

c2017-012
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Fire and Emergency Services Levy Bill 2017

First print

Proposed amendments

No. 1 **Description of levy**

Page 27, clause 78 (3), lines 16 and 17. Omit all words on those lines. Insert instead "The levy is to be described as the "NSW Government Fire and Emergency Services Levy—this is a NSW Government charge" or as the "NSW Government FESL—this is a NSW Government charge". The description may include a reference to the".

No. 2 **Payments by Commonwealth lessees**

Page 48. Insert after line 34:

151 Report on negotiations with Commonwealth lessees

- (1) The Minister is to negotiate with Commonwealth lessees for the purpose of securing contributions from them in lieu of the levy.
- (2) A report on the outcome or progress of those negotiations is to be tabled in each House of Parliament by 30 November 2017.
- (3) In this section:

Commonwealth lessee means a lessee of land owned by the Commonwealth.

No. 3 **Liable State owned corporations**

Page 55, Schedule 3, clause 6 (5). Insert after line 17:

- (d) TransGrid.

No. 4 **Land treated as Government land**

Page 55, Schedule 3, clause 6 (6) (a), line 20. Omit all words on that line.

No. 5 **Extension of price monitoring period**

Page 58, Schedule 4.1. Insert after line 31:

[5] Section 10 Price monitoring

Omit section 10 (3). Insert instead:

- (3) For the purposes of subsection (2), the *monitoring period* is the period commencing on 1 July 2012 and ending on the beginning of the day that this Act is repealed.

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- No. 6 **Investigation of over-collection under scheme**
Page 59, Schedule 4.1 [9], lines 21 and 22. Omit all words on those lines. Insert instead:
final 5 years of the scheme means the financial years commencing on 1 July 2012, 1 July 2013, 1 July 2014, 1 July 2015 and 1 July 2016.
- No. 7 **Investigation of over-collection under scheme**
Page 59, Schedule 4.1 [9], line 38. Omit “final 2 years”. Insert instead “final 5 years”.
- No. 8 **Investigation of over-collection under scheme**
Page 60, Schedule 4.1 [9], line 4. Omit “final 2 years”. Insert instead “final 5 years”.
- No. 9 **Investigation of over-collection under scheme**
Page 60, Schedule 4.1 [9], line 9. Omit “final 2-year”. Insert instead “final 5-year”.
- No. 10 **Investigation of over-collection under scheme**
Page 60, Schedule 4.1 [9], line 11. Omit “final 2-year”. Insert instead “final 5-year”.
- No. 11 **Investigation of over-collection under scheme**
Page 60, Schedule 4.1 [9], line 13. Omit “final 2-year”. Insert instead “final 5-year”.
- No. 12 **Term of Emergency Services Levy Insurance Monitor**
Page 63, Schedule 4.1. Insert after line 23:
[14] Section 79 Repeal of Act
Omit “1 January 2019”. Insert instead “1 July 2022”.
- No. 13 **Statutory review of Monitor**
Page 63, Schedule 4.1. Insert after line 23:
[14] Section 80
Insert after section 79:
80 Review of Monitor
 - (1) The Minister is to conduct a review of the effectiveness of the Monitor and of the exercise of the Monitor’s functions under Part 3A.
 - (2) The review is to be undertaken as close as practicable to the date that is 6 months before the repeal of this Act.
 - (3) A report on the outcome of the review is to be tabled in each House of Parliament as soon as practicable after its completion and, in any case, no later than 3 months before the repeal of this Act.
- No. 14 **Term of Emergency Services Levy Insurance Monitor**
Page 63, Schedule 4.1. Insert after line 23:
[14] Schedule 1 Provisions relating to Monitor and Deputy Monitor
Omit clause 3. Insert instead:
3 Terms of office
 - (1) The Monitor holds office for the period specified in the Monitor’s instrument of appointment.
 - (2) The term of office of the person holding office as Monitor immediately before the substitution of this clause by the *Fire and Emergency Services Levy Act*
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2017 ends on 31 December 2018. However, that person may be re-appointed as Monitor.

- (3) The Deputy Monitor holds office for the period specified in the Deputy Monitor's instrument of appointment.
- (4) The term of office of the person holding office as Deputy Monitor immediately before the substitution of this clause by the *Fire and Emergency Services Levy Act 2017* ends on 31 December 2018. However, that person may be re-appointed as Deputy Monitor.
- (5) The term of office for which the Monitor or Deputy Monitor is appointed or re-appointed must expire on or before the date of repeal of this Act.

