



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 June 1994

Tuesday, 14 June 1994

| | |
|--|------|
| Petition: Planning legislation..... | 1863 |
| Suspension of standing and temporary orders..... | 1864 |
| Authority to record, broadcast and photograph proceedings | 1864 |
| Questions without notice: | |
| Petrol prices | 1865 |
| Speedrail project | 1867 |
| Petrol prices | 1868 |
| Yowani Golf Club - development proposal..... | 1870 |
| Petrol station sites | 1871 |
| Sports drugs testing legislation | 1871 |
| Appropriation Bill 1994-95 | 1873 |
| Subordinate legislation and commencement provisions..... | 1883 |
| Land (Planning and Environment) Act - variation to the Territory Plan..... | 1884 |
| Public Accounts - standing committee | 1885 |
| Scrutiny of Bills and Subordinate Legislation - standing committee | 1886 |
| Planning, Development and Infrastructure - standing committee | 1886 |
| Establishment of an ACT Public Service - select committee..... | 1887 |
| Rates and Land Rent (Relief) (Amendment) Bill 1994 | 1900 |
| Rates and Land Tax (Amendment) Bill 1994 | 1901 |
| Financial Institutions Duty (Validation) Bill 1994..... | 1902 |
| Bookmakers (Amendment) Bill 1994..... | 1903 |
| Gaming and Betting (Amendment) Bill 1994 | 1908 |
| State Bank of South Australia (Transfer of Undertaking) Bill 1994 | 1909 |
| Public Sector Management Bill 1994 | 1912 |
| Adjournment..... | 1929 |

Tuesday, 14 June 1994

MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

PETITION

The Clerk: The following petition has been lodged for presentation:

By Mr Cornwell, from 136 residents, requesting that the Assembly amend planning legislation, including the Territory Plan, to take special consideration of areas of particular and significant character to all of Canberra where multidensity developments are or may be proposed, such as is likely to happen in Hunter Street, Yarralumla, especially where the majority of neighbourhood residents object to such developments.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Planning Legislation

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the ACT draws to the attention of the Assembly the fact that plans have been lodged with the ACT Planning Authority for variation to lease purpose and approval for the development of 6 multi-density dwellings on Block 6 Section 25 Yarralumla (No. 11 Hunter Street) where a single residence currently exists.

Your petitioners therefore request the Assembly to amend planning legislation, including the Territory Plan, to take special consideration of areas of particular and significant character to all of Canberra where multi-density developments are or may be proposed, such as is likely to happen in Hunter Street, Yarralumla, especially where the majority of neighbourhood residents object to such developments.

Petition received.

14 June 1994

SUSPENSION OF STANDING AND TEMPORARY ORDERS

Motion (by Mr Berry) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent:

- (1) any business before the Assembly at 3.00 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 1994-95;
- (2) debate on any motion before the Assembly at that time of interruption being adjourned until the question "That debate on the Appropriation Bill 1994-95 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed;
- (3) at 3.00 pm on Thursday, 16 June 1994, the order of the day for resumption of debate on the question "That the Appropriation Bill 1994-95 be agreed to in principle" being called on notwithstanding any business before the Assembly, and that the time limit on the speech of the Leader of the Opposition be equivalent to the time taken by the Treasurer in moving the motion "That the Bill be agreed to in principle"; and
- (4) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH PROCEEDINGS

Motion (by Mr Berry), by leave, agreed to:

That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during the presentation of the Appropriation Bill 1994-95 today, Tuesday, 14 June 1994, and the Leader of the Opposition's speech and subsequent debate on the question "That the Bill be agreed to in principle" on Thursday, 16 June 1994;
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule; and

(3) the taking of still photographs during the presentation of the Appropriation Bill 1994-95 today and the Leader of the Opposition's speech on the resumption of the debate on Thursday, 16 June 1994, and subsequent debate on the question "That the Bill be agreed to in principle", and the use of such photographs in the print media generally.

QUESTIONS WITHOUT NOTICE

Petrol Prices

MRS CARNELL: Madam Speaker, my question without notice is to the Attorney-General, Mr Connolly. Is the Minister aware that the wholesale price of petrol approved by the Prices Surveillance Authority last week was 69.62c per litre? Last week the Minister criticised service stations for raising their prices from 69.9c per litre to 73.9c per litre. I ask the Minister: How is a service station meant to keep operating with a retail margin of 0.28c per litre?

MR CONNOLLY: I thank the defender of the cartels for rising in this place and once again showing the Liberal Party's opposition to what the Government has done on petrol pricing. I was pleased to see the note of absolute glee in Mr Humphries's press release saying that the Government has lost the battle on petrol pricing; the Government has lost out; the price has gone up to 73.9c; the Government has failed totally. There was absolute glee from members of the Opposition when those prices went up.

I was roundly criticised by members of the Opposition and, I must say, by the *Canberra Times* for taking on the oil companies. I read with interest the *Canberra Times* editorial on Saturday morning which said, "Mr Connolly should desist". Admittedly, it acknowledged that we had done the right thing in introducing independents in the sense of introducing Burmah, and it indicated that we had done the right thing in introducing three additional independents. It said, though, that we should not introduce any more - indeed, we had said that we were not introducing any more, so I am happy with this - and it said that I should desist from public comments in this area. I noted that, as the *Canberra Times* was being delivered on my doorstep, the price of petrol had come down. By Saturday morning, across Canberra, the price of petrol had been reduced again to 69.9c. If members opposite had had their way it would still be hovering in the mid-seventies.

Madam Speaker, in answering the question, the point is that I object not to the absolute price of petrol in Canberra, but to the disparity between Canberra and Sydney prices. What Shell Oil said on Tuesday was that they had made a conscious decision to withdraw discounting in the Canberra market and to continue it in the Sydney market. How petrol companies can make a profit, Mrs Carnell, is by their suppliers treating this market - - -

Mrs Carnell: No; I did not ask about petrol companies.

14 June 1994

MR CONNOLLY: No; you asked part of the question, but you are going to get the full answer. You should learn about the oil industry, and the public should learn about the continued support that this Liberal Party gives to the cartel in this community. "Cartel", I should say, is a word introduced into this debate by Mr Humphries some six to 12 months ago, rather than by me.

Madam Speaker, what I want the oil companies to do is to provide to Canberra retailers the same level of price support that they provide to Sydney retailers. The fact that the difference between the retail price and the market wholesale price can be only a fraction of a cent is immaterial to the debate. Regularly, in the Sydney market, the retail price is, in fact, below the market wholesale price. What happens is that the oil companies provide price support by supplying petroleum to their outlets at a discount of up to 5c on the market wholesale price. That is what had been happening in the ACT market until Tuesday morning of last week. Shell announced that they were withdrawing that discounting. I objected very strenuously, and I am pleased to see that we have a level of discounting back in the market in the ACT.

MRS CARNELL: I have a supplementary question, Madam Speaker. Does the Attorney-General accept that the vast percentage of that discounting is happening at the expense of small business operators? Most importantly, I again ask: Does he believe that it is possible to run a service station with a retail margin of 0.28c per litre?

MR CONNOLLY: Madam Speaker, the fact is that up until last Tuesday we were having a level of price support of between 1c and 2c from all oil companies. In some cases, I believe, it may have been higher. We can certainly prove price support of between 1c and 2c. I can produce charts, and I will tomorrow, which show the average retail margin in this town and show how it has come down from a very major margin way above anywhere else in Australia to an average margin that is comparable with other cities. Madam Speaker, again, the Liberal Party constantly stands shoulder to shoulder with the oil majors in denying Canberra consumers access to competitively priced petrol. Mrs Carnell will piously say, "Yes, I am opposed to high petrol prices", but will oppose everything that this Government does to force prices down.

Madam Speaker, I will also produce to Mrs Carnell tomorrow the *Canberra Times* article of October 1992 in which the Motor Trades Association said that they expected over the coming few years to see 12 small petrol stations close in Canberra. It is significant that that appeared in the *Canberra Times* in 1992, because that was before the Government had announced its intention to bring independents into this market.

Mrs Carnell: So you are not sending them broke?

MR CONNOLLY: What I am saying, Mrs Carnell, while you prattle on, saying that I am closing petrol stations, is that the Motor Trades Association, well before the intervention of independents was made public, were saying that up to 12 petrol stations would be closing in the ACT. I know that, much to your chagrin, they have not.

You all made a fuss when BP Red Hill closed, and your mates who publish the *Motor Trades Advocate* said, "Connolly closes BP Red Hill". I have not seen them retract in their latest edition, saying, "Connolly reopens BP Red Hill", because it has reopened, Madam Speaker. I will produce that as well. There always has been an intention to close some stations. I would not be surprised to see the industry close some stations and try to blame me for it. The bottom line, Madam Speaker, is that this Labor Government has brought petrol prices down, and the Liberal Party, if they were in office, would be working with the oil companies and seeing Canberra motorists continue to pay in the mid-seventies for their petrol.

Speedrail Project

MRS GRASSBY: My question is to the Chief Minister. Can the Chief Minister tell the house what the Government is doing to encourage the Speedrail proposal?

MS FOLLETT: I thank Mrs Grassby for the question, Madam Speaker. As a government, we are always interested in improving the transport links between this Territory and New South Wales.

Mr Kaine: You are always interested in social justice too.

MS FOLLETT: As Mr Kaine comments, quite correctly, I am always interested in social justice, and I act upon it as well. Madam Speaker, the Government was also a strong supporter of the original very fast train proposal. It should come as no surprise that we would look favourably on successor proposals. I have met with Mr Dale Budd, the managing director of Speedrail Pty Ltd, and also with the representatives of the joint partners in that project. We have discussed it in some detail.

There are some advantages to this project that the VFT did not have. The major advantage is that Speedrail would not be relying on tax breaks, which, as members will recall, was the ultimate undoing of the VFT. If the Speedrail project does go ahead it will have some enormous benefits for this Territory. One of those benefits would be the creation of some 35,000 jobs, and some of those would be right here in the ACT. That would be a huge boost to our employment. In addition, it would be a major boost to investment in this region. It would also be a drawcard for tourism into the Territory. This is particularly important with the Sydney Olympics coming up in the year 2000. I think it would be a significant advantage in our efforts for the Territory to obtain, for instance, the status of a training base for a number of sports and also to get visitors to stay in the Territory while attending the Olympics. This kind of a link could be a real boost there.

Madam Speaker, the Speedrail consortium is now about to undertake a pre-feasibility study, which will cost over \$500,000. That study will provide much more detailed information on the viability of Speedrail. As a government, we have committed some \$50,000 towards that study, and the Commonwealth also has committed \$50,000. I was very pleased to know that members opposite have expressed support for the Speedrail proposal. I wish that they could persuade their New South Wales counterparts to be equally supportive. I have written to Premier Fahey on a couple of occasions.

14 June 1994

Mrs Carnell: So have I.

MS FOLLETT: Mrs Carnell says that she has as well. I intend to meet with Premier Fahey in the near future to try to encourage New South Wales also to take part in the Speedrail study and, together, to review the benefits that this proposal might bring for this region. I am confident that that study will provide all of the governments with much better information on the viability of Speedrail. If the initial pre-feasibility study proves encouraging we would need the full feasibility, environmental and social impact studies that such a major project would involve. To conclude, Madam Speaker, I am very keen to see further studies done on the Speedrail project because it has enormous potential for the Territory.

Petrol Prices

MR DE DOMENICO: Madam Speaker, my question without notice is to the Attorney-General and it follows the question asked by Mrs Carnell. Is the Attorney aware of the plight featured in the *Canberra Times* and the *Valley View*, and on television and on radio, of Mrs Hanbidge of the Shell service station at Phillip, who is selling her petrol on a margin of less than 0.3c per litre? Minister, what words of comfort will you give Mrs Hanbidge, who told me that she needs 4.7c per litre just to break even? Minister, do you concede that Canberra's petrol retailers are unfairly caught in a cross-fire between you and the oil companies?

MR CONNOLLY: Madam Speaker, I would say that anyone who says that they need 4.7c to stay in business in the petroleum industry must explain to me why it is necessary to have a higher level of profitability in the Canberra market than in any other petroleum market in the country, because that is well above - - -

Mrs Carnell: It is called rent, wages. It costs more than in other places.

Mr De Domenico: Jobs, wages, oncosts, leases.

MADAM SPEAKER: Order!

MR CONNOLLY: On the MTAA's own figures, rent and other outgoings are about 2.2c. I do not believe that in Canberra it is necessary to operate on a profit margin that is way above profit margins in any other city in Australia. Obviously it has been decided that that particular petrol station is to be the media focus - that I am going to force it out of business - but I know that Shell closed that petrol station about 18 months or two years ago. I am not precise on the dates, but members in the central Canberra seat would well recall a period of about six months when, as they drove around Woden, that Shell petrol station was closed. Shell had closed it. So it is a service station outlet which Shell have made some decisions about as to whether it is viable or not, and it has been closed and reopened.

If it closes - and I will no doubt be blamed - I will say that it has previously been closed by Shell, and I will say that the Motor Trades Association in 1992 indicated that they expected 12 service stations to close. I will also say that one of the unique factors about the ACT is that when a petrol station owned by Shell, or BP, or Ampol or Mobil, and leased out to operators closes in the ACT, unlike the rest of Australia where that outlet is often put on the market and independent operators have the opportunity, at a fair market price, to buy it and to sell their independent petrol, within hours of the closing they spike the tanks and rip them out. The oil majors deliberately make certain that independents do not get access to those sites. If anyone doubts that, look at what happened in Dickson. When the Shell outlet closed they built the mega outlet across the road and the tanks were up within days. A couple of years ago Shell were deciding what to do about that outlet and eventually it did reopen.

Madam Speaker, what I say to all of the operators in Canberra is that they need to put pressure on their oil suppliers and say, "You should treat us no better but at least no worse than you treat your outlets in Sydney or Melbourne". I find it unconscionable that Shell was able to say on Monday or Tuesday of last week, "We make a decision to supply our outlets in Sydney at a discount". I noted Premier Kennett's comments in recent weeks about what the oil industry is doing in Victoria. He is about as critical as I am in relation to the petroleum industry. The only way we will have a competitive market in Canberra is when we force the oil majors to provide that same level of discounting as occurs elsewhere.

Mr De Domenico: By sending local businesses broke.

MR CONNOLLY: We are not sending local businesses broke, Mr De Domenico, because the industry said two years ago that it would be closing up to 12 sites.

Mr De Domenico: Rubbish! Yes, you are. Go and talk to them.

MADAM SPEAKER: Mr De Domenico, order!

MR CONNOLLY: Strangely enough, Mr De Domenico, Burmah employs people to pump their petrol, and I reckon that when we open the additional three independent outlets they will employ people to pump their petrol too, unless it is a totally employee-free petrol station, which I find hard to believe. The bottom line remains, Madam Speaker, that this Government has intervened in the petrol market. We have been commended for doing that by the Australian Consumers Association, and even the *Canberra Times* editorial on Saturday had to say that we did the right thing by bringing in Burmah and we did the right thing by introducing the other three sites.

I am happy to go out there and to explain to the public what I have done on this. I want you, Mr De Domenico, to go out there and to explain to the public why you consistently stand shoulder to shoulder with the oil industry to oppose every measure that we introduce to bring down petrol prices. Mr De Domenico, I tell you this: Small business has the choice of going to some of the small sites and paying 74c a litre for petrol; or, better still, we will open a government petrol station site, we will post the price of petrol at 77c a litre, and we will say to small business, "Gee, guys, would you like to go and buy your petrol at 77c a litre or buy it at 69.9c?". I know what they will do.

14 June 1994

They will buy it at 69.9c. The reduction in petrol pricing that we have achieved has put at least \$10m back into this economy - money that is going around and is being spent by consumers and by small businesses. Madam Speaker, I table an extract from the *Canberra Times* of 13 October 1992 saying, "Oil companies set to close up to 12 service stations". This was a statement from the Motor Trades Association of Australia.

Yowani Golf Club - Development Proposal

MR MOORE: Madam Speaker, my question is directed to the Chief Minister and Treasurer. The minutes of the Yowani Golf Club annual general meeting of Thursday, 7 April 1994, indicate that, even if the Yowani home unit development of 238 units fails, Yowani will be presented with a cheque for the full quota of \$20,000 per unit, worth approximately \$4m. Does the Chief Minister consider that the ACT coffers are so flush that we can subsidise a golf club to the tune of \$4m, or will she reconsider changing betterment provisions to provide 100 per cent for residential, as has been done with commercial properties?

MS FOLLETT: Madam Speaker, I thank Mr Moore for the question. I say at the outset that I am not aware of the document that Mr Moore has quoted from and I would like to see it. However, it is the case, Madam Speaker, that the Government expects a fair return on property developments. To the best of my knowledge, the proposal for Yowani is just that - a proposal. It is nothing more than that at this stage. I would expect that the closest scrutiny would need to be given to the planning and social merits of the proposal, as well as to the financial merits. Mr Moore is aware of the current arrangement on betterment. I can only advise, Madam Speaker, that the Government has no current plans to amend that arrangement.

MR MOORE: I have a supplementary question. Considering that substantial sums of money are being lost because we charge 50 per cent betterment rather than 100 per cent betterment, will your Government reconsider this business of having a 50 per cent betterment where proposals such as this can provide money to our coffers? We have an opportunity to allow them to do so.

MS FOLLETT: Madam Speaker, I believe that I have answered that question by saying that we have no current plans to review the betterment arrangement. I should say that all of our revenue measures are under review continuously. If it were to be apparent that the community generally was missing out on money which it rightfully should be getting, obviously the Government would want to look very seriously at that question. To answer Mr Moore briefly, we do not have before us currently a specific proposal to review betterment.

Petrol Station Sites

MR WESTENDE: Madam Speaker, my question is directed to the Attorney-General. The Minister has indicated that nothing short of a resolution of this Assembly, or a court injunction, would prevent him from proceeding to allocate additional sites to so-called independent petrol station operators. Since those comments were made his factional colleague, Mrs Kelly, has stated her view that his policy is driving many small businesses to the wall. Has Mrs Kelly erred in her assessment of the Government's impact on small business? Will the Minister take Mrs Kelly's advice and suspend the process of offering additional sites until such time as the Assembly inquiry into this matter is completed?

