, ornamenting or finishing or the assembling or processing in any form of any GHG goods;

“owner”, in relation to any GHG goods, includes the person —

(a) having control of the GHG goods; or

(b) receiving or entitled to receive any rent or charge for the use of the GHG goods;

“registered GHG entity” means any person that is registered as a registered GHG entity under section 40M(4)(a);

“registered supplier” means any importer or manufacturer that is registered as a registered supplier under section 40E(5);

“regulated GHG works” means any GHG works of a class, description or type prescribed as regulated GHG works under section 40K;

“regulated goods” means any GHG goods of a class, description or type prescribed as regulated goods under section 40B;

“supply”, in relation to any GHG goods, means —

(a) the supply of the GHG goods by way of sale, lease, loan, hire or hire-purchase;

(b) the supply of the GHG goods in connection with any agreement; or

(c) an offer to supply the GHG goods in accordance with paragraph (a) or (b).

Division 2 — Measures relating to GHG goods

Subdivision (1) — Restrictions on supplies of regulated goods

Regulated goods

40B. The Minister may, after consultation with the Agency, by order in the *Gazette*, prescribe any class, description or type of GHG goods to be regulated goods for the purposes of this Part from and including the date specified in the order, and may prescribe — 5

- (a) any class, description or type of GHG goods to be regulated goods only under prescribed circumstances; 10
- (b) any class, description or type of GHG goods to be regulated goods under different prescribed circumstances for different provisions of this Part; and 15
- (c) different classes, descriptions and types of GHG goods to be regulated goods for different provisions of this Part.

Restriction on importers and manufacturers

40C.—(1) Without affecting section 40D, a person that imports or manufactures any GHG goods (called in this Part an importer or a manufacturer, respectively) must not supply those GHG goods in Singapore on or after the effective date on which those GHG goods become regulated goods, unless the importer or manufacturer is a registered supplier for those regulated goods. 20 25

(2) A person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Restrictions on supplies and imports of regulated goods 30

40D.—(1) Subject to this section, on or after the effective date on which GHG goods of a particular class, description or type become regulated goods, a person must not —

(a) supply in Singapore any GHG goods that are such regulated goods (whether the GHG goods were imported into Singapore or manufactured in Singapore by the person or another person), if —

5 (i) the GHG goods do not comply with one or more of the requirements mentioned in subsection (4) which are prescribed as being applicable to such regulated goods and not waived under section 40Y for those GHG goods; and

10 (ii) the supply is made —

(A) by the person to another person in the course or furtherance of the firstmentioned person's trade or business; or

15 (B) by the person to another person in furtherance of the second-mentioned person's trade or business; or

(b) import for the person's own use any GHG goods that are such regulated goods, where the GHG goods do not comply with one or more of the requirements mentioned in subsection (4) which are prescribed as being applicable to such regulated goods and not waived under section 40Y for those GHG goods.

20 (2) Without limiting subsection (1)(a) and (b), a person is regarded as making a supply of, or importing for the person's own use, GHG goods (but only to the extent of those goods), even where those GHG goods are combined with other goods or systems and supplied or imported (as the case may be) together with the other goods or systems as a whole.

30 (3) A person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) For the purpose of subsection (1), the requirements that may be prescribed as applicable to any regulated goods are as follows:

- (a) the regulated goods must be registered;
- (b) the regulated goods must conform to either or both of the following:
 - (i) the global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods must not exceed the global warming potential limit for such regulated goods; 5
 - (ii) any other requirement prescribed for the regulated goods relating to environmental protection and management; 10
- (c) the regulated goods must be labelled with the information prescribed for such regulated goods, in the manner prescribed, or allowed by the Director-General in any particular case; 15
- (d) the regulated goods must be accompanied by the information prescribed for such regulated goods relating to their environmental impact (including the type, amount and global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods), and to the environmental protection and management measures adopted in relation to the regulated goods, in the manner prescribed, or allowed by the Director-General in any particular case; 20 25
- (e) information prescribed for the regulated goods relating to their environmental impact (including the type, amount and global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of the regulated goods), and to the environmental protection and management measures adopted in relation to the regulated goods, must be disseminated in the manner prescribed, or allowed by the Director-General in any particular case. 30 35

(5) Without affecting section 75, subsection (1)(a) does not apply to a supply of any GHG goods that are regulated goods in any of the following circumstances:

5 (a) the GHG goods are supplied as part of any premises by the developer of the premises, if —

(i) the developer did not import or manufacture the GHG goods; and

10 (ii) the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the agreement for the supply of the GHG goods to the developer was entered into;

15 (b) the GHG goods are supplied by a participant in the supply chain for the supply of the GHG goods by the developer mentioned in paragraph (a), if the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the agreement for the supply of the GHG goods was entered into.

20 (6) Without affecting subsection (5) or section 75, subsection (1)(a) does not apply to a supply of any GHG goods that are regulated goods prescribed for the purposes of this subsection if —

25 (a) the supply is by a participant in the supply chain for the supply of the GHG goods to a person (other than a person acting in the capacity of a developer) that intends to construct or is constructing, or is causing to be constructed, any premises;

(b) the GHG goods are to be used in the premises;

30 (c) the premises are to be occupied by the person mentioned in paragraph (a);

(d) the person did not import or manufacture the GHG goods; and

(e) the GHG goods comply with the requirements under subsection (4) applicable to such regulated goods at the time the agreement for the supply of the GHG goods was entered into.

(7) In this section, “developer” means a person that carries on the business of constructing or causing to be constructed any premises for sale or lease. 5

Subdivision (2) — Registration of suppliers and regulated goods

Registration of suppliers and regulated goods 10

40E.—(1) Any importer or manufacturer that wishes to be registered as a registered supplier for the purposes of section 40C must apply to the Director-General under subsection (4) to be registered as such.

