

**Submission
No 24**

INQUIRY INTO LEASING OF ELECTRICITY INFRASTRUCTURE

Organisation: United Services Union

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NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL,
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THE AUSTRALIAN SERVICES UNION

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SUBMISSION TO THE NSW LEGISLATIVE COUNCIL COMMITTEE
ON THE LEASING OF ELECTRICITY INFRASTRUCTURE

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The United Services Union (the Union) thanks the NSW Legislative Council Committee on the Leasing of Electricity Infrastructure for the opportunity to present this submission.

The Union represents the industrial interests of approximately 35,000 employees across a range of industries including local government, clerical, administrative, energy, airlines and utilities. Membership coverage extends to employees in wages, salaries and professional classifications, with members working for a large variety of employers throughout New South Wales.

Notably, the Union has represented its members within New South Wales since electricity began to be distributed and generated by local government authorities over a century ago. Over the course of more than one hundred years the Union and its members have ensured services were provided through a variety of structures. As such, the Union is well versed in, and able to review and comment upon the electricity industry. Accordingly, the Union now seeks to provide its views in terms of service within the electricity industry, and its implications for metropolitan as well as regional New South Wales, and the broader economy.

SUMMARY OF SUBMISSION

The Union is opposed to the Government's proposal for the following reasons:

- **Studies (Walker and Conn Walker 2015, Fraser 2015, Koukoulas and Devlin 2014, Toner 2012 for example) have shown that the common arguments in favour of privatisation are misguided and often misleading when given proper analysis**
- **Privatisation of electricity assets removes the "public good" associated with publically owned assets as the impetus changes from providing a public service to profit**
- **The shareholder and not the consumer becomes the focus**
- **Privatisation has not been shown to benefit the public in the long term as circumstances change over time**
- **Once the assets are in private hands they cannot return to public ownership without significant cost to the public purse**
- **Price increases will have the greatest effect on social security recipients and the poorly paid – the vulnerable and disadvantaged**

The terms of reference of the inquiry are as follows;

- (a) The likely implications of the transactions in electricity network pricing, given experience in other states
- (b) The likely impact of the transactions on customers, including on access to and exit from the network
- (c) The responsibilities of any lessee(s) to maintain, improve and replace infrastructure and the ownership of infrastructure that has been upgraded and replaced
- (d) The regulatory framework for electricity distribution and transmission networks and the proposed Electricity Price Commissioner
- (e) Likely proceeds of the transactions, including additional Commonwealth incentives and interest revenue
- (f) Expert reports into the transactions, including reports such as those by UBS, Deloitte and Ernst and Young
- (g) Any other relevant matter

Within this submission, the Union will undertake an analysis with emphasis on terms of reference (a), (b), (c), (d) as these are the areas that will have the most impact on our members and the consumer. The Union will make some comments on the other Terms of Reference. Ultimately the Union holds the view that the privatisation should not proceed. The reasons for this view are outlined herein.

Although the NSW Government describes the proposal as leasing of 49% of the NSW electricity networks, it is in effect the privatisation of public assets. 100% of Transgrid and 50.4% of Ausgrid and Endeavour Energy will be effectively owned and operated by the private sector. Majority control will belong to the private sector, not the public through NSW Government.

THE LIKELY IMPLICATIONS OF THE TRANSACTIONS IN ELECTRICITY NETWORK PRICING, GIVEN EXPERIENCE IN OTHER STATES

The final price paid for electricity by the consumer is made up of generation, network and retail. Industry and Investment NSW's 2010 *Report* estimated that "transmission and distribution costs accounted for approximately 8% and 40% of the final retail price paid by residential customers" (p15).

The recent decision by the Australian Energy Regulator to reduce the amount of money Ausgrid, Endeavour Energy and Transgrid are able to recover from customers effectively limits the prices the companies can charge and this potentially limits the amount retail customers may be charged. While this may sound good for consumers the reality is that the company must find additional income elsewhere. Quiggin (p30-31) states that in Victoria "electricity distributors have been unwilling to invest in new network infrastructure unless they are guaranteed high rates of return." This result in pressure being placed on the Australian Energy Regulator and in the longer term higher prices for consumers.