MR CONNOLLY: Madam Speaker, the Government certainly stands committed to continue the process of providing competitive petrol prices in the ACT. My intention is to proceed as rapidly as possible with those additional three sites, unless, as I say, I am prevented by a resolution of this Assembly or by a court order. I did read with some interest the article containing comments from Mrs Kelly. I also know that Mrs Kelly said that she supported absolutely my efforts to reduce the price of petrol.

Mrs Carnell: You just did not do it right.

MR CONNOLLY: So does Mrs Carnell. The reality is that the only way to bring down petrol prices is to introduce independents to the market. I have discussed this matter with Mrs Kelly and I indicated to her my firm belief that we are, and we remain, on the right track. I am not sure that I provided her with the 1992 Motor Trades Association comments which show clearly that they were intending to reduce the number of sites selling petrol in Canberra by 12. If I have not, I will.

This Government, not Federal members, is responsible for decisions in relation to the petroleum industry in Canberra, and one often has agreements or disagreements with one's Federal colleagues. In this case I stand committed, as does the Government, to the strategy of introducing independents into the oil market in Canberra, and I am delighted to see you coming out now and nailing your colours to the mast. It is clear that a Liberal government would have allowed the unreasonably high price of petrol to consumers in this market to continue, and that the oil companies' friends, the mates of the cartel, are sitting on those benches opposite.

MR LAMONT: I thank the member for his question, Madam Speaker. It is appropriate for Mr Berry to have asked the question, as it was under his initiative that the Bill was introduced into this Assembly.

Sports Drugs Testing Legislation

MR BERRY: Bearing in mind the attention that is given to elite athletes and their performances by all Australians across this country, and in particular in the ACT, I would like to hear from the Minister for Sport about the current status of the Sports (Drugs Testing) Bill, because I know that that will be a matter of some interest to the community. The Bill is one that people have had in focus for some time.

14 June 1994

Mrs Carnell: And you had to fix it up.

Mr Cornwell: Where is it?

MR LAMONT: There was an undertaking by him that once that Bill was tabled we would embark upon wide consultation on it within the community. It was proposed that it be complementary legislation to procedures introduced by the Commonwealth. A consultative committee, chaired by Sue Baker-Finch, the chairperson of the ACT Sport and Recreation Council, was established to work with the sporting community and to advise the Government on the form of the agreement with the Commonwealth's Australian Sports Drug Agency. At the same time, the Commonwealth was preparing a number of technical amendments to the Australian Sports Drug Agency Act to give competitors tested under State and Territory legislation access to the same Commonwealth appeal provisions contained in that Act. There have now been further discussions with other States and the Commonwealth on the consistency of drafting of complementary legislation.

Madam Speaker, as you would be aware, there are a number of governments in Australia who sit within chambers where they do not have a majority. Therefore, to be able to give an unequivocal undertaking to the Commonwealth to introduce mirror legislation is, at times, difficult. I think that needs to be recognised. I have written to the Commonwealth and State Sport Ministers seeking a deferral, at least at this stage, of the introduction or the attempted introduction of such complementary legislation until the Sport Ministers meeting in July, where I have proposed that we have the States work under one Commonwealth piece of legislation and have the Australian Sports Drug Agency as the appropriate testing authority.

What we then need is consistency in how we deal with results. It would be ridiculous to have a track and field athlete in Queensland who returned a positive sample for a performance enhancing drug treated differently from a similar athlete in the ACT.

Mrs Carnell: That is what Mr Berry's Bill did.

MR LAMONT: We need to ensure that there is consistency. To provide for that, Mrs Carnell, we need to ensure that there is one single piece of legislation. I propose not to proceed with the Bill in the Assembly until after the July Sport Ministers meeting, where I hope we are able to gain agreement from all States and Territories to adopt the Commonwealth legislation and to allow for consistency to be imparted by the Australian Sports Drug Agency. In particular, Madam Speaker, I have requested the consultative committee from the Sport and Recreation Council to develop the guidelines that I will take to the Sport Ministers meeting in July. Considerable work has been done. I believe that the initiative shown by the Territory in seeking to have consistency applied right across Australia is an appropriate course of action for us to take. As soon as I have returned from the Sport Ministers meeting in July, I undertake to brief the Independents and the Abolish Self Government Coalition about activities there; I also undertake to brief Mr De Domenico.

MADAM SPEAKER: Order! It being 3.00 pm, I call the Chief Minister.

APPROPRIATION BILL 1994-95

MS FOLLETT (Chief Minister and Treasurer) (3.00): Madam Speaker, I present the Appropriation Bill 1994-95.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, the ACT enters 1994-95 with a future we have every right to feel positive about; a future in which our work force, our youth and our business leaders can have the confidence to plan; a future in which all of our citizens, the disadvantaged and the well-off, can participate; a future that will be fair and a future of which we can be proud. This budget, Madam Speaker, is a sound investment in that future. This budget will cater for and encourage growth - growth in employment, in investment and in the quality of service to the community. This budget protects and helps those who need government assistance. It encourages the private sector. It creates new public assets. It safeguards the environment. There are no new taxes and charges. Madam Speaker, it is a Labor budget through and through.

The policies of this Government and the budgets we have brought down since self-government have delivered a safe passage through a serious national recession and an unprecedented financial adjustment imposed by the Commonwealth. Acclaimed by independent scrutineers, our policies established us as a AAA government. The budget I present today continues the strategy we laid down nearly three years ago, even though the adjustments pressed upon us have been much more severe than was envisaged then. Despite this difficult recent history, this budget is providing for the future by investing in the expansion of the Territory's economic and social infrastructure through the construction of new assets and increased maintenance of existing assets. This will make an important contribution to employment in the construction industry. But most new jobs in the ACT come from the expansion of private industry. The budget provides support to business by stimulating trade and tourism ties overseas, and by avoiding additional cost imposts on firms.

Opportunities to take advantage of the new jobs are extended to all Canberrans, especially our young school leavers, through increased labour market assistance and training places. While economic vitality is essential to a fair community, special measures are also needed for those who face disadvantage. This budget, like previous Labor budgets, delivers important initiatives which will improve the lives of many people in need. This budget, Madam Speaker, ensures that all ACT residents can have confidence to invest in and to share in our future.

14 June 1994

Australia is emerging strongly from the recession of the early nineties. Nationally, this is shown in the increased pace of economic activity and in the recovery of confidence amongst consumers and businesses. The ACT weathered the recession with continued strong growth in gross state product of about 4 per cent in each of the last two years. Population growth remains well above the national increase and is an important driving influence on the Territory's economy. Construction activity, other than for housing, showed good recovery during 1993-94 and is forecast to grow at a healthy rate during 1994-95.

Overall, it is expected that 1994-95 will see the ACT remain above the national rate, with even stronger economic growth than in recent years, with an acceleration in the formation of new jobs and a forecast fall in unemployment. These figures also reflect the increasingly important contribution which private sector activity is making to the overall health of the ACT economy. The relative stability of our employment base and steady growth in incomes has created a platform for continued strong growth in consumer spending. Private business is strong. Tourism, in particular, is doing very well. The increases in accommodation occupancy rates and turnover are clear and positive. Industries such as high technology and telecommunications are also growth sectors.

The ACT has well and truly established its financial credentials. Our record of responsible budgetary development and strong economic performance has been recognised by the international rating agency, Standard and Poors. It has assigned the Territory Government the highest credit rating for both short-term and long-term borrowings. This AAA credit rating which we share with New South Wales and Queensland not only makes our borrowings cheaper but also establishes the Territory in the eyes of potential investors as a reliable place in which to invest. Other public research bodies across the spectrum of political views have acclaimed the ACT's financial and social policies. We should be proud of our achievements as a Territory and we will strive to sustain our successes as a prudent and responsible government.

In February of this year, Madam Speaker, I joined with the Prime Minister, the Premiers and the Chief Minister of the Northern Territory to sign the new Financial Agreement between the Commonwealth, States and Territories. This marks our acceptance as full members of the Loan Council. This important milestone comes at a critical time in the financial development of the nation. As a result of poor financial performance in some States, the Loan Council has a greater role in scrutinising the financial well-being and financing strategies of all jurisdictions. The new Loan Council rules impose a greater accountability on all governments and the ACT is showing up extremely well under that scrutiny. The closer cooperation between governments includes more uniform presentation of budgets and financial reports. The documentation presented with this budget moves the ACT further in this direction. We are also well under way to move our government accounting and financial reporting onto an accrual basis in line with national standards. This will encourage improved financial management and accountability to the Assembly and the public.

Another significant innovation in national budgeting is the presentation of budgets before the commencement of the new financial year. As a result, program managers within government and all those people and organisations dependent on the Territory's budget can make their plans earlier and more effectively. This reform has required a significant

change to the presentation of budgetary information and to the timing of Assembly scrutiny and debate, and I welcome the cooperation of the Assembly and its committees. We have not let the earlier timing prevent full and open consultation with all major sectors of the community. As in earlier years, I have met, and had useful discussions with, key organisations and received written submissions from others. In formulating this budget, careful consideration has been given to all the views expressed to the Government.

Madam Speaker, our financial relationship with the Commonwealth continues to impose the most difficult pressures on the Territory. Last year, the ACT suffered unheard of reductions in general purpose grants. These grants, which represent nearly a quarter of our budget, were reduced by 20 per cent in real terms. This year, favourable trends in demographic statistics and some adjustments in the Grants Commission's methods have partially redressed that situation. However, at the Premiers Conference in March, the Commonwealth unilaterally abolished general purpose capital grants which were of disproportionate importance to the Territories. I was able to argue successfully for special relief to offset this further blow, but that relief is only temporary. The goalposts have been moved once again, and the ACT faces an even greater adjustment task. So it is worth reminding ourselves that, until the transition to State-type funding is completed, the Territory has to cope with the most difficult financial adjustment ever demanded of any State or Territory in the history of Federation. Overall, despite being somewhat less severe than we feared in last year's forward estimates, our general purpose funding for 1994-95 will be \$18m, or 5 per cent, lower than in 1993-94.

There are many competing demands upon the public purse. This budget strikes a careful balance between maintenance and expansion of assistance to those in need and the level of taxation it places upon ACT residents. The budget has also been framed to fit well within the forward estimates published in the last budget and to continue to achieve recurrent surpluses to pay for a significant part of capital spending. Borrowings will be held to manageable levels throughout the remaining years of adjustment to lower Commonwealth funding.

The aggregate figures for the 1994-95 budget year demonstrate our sound financial management. Recurrent outlays are estimated to fall by 2.7 per cent in real terms per person. This is achieved without reducing services to ACT residents. At the same time, the real tax burden per person is expected to drop. Capital spending on all ACT works will increase by \$10m to over \$200m. We have achieved this result by capitalising on the budget strategy measures put in place in previous years.

The budget continues to contribute to superannuation liabilities to ensure that costs in future years do not disrupt programs or require resort to high taxation. We have avoided raising new taxes or increasing tax rates. Own-source revenues are expected to fall by 2.4 per cent in real per capita terms. General rates have been set so that overall rates paid will increase by only the expected rate of inflation after accounting for growth in the number of properties. The state of the property market means that domestic ratepayers will pay a little more than inflation - an average of \$26 a year - while ratepayers on commercial properties will pay less. The land tax rate will not be changed from that set last year, resulting in a marginal reduction in land tax collections.

14 June 1994

The deficit on the Consolidated Fund is contained to \$64.5m. This will be met with a very modest borrowing program of \$36m. Internal funding will cover the remaining deficit. The higher than expected receipts in 1994-95 compared to the forward estimates have been used to reduce borrowings. Madam Speaker, we face the rest of the adjustment period with very low debt and very low cost of servicing that debt. Our strong financial position, the result of our responsible budget policies, means that future budgets can address the difficult period of adjustment and meet social justice objectives. Our policies have secured, and will continue to secure, the financial future of the Territory.

This budget includes significant initiatives. The future of the Territory requires a strong business sector working in close partnership with government to create jobs and wealth to fund the services and amenities all Canberrans want to enjoy. The budget recognises and invests in that future. There are no new taxes or imposts for business. Business will benefit from reduced petrol prices, electricity charges and municipal rates. Our major growth industries will be boosted by measures aimed at opening opportunities for local firms in international markets. I have also recently released for public comment proposed changes to the Government's purchasing policy. The changes are aimed at maximising the opportunities for local firms to compete effectively for government purchases.

Madam Speaker, the Government will spend \$1m over the next four years marketing the ACT in Japan as a tourist destination. This will capitalise on opportunities identified by the business delegation to Japan that I led last year. Companies in our expanding information and advanced technology industry will also be assisted to exhibit their products at a major trade fair in Hanover, Germany, in 1995. These actions, together with the initiatives of public enterprises such as ACTEW and the Canberra Institute of Technology, are helping to establish potentially lucrative ties for the Territory overseas. One of these initiatives, the Australian International Hotel School, is expected to commence studies in February 1995, with the training hotel opening for business soon afterwards.

The Government will provide \$3m for the first stage of an advanced technology manufacturing estate in Canberra. This will provide serviced blocks for new industries as well as provide an opportunity for existing industries to upgrade and expand their facilities in a business park setting. We are also providing \$2.3m for infrastructure for office developments in the York Park precinct. The taxi industry's ability to meet consumer demand, especially from the strong flow of visitors, will be improved with the auction of a further eight taxi plates.

Despite the ACT's relatively strong economic performance, the level of long-term unemployed here remains unacceptable. A total of \$4.1m will be provided in the coming year for labour market related programs for the unemployed. This is an increase of 8 per cent over 1993-94. Two key programs are the Jobskills program, which will receive some \$1.75m to assist long-term unemployed people, and Youth Joblink, which will

receive over \$200,000 to provide private sector work experience for unemployed teenagers. The Canberra Institute of Technology will receive \$700,000 more than in the forward estimates for 1994-95, and \$1.4m in 1995-96 to permit it to make available more than 200 extra part-time equivalent places in each of those years. These places will be offered in priority areas for employment growth, economic development and community well-being, with 50 of the additional places reserved for EEO target groups.

Madam Speaker, the 1994 budget is a major contributor to building activity in the Territory. New works totalling over \$96m have been approved as part of the budget. In conjunction with continuing works approved in earlier years, and the programs of the ACT Housing Trust and ACTEW, the Territory Government will be paying for some \$206m of public works activity in 1994-95. This is expected to support about 3,500 jobs. The public works program, Madam Speaker, together with the extra asset maintenance work funded in the budget, represents a major investment in expanding and maintaining public assets for future generations.

A key part of the infrastructure development of the city is our road system. We will provide an additional \$2m per year for increased roads maintenance. When combined with gains from improved productivity, this represents a significant increase in maintenance. Major road works in the 1994 program include reconstruction of the Monaro Highway, development of greater capacity in expanding areas, including duplication of Drakeford Drive to improve access for South Tuggeranong residents, and upgraded intersections to improve traffic safety on arterial roads such as Ginninderra Drive and Kingsford Smith Drive in Belconnen. Since the ACT budget was finalised, the Commonwealth has announced a further \$1.6m for the Territory in 1994-95 to be spent on planning duplication of the Federal Highway to the New South Wales border and repairing and upgrading the Federal and Barton highways.

Rejuvenation of our older local shopping centres to improve safety, access and public amenity is being given priority. We will be drawing on the experience gained in the successful pilot at O'Connor shops in developments initially in Hughes and Narrabundah. Work will be undertaken to revitalise the Civic end of Ainslie Avenue to make it more useable and friendly for pedestrians. Madam Speaker, the Government has succeeded in removing the impediment imposed by the Commonwealth on the planned building of the Magistrates Court, and this major project will now go ahead during 1994-95. Refurbishment of the City Police Station will also commence. The full cost of these two projects totals nearly \$25m.

The Government has succeeded in pursuing a strategy of accommodating its operations in owned buildings wherever it is cost-effective to do so. The Assembly and Executive occupied this refurbished South Building during 1993-94. Macarthur House has been undergoing refurbishment, and \$6.6m has been allocated for further refurbishment work with a saving on rented accommodation. The Government has already saved in the order of \$4m through its accommodation strategy over recent years and expects to save about a further \$1.8m in 1994-95.

14 June 1994

Madam Speaker, the Government's 50 : 50 greenfields-urban renewal strategy is an integral element of urban planning in the Territory, and urban renewal is well supported in this budget. Development of urban renewal areas will proceed during 1994-95. Ten million dollars is to be allocated for land development and other infrastructure. In the new areas, \$3.7m will be spent on the Government's continuing commitment to Gungahlin and \$700,000 in North Lanyon.

Madam Speaker, the Government places a strong emphasis on protecting Canberra's unique environment. This budget continues that commitment. It includes funding to develop a strategy to combat invasive weeds and \$150,000 for management of the Mulligans Flat area, which will be established as a nature reserve. A study of the potential for employment opportunities in ecotourism, environmental technology and other "green" industries will be undertaken in 1994-95. In addition, funding has been included to implement legislation to protect endangered flora and fauna.

Following successful trials of wheeled garbage bins conducted in three suburbs, the Government will be introducing later this year weekly garbage collections and fortnightly recyclable collections from wheeled bins provided to every home. The people of Canberra have strongly supported recycling. The introduction of kerbside recycling will bring to an end the days of travelling to the nearest recycling centre to rid the house of paper and bottles. Everyone will be able to participate in recycling. This initiative will minimise waste collection in favour of recycling and reduce waste disposal at the tips. It will be better for householders and better for the environment.

Madam Speaker, this Government knows the importance in the community of sport and recreation. A program of improvements to government-managed sportsgrounds will be commenced in 1994-95, with an additional \$1.2m being provided over three years. The program will focus on refurbishment of older facilities, and improving the utilisation of existing infrastructure through additional lighting, canteen and storage facilities. The Government will construct an enclosed oval in Tuggeranong at a cost of \$3.2m. A grant of \$400,000 will be provided for further work on the softball centre in Belconnen, and a grant of \$630,000 will be made to the ACT Rugby Union to upgrade facilities at Manuka Oval and to enhance the entry of an ACT team into the Sydney rugby union competition. The Government has agreed in principle to the provision of an indoor sports centre in Tuggeranong. Following consultation with relevant groups, a detailed proposal, including funding options, will be considered in the 1995-96 budget.

The Government has been quick to ensure that the ACT benefits to the maximum extent possible from the Sydney 2000 Olympic Games with the establishment of the ACT 2000 Committee which will report later this year. The budget provides a further \$130,000 to support the work of the committee. We will also be providing an additional \$313,000 for the ACT Academy of Sport to enhance the coordination of intensive training programs, to improve talent identification and to enable the ACT to match Commonwealth funding for elite athlete development in the lead-up to the 2000 Olympics. In the area of community sport, we will be extending the opening hours of the Olympic pool and increasing safety levels generally at government-managed swimming pools. We will provide \$170,000 in a full year for additional lifeguards.