(2) Any importer or manufacturer that wishes to register any regulated goods for the purposes of section 40D(1) (read with section 40D(4)(a)) must apply to the Director-General under subsection (4) for such registration. 15

(3) For the purpose of subsection (2) —

(a) an importer or a manufacturer that intends to import into Singapore for its own use, or for supply in Singapore, any GHG goods that are regulated goods required to be registered under section 40D, must register such regulated goods even if another importer or manufacturer has already registered such regulated goods; and 20 25

(b) if the firstmentioned importer or manufacturer in paragraph (a) fails to so register such regulated goods, then the regulated goods are not regarded as registered in relation to the firstmentioned importer or manufacturer, despite the registration by the second-mentioned importer or manufacturer. 30

(4) Every application under this section must —

(a) be made in the form and manner that the Director-General requires; and

(b) be accompanied by —

5 (i) the prescribed fee, if any; and

(ii) any documents and information that the Director-General requires to decide on the application.

10 (5) The Director-General may register, subject to any conditions that the Director-General thinks fit to impose, or refuse to register —

(a) any applicant as a registered supplier; or

15 (b) any class, description or type of regulated goods that the applicant intends to supply in Singapore or import into Singapore for the applicant's own use.

(6) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a registration.

20 (7) The Director-General must, before imposing or modifying any condition under subsection (6), give written notice to the holder of the registration —

(a) stating the proposed condition or modification, as the case may be; and

25 (b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

30 (8) Where the holder of the registration makes any written representations under subsection (7)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

(9) The registration of any registered supplier or any class, description or type of regulated goods is not transferable without the Director-General's written approval.

Duration and renewal of registration

40F.—(1) The registration of any registered supplier remains valid unless withdrawn or revoked under section 40G. 5

(2) The registration of any regulated goods, including any renewal of such registration, is valid for 3 years unless earlier withdrawn or revoked under section 40G.

(3) An application to renew the registration of any regulated goods must be made before the expiry of the registration and must — 10

(a) be made in the form and manner that the Director-General requires; and

(b) be accompanied by — 15

(i) the prescribed fee, if any; and

(ii) any documents and information that the Director-General requires to decide on the application.

(4) The Director-General may renew the registration of any regulated goods subject to any conditions that the Director-General thinks fit to impose, or refuse to renew such registration. 20

(5) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a renewal of registration. 25

(6) The Director-General must, before imposing or modifying any condition under subsection (5), give written notice to the holder of the registration —

(a) stating the proposed condition or modification, as the case may be; and 30

- (b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

5 (7) Where the holder of the registration makes any written representations under subsection (6)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

10 **Withdrawal or revocation of registration**

40G.—(1) The Director-General may withdraw the registration —

15 (a) of any registered supplier where the registered supplier applies to the Director-General to withdraw the registered supplier's registration as such; or

(b) of any regulated goods obtained by a registered supplier or a person that imports GHG goods that are such regulated goods for the person's own use, where the registered supplier or person applies to the Director-General to withdraw such registration.

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(2) The Director-General may revoke the registration of any registered supplier after giving written notice to the registered supplier and after any inquiry that the Director-General thinks fit —

25 (a) if the Director-General is satisfied that the registered supplier procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;

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(b) if the Director-General is satisfied that the registered supplier has contravened, is contravening or is likely to contravene any condition of the registration;

- (c) if the registered supplier has been convicted of an offence under section 40D(3) of supplying regulated goods that do not meet any requirement under section 40D(4)(b) applicable to the regulated goods; or
- (d) in the event of such other occurrence or in such other circumstances as may be prescribed.

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(3) The Director-General may revoke the registration of any regulated goods obtained by a registered supplier or a person importing GHG goods that are such regulated goods for the person's own use (as the case may be), after giving written notice to the registered supplier or person, and after any inquiry that the Director-General thinks fit, if the Director-General is satisfied that —

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- (a) any GHG goods supplied by the registered supplier or imported by the person that are such regulated goods do not conform with the results of any test or examination provided by the registered supplier or person to the Director-General under this Part in respect of such regulated goods;
- (b) any GHG goods supplied by the registered supplier or imported by the person that are such regulated goods do not meet any requirement under section 40D(4) applicable to such regulated goods and not waived under section 40Y for those GHG goods supplied or imported;
- (c) a modification to any GHG goods that are such regulated goods has resulted in a change that affects the global warming potential of the greenhouse gas or the blend or mixture of greenhouse gases required for the use or operation of such regulated goods;
- (d) the registered supplier or person procured the registration of such regulated goods by providing any particulars, information or document, or by making any statement or representation, to the

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Director-General which is false or misleading in any material particular;

(e) the registered supplier or person has contravened, is contravening or is likely to contravene any condition of the registration of such regulated goods; or

(f) the registered supplier or person has contravened, is contravening or is likely to contravene any provision of this Act, or any regulations made under section 77, in relation to such regulated goods.

(4) The Director-General's decision must be given to the registered supplier or person (as the case may be) in writing and, where the registration is revoked, together with the grounds for the revocation.

(5) Where the registration of any regulated goods obtained by a registered supplier has been withdrawn under subsection (1)(b) or revoked under subsection (3), the Director-General may at any time direct the registered supplier to notify every person —

(a) to whom the registered supplier has supplied any GHG goods that are such regulated goods; and

(b) who (in the course of any trade or business) supplies any GHG goods that are such regulated goods in Singapore,

of the withdrawal or revocation of the registration.

(6) A registered supplier or person that, without reasonable excuse, fails to comply with a direction under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Register of registered suppliers and regulated goods

40H.—(1) The Director-General must establish and maintain a register in which is entered such particulars of registered suppliers and the classes, descriptions or types of GHG goods that are regulated goods registered under section 40E, as the Director-General determines.

