



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 16 September 1998

PUBLIC SERVICE AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (2.30 p.m.): In response to the Public Service Amendment Bill it is important that I indicate to the House that I am advised by the Clerk that this is one of the first times that an Opposition member's Bill has been debated this way in Parliament. I might make the point that this is part of the new open and accountable Parliament that we promised. It is important that it is acknowledged during this debate that the commitment I gave prior to the election for private members' Bills to be debated is being fulfilled. It is in prime time; it is not in the wee hours of the morning.

Let me move to the substance of the Bill. In my view, this private member's Bill is nothing more than a politically motivated stunt. The fact is that in his Bill the Leader of the Opposition is opposing a clause which every State in Australia uses in its contracts with directors-general. His attack is not based on sound, long-term principles. It is not based on the long-term improvement of Queensland. It is not based on the need for Queensland to fall in line with other States. It is not even based on Queensland finding an innovation which other States will follow. It is based only on short-term political gain for the Leader of the Opposition. It is a spoiler role.

It will put Queensland at a huge disadvantage in trying to attract the best administrators because, while every other State will be able to offer a five-year contract, we will be able to offer only three. What everyone has to appreciate is that directors-general of each one of these Government departments run billion-dollar budgets. What we need is the best people in the land to head those departments because, while ministerial responsibility is important and ministerial responsibility is where the buck stops, the day-to-day administration on direction from the Minister is carried out by the director-general. If we do not get the best, we do a great disservice to the people of Queensland and we do a great disservice to service provision in this State.

I ask all members of this Parliament to think very carefully before they vote on this Bill. I am not talking about doing something in this Bill that is exceptional, I am talking about bringing Queensland in line with the other States. I will come back to this a bit later but I might say that the five-year term in these contracts is provided for in legislation introduced by the Leader of the Opposition. What the Leader of the Opposition is doing is amending his own legislation. In other words, it was good enough to have it in Government but it is not good enough in Opposition.

The plan by the Leader of the Opposition is to take a level playing field and turn it so that Queensland is playing uphill and into the wind against the rest of Australia. Let us be very clear about this: this Bill is anti-Queensland. It is against the State's interests.

Inquiries made by the Office of the Public Service of all other public service jurisdictions within Australia have shown that a five-year contract is the norm for CEO contractual terms of employment. I invite honourable members to think about this for a minute. If we are competing for the best person in Australia to run, say, the Health Department or the Education Department we are going to find that the other Australian States will be more attractive to work for than Queensland because the other Australian States will be able to offer a longer term contract—five years—as opposed to the term of the contract which is proposed in this legislation.

This is not about politics; it is about good administration. If we want the best we have to be able to compete with the other Australian States. This Bill puts us in a position where we have one hand tied behind our backs. These five-year contracts are not just a sudden fad which will soon change. This has been the accepted, sensible and logical standard since the arrival of contract-based employment for CEOs about 20 years ago. This standard is not something recent.

The rationale for the use of five-year terms for CEO appointments is as follows. The first point is that they put Queensland on the same footing as all other public service jurisdictions. In other words, we can compete to get the best to run our departments. The second point is that they advance the public interest by allowing more strategic and longer term planning and visioning for public administration beyond the three-year term of office of a Government. Let us be very clear about this. Quite often Governments do not go three years. In fact, rarely do Governments go three years. What the Leader of the Opposition is doing is limiting the contract to less than three years, making us less competitive with the rest of Australia to attract the best. Thirdly, five-year contracts improve Queensland's ability to attract and retain high-quality CEOs from other jurisdictions and organisations in both the public and the private sector.

Let us not forget that the Leader of the Opposition is the very same person who introduced the Public Service Act in late 1996—the very Act which he now seeks to amend only two years later. The law that allows five-year contracts was introduced into this Parliament by the former Premier, the now Leader of the Opposition.

Let me discuss the Public Service Act which was introduced by the now Leader of the Opposition in 1996. That Bill introduced by the member for Surfers Paradise was so flawed that it attracted enormous criticism and debate. Some members will recall that debate. That original 1996 Bill gave the member for Surfers Paradise carte blanche to sack independent office holders such as the Director of Public Prosecutions and allowed the Government to place public servants on contract with no minimum wages or leave entitlements. That 1996 Bill allowed a misconduct tribunal to be instantly sacked with a click of the fingers.

More than 200 independent commissioners, tribunals and statutory boards were placed in this untenable position. Led by the Labor Opposition and the media, there was a huge outcry against the member for Surfers Paradise and his disgraceful Bill. The Criminal Justice Commission earned his wrath by pointing out that the Bill involved "some grave risks for the criminal justice system". The Australian Council of Trade Unions pointed out that not only was the Bill full of flaws but that no union or public sector employee had sight of the Bill until it was tabled in Parliament.