Madam Speaker, we are strongly committed to enhancing the cultural development of the Territory. Funding has been provided for the Cultural and Heritage Centre to be developed in the existing North Building. An interim board of management is to be established to guide planning, construction and management. The centre will serve primarily as a regional art gallery and heritage centre and honours our commitment on the use of the casino premium.

The Government has provided \$2.3m in the 1994-95 capital works program in addition to the \$5m already allocated from the casino premium for the redevelopment of the Canberra Theatre Centre Playhouse. The Planning, Development and Infrastructure Committee of the Assembly, which recommended the \$5m allocation, will be asked whether it wishes to reconsider the project before the Government proceeds. These developments in the Civic Square precinct will do much to enhance this area as the cultural heart of the city. The Government has agreed to accept a very generous offer by the current lessee of Mugga Mugga property, Miss Sylvia Curley. The property, which has historical, environmental and social significance, will be managed as a heritage and education resource for the ACT community.

Mr Kaine: That is a good one, Chief Minister. I give you a nod on that one.

MS FOLLETT: Thank you, Mr Kaine. Madam Speaker, in last year's budget the Assembly made its wishes known concerning government schooling. This budget respects the Assembly's position and has added significantly to the forward estimate in setting the 1994-95 education budget. The education budget has been supplemented to replace the intended savings, and does not involve any measures which would reduce teacher numbers. Moreover, we are providing funding of \$300,000 for a pilot project aimed at improving literacy and numeracy skills in primary schools. Nearly \$14.2m will be provided for the construction of a preschool and primary school in Nicholls, the upgrading of science and technology areas at eight secondary schools, and the refurbishing of existing school facilities. Arrangements are being pursued to enable the preschool and primary school at Nicholls to share some facilities with a child-care centre and a Catholic primary school. This initiative should produce significant efficiencies in the use of public resources and foreshadows other opportunities to use joint facilities for the mutual benefit of public and private providers. Additional ACT funding will be provided to non-government schools, with rates per student increasing by 1.7 per cent to cover wage and other costs pressures. We will provide additional funding to support students in non-government schools who have physical disabilities, and an additional \$205,000 per year for a junior secondary bursary scheme.

Madam Speaker, Labor governments in the Territory have adopted and maintained programs to protect those people who rely on public services for a decent quality of life. There are many such groups and we continue to provide for them, particularly children, the aged and those who need protection from violence. Over 500 extra long-day care and outside-school-hours places will be established under the national child-care strategy. We will provide \$375,000 over the next three years to trial employer-supported child-care measures, including after-school and vacation care for children with disabilities.

14 June 1994

The Government is determined to reduce and, as far as possible, to eliminate child abuse in the community and to ensure that any child subject to abuse can get help and protection quickly. A number of initiatives are funded in the budget. These include coordination of preventative activities and early intervention services; improved advocacy and monitoring of child protection services; and training of persons mandated to report sexual and physical abuse cases. The budget also responds to the needs of victims of crime. The capacity of the Legal Aid Office will be enhanced to assist victims of violence to obtain quick access to legal remedies. A coordinator will provide information to victims about the justice process and promote attitudinal change to victims of crime within the criminal justice system. A counselling service will be established in Civic for women victims of sexual assault and other violence. These initiatives build on the national strategy on violence against women being implemented in the Territory and demonstrate our resolve to address these fundamental issues.

Additional funding of \$150,000 to the youth services grants program will provide services where gaps exist and meet the emerging needs of young people. Home and community care for aged citizens and people with disabilities will be expanded through the provision of a further \$580,000 in recognition of the increasing numbers needing those services. A home modification and equipment scheme will be introduced to maximise the potential for independent living. Concessions on a range of government services have been expanded. We have already provided enhanced access to electricity concessions in the winter months. Concessions on rates will now be able to be retained even if rates payments are deferred. The Council on the Ageing will receive a special grant to assist in advising aged citizens on these matters. The Government has decided not to proceed with the introduction of a cap on rates concessions at this time.

Madam Speaker, community organisations play an important role in delivering services to Canberrans in need. The Government has undertaken to ensure that grants to these organisations will be indexed in 1994-95 and future years to cover normal cost pressures. Should individual organisations feel that they can demonstrate that their costs have suffered significant increases for special reasons, we will consider making a contribution to those cost pressures on the merits of individual cases.

The budget provides over half a million dollars to expand the ACT's participation in the supported accommodation assistance program. Some \$280,000 will be provided under the new social housing subsidy program for a private rental leasing project to make more housing available for people on the public housing waiting list. The Housing Trust's capacity to deliver services to tenants will also be increased through efficiency improvements resulting from the resource review conducted during 1993-94. A new housing loan option known as HomeEntry will be introduced to target existing and potential Housing Trust tenants and to provide some people, otherwise not able to purchase, with an option to own their own home.

Madam Speaker, the Government has announced that it is implementing the recommendations of the independent review of the Health Department conducted earlier this year. The priorities for the Government are to improve financial management and accountability and to reduce unacceptably high costs. This reform will be carried out in stages while maintaining and strengthening high-quality service delivery.

The health portfolio will receive \$272m in 1994-95, which is an increase over the 1993-94 funding and recognises the many pressures on the health budget. It will allow Health management to implement the necessary changes to financial control and to implement the cost-efficiency strategies. With the financial imperatives facing the health program, we have deferred consideration of funding for the cardio-thoracic unit at Woden Valley Hospital until we are confident that it can be introduced without compromising the financial management of the hospital.

We have, however, addressed important areas of pressing health needs. Half a million dollars will be provided to enable Woden Valley Hospital to carry out bone marrow transplants. A cancer registry will be established, at a cost of \$90,000, to permit analysis and study of the incidence of cancer in the Territory, and funding of \$1.7m will be made available for the continuation of the breast cancer screening program. We will provide \$100,000 to establish proclaimed places to cater for temporarily intoxicated people. The acute pain management service at Woden Valley Hospital will receive \$200,000 to continue its operations, and antenatal clinics will be expanded at Woden Valley and Calvary hospitals with funding of \$220,000.

The budget also provides \$125,000 to set up a multidisciplinary psychiatric liaison team at Calvary Public Hospital for assessing and planning the discharge of patients. This initiative supports the conclusions of the Social Policy Committee of the Legislative Assembly. Funding will also be provided for the operation of a hospice. We are giving consideration to the best model for managing this new service. The Government will ensure that its operations will not impact on the existing beds available in the public health system. The Minister for Health intends, during 1994-95, to continue to improve the community's access to essential health services.

Last year we established a Community Safety Committee and released a draft strategy. We will be building on that initiative in 1994-95 by providing further funding for the community safety strategy. A unit will be set up to provide support and research assistance to the committee. Funds will also be earmarked for initiatives proposed by the community and for ways of reducing crime through better urban design. The budget will make funds available to allow duty solicitors to be available at police stations. The former Quamby Juvenile Justice Centre will be refurbished as a periodic detention centre. This will provide a new sentencing option where offenders can be detained without being sent outside the ACT.

Madam Speaker, the budget incorporates benefits derived from savings and efficiency measures put in place in earlier years. For example, this is the third year of the industrial agreements in ACTION which will secure the planned savings of \$10m announced in 1992. ACTION's bus fleet has been greatly modernised in recent years. In the light of this progress, the bus replacement program is being reviewed to ensure that it is put on the most secure economic basis. The 2 per cent per annum efficiency dividend is in its third year. Further savings of over \$5m in 1994-95 will be realised. Future efficiency measures will be pursued within the enterprise bargaining framework and will contribute to the funding of productivity pay increases negotiated as part of enterprise bargaining agreements. To assist in the implementation of the various efficiency measures, including continuing restructuring initiatives, funding for voluntary redundancies is continued in this budget at the level of \$17m.

14 June 1994

Madam Speaker, I present the budget to the Assembly with pride in what the Territory has achieved in five years of self-government and confidence in the future. This budget is unashamedly an investment in that future. It supports the continued economic strength of the ACT, fosters business growth, and builds and maintains public infrastructure. It is consistent with the fiscal reality of diminishing Commonwealth support. It fits within the sensible and responsible parameters of last year's forward estimates. It meets the budgetary disciplines we set ourselves, which were a recurrent budget surplus throughout the forward estimates years, a continuing significant reduction in real per capita outlays, maintenance of our revenue effort, continuing contributions to future superannuation liabilities, and borrowings constrained to the level of productive investment.

This budget is unashamedly a Labor budget. Madam Speaker, it fulfils our election commitments from 1992. It ensures high-quality community services, health and education, and, most importantly, it makes our society a more caring one by pushing forward the boundaries of social justice and sustaining the needy amongst us. All ACT residents can look forward to a strong and creative future in a community that cares for its citizens and its environment. I commend the 1994-95 budget to the Assembly. I present the explanatory memorandum for the Bill and the following papers:

Budget Speech 1994-95 (Budget Paper No. 1).

Budget Overview 1994-95 (Budget Paper No. 2).

Capital Works 1994-95 (Budget Paper No. 4).

Environmental Budget Statement 1994-95 (Supplementary Budget Information Paper No. 2).

Program Estimates 1994-95 (Budget Paper No. 3).

Social Justice Statement 1994-95 (Supplementary Budget Information Paper No. 1).

1994-95 Budget -

A Successful Transition - The ACT's Path to State Type Funding - Booklet.

Investing in Canberra's Future -

Jobs and Business, dated 14 June 1994.

Pamphlet.

Media statements, dated 14 June 1994.

Debate (on motion by Mr Kaine) adjourned.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS

Papers

MR BERRY: Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for an authorisation, approvals, determinations and regulations. I also present a notice of commencement of an Act.

The schedule read as follows:

Administrative Appeals Tribunal Act -

Determination of fees and charges applicable in the Administrative Appeals Tribunal - No. 36 of 1994 (S107, dated 8 June 1994).

Determination of witnesses' fees and allowances for expenses in the Administrative Appeals Tribunal - No. 37 of 1994 (S107, dated 8 June 1994).

Agents Act - Determination of fees - No. 30 of 1994 (S100, dated 30 May 1994).

Air Pollution Act - Authorisation - No. 24 of 1994 (S95, dated 25 May 1994).

Canberra Institute of Technology Act - Canberra Institute of Technology Regulations - No. 15 of 1994 (S84, dated 6 May 1994).

Coroners Act - Determination of fees and charges applicable in the Coroner's Court - No. 35 of 1994 (S107, dated 8 June 1994).

Electoral (Amendment) Act - Notice of commencement (6 June 1994) of sections 3 to 21 inclusive (S105, dated 6 June 1994).

Electricity and Water Act -

Determination of the Basic Water Allowance - No. 29 of 1994 (S97, dated 26 May 1994).

Determination of fees - No. 27 of 1994 (S97, dated 26 May 1994).

Inquiries Act - Inquiries Regulations - No. 18 of 1994 (S104, dated 3 June 1994).

Land (Planning and Environment) Act - Specification of criteria for granting certain classes of leases - Determination No. 23 of 1994 (S90, dated 19 May 1994).

14 June 1994

Magistrates Court Act - Determination of fees and charges applicable in the Magistrates Court and the Small Claims Court - No. 34 of 1994 (S107, dated 8 June 1994).

Motor Omnibus Services Act - Revocation and determination of charges - No. 32 of 1994 (S102, dated 31 May 1994).

Occupational Health and Safety Act - Instrument of Approval -

Code of Practice for Smoke Free Workplaces - No. 25 of 1994 (S95, dated 25 May 1994).

First Aid in the Workplace Code of Practice - No. 31 of 1994 (S101, dated 31 May 1994).

Public Place Names Act - Determination No. 26 of 1994 (S95, dated 25 May 1994).

Supreme Court Act -

Determination of fees and charges applicable in the Supreme Court - No. 33 of 1994 (S107, dated 8 June 1994).

Supreme Court Rules (Amendment) - No. 17 of 1994 (S96, dated 30 May 1994).

Water Rates Act - Determination of fees - No. 28 of 1994 (S97, dated 26 May 1994).

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION TO THE TERRITORY PLAN

Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present approval of variation No. 17 to the Territory Plan for Kambah, section 274 and sections 275 and 277, Drakeford Drive corridor, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, the variation is tabled with the background papers, a copy of the summaries and reports, and a copy of any direction required.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Inquiry into Petrol Supply Arrangements

MR KAINE: Madam Speaker, I seek leave to make a statement regarding a new inquiry by the Standing Committee on Public Accounts.

Leave granted.

MR KAINE: I wish to inform the Assembly that on 23 May 1994 the Standing Committee on Public Accounts resolved to inquire into and report to the Assembly no later than 25 August 1994 on the impact on ACT revenues and expenditures of arrangements between the ACT Government and independent operators, with particular reference to Burmah Fuels; the impact of these arrangements on petrol pricing in the ACT; and any other related matters.

The committee decided to make this inquiry at its meeting on Monday, 23 May 1994. People in this chamber and outside it will be aware of events of recent weeks that have led to some instability in the market price of petrol in the ACT. This leaves some questions in people's minds about what is going on. The committee believes the issue to be a serious one which warrants careful attention by the committee and, after we table our report, by this Assembly. The inquiry fits into the terms of reference of the Public Accounts Committee because of the impact of the Burmah arrangements on the accounts of the Territory, that is to say, on government revenues.

The committee has placed advertisements in the local press calling for public comment to be received by the end of this week, that is 17 June, and at this stage the committee may hold public hearings in the second week of July, after the estimates and other processes are over. However, I imagine that members of the committee may be amenable to putting back those arrangements if more time is needed by persons or organisations to prepare detailed submissions. In this regard, I understand that the Government's submission is likely to be received by the committee by the end of next week, and I look forward to scrutinising that submission.

Madam Speaker, up until now I have been talking on behalf of all members of the committee; but I should add that, following the decision to initiate this inquiry, members turned their attention to whether it was prudent of the Government to release additional service station sites under concessional arrangements before the committee has reported to this Assembly on the matter. By majority decision, the committee resolved that I should write to the Attorney-General to advise that the committee considers that no additional service station sites should be released under concessional agreements before the committee so reports. I think that is a reasonable request to which the Attorney-General should give serious consideration. Madam Speaker, it may be that other members of the committee wish to comment on this inquiry, but I believe that it is incumbent upon me to inform the Assembly that we intend to undertake it.

14 June 1994

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Reports and Statement**

MRS GRASSBY: Madam Speaker, I present reports Nos 8 and 9 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 8 of 1994, which I have just presented, was circulated when the Assembly was not sitting on 2 June 1994, pursuant to the resolution of appointment of 27 March 1992. Report No. 9 of 1994 contains the committee's comments on one Bill and 11 pieces of subordinate legislation. I commend the reports to the Assembly.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Kambah**

MR BERRY (3.42): I present report No. 29 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan for Kambah, sections 274, 275 and 277, part, together with a copy of the relevant extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 10 June 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

The report deals with a draft variation for an area of Kambah alongside Drakeford Drive. This area is shown as Commercial E in the site-specific policy contained in the Territory Plan. The variation would enable the whole of this Drakeford Drive corridor site to include warehouse store as a permissible land use. This will allow a small extension of the U-Stow-It block onto adjacent land which currently forms part of a road reserve. The draft variation is minor and seeks to redress a Planning Authority oversight when the Territory Plan was prepared. The committee unanimously agreed that the draft variation should proceed.

Before I close I should point out that the report contains a minor error in regard to the date. Paragraph 2 of the report says that the Minister referred the draft variation to the committee on 17 June 1994. Members will note that the report is dated 10 June 1994. Even by the standards of the PDI Committee, that sort of fast turnover would be a bit quick. The correct date of the Minister's referral of the draft variation is 7 June, not 17 June. With that minor correction, I commend the report to members.

Question resolved in the affirmative.

**ESTABLISHMENT OF AN A.C.T. PUBLIC SERVICE -
SELECT COMMITTEE**

Report

MR KAINE (3.44): Madam Speaker, pursuant to order, I present the report of the Select Committee on the Establishment of an ACT Public Service, including the Public Interest Disclosure Bill 1994, together with copies of extracts from the minutes of proceedings. I move:

That the report be noted and that the recommendations be adopted.

Madam Speaker, I suspect that this is a report the Government will not be comfortable with. I say that because, amongst other things, the report deals with the two Government Bills that are before the Assembly as well as the private members Bill put forward by Mrs Carnell in connection with whistleblowers, and the Chief Minister has said publicly that her Bills are not open to change. When you read the report you will discover that it recommends considerable change. The committee was established a year and a half ago. At that time Mr De Domenico was the chairman and the terms of reference were quite wide ranging. They simply dealt with the establishment of an ACT public service. It was only in April that the Government's legislation that would put this public service into effect was tabled in this Assembly and was subsequently referred to the committee.

Let me say at the outset that this setting up of a separate public service is a matter of great importance. It is only through the setting up of our own public service that we can control how it operates, what it does, what its organisation should be, what its terms of reference are. In connection with the legislation, the committee did not have the time, after it was tabled in this house, to go through a clause by clause review of that legislation. There was no detailed review of that legislation at all. There was a feeling that there was a certain indecent haste on the part of the Government, which took nearly three years to develop the legislation; yet it expected the Assembly, and particularly this committee, to review that legislation in virtually a matter of days.

Ms Follett: Eight weeks?

MR KAINE: It was not referred to the committee formally until long after a period of eight weeks, Chief Minister, if you check your dates. The Government took nearly three years to develop this legislation, which slipped its target date by a whole year because the Government could not cope; yet even in eight weeks it expects this Assembly not only to consider that detailed legislation but to rubber-stamp it - because the Chief Minister says, "This legislation is not susceptible to change". It is interesting because, having said that, only this morning I received from the Chief Minister 109 amendments that she now seeks to make to her own immutable legislation. This is legislation that nobody but the Chief Minister can change. That is unacceptable.

The committee was unable in the time available to it to do a clause by clause, detailed examination of the legislation. What it did do was to hold public hearings to hear what other people had to say about it. Out of those public hearings there emerged a number of issues. They are major issues which I believe the Government has to consider before it

14 June 1994

proceeds with this legislation. They are issues which, if the Government takes them seriously into account, must result in significant amendment to this legislation. To attempt to force it through, over the objections of very large numbers of its own employees, for example, would be a foolhardy thing for the Government to do.