Also, many studies of the privatisation of transmission do not compare like with like. Koukoulas and Devlin (for the McKell Institute p33) point out that "one key factor that is often overlooked is the physical span associated with each network". Larger networks have higher expenditures such as requiring more substations. Transgrid covers the whole of NSW and Ausgrid and Endeavour Energy have responsibilities and assets outside the Sydney metropolitan area.

The lag in price increases is supported by Koukoulas and Devlin (p46-49) who compared the privately owned distributor SP AusNet with Ausgrid and Endeavour Energy. All three companies have a similar physical span of networks, including rural electricity lines. In their analysis Koukoulas and Devlin estimated that after one year the customers of the privatised Ausgrid and Endeavour Energy would be paying \$103 more and \$350 more after five years. SP AusNet is owned by Singapore Power and State Grid Corporation of China, potential buyers of the NSW assets. If these companies purchased the NSW networks the increased concentration of ownership would result in less competition, less chance of price restraint.

Toner (p8) states that the privatised industry in South Australia has the highest prices in the country and post-privatisation Victoria's prices have historically been higher than NSW. In recent years prices in NSW have increased because of capital works and the resultant return approved by the Australian Energy Regulator.

If privatisation occurs and vertical integration results the industry will become more concentrated reducing the bargaining ability (or choice) of consumers. If vertical integration occurs this will effectively mirror what occurred under public ownership - "a clear demonstration of the pre-existing model" (Toner p12).

If, as the NSW Government has stated, network prices in 2019 will be lower than 2014 this this may not be reflected in retail prices as network prices are only one component of the final retail price. The retail component of electricity prices is not regulated.

If costs recovered from consumers are reduced through regulation of transmission and distribution to a level below the level need to adequately upgrade the infrastructure, this could have a long term effect on the quality of the assets and communities. This could in turn put pressure on the Australian Energy Regulator and the Electricity Price Commissioner to increase prices.

THE LIKELY IMPACT OF THE TRANSACTIONS ON CUSTOMERS, INCLUDING ON ACCESS TO AND EXIT FROM THE NETWORK

A variety of consumers will suffer considerable disadvantage if the privatisation of assets proceeds in NSW. By way of example, when electricity privatisation occurred in Victoria, experience demonstrated that the impact of electricity pricing significantly impacted upon low income earners (Unions NSW p10).

In March 2004, the Victorian Council of Social Services predicted that 1 in 4 Victorian households were at risk of power disconnection once deregulation was completed (Unions NSW p10). Another example highlighting the difficulties associated with pricing once privatisation occurs, is from South Australia. A study undertaken in South Australia revealed that although electricity prices rose above the consumer price index (CPI), assistance from the Commonwealth was indexed to the CPI, which caused recipients of Centrelink assistance to be more marginalised (Unions NSW p10).

South Australia and Victoria have the highest rate of disconnections in the country (Fraser p33) and this can be directly related the cost of electricity according to the South Australian Council of Social Services which stated “the cost of basic necessities like electricity impacts greatly and disproportionately on vulnerable and disadvantaged people” (as quoted by Fraser).

Gill (p11) found that those domestic customers unable to pay the increased electricity prices were quickly disconnected as they were the customers that provided the lowest profit margin. Rural customers found it difficult to get supply as they provided a low rate of return of investment to the distribution companies.

A key focus must remain on customers who are already marginalised and face disadvantage as a result of receiving Centrelink benefits.

Reports from the Victorian experience, as well as overseas in the United Kingdom, are quite negative in regard to the level of service provided once privatisation occurred and work was contracted out. When services are contracted, prospective contractors bid for the work with the lowest price most often winning. In these cases there is no

guarantee that existing employees will be retained by the new contractor which results in a loss of jobs and a loss of expertise and experience.

In the United Kingdom, there were many complaints that the work provided by contractors was very poor, and the corresponding costs rose to such a point that serious questions have been asked as to the economic rationale of privatisation (Gill p12). Within Victoria, historical anecdotes indicated that distribution outages increased almost 7 per cent per fortnight, as a result of poor quality work undertaken by contractors, as well as cost cutting measures introduced after privatisation.

In transmission, offices were once staffed 24 hours per day. With privatisation, this was greatly reduced to become remote handling by computer, from a single location. The change also meant that staff only visited the sites to respond to alarm activation alerts, or perform routine maintenance. Hence, the quality of transmission reduced as staff numbers were reduced (Gill p14).