(2) Where the registration of any registered supplier or of any regulated goods has been withdrawn or revoked or has expired (as the case may be), or the Director-General is satisfied that any registered supplier has been wound up or dissolved or has otherwise ceased to exist or ceased to supply any GHG goods that are regulated goods, the Director-General may — 5

(a) remove the particulars of the registered supplier or the regulated goods from the register; or

(b) indicate the fact of the withdrawal, revocation, expiry or cessation (as the case may be) against the particulars of the registered supplier or the regulated goods in the register, as the case may be. 10

(3) The Director-General may, upon an application by any person accompanied by the prescribed fee (if any), provide a certified copy of an entry in the register to that person. 15

(4) Where the Director-General considers it necessary or expedient in the interest of the public, the Director-General may publish a list of the names and addresses of registered suppliers and a list of the regulated goods registered under each registered supplier on the Agency's official website. 20

Maintenance of records

40I.—(1) A registered supplier, and a person importing any GHG goods that are regulated goods for the person's own use, must keep and maintain complete and accurate records containing such information, and in accordance with such requirements, as may be prescribed in regulations made under section 77. 25

(2) The registered supplier or person mentioned in subsection (1) must —

(a) retain the records mentioned in that subsection for at least the prescribed period; 30

(b) during the prescribed period, make available for inspection by the Director-General or any authorised officer, the records mentioned in that subsection when

so requested by the Director-General or any authorised officer; and

- (c) submit to the Director-General or any authorised officer the records mentioned in that subsection in the time specified by the Director-General or authorised officer.

(3) A registered supplier or person that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Subdivision (3) — Appeals

Appeal against decisions made under sections 40E, 40F, 40G and 40U

40J.—(1) Any person that is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

- (a) to refuse to register the person as a registered supplier, or to refuse to register any regulated goods, under section 40E(5);
- (b) to refuse to renew the registration of any regulated goods under section 40F(4);
- (c) to impose or modify any condition on the person's registration as a registered supplier, or the registration of any regulated goods, under section 40E(6) or the renewal of the registration of any regulated goods under section 40F(5);
- (d) to revoke the registration of any registered supplier under section 40G(2) or the registration of any regulated goods under section 40G(3); or
- (e) to give a direction to the person under section 40G(5) or 40U,

may, within 14 days after the person receives the relevant decision, apply to the Director-General (by giving a written notice for reconsideration that states precisely the grounds of the

person's objections to the relevant decision) to reconsider the relevant decision.

(2) After considering the written notice for reconsideration, the Director-General may —

- (a) confirm the relevant decision; 5
- (b) rescind the relevant decision; or
- (c) substitute or vary the relevant decision, and make any decision which the Director-General is competent to make under section 40E(5) or (6), 40F(4) or (5) or 40G(2) or (3), or give any direction which the Director-General is competent to give under section 40G(5) or 40U, as the case may be, 10

(called in this section the reconsidered decision).

(3) The Director-General's reconsidered decision must be given in writing to the person that requested the reconsideration. 15

(4) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(5) After considering the appeal, the Minister may — 20

- (a) confirm the reconsidered decision;
- (b) rescind the reconsidered decision; or
- (c) substitute or vary the reconsidered decision, and make any decision which the Director-General is competent to make under section 40E(5) or (6), 40F(4) or (5) or 40G(2) or (3), or give any direction which the Director-General is competent to give under section 40G(5) or 40U, as the case may be. 25

(6) The Minister's decision on the appeal is final.

(7) The Minister's decision on the appeal must be given to the appellant in writing. 30

(8) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs, and a reconsidered decision takes effect despite an appeal against the reconsidered decision under subsection (4), unless the Minister otherwise directs.

(9) A person that, without reasonable excuse, fails to comply with a direction given to the person by the Minister under subsection (5)(c) shall be guilty of an offence and shall be liable on conviction to —

(a) in the case where the direction is a direction which the Director-General is competent to give under section 40G(5) — a fine not exceeding \$2,000; and

(b) in the case where the direction is a direction which the Director-General is competent to give under section 40U — a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

Division 3 — Measures relating to regulated GHG works

Subdivision (1) — Restrictions relating to regulated GHG works

Regulated GHG works

40K. The Minister may, after consultation with the Agency, by order in the *Gazette*, prescribe any class, description or type of GHG works to be regulated GHG works for the purposes of this Part from and including the date specified in the order.

Restrictions relating to regulated GHG works

40L.—(1) A person must not —

(a) carry on the business of carrying out any regulated GHG works; or

- (b) hold the person out (whether by an advertisement or any other means) as authorised under this Act to carry out any regulated GHG works,

unless the person —

- (c) is a registered GHG entity for such regulated GHG works; and 5
- (d) has, except where the person is granted a waiver under section 40Y —
- (i) no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works; or 10
- (ii) one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works. 15

(2) Unless granted a waiver under section 40Y, a person that wishes to have any regulated GHG works carried out must engage a registered GHG entity to carry out those works.

(3) To avoid doubt, subsection (2) applies even if the person mentioned in that subsection is a competent person. 20

(4) A person that contravenes subsection (1) or (2) 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 months or to both.

Subdivision (2) — Registration of GHG entities 25

Registration of GHG entities

40M.—(1) Any person that wishes to be registered as a registered GHG entity in relation to any regulated GHG works for the purposes of section 40L must apply to the Director-General under subsection (2) to be registered as such. 30

(2) Every application under subsection (1) must —

(a) be made in the form and manner that the Director-General requires; and

(b) be accompanied by —

(i) the prescribed fee, if any; and

(ii) any documents and information that the Director-General requires to decide on the application.

(3) The Director-General must not register any person as a registered GHG entity unless —

(a) the person —

(i) has a Unique Entity Number issued by the Accounting and Corporate Regulatory Authority established by section 3 of the Accounting and Corporate Regulatory Authority Act; or

(ii) is, or belongs to a class of persons, prescribed by the Minister for the purpose of this subsection; and

(b) except where the person is granted a waiver under section 40Y, the person has at least the prescribed number of competent persons to carry out or to directly supervise the carrying out of the regulated GHG works, being —

(i) any of the following where the person is an individual carrying on business as a sole proprietor:

(A) the individual;

(B) any employee of the individual;

(ii) any of the following where the person is an unincorporated partnership:

(A) any partner in the partnership;

(B) any employee of the partnership; or

(iii) any employee of the person in any other case.