I will deal briefly with the issues. First of all, there are those issues that were raised by the Public Sector Union and the Trades and Labour Council. They are issues of great importance to the 23,000 people who are going to become subject to this legislation, if the Government has its way. The committee did not deal with those at great length because at the time the committee was conducting its hearings the PSU and the Trades and Labour Council were in negotiation with the Government on these issues and, of course, they ultimately found their way into the Industrial Relations Commission. We believed that, while they were matters of great moment, they were not matters the committee could seriously consider in that climate. It is interesting to note that the noise we heard outside this chamber earlier was not from crowds of people clamouring to have this Bill put into effect; it was from crowds of people clamouring not to have it put into effect. If that does not mean something to the Chief Minister and the members of the Government, I do not know what sort of impact is required.

We heard evidence from ACT Electricity and Water, both from management and from the professional officers, which suggested that there were very good reasons why, without serious consideration, that organisation should not be included, why the staff members of that organisation should not be brought under the provisions of this Bill. The Government apparently has not heard anything those people have said. They had not heard it before the Bill was tabled in the Assembly, and they obviously have had no intention of listening to it since the Bill was tabled in this Assembly. I even heard this morning the secretary of the electrical and plumbers union - also a significant organisation within ACTEW - adding his voice of objection to that organisation being included. Whom does the Government listen to? What were the consultation methods they used to find out what these people thought? The answer appears to be: None whatsoever. Yet we have a Bill we are expected to pass today or tomorrow and put into effect on 1 July. It is unacceptable. This Assembly simply cannot fall in behind the Government and allow this to occur.

We have heard argument from the Director of Public Prosecutions and from the Legal Aid Commission that they do not want their staff incorporated under the provisions of this Bill. Both of them have given us some amendments which, if incorporated by the Government into the Bill, would go some way to alleviating their concern. The question is: Has the Government listened? I suspect not. It was very interesting, particularly in the case of the Legal Aid Commission, that the day after officers came here and gave evidence to our committee the Chief Minister wrote to them and said, "We are prepared to talk to you about these issues". The response from the commissioner was quite interesting. He said, "Thank you very much for finally giving us an opportunity to let you know what we think". This was the day after they appeared and gave evidence to the committee. Why was the Government not talking to them before? The Director of Public Prosecutions intimates that virtually the same situation exists. They have been given no opportunity, they have been given no voice, and everything they have said has simply been brushed aside by the Government, as though it were of no consequence.

The whistleblowers legislation is another area that causes us some concern. There are two pieces of legislation before the house. One is Part XII of the Government's Bill; the other is a private members Bill put forward by Mrs Carnell, the Leader of the Opposition. The committee is of the view that stand-alone legislation is the appropriate way to go. The implication in the Government's Bill that it is only public servants who require protection under whistleblowers legislation simply does not hold up. You have to have stand-alone legislation, in the committee's view, that provides protection for anybody, public servant or not, who brings information forward.

Mr Deputy Speaker, there are major issues in this Bill that have not been resolved. There are major sectors of the Government's own employees who do not accept this Bill in its present form. I think it would be foolhardy and, indeed, dangerous for this Assembly to endorse the legislation or for this Government to implement it in its present form. I hope that the Chief Minister and her Executive members are listening, because there are other issues beyond the legislation that the committee thought were important. The very first one of those is what the functions of this organisation are to be. Where have they been defined? What is the organisation to be? We have heard nothing about that. All we know is that the Government has already established a new department. We have reorganised by establishing a new department, and that is the answer to the question; but what is the organisation supposed to do? How is it supposed to be organised?

There is concern about the subordinate legislation and the standards, which are not part of this legislation, that will be promulgated later. Given the difficulties with the legislation, you can imagine the difficulties that are going to emerge when the Government starts developing masses of subordinate legislation to put the Bills into effect. It simply is not good enough. I have noted that the Chief Minister says that this immutable Bill is not susceptible to amendment. As I said, this morning I got a missive from the Chief Minister with 109 amendments. I have not even had a chance to look at those amendments to see what they do, and I guarantee that neither has anybody else. Yet tonight the Chief Minister is going to expect us to debate them. It is absolutely absurd. It cannot be done intelligently, and what we are going to end up with, if the Government is not careful, is second-rate legislation and a second-rate public service, when the promise, a year or more ago, was so great. The Government is simply not delivering; it is not meeting its obligations.

The Government is going to get up shortly and say, in considering this report, that we, the Opposition, or we, the committee, are delaying their legislation. I will lay that to rest right now. The committee is not recommending anything of the kind. We do want the thing properly considered, but the fault lies with the Government. I do not accept that it is the committee that is delaying the report, that it is the Assembly's problem, or that it is the Opposition's problem. It certainly is not the PSU's problem. They have been trying their darnedest to get it fixed. It is not the problem of the professional officers, scientists and managers in ACTEW. They have put quite forcefully the case that they want something fixed. For the Government to argue that somebody else is delaying this legislation is a fallacy, and I put it to rest right now.

14 June 1994

I think I have made it clear that the majority of the committee do not support this legislation, and we do not support it for good substantive reasons - reasons the Government must take on board, must consider, must examine. To suggest that they can do it between now and 1 July and amend the legislation in that short timescale in such a way that it is acceptable is clearly an ambition that cannot be realised. Other members of the committee no doubt will speak; but I think it will be a travesty if the Government attempts, as it has indicated it is going to do, to ramrod the legislation through this Assembly within the next three to four days. It will inflict on this community and on our 23,000 public employees legislation that is unacceptable. It is second-rate legislation and it can only result in a second-rate public service.

Before concluding, I must thank the committee secretary, Mr Richard Cavanagh, who has worked under great stress, under great pressure, to analyse the information that has been put to the committee and to produce a substantive report. Regrettably, I understand that Mr Cavanagh is leaving the Assembly, and I would like to record my view that that is a great loss to this Assembly. I would also like to thank Mr Lamont and Mr De Domenico, both members of the committee - Mr De Domenico was the original chairman - before they handed over the reins to me and other existing members of the committee. They made a substantial contribution to the outcome, and I would like to record my thanks for their contribution. Madam Speaker, when I tabled the report, I moved that it be noted and that the recommendations be adopted. I did that quite deliberately because I believe that the Government has an obligation to adopt these recommendations.

MADAM SPEAKER: Mr Kaine, on that point, you need leave to do both things. Under the standing orders, you can move either that the report be noted or that the recommendations be adopted, but you cannot do them together.

MR KAINE: I did not think anybody would notice, Madam Speaker. Since you have brought it to my attention, I seek leave of the Assembly to move accordingly.

Leave not granted.

MADAM SPEAKER: Leave is not granted, so the motion before us is simply: That the report be noted.

MR KAINE: Madam Speaker, I amend my motion. I move:

That the recommendations be adopted.

Mr Berry: I think that is the one you have to have leave for, is it not?

MADAM SPEAKER: No. You need leave to do two things together. On presentation of a report to the Assembly, you can do one of three things. Mr Kaine has chosen the course of action of moving: That the recommendations be adopted. That is the question before us.

MR BERRY (3.58): I should say at the outset that I was not a particularly willing recruit to this committee; but circumstances caused me to be part of it, and since I became involved in it I have found it extremely interesting. This committee has been examining the issue of how we deal with our public service in the Territory well into the future, and that is important to us. The committee has also been working around quite complex legislation and industrial relations conflict, and dealing with another government. So necessarily, for an ambitious politician, it is a good feeding ground if one wants to make a point or two.

The facts of the matter are that we have to come up with a piece of legislation that delivers us a public service in the shortest timeframe possible. In relation to the recommendations, I have put a dissenting report to the report by the committee because I think a few more things need to be said. On the one hand, you cannot, in my view, accept that just because somebody complains about a particular piece of legislation their argument is correct. I think it is often the case that there is some fear of the unknown in these matters. But it is most important that at the end of the debate there be a full understanding of what people complain about before you take up the complainant's view and recommend that legislation of this order be deferred. That is the first thing I oppose strenuously. The chair of the committee made it clear at the outset that it was not his aim to upset the Government's timetable on the introduction of this Bill. I have said in my dissenting report that I emphatically agree with that sentiment, and I intend to do everything I can to make sure that the Bill passes as quickly as it can. Deferring it is not the answer.

In the recommendations that were agreed to by the committee - I think it is in recommendations 2 and 3 - a framework is set out that would enable examination of the legislation against the performance of those public servants, or Government Service officers, who were covered by the legislation. Recommendation 1 establishes a committee to inquire into and report from time to time on the implementation of the legislation establishing the Australian Capital Territory Government Service. The following recommendations 2 and 3 provide a framework whereby that committee could do its work immediately. That means that, in those areas where there have been complaints about what people think the legislation might do to them, they very clearly will have the opportunity to prove that. As a member of that committee, where there are shortcomings in the legislation I would be perfectly prepared to make recommendations to the Government to improve the situation. But you cannot make those recommendations without having first seen this complex legislation in place.

The same applies in relation to ACTEW. I think the most telling part of the recommendation that ACTEW should be exempted until 30 September 1994 is these words:

... to assess the impact of the legislation on the ability of ACTEW to compete with the private sector in the provision of energy and water services.

14 June 1994

Those words are curious, but I do not think they are very helpful. ACTEW as a performer has done very well. In the past, they have made major advances. Most people here would know and understand that ACTEW inherited some legacies from the Commonwealth, and they are issues the Government has had to deal with. ACTEW has done a good job, in my view, in dealing with those matters that make it more efficient. We heard from APESMA and from the chairman of the board of ACTEW about matters with which they were concerned, but much of it was about the fear of what might happen rather than the proof of what would happen. We have an opportunity to examine closely the effect of new and complex legislation like this on those areas that have had some complaints. We have an opportunity for the Government to look at proposed amendments to the legislation that might affect those areas.

I think the legislation ought to be introduced and, once it is introduced, closely examined as to the performance of those groups of employees and professionals who are covered by it. I think that would be a sensible approach. Delaying it will not help us on that score. In fact, if it is delayed, we will have to go through the same process again further down the track. We will still have to test the legislation against the performance of the professionals and the Government Service officers who are covered by it. I think we should get on with the job as soon as we can.

Mr De Domenico: Even if it is bad legislation?

MR BERRY: It is not bad legislation.

Mr De Domenico: That is your view.

MR BERRY: You can use all the rhetoric you like about these matters. I heard Mr Humphries calling it ramshackle legislation. You would have sworn that that had come from the lips of a politician; that is a tired old piece of work.

Madam Speaker, I am opposed to the delay. I think recommendations 2 and 3 are useful. I am opposed to recommendation 4. I do not think it serves any purpose at all. I think we ought to be testing ACTEW against the legislation to see whether they can usefully perform against it. I do not think a case was made out by the chairman of the board of ACTEW and I do not think a case was made out by the union officials from APESMA on that score. I would be completely happy to meet with them again in the committee process, where they may demonstrate, if they can, that certain parts of their operations cannot be enhanced or improved or are failing because of the legislation. They have not made out that case yet, in my view. The recommendation to defer the legislation I have already referred to.

The committee then dealt with the whistleblower legislation. The whistleblower protection legislation was put together by Mrs Carnell as freestanding legislation. One of the principal arguments she used was that everybody else in Australia had done it as stand-alone legislation. On my examination of it, nobody was preparing public service legislation at the same time, so it would be unlikely that the opportunity presented itself to

incorporate whistleblower measures in legislation. That has been included in the public sector legislation, and the committee, in its recommendations, in many ways has endorsed the provisions as they now apply in the Public Sector Management Bill. Mr Humphries raises his eyebrows. The report says:

The Committee recommends that the whistleblowing provisions of the Public Sector Management Bill ... should remain in place until such time as stand alone legislation is passed by the Assembly.

So the committee has faith in the whistleblowing provisions of the Public Sector Management Bill. I do not think there is any question about that; otherwise they would have chosen to alter them.

Mr Humphries: That is a long bow, Wayne.

MR BERRY: It is there in black and white. The committee also recommended that the legislation should protect whistleblowers both inside and outside the public sector. I did not hear from anybody from the private sector during the course of the committee's deliberations on that score, and if it was going to apply to people in the private sector I would want to hear something from them. From my point of view, it fits comfortably in the legislation. I think it should be left alone. The committee set up by recommendation 1 of the report will provide us with an opportunity to look at that issue as a matter of principle before we go down the path of applying it to people outside the public sector. Whether they are people in the private sector or people who are dealing with the public sector, I would want to look at all of the issues.

If you are going to look at the private sector, you have to listen to some of the people in the private sector as well; and we did not. That was not avoided by the committee, as far as I could make out; but, again from my point of view, if you are going to look at these issues of principle, not only should you talk about people who might be affected by their association with the public sector, you should also look at what might happen in the private sector where they have a potential for a whistleblower. I do not think that would be welcomed, on the face of it, by the private sector; but I still think it ought to be looked at. I have spoken about whether the legislation ought to stand alone. If the committee found that there was no need for it to apply to the private sector, that would be the end of the matter and the provisions as they stand in the Public Sector Management Bill would remain there quite naturally.

I also note that the committee recommends that the Public Interest Disclosure Bill be considered as a basis for stand-alone whistleblower protection legislation. I disagree with that. In many ways the committee saw some of the frailties of the legislation that was put up by Mrs Carnell, and one of its recommendations reflects that. The committee recommended that clause 237 of the Public Sector Management Bill be incorporated into the stand-alone whistleblower protection legislation. It also said in recommendation 10:

14 June 1994

... ..

where appropriate, the terminology used in the Public Sector Management Bill be adopted for the stand alone whistleblower legislation;

... ..

It went on to say that the Government should review the definitions of "public servant" used in the Crimes Act to get the language correct, and so on. I am sure that the committee was not universally happy with the Public Interest Disclosure Bill. There is good reason for that; some of the drafting was light on. I do not think too much effort went into it. One thing that struck my eye as being particularly offensive was what was described as corrupt conduct in clause 4 of the Public Interest Disclosure Bill, which states:

For the purposes of this Act, conduct is taken to be corrupt if -

- (a) it is of a type referred to in subsection (2); and
- (b) it could constitute -
 - (i) a criminal offence;
 - (ii) a disciplinary offence; or
 - (iii) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of a public official who is engaged in it.

It could constitute; it does not have to have been proven. So somebody can be accused of being involved in corrupt practice if somebody forms the view that it could constitute an offence under any of those headings I read out.

Madam Speaker, I agree emphatically with the first recommendation. I think such a committee could play a very important role in dealing with this entire matter; but I think it has to be allowed to deal with it against the background of the operation of the Public Sector Management Bill, rather than going through the process of delaying the Bill. I do not think, on my examination of the issues, there are major flaws which should result in the Bill being delayed. As I said at the outset, I agree with the chairman's statement that he is not going to stand in the way of the passage of this Bill; he is not going to interfere with the Government's program. I do not think a satisfactory case for a delay in the Government's program has been made out by those people who gave evidence to the committee. I am perfectly happy to listen to them in the future, while the legislation is in operation, and I would see that as a positive move.

MS SZUTY (4.14): In speaking to the report of the Select Committee on the Establishment of an ACT Public Service, it is important for me to remind members that I am the only original committee member left from the committee that was established under the chairmanship of Mr De Domenico on 17 June 1993. I feel, therefore, that I have been able to contribute a perspective to the committee's deliberations on the Bills it has been examining due to my early involvement with the work of the committee.

I would like to quote a passage from Mr De Domenico's speech on the establishment of a select committee on the ACT public service, which was made in the Assembly on 17 June 1993 and is included at page 1 of the committee's report:

... formation of a separate ACT public service is perhaps the most important issue that is going to be faced by this Assembly and perhaps assemblies after this one. The proposal to establish a separate ACT public service needs to take into account ... the financial obligations of the Commonwealth Government, the terms and conditions of employment of current Commonwealth officers and the future entitlements of current employees and future employees of any future ACT public service. The importance of open, detailed and full public consultation on this matter must be recognised ... the opportunity of establishing a highly professional, innovative, flexible and cost-effective public service for the benefit of the ACT community requires input from all interested parties.

The committee was also aware in the early stages of the extensive work being undertaken by the Chief Minister, Ms Follett, the then Minister for Industrial Relations, Mr Berry, the Office of Public Sector Management, and the Trades and Labour Council, representing a number of unions, regarding the transitional arrangements for a new ACT public service. It is a matter of regret to me that the extensive work undertaken by all these people in the early stages regarding the establishment of a separate ACT public service is yet to be finalised and determined. I note this statement from the Chief Minister's speech on the introduction of the Public Sector Management Bill 1994:

In April 1992, the Prime Minister, Mr Keating, wrote to me proposing that the Commonwealth and the Territory commence moves towards establishing a separate ACT public service. His intention was to end the transitional arrangements included in the Commonwealth's 1988 self-government legislation. I was happy to commence the action suggested by the Prime Minister once agreement was reached on several threshold issues, the most vital of which was permanent mobility between the two services. When the Prime Minister acceded to my requests in December 1992, the formal process to create Australia's newest and possibly last public service began.

It has not assisted the committee's deliberations that issues of detail in relation to these major threshold issues between the Commonwealth and ACT public services remain unresolved, and the committee is reporting to the Assembly while these matters are yet to be determined by the Commonwealth Parliament and by the Industrial Relations Commission.

14 June 1994

I have been privileged as a member of this committee to visit both South Australia and the Northern Territory with my former committee colleagues Mr De Domenico and Mr Lamont. The committee learnt, during the early briefings provided to us by government, that elements of the South Australian legislation were being considered as the basis for the ACT legislation, and it made good sense for the committee to visit South Australia to understand, in particular, issues of best practice as they related to the South Australian Public Service and as they related to the South Australian Government Management and Employment Act of 1985. The committee also noted that in years past the Northern Territory had itself separated from the Commonwealth Public Service, and it seemed to make good sense to committee members at the time to visit the Northern Territory to learn what we could about the transition to a separate Northern Territory Public Service.

The information gathered by the committee as a result of these visits is summarised at page 2 of the committee's report. There were some recommendations arising from committee members' discussions and deliberations interstate about the separate public service which I believe would have been easy for the Government and the committee to adopt, and indeed we have done so. These include the need for a single, simple piece of legislation which outlines the fundamentals of a separate ACT public service and is easy for people to access and understand. The legislation also needed to outline and describe the values and principles of public sector employment and management, which the Public Sector Management Bill does at pages 7, 8 and 9. The legislation also needed to identify the key roles of the commissioner for public employment, which the Public Sector Management Bill does through the creation of a position of Commissioner for Public Administration.