Toner (p3) points to the situation in the United Kingdom where consumers were persuaded to change electricity plans with little or no understanding of the complex information presented to them. In 42% of cases the consumers did not save money when changing plan (Toner, footnote 2 p3). The chances of this occurring in NSW will increase if there is vertical integration.

Significant concerns relate to the likely impact of privatisation upon rural and regional communities within NSW. Serious consideration must be afforded to the outcome of jobs being centralised (and located elsewhere in Australia or possibly overseas) or else outsourced, which was the result in Victoria.

Such an outcome has the potential to have a crippling effect upon local communities – workers spend their money locally. In the Latrobe Valley in Victoria anecdotal evidence revealed that once a power station was privatised, jobs were removed, small business lost trade, and house prices reduced. The flow on effect was that families who decided to move to seek new jobs, found that the reduction in housing prices meant it was financially unviable to do so (Unions NSW p10, Gill p10).

Estimates of the multiplier effect of job losses in communities vary but the study for the Latrobe City Council by SGS Economics and Planning Pty Ltd gives an estimate of 2.6 jobs lost in the local community for every job lost in the electricity industry (p43).

Employment at Victorian electricity establishments was cut dramatically from 21,500 in 1990 to (following corporatisation and privatisation) 8,000 in 2005. In the LaTrobe Valley prior to privatisation there were 9,000 jobs, after privatisation there were 3,000. Each job loss has a compounding effect on the economy of the surrounding community.

Two- thirds of all Victorians and three quarters of South Australians believe they are worse off after electricity privatisation (Koukoulas and Chester p10, quoting telephone polls January 2015)

THE RESPONSIBILITIES OF ANY LESSEE(S) TO MAINTAIN, IMPROVE AND REPLACE INFRASTRUCTURE AND THE OWNERSHIP OF INFRASTRUCTURE THAT HAS BEEN UPGRADED AND REPLACED

If Ausgrid, Endeavour Energy and Transgrid are privatised the new owners will come into the possession of significant assets which have recently been upgraded. As such, any new owner will not be liable for large capital expenses in the medium term. This also occurred in Victoria (Toner p7), where large investment prior to privatisation enabled the new owners to reduce capital expenditure. However, the new Victorian concurrently reduced employment and maintenance schedules and allowed the infrastructure to run down. This is particularly relevant to the Victorian bushfires as discussed below.

Toner (p14) refers to the reduced funding of research and development under private ownership. The benefit of research and development will move from the public to the private sector. Individual companies will not willingly share developments with competitors and risk profits. Toner refers to a House of Representatives inquiry that found changes in electricity industry ownership resulted in significantly less spending on research and development. In private industry research and development will always be balanced against profit.

In Victoria, historical reports were that numerous workshops and depots within the Latrobe valley were left unused, and ultimately unsellable, once the privatisation occurred. These assets were effectively wasted.

The Victorian Bushfires Royal Commission cited asset age as the reason for three of the bushfires of 7 February 2009. While the Royal Commission (Victorian Bushfires Royal Commission Summary, p12) specifically referred to Victorian bushfires its comment that *“As components of the distribution network age and approach the end of their engineering life, there will probably be an increase in the number of fires resulting from assets failures unless urgent preventative steps are taken”* could apply to NSW in the future. Under Government ownership such factors are more likely to be taken into consideration as the public sector has broader responsibilities to the community.

There is a firm view among the trade union movement that retention of generation assets in public ownership is strongest way to ensure environmental standards are kept high, and for funding to be maintained for research and development into alternate energy sources. Governments have a greater social obligation than companies which are primarily responsible to shareholders.

THE REGULATORY FRAMEWORK FOR ELECTRICITY DISTRIBUTION AND TRANSMISSION NETWORKS AND THE PROPOSED ELECTRICITY PRICE COMMISSIONER

While the Government has announced the appointment of Professor Allan Fells as the Electricity Price Commissioner and outlined some of the powers he may have (Needham), it is yet to clarify how the powers will work in practice as the legislation has not been produced. If the Commissioner will have the power to veto any privatisation that increases prices, there is as yet no explanation on how this will work and what effect this may have on potential bids.

The Australian Energy Regulator recently released determinations for Ausgrid, Endeavour Energy, and Transgrid. It is not clear how or what effect the Price Commissioner (who is only responsible for NSW) will have on these or future determinations. In its submission tabled in this enquiry the NSW Government (p20) does not give any further clarification on this point.