(4) The Director-General may —

(a) subject to any conditions that the Director-General thinks fit to impose, register any applicant as a registered GHG entity; or

(b) refuse to register any applicant as a registered GHG entity.

(5) The registration of a registered GHG entity —

(a) is valid until it is withdrawn or revoked under section 40N; and

(b) is not transferable without the Director-General's written approval.

(6) The Director-General may, at any time, impose any condition, or modify or revoke any condition imposed, on a registration.

(7) The Director-General must, before imposing or modifying any condition under subsection (6), give written notice to the holder of the registration —

(a) stating the proposed condition or modification, as the case may be; and

(b) specifying the time within which the holder of the registration may make written representations to the Director-General with respect to the proposed condition or modification.

(8) Where the holder of the registration makes any written representations under subsection (7)(b), the Director-General must consider the written representations and the Director-General's decision must be given to the holder of the registration in writing.

(4) Where the registration of a person as a registered GHG entity has been withdrawn under subsection (1) or revoked under subsection (2), the Director-General may at any time direct the person to notify every other person for whom the person is carrying out or is intending to carry out any regulated GHG works, of the withdrawal or revocation of the registration. 5

(5) A person that, without reasonable excuse, fails to comply with a direction given to the person under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. 10

Register of registered GHG entities

400.—(1) The Director-General must establish and maintain a register in which is entered such particulars of registered GHG entities as the Director-General determines, including —

(a) the name and business address of each registered GHG entity; 15

(b) the regulated GHG works that the registered GHG entity may carry out; and

(c) in respect of any regulated GHG works mentioned in paragraph (b), the names and details of the competent persons who may carry out such regulated GHG works or under whose direct supervision such regulated GHG works may be carried out. 20

(2) A registered GHG entity must, within the prescribed period, inform the Director-General of any individual listed in the register under the registered GHG entity as a competent person, who — 25

(a) has ceased to be the sole proprietor, a partner or an employee (as the case may be) of the registered GHG entity; or 30

(b) has ceased to satisfy the requirements mentioned in paragraph (a) of the definition of “competent person” in section 40A, or does not satisfy any requirement that has been changed or any new requirement included for the purpose of that paragraph of that definition.

(3) A registered GHG entity that contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$10,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$20,000.

(4) Where the registration of any registered GHG entity has been withdrawn or revoked, or the Director-General is satisfied that any registered GHG entity has been wound up or dissolved or has otherwise ceased to exist or ceased to carry out any regulated GHG works, the Director-General may —

(a) remove the particulars of the registered GHG entity from the register; or

(b) indicate the fact of the withdrawal, revocation or cessation (as the case may be) against the particulars of the registered GHG entity in the register.

(5) Where any individual listed in the register under a registered GHG entity as a competent person has ceased to be the sole proprietor, a partner or an employee (as the case may be) of the registered GHG entity, or the Director-General is satisfied that any such individual has ceased to or does not satisfy the requirements mentioned in paragraph (a) of the definition of “competent person” in section 40A, the Director-General may —

(a) remove the particulars of the individual from the register; or

(b) indicate the fact of the cessation or non-satisfaction (as the case may be) against the particulars of the individual in the register.

(6) The Director-General may, upon an application by any person accompanied by the prescribed fee (if any), provide a certified copy of an entry in the register to that person.

(7) Where the Director-General considers it necessary or expedient in the interest of the public, the Director-General may publish a list of the names and addresses of registered GHG entities, and the names of the competent persons listed under any registered GHG entity, on the Agency's official website.

Subdivision (3) — Obligations of registered GHG entities and competent persons

Obligations of registered GHG entity

40P.—(1) Unless granted a waiver under section 40Y, a registered GHG entity must, in relation to any regulated GHG works that the registered GHG entity is registered to carry out —

(a) carry out the regulated GHG works through —

(i) no fewer than the number of competent persons prescribed for such regulated GHG works; or

(ii) one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for such regulated GHG works;

(b) establish and maintain policies, procedures and processes for the regulated GHG works to be carried out safely and in the prescribed manner, and ensure that the regulated GHG works are carried out safely and in the prescribed manner;

(c) ensure that the competent persons and individuals mentioned in paragraph (a)(i) and (ii) are provided

with adequate and properly maintained equipment for carrying out the regulated GHG works;

(d) keep and maintain complete and accurate records containing such information concerning the regulated GHG works and the individuals carrying out or supervising those works, in accordance with such requirements as may be prescribed in regulations made under section 77, and keep those records for at least the prescribed period;

(e) during the prescribed period mentioned in paragraph (d), make available for inspection by the Director-General or any authorised officer, the records mentioned in that paragraph when so requested by the Director-General or any authorised officer; and

(f) submit to the Director-General or any authorised officer the records mentioned in paragraph (d) in the time specified by the Director-General or authorised officer.

(2) A registered GHG entity that contravenes subsection (1) shall be guilty of an offence.

Obligations of competent person

40Q.—(1) Unless granted a waiver under section 40Y, a competent person carrying out or supervising the carrying out of any regulated GHG works must —

(a) comply with any policies, procedures and processes mentioned in section 40P(1)(b) in relation to the regulated GHG works; and

(b) ensure that the regulated GHG works are carried out safely and in the prescribed manner.

(2) A competent person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$10,000; and

- (b) for a second or subsequent offence, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

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Subdivision (4) — Appeals

Appeal against decisions made under sections 40M and 40N

40R.—(1) Any person that is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

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- (a) to refuse to register the person as a registered GHG entity under section 40M(4)(b);
- (b) to impose or modify any condition on the person’s registration as a registered GHG entity under section 40M(6);
- (c) to revoke the registration of any registered GHG entity under section 40N(2); or
- (d) to give a direction to the person under section 40N(4),

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may, within 14 days after the person receives the relevant decision, apply to the Director-General (by giving a written notice for reconsideration that states precisely the grounds of the person’s objections to the relevant decision) to reconsider the relevant decision.