In general, the functions of the Commissioner for Public Administration will be as set out in clause 20 of the Public Sector Management Bill, where the general functions of the Commissioner for Public Administration are described. It reads:

- (1) The Commissioner shall -
 - (a) advise the Chief Minister on the management of the Service as a whole;
 - (b) implement administrative rearrangements at the direction of the Chief Minister; and
 - (c) perform any other functions conferred on the Commissioner by this Act or any other law.
- (2) The Commissioner may exercise the powers of any person on whom Chief Executive powers have been conferred other than the chief executive officer of an autonomous instrumentality.

The Public Sector Management Bill uniquely combines the position of the Commissioner for Public Administration with a chief executive function responsible for a Department of Public Administration. In the chief executive role the commissioner will be the head of the administrative unit known as the Department of Public Administration and will be responsible for all matters in relation to the management and operation of the ACT public service. Wider public sector management responsibilities will fall into three main areas: Services provided to agencies, management improvement, and communication and information. I have talked in some detail about the position of the Commissioner for Public Administration because I believe that it is an important one for the Assembly to address.

The legislation also needed to incorporate primary matters of public service administration, secondary matters being considered by way of subordinate legislation. This will occur in the ACT with the subsequent adoption of the public sector management standards, which will cover some 30 areas of more detailed matters of public administration, including salaries and allowances, training and development, ethics, anti-sexual harassment, fraud prevention, records management and purchasing. These standards when finalised will, of course, be subject to the scrutiny of the Assembly.

To my mind, there were overall two fundamental issues that arose from the committee's discussions and deliberations in South Australia and the Northern Territory. These were, firstly, the extent of inclusivity and exclusivity of the legislation - in other words, who is in and who is out of the public service legislation; and, secondly, the extent of the centralisation of administration and devolvement of responsibility which is encompassed in the legislation.

I will deal with the second issue first. The committee, during the hearing process, requested from the Office of Public Sector Management details of the roles and responsibilities of the Commissioner for Public Administration under the legislation. This information was particularly useful for the committee to understand the breadth of the commissioner's responsibilities. It must be said that the question of the balance of centralised administration as opposed to devolved responsibilities was not an issue of major concern raised during the public hearings, although the representative of the Trades and Labour Council, Ms Maureen Sheehan, raised some issues in relation to the position, along with others in relation to the Executive Staffing Committee as proposed, while the Assembly's Scrutiny of Bills Committee requested that a number of powers of the Commissioner for Public Administration be clarified.

I would now like to return to the issue of inclusivity versus exclusivity, which is the issue that took up the majority of the select committee's time in examining the Public Sector Management Bill. It became extremely clear during the committee's inquiry that there were three agencies who did not want and do not want to be covered by the provisions of the Public Sector Management Bill. The emergence of this issue would not have been unexpected by the Government, which has indicated firmly, through the Chief Minister in her presentation speech on the introduction of the Public Sector Management Bill, that it is looking for a unified public service. Therefore, it has fallen to these agencies to argue their way out of the provisions of the Public Sector Management Bill as they apply.

14 June 1994

At present the Australian Capital Territory Electricity and Water Authority and the Legal Aid Commission, ACT, are identified in the Public Sector Management Bill as autonomous instrumentalities. The Office of the Director of Public Prosecutions has been treated as though it were a normal government department under the provisions of the Bill. The chairman of the Select Committee on the Establishment of an ACT Public Service, Mr Kaine, has argued extensively today, I believe, that these three agencies need to be treated differently, on the basis of the arguments that have been put before the committee. I do not propose to go over those arguments again, although members will note that I support the majority report's recommendations in relation to these matters.

I would like to comment briefly on the report's other recommendations, and particularly recommendation 1, which says:

The committee recommends that a Committee of the Assembly be established to inquire into and report from time to time on the implementation of legislation establishing the Australian Capital Territory Government Service, and the transition to the Australian Capital Territory Government Service.

I support this recommendation wholeheartedly, as I understand that Mr Berry has also in this respect. There is no doubt that the Select Committee on the Establishment of an ACT Public Service has had insufficient time to do its job properly. This has been due substantially to the fact that the Public Sector Management Bill was not tabled in this Assembly until 21 April of this year and the Public Sector Management (Consequential and Transitional Provisions) Bill was not tabled until 12 May 1994, some four weeks ago. It should be said, however, that the committee members appreciated receiving copies of the draft Public Sector Management Bill as proposed before 21 April 1994. Members may be interested to hear that the timeframe for the Northern Territory to achieve a separate public service was nine months, once draft legislation was first seen. If the ACT was working to a similar timetable, we would be looking at an implementation date for the separate ACT public service of 1 January 1995. I believe that an Assembly committee does have an ongoing role in overseeing the transition to a separate ACT public service and in its implementation.
(Extension of time granted)

Madam Speaker, at this point I would like to recommend that the Government take on an additional task in relation to the separate ACT public service. There has been much discussion, during the select committee's deliberations on the Public Sector Management Bill and in the wider public arena, about the structure and organisation of the

ACT Government Service, its relationship with statutory authorities, statutory office-holders and Territory owned corporations, and the links of these to Ministers of the ACT Government. The Select Committee on the Establishment of an ACT Public Service received a number of submissions from Professor Roger Wettenhall, Professor of Public Administration at the University of Canberra. Professor Wettenhall also appeared at a public hearing held by the committee and spoke of issues of public administration from his experience of these issues at both the national level and the international level. It seems to me that the Government would be well served by an independent consultancy undertaken by Professor Wettenhall, perhaps, or someone equally well qualified to examine carefully the proposed structure of the ACT Government Service and other entities, presenting the Government with a wide range of perspectives that would be useful in the long term in determining the structure of government.

I wish to turn briefly to the question of whistleblowers legislation. The committee noted that the Government has included Part XII, Whistle Blowing, clauses 236 to 240, in the Public Sector Management Bill and that the Leader of the Opposition tabled the Public Interest Disclosure Bill on 23 February of this year. I disagree with Mr Berry when he says that not much work went into the development of that Bill because I know for a fact that many months were spent in drafting that particular piece of legislation. As a result of a decision by the Assembly, the committee had the opportunity to consider the issues as part of our process of examining the Public Sector Management Bill. The committee has made a number of recommendations with regard to the whistleblowers legislation, and I believe that most of them have some support from all members of our committee. I look forward to considering these issues in greater detail, should the Assembly adopt recommendation 1 of the committee's report about the establishment of an Assembly committee to oversee the implementation of the separate ACT public service.

In conclusion, Madam Speaker, I hope that members of the Assembly will find the report of the Select Committee on the Establishment of an ACT Public Service useful and informative with regard to the Public Sector Management Bill, the Public Sector Management (Consequential and Transitional Provisions) Bill and the Public Interest Disclosure Bill. The way forward with regard to these Bills is now up to the Assembly to decide, as it should be.

Debate (on motion by Mr Lamont) adjourned.

Motion (by Mr Lamont) agreed to:

That the resumption of the debate be made an order of the day for consideration as a cognate debate with the executive business order of the day relating to the Public Sector Management Bill 1994.

14 June 1994

RATES AND LAND RENT (RELIEF) (AMENDMENT) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (4.29), by leave: I present the Rates and Land Rent (Relief)(Amendment) Bill 1994.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill amends the Rates and Land Rent (Relief) Act 1970. The Act provides for the deferment and remission of rates and land rent and includes, in Part III of the Act, a rates rebate scheme. The rebate scheme is administered by the Commissioner for ACT Revenue and, in respect of water and sewerage rates, by the chief executive officer of ACT Electricity and Water.

From 1 April 1993 Commonwealth fringe benefits were extended to some 374,000 Social Security and Veterans' Affairs pensioners and older long-term allowees and beneficiaries 60 years of age or over who have been in receipt of income support for 12 months or longer. The Department of Social Security and the Department of Veterans' Affairs are issuing pensioner concessions cards to this group of pensioners and all other eligible pensioners who were previously in receipt of a pensioner health benefit card. The Commonwealth has agreed to partially compensate the State and Territory governments to meet the additional cost of providing benefits to pensioners in the extended pensioner base, approximately 3,300 of whom are ACT residents. The Bill therefore amends the Act to take account of the extended pensioner base.

All pensioners who now hold a Commonwealth pensioner concessions card and to whom a pension is being paid by the Department of Social Security or the Department of Veterans' Affairs are eligible to apply for rebate and deferment benefits on land, water and sewerage rates. Madam Speaker, in the past pensioners could either receive a rebate and pay the remainder of their rates or defer the whole of their rates. They could not do both. The Government recognises that this inflexibility is unfair, and therefore this Bill allows an eligible person to receive a rebate and then defer a part or all of their remaining rates. The benefit of this approach is obvious, as it will assist those pensioners who, for whatever reason, either want to or need to defer all or part of their rates. The decision is entirely theirs and will not be influenced by inflexible legislative rules. Additionally, to avoid inconvenience to pensioners, once an application for a rates deferment has been made it can continue in subsequent years unless circumstances change or deferment is no longer necessary.

The Bill also takes account of the recent amendments to the ACT water and sewerage rate structure to come into effect from 1 July 1994. The new charges reduce the basic fee for water from \$216 to \$130, but allow water usage to be charged on a per kilolitre basis from the first kilolitre. Under these new arrangements the benefits arising from a 50 per cent rebate received by pensioners would have been significantly eroded.

To address this issue the Bill provides for the rebate for pensioners to rise from 50 per cent to 65 per cent, in effect to ensure that the great majority of pensioners will not be disadvantaged by the change to the water pricing structure. In fact, Madam Speaker, a significant number of pensioners will be better off. For example, a pensioner user of 200 kilolitres of water per annum would, for their sewerage rate plus the basic water rate, pay \$240 under the old scheme and \$196 under the new scheme.

Madam Speaker, in pursuing its commitment to improve social justice, the Government has made provision in the Bill for ratepayers who are refused a deferment of their rates, who are dissatisfied with the amount or length of a deferment of their rates, or who have a current deferral of rates varied without their agreement, to appeal to the Administrative Appeals Tribunal. Finally, Madam Speaker, the Bill also amends the Act to remove sexist language and enhance the interpretation of the legislation. I commend the Bill to the Assembly. I now present the explanatory memorandum.

Debate (on motion by Mr Kaine) adjourned.

RATES AND LAND TAX (AMENDMENT) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (4.33), by leave: I present the Rates and Land Tax (Amendment) Bill 1994.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, as I foreshadowed in my budget speech, the rating factor used to calculate municipal rates will be adjusted to ensure maintenance of rates revenue in real terms. This Bill provides for a new rating factor for municipal rates of 0.990c in the dollar. The rating factor for rural properties will continue to be set at half the urban rate. This new rating factor represents a minor increase on that applied in 1993-94. It equates to a 2.5 per cent average increase in rates in 1994-95, which is in line with inflation forecasts, and ensures that rates revenue will be maintained in real terms after taking account of projected growth in the number of rateable properties.

New property values to apply for 1994-95 have been assessed by the Australian Valuation Office. The new valuations indicate that in 1993-94 existing residential property values rose on average by 3.2 per cent, whereas commercial valuations fell on average by 4.9 per cent. This represents an overall increase in existing land values of just on 2 per cent. This increase is somewhat lower than that experienced in recent years. The differential between movements in residential property values and commercial property values is also significantly lower than that recorded in recent years. No changes to land tax are proposed. With the decline in average commercial valuations, this represents a reduction in average land tax payable for existing properties of approximately 5 per cent.

14 June 1994

Madam Speaker, the Government is conscious of the contribution that ratepayers make to the ACT budget and the fact that revenue from rates and land tax has increased significantly in recent years. These past increases have ensured that revenue from municipal rates in the ACT is now more closely aligned with the State average. The ACT's revenue raising effort for land tax has also improved markedly. The increase will raise the rates bill for the average residential property by 3.7 per cent or \$26. The average rates on commercial properties will fall by 4.4 per cent.

In setting the municipal rate for 1994-95, the Government has given due consideration to issues raised in budget submissions from community groups. The Canberra Rates Association has argued in its budget submission that rates for individual properties should be capped to inflation. As I have stated publicly, I do not support rates capping. It benefits landowners whose assets are increasing in value by more than inflation, at the expense of those whose property values are increasing by less than inflation, or falling. An overall increase in line with forecast inflation ensures that, on average, ratepayers will be no worse off than in 1993-94, while the integrity of the 1994-95 budget will be maintained.

In conclusion, Madam Speaker, I commend the Rates and Land Tax (Amendment) Bill to the Assembly as an essential money Bill for the 1994-95 budget, and I present the explanatory memorandum for the Bill.

Debate (on motion by Mr Kaine) adjourned.

FINANCIAL INSTITUTIONS DUTY (VALIDATION) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (4.37), by leave: I present the Financial Institutions Duty (Validation) Bill 1994.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill introduces retrospective legislation to validate the collection and recovery of short-term dealing duty at a rate of 0.005c in the dollar for the period 1 November 1992 to 16 May 1994 inclusive.

Madam Speaker, members will be aware of my Government's attitude towards retrospective legislation and they may be assured that the need for the legislation has been critically examined by the Government before this Bill was introduced to this Assembly. The simple truth of the matter is that when the determination setting the rates of financial institutions duty was last made the instrument was incomplete. The primary rate of financial institutions duty was increased from 0.08 per cent to 0.10 per cent of the value of each receipt, effective from 1 November 1992; but the short-term dealing rate

of 0.005 per cent, which was to remain unchanged, was inadvertently omitted from the instrument. Because the explanatory memorandum accompanying the instrument indicated that the short-term dealing rate was to remain unchanged, its omission from the instrument was not picked up for some considerable period.

An instrument setting the short-term dealing rate of financial institutions duty at 0.005 per cent of the average daily liability was notified in *Special Gazette* No. S83 of 17 May 1994 and was tabled in the Legislative Assembly on 19 May 1994. During the period 1 November 1992 to 16 May 1994 all financial institutions and short-term dealers continued to collect the usual financial institutions duty from their customers and paid it to the Revenue Office. Madam Speaker, I do not believe that it can be said, therefore, that this validating legislation will adversely affect anyone. In accordance with past practice and everyone's understanding of what the short-term duty rate was, financial institutions have been collecting and remitting the tax - in all, about \$530,000. That is why, Madam Speaker, on this occasion the Government believes that retrospective legislation is justified. I commend the Bill to the Assembly and I present the explanatory memorandum.

Debate (on motion by Mr Kaine) adjourned.

Sitting suspended from 4.40 to 8.00 pm

BOOKMAKERS (AMENDMENT) BILL 1994

[COGNATE BILL:

GAMING AND BETTING (AMENDMENT) BILL 1994]

Debate resumed from 19 May 1994, on motion by Mr Lamont:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Gaming and Betting (Amendment) Bill 1994? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR DE DOMENICO (8.01): Madam Speaker, the Opposition has no real problem with either of these Bills. We feel, however, that the Government should contemplate changing the amount of the minimum allowable telephone bet, which, I understand, under the Bill, is \$250. I am advised that the minimum bet is the same in each State or Territory with the exception of Tasmania. Tasmania, I believe, was able at the Racing Ministers Conference in February last to get the agreement of other States to allow them to have a minimum bet of, I think, \$200. They have a larger population than the ACT and the Tasmanian TAB has a similar turnover to ACTTAB. The question that needs to be asked is why the ACT was not given a similar exception. In terms of mutual recognition, we have agreed to \$250 at this stage. Perhaps another reason is that we want to remain on friendly terms with New South Wales.

14 June 1994

One of the most important areas that we need to look at, obviously, is the Northern Territory, where there is betting by telephone on interstate and international sports events other than at racing venues. It has been said that this type of turnover tax gives the Northern Territory about \$1.25m. It is a pity that the ACT does not allow telephone accounts and does not allow bookmakers to take bets on other sports to maximise the Government's revenue. Perhaps the Minister can tell us why he has not gone that step further and allowed bookmakers to bet on other sporting events. I understand that the Minister has not been in this position for long and he is looking at that. Perhaps we will see something down the track. I appreciate the briefing I received from the Minister's officers. They were cordial, prompt and thorough. That was very much appreciated.

Mrs Carnell: It is a change.

MR DE DOMENICO: It is a big change, as Mrs Carnell says; but it is a change for the better. It gives people on this side of the house a better chance to look at things in a commonsense way. The Minister should look in the near future at reducing that \$250 minimum bet. I know that he intends to look at that anyway. That would make us competitive with Tasmania, and also with the other States.

The other thing we need to keep in mind is the immense pressure of competition from the casinos which are being set up in both Victoria and New South Wales. What effect is that going to have on our TAB? It may be tempting to some governments to allow casinos to install poker machines in order to be competitive with the club industry. I am sure that this Government is not going to do that. I believe that Mr Connolly's picture was seen in the clubs association's bulletin last week and he was reported as saying, "No, under this Government no poker machines for casinos". That will please the club industry.

Mr Connolly: And what do you say?

MR DE DOMENICO: The Government might also consider, for example - - -

Mr Wood: No answer.

Mr Connolly: And what do you say?

MR DE DOMENICO: Listen and I will tell you. Take a couple of valiums, a couple of aspros, sit back, listen, take notes, and you might learn something.

Mr Kaine: What you say is cheaper petrol, is it not?

MR DE DOMENICO: That is right. What the Government - - -

Mr Connolly: There is plenty of cheaper petrol; but what are you going to do to the clubs, Mr De Domenico?

MR DE DOMENICO: I am going to frequent them, for a start, Mr Connolly, which is something you should consider doing. Anyway, I look forward to your contribution to this debate later on in the evening, Mr Connolly.

Mr Connolly: I have plenty of things to do. I have two babies, Mr De Domenico.

MR DE DOMENICO: You have more than two babies on your hands. You just concentrate there, read away, and do not say anything, and we will get through this a lot more quickly than it would take normally.

The Government, Madam Speaker, might consider setting up, for example, a betting pavilion within the casino and allow bookmakers to take bets on sporting events. It is something that has to be given some thought. Other venues might want that facility. It is something that the Government should look at. I am aware, Madam Speaker, that legislation would have to be altered or enacted in order for this to happen. However, it is something that the Government should look at in the future in order for the Territory to have an advantage over other States. People are going to gamble, whatever governments do; there is no doubt about that. The ACT must take advantage, therefore, of the maximum revenue potential which is open to us. As more money is spent on gambling, the revenue increases, quite obviously. We should ensure that we have control of it because, as I said before, notwithstanding what we might think personally, people are going to gamble, no matter what governments do.