Similarly, there is no information on how the Government will address the issue of vertical integration.

LIKELY PROCEEDS OF THE TRANSACTIONS, INCLUDING ADDITIONAL COMMONWEALTH INCENTIVES AND INTEREST REVENUE

The Commonwealth Government has offered to make payments to states that 'recycle' their assets. 'Recycle' is a euphemism for privatise and is misleading. Money making assets are sold supposedly to allow state governments to spend more on infrastructure. However, by selling assets the NSW Government will forgo significant income and dividend payments from what has been a historically well performing NSW electricity industry. The proffered payment of \$2 billion is in the opinion of the Union not adequate compensation.

EXPERT REPORTS INTO THE TRANSACTIONS, INCLUDING REPORTS SUCH AS THOSE BY UBS, DELOITTES AND ERNST AND YOUNG

The Ernst and Young report figures reflect the intensive capital expenditure that has occurred in the NSW transmission and distribution sector. Comparisons with the privatised Victorian and South Australian electricity industry are misleading. The Nicholls article points out that NSW has completed its investment cycle whereas the Victoria and South Australia assets will need significant investment.

States that need to make such investments will have to apply to the Australian Energy Regulator who could approve price rises (or returns from customers) in order to fund the investment.

ANY OTHER RELEVANT MATTER

The Union believes the Terms of Reference for the Committee should address the effect that the privatisation will have on employees, their families and local communities.

Privatisation inevitably results in job losses.

This becomes even more important when added to the job losses mooted after the recent decisions by the Australian Energy Regulator on cost recovery in transmission and distribution which are estimated at over 2,000 jobs.

As yet employees do not have guarantees of continued employment or working conditions. This leads to uncertainty and concern for their families and their future. As noted above, despite a guarantee of employment in the Victorian privatisations a new owner closed down parts of the business while employment guarantees were in place and the NSW contracts must be structured to avoid this.

Although Essential Energy has been excluded from privatisation proposal there will still be significant effects on regional employment.

Ausgrid operates in the Hunter Valley, Newcastle, parts of Port Stephens and the Central Coast. Endeavour Energy operates in the Illawarra, Shoalhaven, Blue Mountains, Oberon and Lithgow. Transgrid operates across NSW.

Job losses in transmission and distribution will occur in regional areas at the same time as contractions in industries such as mining. Coal prices for the Hunter Valley and the Illawarra are decreasing, leading to job losses in that sector which will further compound the effect on regional economies.

In their most recent Annual Reports Ausgrid employed 5,492 people, Endeavour Energy 2,533 and Transgrid 1,074, giving a total of 9,099 employees. These are the latest published figures available to the Union

Based on figures from Transgrid's 2012 Annual Report, 661 of its 1,075 employees worked outside of the Sydney metropolitan area (p38). That is, more than 50% of Transgrid's employees are employed in regional areas. Any job losses in these areas will have a significant impact and families and communities given the experience in Victoria as noted elsewhere in this submission.

Ausgrid employment has declined by 416 from 2009-10, while Endeavour Energy employment declined by 355 over the same period. Employment at Transgrid has been static over recent years.

There are estimates of regional employment losses for Ausgrid and Endeavour Energy. Bielby has an estimate of 1,500 electricity maintenance workers in the Hunter Valley

including 40 at Maitland, 30 in Cessnock and 26 in Singleton. An estimated 65 jobs could go in Tamworth (Lamacraft). Similar figures were cited by Northern Daily Leader.

Based on information from members, an analysis of membership records and publically available figures the Union estimates approximately 30% of Ausgrid's and 12% of Essential Energy's employees are employed outside the Sydney metropolitan area. That is to say 1,800 Ausgrid and 300 regional positions would be effected if privatisation goes ahead.

One of the more significant impacts of the privatisation in Victoria was the downsizing of the workforce as a result of electricity industry employees accepting voluntary redundancies (Gill p7). Many workers felt pressure to accept the voluntary redundancies, believing it was their only option. Even worse, some employees agreed to accept voluntary redundancy on the understanding that they would then obtain employment with the newly privatised company, which had established an agreement for 'Permanent Employment' for up to 2 years. However, the contractor then dissolved the parts of the business where those employees of the former organisation had been placed, prior to the expiry of the 2 year period (Gill p7).