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(2) After considering the written notice for reconsideration, the Director-General may —

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- (a) confirm the relevant decision;
- (b) rescind the relevant decision; or
- (c) substitute or vary the relevant decision, and make any decision which the Director-General is competent to make under section 40M(4) or (6) or 40N(2) or (4), as the case may be,

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(called in this section the reconsidered decision).

(3) The Director-General's reconsidered decision must be given in writing to the person that requested the reconsideration.

(4) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(5) After considering the appeal, the Minister may —

(a) confirm the reconsidered decision;

(b) rescind the reconsidered decision; or

(c) substitute or vary the reconsidered decision, and make any decision which the Director-General is competent to make under section 40M(4) or (6) or 40N(2) or (4), as the case may be.

(6) The Minister's decision on the appeal is final.

(7) The Minister's decision on the appeal must be given to the appellant in writing.

(8) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs, and a reconsidered decision takes effect despite an appeal against the reconsidered decision under subsection (4), unless the Minister otherwise directs.

(9) A person that, without reasonable excuse, fails to comply with a direction given to the person by the Minister under subsection (5)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Division 4 — Surveys, etc.

Environment impact surveys and investigations

40S.—(1) The Director-General may, from time to time, undertake investigations or surveys relating to the use of greenhouse gases and levels of greenhouse gas emissions for the purposes of —

- (a) assessing the environmental impact of certain goods, industries or activities; or
- (b) advising the Minister or other public bodies concerning environmental policies.

(2) For the purpose of any investigation or survey under subsection (1), the Director-General may, by written notice, require any person to provide (within the period and in the form and manner specified in the written notice) any information relating to the use of greenhouse gases by, and the greenhouse gas emissions of, that person as the Director-General may require. 5
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(3) A person that, without reasonable excuse, fails to comply with any written notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. 15

Division 5 — Enforcement of this Part

Monitoring powers for purposes of this Part

40T.—(1) Without affecting Part 11, the Director-General or any authorised officer may, for the purpose of administering or enforcing this Part, exercise all or any of the following powers in relation to any premises: 20

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to compliance with this Part; 25
- (c) examine any thing on the premises that may relate to compliance with this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any activity or thing mentioned in paragraph (b) or (c); 30
- (e) carry out any tests or inspections that may relate to compliance with this Part;

5 (f) affix or bring onto the premises, with any assistants and workmen that may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;

(g) inspect any document on the premises that may relate to compliance with this Part, and (without payment) take extracts from, or make copies of, any such document;

10 (h) take onto the premises any equipment and materials that the Director-General or authorised officer requires for the purpose of exercising powers in relation to the premises;

15 (i) seize any thing found during the exercise of monitoring powers on the premises which the Director-General or authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

20 (2) The Director-General or any authorised officer may, in addition to the powers in subsection (1) —

25 (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the Director-General or authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and

30 (b) if any information that is relevant to assessing compliance with this Part is found in the exercise of the power conferred under paragraph (a) —

(i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or

- (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Power to give directions

40U.—(1) Where any GHG goods that are regulated goods are supplied, or imported for a person’s own use, in contravention of section 40D, the Director-General may give a direction mentioned in subsection (2) in respect of those GHG goods (in such form and manner that the Director-General thinks fit) to — 5
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- (a) any person that supplied or so imported the GHG goods; or

- (b) any person that is the owner of the GHG goods,

and the person must comply with the direction.

(2) A direction under subsection (1) may require the person to do all or any of the following (at the person’s own expense) within the period specified in the direction (or such longer time as the Director-General may allow in the particular case): 15

- (a) cease the supply or import of any GHG goods that are such regulated goods, or the use of any such GHG goods, as the case may be; 20

- (b) take specified steps (which may include the carrying out of works specified in the direction) to ensure that —

- (i) the GHG goods conform to either or both of the following: 25

- (A) the global warming potential limit for the class, description or type of regulated goods to which the GHG goods belong;

- (B) any other requirement prescribed for the class, description or type of regulated goods to which the GHG goods belong, 30

relating to environmental protection and management; or

(ii) the impact of the GHG goods on the environment is monitored or mitigated.

5 (3) Where the person fails to comply with any specified steps in the direction, the Director-General may give a further direction to the person for the person to cease the supply or import of any GHG goods that are such regulated goods or the use of any such GHG goods (as the case may be) in the time specified in the direction, and the person must comply with the further direction.

10 (4) The further direction under subsection (3) does not prevent subsection (5) from applying to the failure mentioned in subsection (3).

15 (5) A person that, without reasonable excuse, fails to comply with a direction given to the person under subsection (1) or a further direction given to the person under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after conviction.

Power to require samples

25 **40V.**—(1) The Director-General or any authorised officer may, by written notice, require any person that supplies any GHG goods or imports any GHG goods for the person's own use to provide (free of charge), within the period and in the form and manner specified in the written notice, samples of the GHG goods, or of any greenhouse gas or blend or mixture of greenhouse gases used or contained in the GHG goods, for the purpose of testing or analysis.

30 (2) The power to require a person to provide any samples under subsection (1) includes the power to require the extraction

of the samples to be carried out in the presence of the Director-General or any authorised officer.

(3) The Director-General or any authorised officer is entitled, without payment, to retain any samples provided to the Director-General or authorised officer under subsection (1). 5

(4) A person that, without reasonable excuse, fails to do anything required of the person by a written notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power to require tests or examinations 10

40W.—(1) The Director-General or any authorised officer may, for the purpose of ascertaining whether any person has complied with section 40D, 40P or 40Q, by written notice require the person to —

(a) carry out any test or examination specified in the written notice; and 15

(b) provide any report, document or information specified in the written notice concerning the test or examination.

(2) A person that, without reasonable excuse, fails to comply with any written notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. 20

Data not to be falsified, etc.