The Liberal Party will not be opposing either of these Bills, but we believe that we have not gone far enough. The Government needs to be conscious of the potential out there, and further discussions should be held. I am sure, from the private discussions I have had with the Minister, that he is considering what can be done. I am sure that he will act as quickly as he has been seen to act in other ways to make sure that we do benefit from this sort of industry. In terms of what we would do to the clubs, Mr Connolly, we would continue to make sure that clubs and taverns and everybody else competed actively in the ACT - - -

Mr Connolly: Ah; so you will put the pokies in the pubs.

MR DE DOMENICO: No, I did not say that, Mr Connolly.

Mr Connolly: You did.

MR DE DOMENICO: No, I did not.

Mr Connolly: Will you stop the pokies in the pubs?

MR DE DOMENICO: No, I did not.

Mr Connolly: Will you tell the clubs that you will protect them? What do you say.

MR DE DOMENICO: I did not. I did not say that at all.

14 June 1994

Mr Connolly: Come clean, Mr De Domenico.

MR DE DOMENICO: I always come clean, Mr Connolly. I think you should wash your hands in that cheap petrol that you like so avidly, and mind your own business. Madam Speaker, in short, we will not be voting against these two Bills. They make a lot - - -

Mr Connolly: But what will you do about pokies in the pubs? Give me an answer.

MR DE DOMENICO: I would like to give you a certain answer on pokies, Mr Connolly; but it would be very rude of me to suggest what I would like to poke.

Mr Connolly: You will not give an answer, will you, because you have given certain promises to the pubs?

MR DE DOMENICO: Mr Connolly, we will not be allowing - - -

Mr Kaine: I raise a point of order, Madam Speaker. I do not think the honourable gentleman is conducting a prosecution in his court now. You might call him to order.

MADAM SPEAKER: Thank you, Mr Kaine.

MR DE DOMENICO: Madam Speaker, the Liberal Party will be supporting both pieces of legislation. Mr Connolly can continue to bleat wildly all evening. The fish will not bite, Mr Connolly. When it gets closer to the day of the election we will tell you exactly what we are going to do about all sorts of issues in this town, Mr Connolly; and, let me tell you, you will be pleasantly surprised, as will the electors of the ACT when they throw you out and vote us in.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (8.09), in reply: I will be concluding the debate on this matter. First of all, it is good to see that Mr De Domenico is prepared to place on the record that he and his party will be supporting the installation of poker machines in hotels. I am sure that the club industry will be pleased to hear that in the lead-up to the next election. You can rest assured, Mr De Domenico, that you will not need to use that media group that you have; we will do it for you.

Madam Speaker, the Bookmakers (Amendment) Bill 1994 and the Gaming and Betting (Amendment) Bill 1994 will enable licensed bookmakers to accept bets by telephone while fielding on-course. In February this year the Racing Ministers agreed that all States should endeavour to have in place legislation to provide for on-course telephone betting by 1 July 1994. South Australia and Western Australia have already introduced this service to punters, and the success of telephone betting in those States has been very encouraging. In particular, it has been accepted that there has not been an adverse impact on TAB turnover. The introduction of this service will allow patrons who are unable to attend a racecourse to bet with a bookmaker fielding on-course. This service is also a positive step in the fight against illegal SP bookmaking, at the same time bringing more turnover within the legalised and taxed systems.

The ACT racing industry supports the introduction of these legislative amendments, which are necessary to ensure that the ACT punters are provided with services available in other States and that bookmakers are able to compete against casinos and the initiatives of the licensed club industry. The legislation is expected to provide a boost to ACT bookmakers by providing access to punters who cannot attend the racecourse. It will allow ACT bookmakers to compete more effectively for the leisure dollar. Introduction of this legislation must coincide with similar legislation being introduced in New South Wales, Queensland and Victoria, as the industry is firmly of the view that any custom lost to interstate bookmakers with the telephone betting service would be difficult to recover. The legislation also allows for bookmakers to advertise their services in respect of telephone betting.

At the Racing Ministers meeting in February it was agreed that bets being made using telephone betting services would be restricted to a minimal level, chiefly to protect TAB turnover. The Bills provide that bookmakers shall not be able to accept a telephone bet unless it is equal to or greater than a prescribed amount, or the bookmaker risk is equal to or greater than a prescribed amount. I understand that the regulations will set the prescribed amounts, which will be a minimum bet of \$250 or a minimum risk of \$2,000 by the bookmaker. The minimum bet restrictions will ensure that the social ACTTAB patron is not drawn away from the TAB network and that ACTTAB turnover is not adversely affected by this measure. In addition, the minimum bet will also ensure that government and racing industry revenues are protected, while still ensuring that punters are provided with the range of betting services available in other States.

On-course telephone betting will be conducted in accordance with prescribed procedures, utilising the prescribed equipment. The equipment will provide for the voice recording of betting transactions, and the recorded tapes will be monitored by persons authorised for that purpose. The ACT Executive will be able to make regulations prescribing minimum bets, approved equipment and authorised officers. A consultative group comprising representatives from the ACT Bookmakers Association, the three ACT racing clubs, the South East Racing Association, ACTTAB and other related bodies, including ACT Treasury, has considered and endorsed the procedures to be covered in the regulations. Madam Speaker, the passage of these Bills in the ACT will ensure that local punters are provided with the most up-to-date betting services and will enable local bookmakers to effectively compete in national wagering environments.

Mr De Domenico raised a number of matters and I will take this opportunity to respond. First of all, in relation to the minimum bet of \$250, that amount was agreed at the Racing Ministers meeting in February, with the exception of Tasmania, where a minimum bet of \$200 was agreed to. It was a nationally agreed position that legislation, when first introduced, would prescribe these minimum bets. I understand that as things become more competitive there may be a need to review that. That, essentially, is an undertaking which I have given to the racing industry in the ACT - that we will review that amount to ensure that we remain in a competitive position with standards that apply in other States.

14 June 1994

Mr De Domenico also raised the spectre of sports betting. Mr De Domenico, as you would be aware, and as you and I have discussed, sports betting is available in the ACT now; but it is required to be undertaken on-course by a bookmaker. Whether or not we proceed to other forms of sports betting is yet to be determined. As you have indicated, there is great change around Australia in gaming and wagering generally. You will notice that in today's budget the Government has moved to place itself in the forefront of assessments of changes in the wagering and gaming industry by providing additional funds for the Bureau of Sport, Recreation and Racing for persons to be engaged to look specifically at the reforms and the changes occurring in that industry. You can rest assured, Mr De Domenico, that, in regard to sports betting and wagering and gaming in general, we will be keeping a close eye on national trends, to ensure that the interests of this very important industry in the ACT are protected.

I am led to believe from an article in today's *Financial Review* that reviews of the taxation levels that apply to bookmakers' turnover are taking place around Australia. Again I indicate quite clearly that it is not in the community's interest, the bookmakers' interest or the Government's interest to see the industry in the ACT placed at a disadvantage in relation to those national changes. I give an undertaking, Mr De Domenico, quite clearly, in the terms that I have given it to the industry to date, that we will continually monitor the changes that are occurring in wagering and gaming around Australia, to ensure that the positions of the ACT bookmaker, the ACT Government and, inter alia, the public are protected.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

GAMING AND BETTING (AMENDMENT) BILL 1994

Debate resumed from 19 May 1994, on motion by Mr Lamont:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**STATE BANK OF SOUTH AUSTRALIA
(TRANSFER OF UNDERTAKING) BILL 1994**

Debate resumed from 19 May 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MR KAINE (8.17): Madam Speaker, on the face of it that this is quite innocuous legislation, and it is being enacted along with similar legislation in all the States and Territories of Australia. As the Treasurer said in her presentation speech, the purpose of the Bill is to facilitate the restructuring of the State Bank of South Australia after that bank's failure in 1991. The Opposition supports the Bill. It seems a sensible thing to do. This is an act of comity by the ACT Government to help another administration recover from the mismanagement of the bank under a Labor government in the State of South Australia.

The Bill provides procedural and validating measures to allow the new Bank of South Australia Ltd to deal with advances which the failed State Bank of South Australia made to corporate customers here in the ACT. Whether the comprehensive provisions of the Bill cover every possible situation that may arise in dealings between the Bank of South Australia and its ancestor's corporate customers in the ACT, I guess, is not a matter that need concern this Assembly. Presumably the Bill, short and all as it is, does encompass all of the possible situations. As I said, a Bill to similar effect is to be enacted in all States and Territories, and I expect that the Treasurer will confirm that there have been both negotiation and agreement with South Australia about the content of the Bill. Of course, if that were so, it would be the first time in history that there had been negotiation and agreement on much, but I would hope that the Chief Minister would confirm that at least.

However, although the Bill seems innocuous enough and protects the interests of the State Bank of South Australia, I submit that it is this Assembly's responsibility to protect the interests of ACT residents, both real and corporate. In her presentation speech on the Bill the Treasurer told us that the State Bank of South Australia, or its trading successor, the South Australian Asset Management Corporation, has no assets in the ACT relating to premises, plant or equipment, and that the only State Bank of South Australia business in the ACT relates to advances to corporate customers secured by mortgage debentures and other forms of security over the borrowed assets.

I believe that it would have been useful for us to know the measure of the problem the Bill is designed to deal with in the ACT. Just how many customers does the State Bank of South Australia have here? What amount of assets secured to that bank in the ACT comes within the ambit of the Bill? Are we talking about \$10, \$10m or \$100m? In other words, while it is proper for the ACT to provide help and succour to another administration in dealing with a problem, I think it would be useful to know the scale of the problem that this Bill pretends to deal with in the ACT. There is nothing in the Bill, in the explanatory memorandum or in the Chief Minister's speech that tells us that.

14 June 1994

The Treasurer says that ACT taxpayers will bear no financial burden as a result of the Bill. I presume that we can set aside for the moment the cost to the ACT taxpayer of enacting this Bill and bringing it to this point so that it can be passed. There must have been a cost associated with that. I wonder how many people in the legislative drafting section spent time preparing the Bill. She says that the Bill will assist customers of the State Bank of South Australia by relieving them of the need to renegotiate existing agreements with the Bank of South Australia Ltd, and she says that transactions in the ACT necessary for the restructuring of the bank are exempt from ACT charges. That sounds good, on the face of it; but she obviously expects us to take these matters on trust. If any ACT customer has to pay to comply with the bank's restructuring in any way, I presume that the Treasurer will have the good grace to take immediate action in this Assembly to provide retroactive relief to that person or that corporation. I am confident, however, that the ACT itself will not be imposing any such charges; but perhaps what the bank's clients in the ACT do need is a second layer of protection ensuring that no other government will impose any costs on the bank's customers here for any transactions that are necessary to complete the bank's corporatisation.

I said that we support the Bill, and we do; but there is a great deal about it that we do not know. It really is not good enough to say that the South Australian Government needs this legislation. We are not responsible to the South Australian Government; we are responsible to the people to whom this Bill relates and who live here. It would be useful if the Chief Minister and Treasurer could tell us a little bit more about them and what their obligations and responsibilities might be that this Bill protects them from.

MS FOLLETT (Chief Minister and Treasurer) (8.22), in reply: I thank Mr Kaine for his comments. As members will be aware, the purpose of this Bill that we are examining this evening is to facilitate the sale of the State Bank of South Australia and to enable its corporatisation. That has been decided by the South Australian Government. As Mr Kaine said, the State Bank of South Australia got into severe difficulties a couple of years ago. I well recall being at the Premiers Conference when the Commonwealth Government proffered to the South Australian State Government a rescue package of some \$600m to try to ease them out of this problem with the State Bank. There has been a change of government and this asset, or liability, as it might be to South Australia, is now to be corporatised and sold. That is a decision for the South Australian Government. It is probably a decision that would never have been taken by the ACT Government. We would not have allowed a bank, an asset of ours, to get into such dire straits, and we would not have contemplated this kind of a privatisation proposal. The policy, as I say, has been decided by South Australia, and they have asked for the assistance of other governments around the country in achieving their objectives. I believe that it is entirely reasonable for this Territory to proffer what assistance we can.

I would like to address some of Mr Kaine's specific issues. In the first place, Madam Speaker, the assets to be transferred in this Territory amount to some \$232m. That is the order of the issue that we are dealing with here. That is a significant amount. That money is by way of advances to corporate customers, as Mr Kaine has said. They are secured by mortgage debentures or other forms of security. They are all corporate structures. As members would know, there is no branch of the South Australian State Bank in the ACT, so there is not the normal day-to-day household banking and exposure by ordinary people like you and me with our pay and our own

household mortgages and so on. That does not apply in this case. The assets that we are dealing with here constitute advances to the bank's corporate customers, as I have said. The Territory does not impose stamp duty on these types of transactions. We do not impose loan security duty, and the corporatisation of the bank therefore will have no effect on our revenue as such.

Mr Kaine asked a question about the cost of our legislation. Certainly, there has been a cost involved, an administrative cost, in getting the Bill to this stage, having it printed and distributed in the Assembly, sitting to consider it and so on. However, I would like to point out that the major work in the preparation of legislation has been done by the South Australian Government. As they have asked State and Territory governments around the country to pass appropriate legislation, it seems reasonable that the South Australian Government has done the drafting work and so on. They provided the model Bill and the computer software to assist the ACT and other jurisdictions in the preparation of complementary Australia-wide legislation. That task, which is usually the most resource intensive task in any piece of legislation, was done by South Australia. For that reason we will not be seeking reimbursement from South Australia for the passage of this Bill. Members will be aware that when we have facilitated other such corporate restructurings we have asked the corporations involved to share the cost of that legislation. We will not be doing so on this occasion because of the major contribution by South Australia to the work that is before us now.

Madam Speaker, the effect of this legislation will be to negate the need for each individual arrangement, contract and mortgage to be tediously renegotiated. The Bill will therefore bring about considerable savings of time and of effort for the bank's ACT customers - all corporate customers, as I have pointed out. So far, New South Wales, Victoria, Queensland and Western Australia have similarly modelled legislation in varying stages of readiness. I believe that it is the intention of all of them to introduce it by 1 July this year when the State Bank of South Australia is brought under the supervision of the Reserve Bank.

Madam Speaker, Mr Kaine asked, finally, what kind of protection we were offering to the customers of the State Bank of South Australia under this legislation. I want to make it clear that I can speak only for the ACT Government and, as I have pointed out, we will not be imposing any sort of penalty on those customers. I would also like to remind members that the Bill that we are looking at tonight also refers power over the banking business to the Commonwealth so that the bank can come under the prudential supervision of the Reserve Bank from 1 July 1994. So there is that additional safeguard for the customers of the State Bank of South Australia. Madam Speaker, I think that about sums up the situation at the moment. As I say, I have put forward this legislation to facilitate the actions of another government. I believe that it is only appropriate to do so, whether or not we agree with the actions of that government.

Mr Cornwell: You could not agree with the actions of the previous government in South Australia, Chief Minister.

MS FOLLETT: I thank Mr Cornwell for that contribution, Madam Speaker. It has been a long time coming. It has taken him 10 minutes to think of it. Madam Speaker, I commend the Bill to the Assembly.

14 June 1994

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC SECTOR MANAGEMENT BILL 1994

[COGNATE REPORT AND BILL:

ESTABLISHMENT OF AN A.C.T. PUBLIC SERVICE -
SELECT COMMITTEE - REPORT
PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 1994]

Debate resumed from 21 April 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MADAM SPEAKER: I remind members that we have previously resolved to debate this order of the day concurrently with the Assembly business order of the day relating to the report of the Select Committee on the Establishment of an ACT Public Service. In debating order of the day No. 4, members may also address their remarks to that Assembly business order of the day. Is it also the wish of the Assembly to debate these orders of the day concurrently with the Public Sector Management (Consequential and Transitional Provisions) Bill 1994? There being no objection, that course will be followed, and I remind members that in debating order of the day No. 4 and the Assembly business order of the day they may also address their remarks to order of the day No. 5.

MR KAINE (8.30): What the Assembly is about to debate is a Bill that, in my view, is living proof of the failure of the Government. We had an opportunity in the ACT to create something new and different by way of a public service, and what we have is a Bill that fails totally in that respect. It fails so much that a good number of the employees of the ACT Government who will, if this Bill is enacted, fall under its control totally disagree with it. What we have is a dreary, dull, cut and paste reproduction of other old and tired legislation, in many cases from a bygone era. In fact, during the debates and the evidence presented to the select committee on this issue, it was twice noted that the contents of this Bill, and in some cases the views of government officials giving evidence to the committee, were representative of the thinking of the bureaucracy in the 1950s. I think that is what we have here. We have a piece of legislation that might have been great in the 1950s, but we are talking about the year 2000 just on the horizon, and I believe that it is totally inappropriate.

One of the big problems with the Bill, Madam Speaker, is that it is a document that lacks any sign of any political direction as to what it is intended to achieve. Our public servants were left to their own devices to determine for themselves, without any political guidance or direction, what it was that they were supposed to be producing. What was the objective of this Bill? What purpose was it intended to serve? We have a document of 215 pages - without the consequential and transitional provisions Bill that goes with it - that introduces no innovation, no new thinking whatsoever.

What in fact does it do? How does it change the way things are done in this Territory? It does not change them at all. How does it change what is being done in the Territory? It does not even address that issue. Where is the best management practice that this Government continues to talk about? There is no best management practice in here. It is simply a cut and paste job on the old Commonwealth Public Service Act and a few other related Acts that somebody has stuck together and said, "There is an ACT public sector administration Bill". What about best management practice? We have so much information available to us about the way things should be done in this country today, and there is not one word of it in the Bill. The Bill is totally devoid of reference to any of these things which should have been fundamental to the development of such a document in the year 1994.

One then has to ask: What is the purpose of this legislation? Clearly, to a large degree, the legislation is a direct replica of the Commonwealth Public Service Act and related Acts, and its purpose is clearly to retain the status quo for those people who currently are public servants. Further, it is clearly considered that the state of bliss of being a public servant is such as to warrant the encompassing of numerous other people who are not public servants and bringing them into this glorious fold, whether they want to be in it or not. Quite frankly, nobody asked most of them whether they wanted to be in it, and the evidence for that is plain to see. The noise outside that door today was indicative of it. Many of these people, I have to say, Madam Speaker, are totally unconvinced of the benefits being conferred upon them and they - - -

Mr Wood: There are 20,000 out working.