No. 15 **Investigation of over-collection under scheme**

Page 73, Schedule 4.2 [19], lines 17–34. Omit all words on those lines. Insert instead:

37 Commissioner to make final 5-year assessment

- (1) The Commissioner must make an assessment, in relation to each insurance company that was required to make fire brigade contributions in any of the final 5 years of the scheme, of the total amount of fire brigade contributions payable by the insurance company for the final 5 years of the scheme (a *final 5-year assessment*).
- (2) The final 5-year assessment is to consist of the total of the following amounts, as assessed by the Commissioner:
 - (a) the final contribution payable by the insurance company for the final year of the scheme (excluding any insurer loading payable by the insurance company),
 - (b) the total of fire brigade contributions payable by the insurance company for the financial years commencing on 1 July 2012, 1 July 2013, 1 July 2014 and 1 July 2015.
- (3) The Commissioner is to give the final 5-year assessment to the Monitor.
- (4) The Commissioner must give to the Monitor a final 5-year assessment in relation to an insurance company within 30 days after making an assessment of the final contribution payable by the insurance company for the final year of the scheme.
- (5) In this clause:
final 5 years of the scheme means the financial years commencing 1 July 2012, 1 July 2013, 1 July 2014, 1 July 2015 and 1 July 2016.

No. 16 **Investigation of over-collection under scheme**

Page 73, Schedule 4.2 [19], line 40. Omit "final 2-year". Insert instead "final 5-year".

No. 17 **Investigation of over-collection under scheme**

Pages 84 and 85, Schedule 4.6 [20], line 38 on page 84 to line 10 on page 85. Omit all words on those lines. Insert instead:

35 Commissioner to make final 5-year assessment

- (1) The Commissioner must make an assessment, in relation to each insurance company that was required to make rural fire brigade contributions in any of the final 5 years of the scheme, of the total amount of rural fire brigade contributions payable by the insurance company for the final 5 years of the scheme (a *final 5-year assessment*).
- (2) The final 5-year assessment is to consist of the total of the following amounts, as assessed by the Commissioner:

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- (a) the final contribution payable by the insurance company for the final year of the scheme (excluding any insurer loading payable by the insurance company),
 - (b) the total of rural fire brigade contributions payable by the insurance company for the financial years commencing on 1 July 2012, 1 July 2013, 1 July 2014 and 1 July 2015.
- (3) The Commissioner is to give the final 5-year assessment to the Monitor.
 - (4) The Commissioner must give to the Monitor a final 5-year assessment in relation to an insurance company within 30 days after making an assessment of the final contribution payable by the insurance company for the final year of the scheme.
 - (5) In this clause:
final 5 years of the scheme means the financial years commencing 1 July 2012, 1 July 2013, 1 July 2014, 1 July 2015 and 1 July 2016.

No. 18 **Investigation of over-collection under scheme**

Page 85, Schedule 4.6 [20], line 16. Omit "final 2-year". Insert instead "final 5-year".

No. 19 **Investigation of over-collection under scheme**

Pages 94 and 95, Schedule 4.7 [21], line 44 on page 94 to line 15 on page 95. Omit all words on those lines. Insert instead:

19 Commissioner to make final 5-year assessment

- (1) The Commissioner must make an assessment, in relation to each insurance company that was required to make SES contributions in any of the final 5 years of the scheme, of the total amount of SES contributions payable by the insurance company for the final 5 years of the scheme (a *final 5-year assessment*).
- (2) The final 5-year assessment is to consist of the total of the following amounts, as assessed by the Commissioner:
 - (a) the final contribution payable by the insurance company for the final year of the scheme (excluding any insurer loading payable by the insurance company),
 - (b) the total of SES contributions payable by the insurance company for the financial years commencing on 1 July 2012, 1 July 2013, 1 July 2014 and 1 July 2015.
- (3) The Commissioner is to give the final 5-year assessment to the Monitor.
- (4) The Commissioner must give to the Monitor a final 5-year assessment in relation to an insurance company within 30 days after making an assessment of the final contribution payable by the insurance company for the final year of the scheme.
- (5) In this clause:
final 5 years of the scheme means the financial years commencing 1 July 2012, 1 July 2013, 1 July 2014, 1 July 2015 and 1 July 2016.

No. 20 **Investigation of over-collection under scheme**

Page 95, Schedule 4.7 [21], line 21. Omit "final 2-year". Insert instead "final 5-year".