40X. Any person that — 25

(a) makes any statement or declaration, or provides any document or information, to the Director-General or an authorised officer under this Part, knowing it to be false or misleading;

(b) falsifies any information or data required to be submitted to the Director-General or an authorised officer under this Part; or 30

(c) makes or causes to be made any entry or omission in any record, register or other document required to be kept under this Part, knowing it to be false or misleading, or makes any record containing a statement knowing it to be false or misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

Power of Director-General to waive requirements

40Y. A person that, in any particular case, is unable to comply with any requirement in section 40D, 40L(1)(d) or (2), 40M(3)(b), 40P(1) or 40Q(1) may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive that requirement in relation to that person —

(a) in whole or in part; and

(b) generally or for a specified period of time.”.

Amendment of section 42

4. Section 42(1) of the principal Act is amended by deleting the words “section 41(1) is served” and substituting the words “section 28A(1) or 41(1) is served”.

Amendment of section 44A

5. Section 44A of the principal Act is amended —

(a) by deleting the words “relating to any matter which the Agency considers necessary to carry out the functions or duties of or assigned to the Agency by or under any provision of this Act,” in subsection (1) and substituting the words “which relate to any matter that the Director-General or authorised officer considers necessary for the purposes of administering, enforcing or monitoring compliance with any provision of this Act, and”;

- (b) by deleting the words “the Agency” in subsection (2)(c) and substituting the words “the Director-General or any authorised officer”;
- (c) by deleting the words “the Agency” in subsection (5) and substituting the words “the Director-General”; 5
- (d) by deleting the words “the Agency through an authorised officer” in subsection (6) and substituting the words “the Director-General or any authorised officer”;
- (e) by deleting the words “the Agency has reason” in subsection (6) and substituting the words “the Director-General or authorised officer has reason”; 10
- (f) by deleting the words “The Agency” in subsection (7) and substituting the words “The Director-General or any authorised officer”; and
- (g) by deleting the words “to it” in subsection (7). 15

Amendment of section 47

6. Section 47(1) of the principal Act is amended by inserting, immediately after the words “authorised by this Act”, the words “or exercising any power under section 40T”.

Amendment of section 66

7. Section 66 of the principal Act is amended —

- (a) by deleting the word “or” at the end of subsection (1)(a)(iv);
- (b) by inserting the word “or” at the end of sub-paragraph (v) of subsection (1)(a), and by inserting immediately thereafter the following sub-paragraph: 25
 - “(vi) by sending it by email to the individual’s last email address;”;
- (c) by deleting the word “or” at the end of subsection (1)(b)(ii); 30

- (a) if the notice, order or other document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the notice, order or other document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and 5
- (c) if the notice, order or other document is sent by prepaid registered post, 2 days after the day the notice, order or other document was posted (even if it is returned undelivered).”; 10
- (g) by inserting, immediately after subsection (4), the following subsection: 15
- “(4A) A notice, an order or other document may be served on a person under this Act by email only with that person’s prior written consent.”; and
- (h) by inserting, immediately after subsection (5), the following subsection: 20
- “(6) In this section, “last email address” means the last email address given by the addressee concerned to the person giving or serving the notice, order or other document as the email address for the service of documents under this Act.”. 25

Amendment of section 75

8. Section 75 of the principal Act is amended by inserting, immediately after the words “thinks fit,”, the words “by order in the *Gazette*,”.

Amendment of section 77

9. Section 77 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

5 “(1A) Regulations made under this section may make different provision for different classes, descriptions or types of goods, persons, premises or works.”.

Amendment of Third Schedule

10 **10.** The Third Schedule to the principal Act is amended by deleting paragraphs 23A and 23B and substituting the following paragraphs:

10 “23A. The prescribing of greenhouse gases for the purposes of Part 10A.

23B. The prescribing of the IPCC Assessment Report for the purposes of Part 10A.

23C. The registration and regulation of regulated goods and the import or supply of regulated goods, including matters relating to the following:

- 15 (a) global warming potential limits for regulated goods;
- (b) requirements for regulated goods relating to environmental protection and management;
- (c) requirements relating to the labelling of regulated goods.

20 23D. The registration and regulation of suppliers of regulated goods, including their duties and obligations.

23E. The registration and regulation of registered GHG entities, including their duties and obligations.

23F. The regulation of competent persons, including matters relating to their duties and obligations.

25 23G. The regulation of regulated GHG works, including the manner in which regulated GHG works must be carried out.”.

Related amendment to Environmental Public Health Act

30 **11.** Section 2 of the Environmental Public Health Act is amended by inserting, immediately after the word “produced” in the definition of “industrial waste”, the words “, or removed or recovered,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Environmental Protection and Management Act.

The Bill also makes a related amendment to the Environmental Public Health Act.

Clause 1 relates to the short title and commencement.

Clause 2 inserts a new section 28A. The new section 28A empowers the Director-General of Environmental Protection (DG) to give a written notice where it appears to the DG that —

- (a) any works of any description mentioned in section 28(1) are being carried out on any construction site (subject premises); and
- (b) the owner or occupier of the subject premises (the responsible person) has contravened or is contravening any regulations relating to the days and times when the works may be carried out on the subject premises,

requiring the responsible person to install, operate and maintain (at the responsible person's expense) an electronic video surveillance system (surveillance system) for the purpose of monitoring whether and when any such works are being carried out on the subject premises.

A written notice under the new section 28A may specify —

- (a) the description or type of surveillance system required for different parts of the subject premises or any premises that are adjacent to the subject premises (adjacent premises), and any criteria for the surveillance system;
- (b) the location or locations in or on the subject premises, or in or on any adjacent premises, at which the electronic visual monitoring devices of the surveillance system (monitoring devices) must be installed, the number of monitoring devices at any such location and the part of the subject premises to be recorded by any such monitoring device;
- (c) the time by which the surveillance system must be installed; and
- (d) the period of any day during which the surveillance system or any part of the surveillance system must be operational.