MR Kaine: Who heard from them, Mr Wood? Everybody who gave evidence to my committee said that they were not consulted. Most of them said that they did not like what was being done to them. Out there today was the Public Sector Union, which, I submit to you, represents a very large number of your employees. What were they making a noise about? As I said earlier, they were not out there clamouring for the Government to put this Bill into place. They were clamouring to tell you not to put it into place. Whom do you listen to and when, Mr Wood?

Mr Wood: How many did you say there were?

MR Kaine: You want to interject. You tell me whom you listened to and when you listened to any of them. The answer is that you did not listen, and you are not listening now. I hope that you will listen to what I am saying, since you did not bother listening to any of them.

14 June 1994

It is a rather curious Bill, Madam Speaker, even in the minute detail. For example, right at the beginning, there are definitions of an employee and an officer. Both are neatly defined right up front in clause 3. By the time you get to clause 17, it comes up with this beautiful definition:

In this Part, unless the contrary intention appears -

"officer" includes an employee.

In other words, you are both. What on earth does that mean? Right up front you go to great lengths to explain what an employee is, on the one hand, and what an officer is, on the other; and before you get beyond clause 17 you have thrown that out the window and said, "It does not matter. You are both". Again, right at the front, in the very first definition in fact, in subclause 3(1) you define an administrative unit. That is fairly informative. It means "a unit of the Service established under paragraph 13(1)(a)". You have to go to paragraph 13(1)(a) to find out what that means. I repeat that this Bill has 200-odd pages and 250-odd clauses, but by the time you get to clause 13 there is this little gem:

An administrative unit consists of the offices within that administrative unit.

What on earth does that mean? Here we have a Bill that goes into enormous detail to define everything, but by the time you get to clause 13 you have a circular definition that says that an administrative unit consists of the offices within that administrative unit. I do not know what it means. Does the Chief Minister know what it means? Do the authors of this document know what it means? Does Ms Szuty know what it means? I bet that she does not. You do not have to read very far into this document to discover that it is a very curious document.

I pick a few clauses at random. This is a very definitive Bill. There are 200-odd pages of it. Subclause 91(1) states:

A promotion or transfer of an officer to an office takes effect as provided by the management standards.

What management standards? The answer is that they do not exist yet. If we enact this legislation today, how does anybody know when a promotion or a transfer to an office takes effect? There are no standards. I do not know whether they intend to promulgate them, or by what means they intend to promulgate them, except that the Government will whip a few out by subordinate legislation and not tell the Assembly about them until after the event. As of right now, as far as I am aware, there are no management standards to operate to when we put this legislation into place. If the Government has its way, we will enact this legislation tonight. Of course, there are other little beauties, such as clause 74 on the role and functions of an executive staffing committee. I thought this sort of thing was done away with in our society 50 years ago. It is called blackballing.

Subclause 74(5) says that where an executive staffing committee does not unanimously endorse a recommendation about an appointment or a promotion at the senior executive level the recommendation lapses. If one of these three people puts the black ball in the bag, the person who is being considered for promotion or appointment does not get the job. I repeat that that was done away with in this country, I thought, decades ago - not in this Government, though. To them, that is all right. I just pulled those things out to point out that there are some very curious provisions in this Bill. I doubt whether even the people who wrote it really understand the consequences.

In the broader sense, when I was speaking on tabling the report of the select committee this afternoon, I noted the point that there is a great deal of dissatisfaction with this Bill amongst the Government's own employees, and it is dissatisfaction that is soundly based. These people did not all suddenly wake up yesterday morning and say, "We are all going to go out and protest against this Bill". They have examined the Bill, probably in greater depth than the people who wrote it have examined it, and they realise that there are enormous shortcomings and deficiencies in it. It is a fundamentally flawed Bill and one which the Government should never have put before this Assembly for consideration.

The Public Sector Union does not like the Bill, because it was sold out by the Chief Minister. She promised them the world and delivered them nothing. So they do not like it. They represent a fairly large number of employees - all the Public Sector Union employees in this Territory. That is a lot of people. The professional engineers, scientists and managers within the ACT Electricity and Water Authority do not like the Bill. The management of ACTEW does not like it. Getting closer to home, the Government's own direct employee, the Director of Public Prosecutions, does not like it. He did not just say that he did not like it. He gave some very substantive reasons why he did not like it, as did all these others. The Legal Aid Commission does not like it. The Public Sector Union, apart from not liking the conditions of service, mobility and the like, also did not like the roles and functions that are allotted to the Commissioner for Public Administration or the executive staffing committee that I just referred to, because they know what the consequences of the unfettered, unlimited exercise of power can mean for them. So there is major dissatisfaction.

I repeat what I said this afternoon, Madam Speaker. The Government is trying to put this Bill into effect, knowing that there is enormous dissatisfaction with it, knowing that so many of its own employees do not like what it is trying to foist on them and knowing that the Bill is fundamentally flawed legislation. What you are putting to the Assembly is second-rate legislation that is by no means reflective of 1990s thinking about management or anything else. Not only have you done that, but you expect the Assembly to deal with it on your terms. The Chief Minister said, "This Bill is not negotiable. It is an immutable Bill". It is so immutable that the Chief Minister has 109 amendments, and she has not extended the courtesy of giving this Assembly even an explanatory memorandum to explain why she wants the 109 amendments. All we have is a letter saying, "I am going to put these amendments up tomorrow". It simply is not good enough.

14 June 1994

I do not believe that even the Government understands the ramifications of those amendments. If we ever get to the clause by clause consideration of this Bill, I doubt that the Chief Minister will be able to explain many of the clauses, just as she found recently that she could not explain a clause in connection with the Loan Council. It is not good enough to put this sort of thing before the Assembly unless it has been properly thought through and unless the Government knows what it is doing. I submit that again and again they do not know what they are doing with this Bill. It is a Bill that does not reflect anybody's ambitions, certainly not the Government's. If there is any reflection in here of the Government's wishes about this public service that they are trying to create, I would love to know where it is. I would like the Chief Minister to tell me where this Bill sets out what the Government's aims and objectives are. I cannot find them.

Madam Speaker, I am at the forefront of those in this Territory who say that we should have our own public service. I made that clear five years ago. It took the Government two or three years to catch up. Indeed, they are catching up only now, because the Prime Minister finally told them to get on with it, which indicates perhaps why the Bill is so defective. They had no interest in it and no commitment to it. Although it has always been my objective - I believe that it is a necessity - that we create our own public service, I have to say, "Not under these conditions". I do not accept that we should allow second-rate legislation of this kind to go through this Assembly on such an important issue. We are not talking about some minor piece of legislation in respect of which perhaps it does not matter if there is a minor defect or two that you can fix. This is not minor legislation. This is probably one of the most substantive pieces of legislation that this Assembly will ever consider. It is certainly the biggest piece that I can remember considering, not only in the five years of this Assembly but also in many years of previous experience in precedent bodies.

We cannot just write this Bill off lightly. I am quite astounded that the Government seems to be dealing with it in such an arbitrary and ill-informed fashion: "It does not matter what the Government's employees think; it does not matter what the members of this Assembly think; it does not matter what the evidence submitted to the select committee was. Those things are totally irrelevant. The Bill, in its present form, will be passed". That is the Government's attitude. That is not good enough. I do not support that. I only wish that in the three years that the Government had to produce this legislation they had come forward with something vastly better than this.

I do not know what the solution is. The select committee's report recommends that the Government should take a little bit more time out and should get this 1 July date out of its mind as being some immutable target that has to be met at any price. I think that the price will be too great if they insist upon that. The committee has suggested that the Government take some time out to go away and think about the evidence that was put to the select committee - not just to brush it off as being irrelevant opinion, but to accept it as considered, reasoned, logical input to what should be a thinking process; that after they have thought about it a bit they come back and debate it on the floor of the house in an informed fashion. If they are prepared to do that, they will get total support from me. If they are not prepared to do that, they will get total objection from me clause by clause, however long it takes - and that, I submit, is going to be a long, long process.

Madam Speaker, I do not think I can be clearer in my attitude than I have been now and earlier today. It is unacceptable legislation. This Assembly should not accept it in its present form, and the Government should be told to go away and have another go and to do justice to the 23,000 people the legislation is supposed to encompass.

MR DE DOMENICO (8.47): Madam Speaker, on 17 June 1993, when we were debating whether to establish a select committee or not, and today, when we were debating the committee report that was presented, my words were:

... [the] formation of a separate ACT public service is perhaps the most important issue that is going to be faced by this Assembly, and perhaps assemblies after this one. The proposal to establish a separate ACT public service needs to take into account ... the financial obligations of the Commonwealth Government, the terms and conditions of employment of current Commonwealth officers and the future entitlements of current employees and future employees of any future ACT public service. The importance of open, detailed and full public consultation on this matter must be recognised. The opportunity of establishing a highly professional, innovative, flexible and cost-effective public service for the benefit of the ACT community requires input from all interested parties.

I think everybody in this Assembly would agree.

Madam Speaker, Mr Kaine quite adequately said that the amount of time available to his committee - the committee that I had previously chaired - was negligible in comparison to the time that the Chief Minister and this Government have had to put forward a Bill which can be called innovative, flexible and all the sorts of things that everybody agreed that it should be. We all know that the Chief Minister was first notified by the Prime Minister in April 1992. I recall that date quite well. At that stage another committee that Ms Szuty and I were members of was travelling to Brisbane. I recall having breakfast with Ms Szuty and saying, "Did you realise that the Prime Minister has written to the Chief Minister suggesting that she should get on her bike and really start getting some work done in order to establish our public service?".

I can also recall the concern expressed by the Government in June 1993 as to why this Assembly would dare contemplate having a select committee looking at the public service. The Government said, "That is a terrible thing to do. Tut, tut! We do not need this sort of thing". I think the words used were, "This is another political stunt by the Liberals". The Assembly disagreed with that comment. In fact, they set up that select committee. Then, what did the Chief Minister suggest? The first thing she suggested was that the only reason why the Liberal Party wanted a select committee was to stall the process. In June 1993 she was talking about the process being stalled. The committee, under my chairmanship, went to South Australia and the Northern Territory and talked face to face to people in those two jurisdictions. That had not been done before. In April 1992 the Prime Minister said, "Start, Chief Minister". It took until June 1993 for anyone to go interstate and talk to the people who had gone through the process, so that we would not reinvent the wheel in a lot of areas.

14 June 1994

Next I would like to quote from page 4459 of *Hansard*. I will tell you who said this after I have read the quote. The quote goes this way:

The simple tenet is not to have a public service Act - or an Act of administration, if you like - which becomes burdensome by its prescription. That is an important point for us to remember. We do not want to end up with a public service Act of 300 or 400 pages outlining in a very prescriptive manner every single possibility that may arise in the ACT public service over the next five decades, because invariably under such legislation things become too bureaucratic and it becomes an inhibition on effective and efficient management within the public sector.

They are very fine words. Who said that? None other than the current Deputy Chief Minister, Mr Lamont, who was a member of the committee that went interstate. He said, "We do not want to end up with hundreds of pages of legislation". What have we got? We have hundreds of pages of legislation. In addition, at a quarter past six last Friday night, in order to show everybody what a wonderful piece of legislation this was, we got 109 amendments from the Chief Minister. Her own Bill requires at least 109 amendments.

Mrs Carnell: She did not tell Mr Berry, though, that she had 109 amendments, did she?

MR DE DOMENICO: No, she did not tell Mr Berry that she had 109 amendments. She told everybody else - those who were at the Assembly at a quarter past six on a Friday night and those who were not, by shoving the amendments under their doors. I was still here. I was just about to buy the fish and chips.

Mr Humphries: You would have had something to wrap them in.

MR DE DOMENICO: The Government has 109 amendments to a Bill that was supposed to be the bee's knees. "Not negotiable", said the Chief Minister. In fact, Mr Humphries makes a good point. Perhaps the only thing that this Bill is good for is wrapping the fish and chips in. It is not good for anything else. I challenge anybody to stand up in this place and explain to me exactly what the 109 amendments are all about and exactly how they relate to this Bill. Can anyone explain to me what changed Mr Lamont's mind on the inevitable road to Damascus? Last year, when he was a backbencher, he stood up in this Assembly and said that, based on his experience in going to South Australia and the Northern Territory with the committee, the last thing we wanted was superfluous legislation going into detail on every fine point, because it would become cumbersome and inflexible. As Mr Kaine so adequately put it, and as I am suggesting, Madam Speaker, that is exactly what we have got - an inflexible, cumbersome piece of legislation.

Mr Kaine: It is incomprehensible as well.

MR DE DOMENICO: It is incomprehensible legislation that no-one understands. For a start, nobody likes it. Mr Kaine quite rightly said, "Let us have a look at who does not like this legislation". We know that ACTEW does not like it. We know that the Public Sector Union does not like it. We know that certain individual unions do not like it. We know that the Office of the DPP does not like it. We know that the Legal Aid Commission does not like it.

We also know that the Trades and Labour Council does not like it. How do we know that? Last year I can recall a letter from the Trades and Labour Council - from Ms Sheehan, I think - saying to the Chief Minister that in the opinion of the Trades and Labour Council, after they negotiated with the unions, not one union, for example, involved in ACTEW wanted ACTEW to be part of the ACT public service. This is Ms Sheehan writing to the Chief Minister. Once again, on the same road to Damascus, it seems that people have changed their minds between then and now. They have made more moves than Boris Spassky, for heaven's sake. People do not know exactly what they want.

Let us have a look at some of the other issues. We know, for example, that the Chief Minister would dearly love this Bill to be debated and passed tonight. We know that amendments to Federal legislation are going to be made by the Senate. I believe that those amendments are not going to be debated until 26 or 27 June, in a couple of weeks' time. The Federal Parliament is making amendments to its Act - which, quite obviously, are going to have an effect on what we pass here in this place - on 27 June. The Chief Minister, in press articles and on television, is saying, "This is not negotiable. It is the Liberals' fault. They are trying to stall to prevent this thing from happening". I have here a Bill of some 200-odd pages, plus 109 amendments, plus a report from the select committee, plus all sorts of things. But the Bill is not negotiable. It must be passed tonight. The Government is going to do everything this week so that it can get a public service in by 1 July.

In the same breath, Mr Deputy Speaker, the Chief Minister says, "We want a flexible, forward thinking, new public service with all sorts of fantastic things in it". We are not going to get it. We need to take time to make sure that we allow ourselves the opportunity of creating something that can be unique. Let us have a look at what we can create. We have a dual responsibility, and we all know that. We have a State government-style responsibility as well as a municipal responsibility. Have we bothered to talk to some municipal councils about what their views are? I dare say that the answer to that is: Probably not. The Tourism Committee has been to Brisbane and talked to the Brisbane City Council. But has the Public Service Committee had a chance to really look into some of the questions that it needs to ask itself?

14 June 1994

Let us have a look at some of the questions that this committee - had it had a lot longer time - would have asked. What should the Public Sector Management Bill be seeking to achieve, and why? What are the likely outcomes of the Bill? What public sector structure is most likely to achieve the goals identified, and why? How do those goals compare with the Bill? What structures are other public services putting in place? We all know what South Australia and the Northern Territory have recommended - something totally different to what is recommended in this Bill.

Mr Kaine: Have a look at New Zealand.

MR DE DOMENICO: Mr Kaine intervenes to mention New Zealand. Perhaps we should have a greater look at events there. Does the Bill encourage the provision of flexible job structures to promote the achievement, for example, of the International Year of the Family objectives? Have we had time to have a look at that properly? Who should be covered by the Bill, and why? We have before us some evidence as to who believes that they should not be covered by the Bill, but have we had time to really look into that properly?

Does the Bill, as it stands, help agency managers to do their jobs more effectively? I can recall having heard time and time again in South Australia and in the Northern Territory, "Do not centralise everything. Do not do it. Let managers manage. Give them the flexibility to make their own decisions. Do not be too bureaucratic, because bureaucracy is tedious and is not flexible". We need to have a flexible approach because we have a flexible responsibility - both a State government-type responsibility and a local government responsibility.

There are other questions that the committee, had it had time, should have asked itself. What processes of evaluation and review should be put in place to assess performance and ensure accountability to the public, for whose well-being the public service exists? I think this Government, more than any other government, should realise how important accountability is. We will be debating that more tomorrow, I dare say. What are other public services doing to encourage agencies to be responsive and innovative and to strive for excellence in serving the public?

I suppose that if we had time to assess all these questions we might be able to come up with some answers. Certainly, on my very brief reading of the 200 pages of this supposedly perfect piece of legislation - and I still have not had a chance to get to the 109 amendments that we saw for the first time at a quarter past six on Friday night - it is not flexible; it is not innovative. As Mr Kaine says, the Government seems to have plagiarised great heaps and wads of old Federal Public Service Acts and put them all together in a hotchpotch sort of way, and the Chief Minister has said, "Here it is. I have a timetable that I must now insist on, which is 1 July 1994. Mind you, I have had nearly three years to get the act together, but I have not".

I could be so bold as to suggest that part of the reason for this whole situation is that some of the promises that were made 18 months ago obviously cannot be delivered. It got to the farcical stage that the only way we could get a better deal for ACT public servants was for Mrs Carnell and Mr Kaine to go up the hill and persuade the Opposition and the Democrats to make amendments to the Federal Act that the Chief Minister herself

could not deliver. In fact, those amendments to the Federal Act, if they pass, will mean a better deal for public servants in the ACT. Who was responsible for achieving that? The Liberal Party, for heaven's sake. Why? Because, as I have said and will continue to say time and time again in this place, it seems to me that the Liberal Party and, in certain circumstances, the Independents are the people who stand in areas where sensible people meet.

When we talk about commonsense and where sensible people meet, the commonsense thing to do, if we all agree that this is the most important piece of legislation debated by this place since 1992 - and I, for one, believe that - is to make sure that we get it right the first time. There is no excuse for anyone to say that the Government has not had a chance to get it right. As I said, it was first notified by the Federal Government in April 1992. But quite obviously, from all the public comments that have been made by so many groups - and they are not what we would call political apparatchiks; we are talking about the DPP, the unions, ACTEW, the Legal Aid Commission, the Trades and Labour Council and all sorts of professional commentators - this Bill needs to go back to the drawing board. The Chief Minister, by trying to introduce 109 amendments, seems to be agreeing.