Overall, the Victorian experience proved to be a devastating one for electricity workers. Many found themselves without employment, or else with employment which was not meaningful, others still were placed in position only upon a 'present occupant only' basis. There was a distinct lack of job security, and extremely low morale among workers who managed to retain jobs. To a large extent, work was very precarious, with most jobs being offered upon a contractual or casual basis (Gill p8).

Apprenticeships is another area that needs to be addressed. Fraser (p39) states that public sector utilities have been known for investing in apprentices. This ensures a skilled, professional workforce and fulfils a social and economic good by providing young people with marketable skills. Governments often laud themselves for the efforts they make in training young people through the apprenticeship program. Apprenticeships in regional areas are particularly important.

In each of their most recent Annual Reports Ausgrid, Endeavour Energy and Transgrid highlight the ongoing success of their apprenticeship programs. In 2013-14 at Ausgrid 129 apprentices completed their studies and another 39 joined the company (Ausgrid Annual Report 2013-14 p16). At Endeavour Energy 58 apprentices completed their study, 19 new apprentices were taken on and there were 149 apprentices in total (Annual Report 2013-14 p26). For the same year, Transgrid said it had 50 apprentices in total (Annual Report 2013-14 p 90).

Unfortunately both Ausgrid and Endeavour Energy have begun shedding apprentices. Fifteen apprentices at Endeavour Energy are losing their jobs and 41 fourth year apprentices have been put on six-month contracts and no possibility of redundancy payments. Ausgrid has placed 131 apprentices on six-month contracts and not permanently appointed them as expected and as per past practice.

Research by the Australian Services Union (Fraser p39-40) has shown that public sector transmission companies are more likely to put on apprentices than the private sector.

Table showing Apprentice Recruitment 2010-11, Public and Private Electricity Distributors, NSW and Queensland

Distributor		Number recruited 2010-11
PUBLIC		
	Ausgrid	153
	Endeavour	60
	Energex	76
	Ergon	61
	Essential	102
	Horizon	0
	Western Power	0
	Public Average	65
PRIVATE		
	Actew/AGL	42
	Alinta	0
	Aurora	47
	CitiPower	19
	Power and Water	21
	SP Ausnet	0
	Private Average	22

As the table demonstrates, private sector employers on average took on only one-third of the number of apprentices of public sector employers. As noted previously Ausgrid and Endeavour Energy are comparably similar to SP AusNet and they took on 113 apprentices between them whereas SP AusNet took on no apprentices at all.

The Electrical Trades Union has pointed out that Ausgrid and Endeavour energy have already begun to reduce the number of apprentices they take on (Fraser p 40).

When electricity retail was privatised the Union negotiated employment protections including:

- A five year employment guarantee
- A five year guarantee of employees' pay
- There would be no alternation to the employment conditions for employees on individual contracts
- A guarantee of no forced redundancies
- A guarantee that superannuation rights would be protected when transferring to a private employer. This is especially important for employees in defined benefit schemes

- The option of re-deployment within the public sector for staff who do not wish to transfer to a new employer
- A 'transfer payment' for employees moving to the new employer
- The option to cash out recreation and long service leave and/or any unused recreation and long service leave transferred to the new employer
- Personal leave (sick leave) carried over to the new employer
- No forced relocations for any affected employees

This was achieved either by including, as appropriate, in either the contracts as a condition of sale or by the NSW Government (as shareholder) issuing regulations under the State Owned Corporations Act (Tripodi letter).

The Union expects no less protection for employees in transmission and distribution.

Thus far, the NSW Government has not entered into discussion with Unions about these vital issues.

Conclusion

In this submission the United Services Union has argued strongly against the privatisation of the NSW electricity networks.

This submission has focused on the social, community, infrastructure and employment aspects of the proposal pointing out the profound effects that will occur in all of these areas.

Examination of previous electricity privatisations has shown that the promised never eventuate as the economic basis was flawed to begin with - the sale of public assets cannot be based solely on economic arguments. Other witnesses to the Committee will provide a more cogent and detailed exposition of the economics of the proposed transaction. The USU's submission combined with the economic analysis will show that the proposed privatisation is not in the interests of the public or the NSW Government.

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