A responsible person must take all reasonable steps to ensure that no person —

- (a) obscures or obstructs any part of the field of view of any monitoring device installed under the new section 28A;
- (b) prevents any monitoring device installed under the new section 28A from receiving or recording any sound that the monitoring device is intended to receive or record; or

- (c) tampers with or does anything to compromise or adversely affect any image, sound or video recorded by, or the proper functioning of, any part of any surveillance system installed under the new section 28A.

Failure (without reasonable excuse) to comply with a written notice given to a responsible person, or contravention (without reasonable excuse) of the other obligations imposed on a responsible person, under the new section 28A is an offence. It is a reasonable excuse for a responsible person not to comply with a written notice if, and to the extent that —

- (a) the written notice requires the responsible person to install, operate or maintain any one or more monitoring devices at any location or locations in or on any adjacent premises of which the responsible person is not the owner or occupier; and
- (b) the responsible person is unable (despite having taken reasonable steps) to obtain the consent of the owner or occupier of the adjacent premises for the responsible person to install, operate or maintain the monitoring devices in the manner required by the written notice.

Clause 3 inserts a new Part 10A (comprising new sections 40A to 40Y) relating to the control of greenhouse gases.

The new section 40A defines certain expressions used in the new Part 10A.

The new section 40B empowers the Minister to prescribe (after consultation with the National Environment Agency (NEA)) any class, description or type of GHG goods to be regulated goods for the purposes of the new Part 10A, and to prescribe different classes, descriptions or types of GHG goods in different circumstances to be regulated goods for different provisions of that Part.

The new section 40C(1) provides that a person that imports or manufactures any GHG goods (an importer or a manufacturer, respectively) must not supply those GHG goods in Singapore on or after the effective date on which those GHG goods become regulated goods, unless the importer or manufacturer is a registered supplier for such regulated goods. Contravention of the new section 40C(1) is an offence.

The new section 40D(1) prohibits the following:

- (a) any supply of GHG goods (that are regulated goods) in Singapore, if the GHG goods do not comply with any of the requirements prescribed as being applicable to such regulated goods, and the supply is made —
 - (i) by a person to another person in the course or furtherance of the firstmentioned person's trade or business; or
 - (ii) by a person to another person in furtherance of the second-mentioned person's trade or business;

- (b) any import of GHG goods (that are regulated goods) for a person's own use, where the GHG goods do not comply with any of the requirements prescribed as being applicable to such regulated goods.

A person is regarded as making a supply of, or importing for the person's own use, GHG goods (but only to the extent of those goods), even where those GHG goods are combined with other goods or systems and supplied or imported (as the case may be) together with the other goods or systems as a whole. For example, a person that supplies a car with an air-conditioning system that has been prescribed as regulated goods is (to the extent of the air-conditioning system) regarded as supplying GHG goods that are regulated goods.

Contravention of the new section 40D(1) is an offence.

The requirements that may be prescribed as applicable to any regulated goods are set out in the new section 40D(4).

The new section 40D(5) and (6) provides for exceptions to the prohibition against prohibited supplies of GHG goods that are regulated goods.

The new sections 40E, 40F and 40G provide for matters relating to the registration of suppliers, and of regulated goods required to be registered under the new section 40D(4), including the validity of each such registration and the circumstances in which any such registration may be withdrawn or revoked.

The new section 40H provides for matters relating to the establishing and maintenance by the DG of a register of the registered suppliers and regulated goods that are registered under the new section 40E.

The new section 40I(1) and (2) obliges a registered supplier, and a person importing any GHG goods that are regulated goods for the person's own use, to keep and maintain complete and accurate records containing the prescribed information in accordance with the prescribed requirements, for at least the prescribed period. The registered supplier or the person mentioned in the new section 40I(1) must, among other things, submit those records to the DG or any authorised officer as required by the DG or authorised officer.

Contravention of the new section 40I(1) or (2) is an offence.

The new section 40J provides that a person aggrieved by a decision of the DG made under the new section 40E(5) or (6), 40F(4) or (5), 40G(2), (3) or (5) or 40U, may apply to the DG to reconsider the decision. A person that remains aggrieved by the DG's reconsidered decision may appeal in writing to the Minister against the reconsidered decision.

The new section 40K empowers the Minister to prescribe (after consultation with the NEA) any class, description or type of GHG works to be regulated GHG works for the purposes of the new Part 10A.

Under the new section 40L(1), a person must not carry on the business of carrying out any regulated GHG works or hold itself out as authorised under the Act to carry out any regulated GHG works, unless the person —

- (a) is a registered GHG entity for such regulated GHG works; and
- (b) has no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works, or one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for the carrying out of such regulated GHG works.

Under the new section 40L(2), a person (including a competent person) that wishes to have any regulated GHG works carried out must only engage a registered GHG entity to carry out those works.

Contravention of the new section 40L(1) or (2) is an offence.

The new section 40M empowers the DG to register suitable persons as registered GHG entities in relation to any regulated GHG works.

The new section 40N sets out the circumstances in which the registration of any registered GHG entity may be withdrawn or revoked.

Under the new section 40N(4), the DG may direct a person whose registration as a registered GHG entity has been withdrawn or revoked to notify every other person for whom the person is carrying out (or is intending to carry out) any regulated GHG works, of the withdrawal or revocation of the registration.

Failure (without reasonable excuse) to comply with such a direction is an offence.

The new section 40O provides for matters relating to the establishing and maintenance by the DG of a register of registered GHG entities.

The new section 40O(2) requires a registered GHG entity (within the prescribed period) to inform the DG of any individual listed in the register under the registered GHG entity as a competent person, who —

- (a) has ceased to be the sole proprietor, a partner or an employee (as the case may be) of the registered GHG entity; or
- (b) has ceased to satisfy the requirements mentioned in paragraph (a) of the definition of “competent person” in the new section 40A, or does not satisfy any requirement that has been changed or any new requirement included for the purpose of that paragraph of that definition.