The Opposition is saying that we should have another look at this Bill. Let us make sure that we avail ourselves of the opportunity that is before us to present a piece of legislation that can be seen by other jurisdictions as the benchmark for legislation for public servants. We have a chance to do it now. We all know that it is very difficult to undo legislation once it is in place, so let us make sure that we have another good look at it. Let us make sure that we have another good look at the 109 amendments. Let us make sure that we have another good look at Mrs Carnell's whistleblower Bill and compare it with the one that is presented by the Chief Minister. In other words, let us do the sensible, commonsense thing to do. Quite obviously, the Chief Minister did not do that.

To me, it would have been the prudent thing to tie up all the loose ends and all the concerns that the Chief Minister had as far back as 1992 before presenting the Bill to the house. You should not have presented the Bill to the house, hoping for the best, and then effectively within 24 hours of the Bill being debated presented 109 amendments and gone to the media saying, "This is not negotiable because it is good legislation". I close my comments by repeating the words of Mr Lamont. They are important for us to remember. He said:

We do not want to end up with a public service Act of 300 or 400 pages outlining in a very prescriptive manner every single possibility that may arise in the ACT public service over the next five decades, because invariably under such legislation things become too bureaucratic and it becomes an inhibition on effective and efficient management within the public sector.

I am suggesting, Mr Deputy Speaker, that this Bill is too bureaucratic. It will become an inhibition on effective and efficient management of the public sector. We need to have a look at it again, and I urge those opposite to listen to what we in the Opposition have to say. Let us have another look at this Bill and make something really good out of it.

14 June 1994

MR MOORE (9.03): Mr Deputy Speaker, I think clause 12 of this Bill tells us a great deal about the Bill. Clause 12 is titled "ACT Government Service" and begins:

The Australian Capital Territory Government Service is established.

It is a government service. The Bill is prepared by the bureaucracy for the bureaucracy. It is not so long ago, Mr Deputy Speaker, that the term used was "civil service". There were many who argued at the time that all that they expected was civility and service. Then, of course, we used the term "public service", which I think is a far better term. We now see a transition to the notion of a government service, or a service that serves the Government rather than the people.

With that said, Mr Deputy Speaker, I think that this Bill falls into two main categories. There are two main issues that we deal with. One is the transfer of the public service from the Commonwealth to the ACT. The second is about public sector reform. It seems to me that throughout the debate these two are being confused. In addition, the Chief Minister has set about establishing 1 July as the time for the transfer of the public service. I think it is unfortunate that the Bill also takes into its gamut the notion of a full public sector requiring some public sector reform. It seems to me that we have the opportunity now to deal with the transfer of the public service and to constitute a new select committee to deal with the second question, the question of public sector reform. To deal with that question we ought to have appropriate time and appropriate discussion.

Mr De Domenico, in his speech, talked about the issue of mobility, an issue which is critical to the transfer of the public service. He mentioned the negotiations that the Liberals here had with the Liberals in the Senate, particularly Senator Hill, and with the Democrats. In fact, it was my pleasure to work with the Liberals here and to carry on some negotiation myself with the Democrat spokesman on the ACT, Senator Bell, whom I found most receptive. In fact, it was through those joint negotiations that a solid bloc was established in the Senate to ensure guaranteed mobility, at least for a short time. I hope that in the Senate and in the House of Representatives the Federal Government will see the sense of those amendments and will simply accept them.

The report that was brought down by the Select Committee on the Establishment of an ACT Public Service was in some ways limited. It was limited, in particular, in the lack of detail in what it presented to this house. I think the main reason for that was the lateness in receiving the actual legislation. The background work had been done and a rather extensive Bill produced. By the way, I disagree about this being the most important Bill that we have dealt with in this period. I think the most important Bill we dealt with in this period was the Electoral Bill. To me, that was the most critical one. Nevertheless, this is a Bill of great stature and at almost the same level. It was passed to that committee, with a very short time available to the committee to carry out its necessary role - that is, to advertise, to have people come to public hearings to make their comments and then to consider those comments in the light of the legislation. The difficulties are even more clearly explained by the amendments that were distributed to us on Friday night. Mr De Domenico and Mr Kaine have both drawn attention to those.

The committee recommended in its recommendation 1 that a further committee be appointed in order to monitor the transfer. I think that is a very sensible recommendation. That committee also ought to explore the whole area of public sector reform, because that is something that we need to do. I would go further and say that that committee should seek the funds to appoint an eminent person or a group to carry out at their behest an inquiry into public sector reform. It may well be that in fact the cheapest way for the committee to operate is to use somebody's expertise. Certainly they have already had the advantage of some expertise in Professor Roger Wettenhall appearing before them. I think that giving somebody of that stature terms of reference established by the select committee to deal with the issues of public sector reform that they wish to explore would be an excellent way to continue the debate and to establish some sensible suggestions on how that might be achieved.

As to the whistleblowers legislation, the committee says that the sensible solution is to adopt what we have in front of us as a temporary measure, as part of the transition, and then, as part of the public sector reform process I have talked about, to explore this issue further so that the amendments can be made and the issue can be dealt with appropriately. I think that is a sensible way to go.

There are a couple of areas where I think it is important to separate the issues in the transfer of the public service. I begin with the Legal Aid Commission. The Legal Aid Act provides for the creation of basically a firm of solicitors practising in partnership. The firm observes the same rules and standards of professional conduct as a private legal practice would. Staff working for the Legal Aid Commission and employed by the commission are deemed to be employed by a statutory firm called the Legal Aid Office, which is constituted by the chief executive officer and the assistant executive officer.

For sound practical and ethical reasons, the firm - and I use that term broadly - is run, as far as possible, on the same lines as a private law firm. Its services are equivalent to those provided to prudent self-funding litigants, and its practice, management and culture generally, as far as possible, are those of a private law firm. There is a regular movement of staff between the Legal Aid Office and the private legal profession. There are huge advantages in it operating in that way. The obligations of a solicitor acting for an individual client are the same, whether or not the client is legally aided and whether the solicitor is a legal aid staff member or a private practitioner. The solicitor is bound to give his or her client objective advice, keep the client's secrets and avoid being placed in a position of conflict of interest.

The staff of the Legal Aid Office must be independent of government, but it is equally important that they be seen by clients and potential clients to be independent of government. Certainly, in other States where the community sees legal aid as too closely associated with government there are problems. Experience in Tasmania and New South Wales, where the Legal Aid Commission has been integrated into the public service, shows that integration has resulted in problems which include some of the following. Requirements that priority be given to employing redeployees from other government departments rather than the job being given to the best person have caused considerable delays. Across-the-board staff increases have had their impact. Inflexibility in salary levels has also had its impact, and so on. There are also other difficulties associated with those issues.

14 June 1994

Madam Speaker, some of the same arguments can also be applied, although not to the same extent, to the Director of Public Prosecutions. The most important thing in these cases is that there is a critical perception, and it is a perception that we must ensure does not become part of the thinking of people in the ACT. As we in politics know, it is often the perception that does more damage than the reality. For those reasons, Madam Speaker, I think exceptions must be made, particularly of the Legal Aid Commission and of the Director of Public Prosecutions, to ensure that from the very beginning of the Act those two bodies are kept clearly independent and clearly autonomous. It is interesting, Madam Speaker, that the Government has managed to do this with the firefighters. The firefighters, under the present system, have a degree of autonomy and a separate employing system. The firefighters are described in the Chief Minister's introductory speech, if I remember the words correctly, as being a paramilitary organisation that needs to be dealt with in a particular way in order to resolve certain problems. I have real doubts about it. I hope that the new public service select committee looks at the firefighters to see whether they could be brought into a central government agency, which is where I believe they ought to be.

On the issue of ACTEW, Madam Speaker, we have heard a range of arguments. I have certainly been presented with those. It seems to me that the arguments are largely similar to the arguments that were debated in the previous Assembly on the corporatisation or privatisation of ACTEW. Madam Speaker, the issue of public sector reform needs to be looked at very carefully, particularly in the light of ACTEW. To present the idea that ACTEW is simply a government business enterprise and is only on about business is to cloud the issue entirely. It certainly is not the case. The real role of ACTEW is to provide services in a monopolistic way to the people of Canberra. There is some competition from natural gas, but it is minimal competition. In fact, from an environmental perspective, ACTEW ought to back off and give free rein to natural gas, which is a much more environmentally friendly way of heating houses and cooking than is electricity.

Mr Connolly: Burning hydrocarbons as opposed to using hydro-electricity is more environmentally sound?

MR MOORE: Mr Connolly raises the question of hydrocarbons. We could debate this at length, but of course the vast majority of electricity produced in Australia comes from coal. At the moment we get, and for a short while will continue to get, much of our electricity from the Snowy Mountains scheme. But, as you know, with the new grid, that will not necessarily continue. I agree that there is some competition, but I think it is minimal.

Madam Speaker, in considering these arguments, it is incumbent upon us to ensure that we do our best to take care of stage one, the transfer of our public service, and then move to stage two, the public sector reforms. Madam Speaker, the Bill is particularly complicated. We have to deal with a series of amendments. I hope that we have adequate time to deal with them, but I believe that there is inadequate time to deal with them and meet 1 July as the appropriate time for transferring the public service.

It may well require yet another day of sitting in the next week or two. I think that would be quite appropriate. It is important for us, Madam Speaker, to remember that perceptions in this area are almost as important as reality, and it is important that we ensure that those perceptions are conducive to retaining the highest possible level of morale in the public service. I will be working to assist in the achievement of that.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (9.18): First of all, may I thank Mr Moore for his comments. Indeed, I take great heart from a number of those, Mr Moore, that indeed we will be able to meet the 1 July start date for a Territory public service. Secondly, Madam Speaker, I too welcome the recommendation in the committee's report that talks about the establishment of an ongoing committee of this Assembly to review the operations of the ACT Government Service.

Mr Kaine: Accept the recommendations of the last one and I will believe you.

MR LAMONT: I believe, Mr Kaine, that discussions I had with you on this matter - and I was fortunate enough to be a backbencher and contribute to the committee process - and discussions that I had with Mr De Domenico and Ms Szuty indicated that it is the role of this Assembly, as indeed it is the role of government, to ensure that, as far as possible, we show that we can keep abreast of change that is occurring within our own service and help to initiate such change.

I believe that that recommendation will allow for the Assembly, quite properly, to review the operations of the ACT public service over time. I do not believe that that group should be a select committee. I believe it appropriate to consider its establishment as a standing committee of the Assembly to enable the matters to be continually reviewed. The whole thrust of micro-economic reform is that it is a continuing process. For the Assembly to establish a committee to oversight such a procedure would demonstrate quite clearly that there is another level of accountability within our administration.

The Chief Minister has made a number of comments in relation to the establishment of the Legal Aid Commission and the basis upon which we see it going forward, and I do not wish to add anything to those comments. There have been discussions with the DPP's office about ensuring that the staff of the DPP maintain the access and entitlements that they currently have. I think that that is essential. It is appropriate to bear that situation in mind, Mr Moore, as it is appropriate to bear in mind the undertakings that have been given by government. You spoke at some length about the discussions with your Commonwealth counterparts, the Democrats, and the Liberals about changing the Commonwealth legislation to allow in part for tier one rights to be maintained. That is basically what I understand you are proposing, from what I have seen of those amendments.

14 June 1994

I have no difficulty with that personally, but it is quite clear from this Government's position that we want to go further. We want to create a right that currently is not enjoyed by approximately 14,000 of our employees. That is a right to transfer, on merit, to the Commonwealth service. We want to maintain that right forever for the other 9,000 of our employees who currently have that right. Not only do we wish to maintain the mobility that currently exists; we want to improve it.

Mr Kaine: You should watch it, Michael. They are actually reforming things at the same time.

MR LAMONT: Mr Kaine, I appreciate that you may understand what that means. I am not sure that some of your colleagues do, but I am prepared to stay on my feet until even they understand it.

Mr Kaine: I just want Mr Moore to understand what that means.

MR LAMONT: Mr Moore understands what it means. Obviously, from his dissertation tonight, he understands far more comprehensively what this Bill actually means than does anybody on the other side of the house - certainly as demonstrated by anything that they have said so far.

Mr Moore: Flattery gets you everywhere.

MR LAMONT: No, this is not one of those occasions to flatter you, Mr Moore. What we are about is securing the existing entitlements of ACT government employees and enhancing them. I believe that that is a proper position for us, as a responsible employer, to take.

It also means that in the ACT people in the ACT public service will be able to apply for jobs in the Commonwealth and Commonwealth people will be able to apply for jobs in the ACT public service and be considered on merit. Such a cross-fertilisation in a city such as ours is essential. It is essential to ensure that we keep abreast of change. In fact, the Commonwealth can draw upon the great body of expertise that exists in service delivery here within the ACT Government Service. Above all, it is essential that we be able to provide to all of our employees, irrespective of where they are employed, the opportunity for career advancement and promotion and for professional development. That is the essential position that, I believe, underpins the Government's commitment to the trade unions and to the employing agencies within the body of this legislation.

It is interesting to note that over the last few days bans have been imposed by a professional organisation with members in ACTEW. I suppose that at the end of the day it has to be accepted that we have addressed one by one the conditional issues that that organisation has raised. However, it has been quite clearly said that there are some philosophical issues that they yet wish to have addressed. They raised a number of those before the Public Service Select Committee. They have raised some of those in direct correspondence to me and to the Chief Minister.

I am in the position, Madam Speaker, of being able to indicate that, following discussions with that organisation commencing at 6 o'clock and concluding at about 7.30 this evening, I believe that we have the basis for an agreement with that organisation to address their issues of concern. Their concerns are the same as ours - to allow ACTEW to be a flexible organisation, to enable it not only to respond to its social obligations as determined by the government of the day but also to compete commercially, as it wants to do, not only within the ACT but also nationally and internationally. That is something that the Government concurs with. It is a position that APESMA, the organisation representing the engineers, quite clearly wants to establish. The Government has indicated that we are prepared to consider the additional issues that were discussed tonight. As the Chief Minister said earlier on in discussions with APESMA, I certainly hope that before the determination of the detail stage of this Bill we are able to bring to this Assembly propositions which recognise the agreements that may be reached in that regard.

Obviously, our position will have some fluidity between now and when we reach that point. We do not intend to inflame the situation at all, and APESMA have indicated that they will not be reinstating the bans. I think that simple fact is some indication of the success of discussions as late as this evening. Despite the comments of Mr De Domenico, I do not take that as being in any way a sign of failure, for I had the fortunate experience - - -

Mr De Domenico: I did not say that at all.

MR LAMONT: Those same types of discussions have given rise to the amendments which have been put forward by the Government. We do not resile from that. We do not resile from the fact that, during discussions, during consultation, during negotiation, we have said, "Okay. You have raised a point. We will address it". Where that has meant that we needed to bring forward an amendment we have not resiled from doing so, nor should we have. It would have been irresponsible of us in proceeding with this Bill to have had such comprehensive discussions, only to say, "Go away. We are not going to amend our Bill. We are not going to take into account any of the issues you raised". For you to stand up here and suggest that it is some sign of weakness or a fundamental flaw in the Bill for us to agree with those types of amendments is poppycock, Mr De Domenico, and a failure on your part to recognise the simple fact that we are prepared to consult, that we are prepared to concede on points and that we wish to make this a working Bill. That is the position that we have arrived at on this side of the house, and obviously Mr Moore has adopted the same view. We believe that we will work inexorably towards a point where we deal with each of the issues as it is necessary to deal with them.

I was saying earlier on that, unlike Mr De Domenico, I had the fortunate experience in the 1970s to be involved with the separation of the Northern Territory Public Service from the Commonwealth Public Service from the perspective of a trade union official. I was then the secretary of the Australian Public Service Association, representing division officers in the ACT, and a member of the national council of that organisation.

14 June 1994

Along with what was then ACOA, I was involved in cross-union and cross-government negotiations to secure the separation of that service. As Mr De Domenico will recall, when we were in the Northern Territory having a look at their public service, great concern was expressed by the staff of the Northern Territory, both those who had continued as employees from the 1970s and those who had been recruited into the service, about all of the different levels of entitlements and conditions. There were clear indications that great concern or great angst was being caused by one employee to another because of the myriad of different conditions which needed to be addressed. From the bureaucratic point of view, it was cumbersome.

Mr De Domenico, we have said that in our legislation we are not prepared to repeat the mistakes of the past, such as those that were made in the separation of the Northern Territory Public Service. We have taken on board the paramount questions to ensure that on day one no employees of the ACT Government Service are disadvantaged vis-a-vis their entitlements on the last day of the existence of the old service. That is what we have achieved.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the negative.

PUBLIC SECTOR MANAGEMENT BILL 1994

[COGNATE REPORT AND BILL:

ESTABLISHMENT OF AN A.C.T. PUBLIC SERVICE -
SELECT COMMITTEE - REPORT
PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 1994]

Debate resumed.

MR LAMONT: Madam Speaker, on day one we will have a public service that has the proper legislative base. On day one we will have within our public service provisions which will guarantee that we treat our employees singularly across the service and that we provide them with similarity and consistency of employment opportunity into the future so that we do not end up, as the Northern Territory Public Service has, with a hotchpotch of employment practices, administrative nightmares and, quite frankly, inefficiency.

That was acknowledged by the Northern Territory Public Service. It was also acknowledged that some 14 years after the establishment of their own public service they believe that they are just now starting to get it right. Fourteen years after separation from the Commonwealth, they are now saying, "We think we are starting to get it right". That is not the position that will apply under this Bill. Micro-economic reform, as Mr Moore has quite properly suggested, should continue beyond day one. This Government is committed to establishing a proper basis for employment of its employees. It is establishing a proper basis for administration of this Territory by this Government.

I suggest to you, Madam Speaker, that it ill becomes the Liberals to stand up here and say, "Oh, well, we do not quite know what we mean; but this is bad law. We think it is a bad Bill". That is the sum total of the Leader of the Opposition's critique. When pushed about this by the media yesterday, she said, "We think this is a bad Bill". We heard no further discussion, no further debate. She could not point to an argument. This is the same Leader of the Opposition who did not even know what a section 50 transfer was. She thought it was some sort of financial transaction from the Liberal 250 club. As somebody who puts herself up as the alternative Chief Minister in the Territory, she does not understand fundamental issues of public administration. Mr Kaine, you would not have made that mistake. There lies the difference on that side of the house.

Debate (on motion by Mrs Grassby) adjourned.

ADJOURNMENT

Motion (by Mr Berry) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 9.33 pm