Under the new section 40O(7), the DG may (where the DG considers it necessary or expedient in the interest of the public) publish a list of the names and addresses of registered GHG entities, and the names of the competent persons listed under any registered GHG entity, on the NEA's official website.

The new section 40P(1) sets out the obligations of a registered GHG entity in relation to any regulated GHG works that it is registered to carry out. In particular, a registered GHG entity must, among other things —

- (a) carry out the regulated GHG works through no fewer than the number of competent persons prescribed for such regulated GHG works, or through one or more individuals that are under the direct supervision of no fewer than the number of competent persons prescribed for such regulated GHG works;
- (b) establish and maintain policies, procedures and processes for the regulated GHG works to be carried out safely and in the prescribed manner, and ensure that the regulated GHG works are carried out safely and in the prescribed manner;
- (c) ensure that any such competent persons and individuals are provided with adequate and properly maintained equipment for carrying out the regulated GHG works;
- (d) keep and maintain complete and accurate records containing prescribed information in accordance with prescribed requirements, for at least the prescribed period;
- (e) during the prescribed period, make the records mentioned in paragraph (d) available for inspection by the DG or any authorised officer upon request; and
- (f) submit the records mentioned in paragraph (d) to the DG or any authorised officer in the time specified by the DG or authorised officer.

Contravention of the new section 40P(1) is an offence.

The new section 40Q(1) provides that a competent person who is carrying out or supervising the carrying out of regulated GHG works, must —

- (a) comply with any policies, procedures and processes established and maintained by the registered GHG entity in relation to the regulated GHG works; and
- (b) ensure that the regulated GHG works are carried out safely and in the prescribed manner.

Contravention of the new section 40Q(1) is an offence.

The new section 40R provides that a person aggrieved by a decision of the DG made under the new section 40M(4)(b) or (6) or 40N(2) or (4) may apply to the DG to reconsider the decision. A person that remains aggrieved by the DG's reconsidered decision may appeal in writing to the Minister against the reconsidered decision.

The new section 40S empowers the DG to undertake investigations or surveys relating to the use of greenhouse gases and the levels of greenhouse gas emissions for certain purposes, and (for the purpose of any such investigation or survey) to require any person to provide information relating to the use of greenhouse gases by, and the greenhouse gas emissions of, that person.

The new section 40T empowers the DG and authorised officers to exercise certain monitoring powers for the purpose of administering or enforcing the new Part 10A.

The new section 40U empowers the DG to give directions in respect of any GHG goods (that are regulated goods) where such GHG goods are supplied, or imported for a person's own use, in contravention of the new section 40D.

Such a direction may be given to any person that supplied or so imported the GHG goods or any person that is the owner of the GHG goods, and may require the person to whom the direction is given to do all or any of the following (at the person's own expense) within the period specified in the direction:

- (a) cease the supply, import or use of any such GHG goods;
- (b) take specified steps (which may include the carrying out of works specified in the direction) to ensure that —
 - (i) the GHG goods conform to the global warming potential limit, or any other requirement prescribed (relating to environmental protection and management), for the class, description or type of regulated goods to which the GHG goods belong; or
 - (ii) the impact of the GHG goods on the environment is monitored or mitigated.

Failure (without reasonable excuse) to comply with a direction given under the new section 40U is an offence.

The new section 40V empowers the DG or any authorised officer to require the provision of samples of GHG goods, or of any greenhouse gas or blend or mixture of greenhouse gases used or contained in the GHG goods, for the purpose of testing or analysis.

The new section 40W empowers the DG or any authorised officer (for the purpose of ascertaining whether any person has complied with the new section 40D, 40P or 40Q) to require the person to carry out any specified test or examination or to provide any specified information concerning the test or examination.

Failure (without reasonable excuse) to comply with a written notice given under the new section 40W(1) is an offence.

The new section 40X provides for offences relating to —

- (a) making any statement or declaration, or providing any document or information, to the DG or an authorised officer under the new Part 10A, knowing it to be false or misleading;
- (b) falsifying any information or data required to be submitted to the DG or an authorised officer under the new Part 10A; and
- (c) making (or causing to be made) any entry or omission in any record, register or other document required to be kept under the new Part 10A, knowing it to be false or misleading, or making any record containing a statement knowing it to be false or misleading.

The new section 40Y empowers the DG to grant waivers from various requirements under the new sections 40D, 40L(1)(d) and (2), 40M(3)(b), 40P(1) and 40Q(1).

Clause 4 makes a consequential amendment to section 42 (Appeal against notice or order) for the purposes of the new section 28A.

Clause 5 amends section 44A (Power to obtain information) to make it clear that the power to obtain documents and information under the section may be exercised for the purpose of administering, enforcing or monitoring compliance with any provision of the Act, and to make consequential amendments to section 44A(2), (5), (6) and (7).

Clause 6 amends section 47 (Power of entry) to make it clear that the power of entry under the section may be exercised for the purpose of exercising any power under the new section 40T.

Clause 7 amends section 66 (Service of documents, etc.). A notice, an order or other document that is required or authorised to be given or served under the Act may now be served on a person by email, if the person has given prior written consent to be served by email.

Clause 8 amends section 75 (Exemption) to make it clear that exemptions under the section are to be made by order in the *Gazette*.

Clause 9 amends section 77 (Regulations) by inserting a new subsection (1A) to provide that regulations made under that section may make different provision for different classes, descriptions or types of goods, persons, premises or works.

Clause 10 amends the Third Schedule (Subject matters of regulations) to expand the NEA's power (with the approval of the Minister) to make regulations to cover matters in the new Part 10A.

Clause 11 makes a related amendment to the definition of "industrial waste" in section 2 of the Environmental Public Health Act to enable greenhouse gases (in particular, hydrofluorocarbons) removed or recovered from GHG goods, to be collected, treated and disposed of in accordance with the requirements provided under that Act.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