The Queensland Bar Association joined in the fray. The parliamentary counsel, who was directed to draft the legislation, was so unhappy with it that he resigned. The Director of Public Prosecutions was so unhappy with the legislation that he took the unusual step of going public about his dissatisfaction. The former National Crime Authority head, Tom Sherman, was unhappy with the legislation because, he said, it had a lack of rationality. The Council for Civil Liberties national president, Terry O'Gorman, said categorically that the legislation would open the door for the return of corruption.

The result was that the member for Surfers Paradise, the then Premier, was forced into yet another backdown to take the Bill back to the drawing board. So the coalition had a further month in which to hone the Bill and iron out each and every one of the faults. The pertinent point is that no-one complained about the fact that directors-general could be appointed for up to five years. So what we had was a comprehensive public debate about that 1996 Public Service Bill, but nowhere in that debate was there criticism of the fact that directors-general could be appointed for up to five years. No-one raised any concerns about that. Despite having an extra month in which to go through the Bill with a fine toothcomb, the coalition deliberately retained the clause giving directors-general terms of up to five years. Other clauses were changed; this one survived. Why? Because terms of up to five years made sense then in the mind of the Leader of the Opposition, the then Premier! And if they made sense then, they make sense now. I repeat: the five-year contracts that I have signed with most of the directors-general have been done on the basis of this Act, which was put in place through this Parliament by the then Premier, the now Leader of the Opposition.

If the motivation for this private member's Bill were sincere, the policy that the Opposition is now endeavouring to introduce would already have been included in the legislation. Why was this not done when the then Premier, the now Leader of the Opposition, was running this State with his party? That is a very good question. Why is it that the Leader of the Opposition has had this sudden change of heart? Why is it that the policy about which the Opposition feels so strongly that it would introduce a private member's Bill is not already promulgated as part of the Public Service Act? It is because the Leader of the Opposition is playing politics, and he is seeking to destabilise the Government—a Government that legitimately went to the people with this election commitment. Let us be very clear about this. I went to the people of Queensland with this commitment. It is not a surprise. We have a mandate for it. I will come to the detail of that in a minute. I went to the people with this clear election commitment.

Let me move on. Members will recall that I made a ministerial statement to this House on 5 August highlighting the approach of this Government to the management of the Public Service. During that statement, I made the point that I wanted to see the development of a more mature, bipartisan approach to senior managers of the Queensland Public Service. This is a very crucial point to the legitimacy of what I am doing. I urge this House to consider a shared understanding and a longer term view with respect to public interest, instead of partisan interests with their short-term political approach. In other words, let us have a new culture in terms of Government and the Public Service. Let us stop sacking people as soon as Governments change. Let us develop a culture of merit and a culture of excellence in the Public Service. Yet at the first available opportunity, the Leader of the Opposition comes in here and adopts a partisan, political and adversarial approach which not even he could see the merits of when he resided on this side of the Chamber in the chair which I now occupy. He is asking this House to pass an amendment which will automatically terminate the appointment of any chief executive made after 26 June this year on the day upon which any person is sworn in as Premier after a general election. In other words, what he wants to do is retrospectively change the contracts of all the directors-general that I have issued. That is what this is about. I will come back to the detail in a minute.

If this Government continues to perform in the way in which it has done in its first 12 weeks and I am sworn in as Premier after the next general election, the contracts of all chief executives appointed by my Government during the current term are still automatically terminated. Members would be aware that chief executive contracts of employment have always contained provisions whereby either party may give notice terminating the employment by the giving of one month's notice. Such a provision should remain in chief executives' contracts. If any future Government, for whatever reason, forms an opinion that it cannot work with a particular chief executive, there remains a mechanism with appropriate checks and balances to protect the interests of both the individual executive and the Government. That is fair. This is how the issue is dealt with in both the private sector and the public sector, but the Leader of the Opposition wants to revert to the draconian powers of his original, flawed Bill to give the Government complete power over the professionals it hires to manage Government agencies. As I stated before, I would have hoped that we might have reached a stage of maturity whereby such terminations by the Crown, based purely on arbitrary whims or perceived political beliefs, were a thing of the past. However, there need to be mechanisms in contracts which allow termination by either party for any number of other reasons and to provide appropriate balance by including a scale of codified severance benefits which protect the interests of both parties to the contract.

Let me put this issue in perspective. It has been stated Labor Party policy for some time that chief executives of Government departments under a Beattie Labor Government would be appointed for five years. This is not a policy that has developed since we came to office—quite unlike the opportunistic change in policy position now being adopted by the Leader of the Opposition since his removal from office. One of the earliest policy documents in this regard was in Labor's New Directions statement titled A Policy Framework for the Queensland Public Service released in April 1997. I say to all members of the House: I released our policy titled A Policy Framework for the Queensland Public Service in 1997. The election was not held until 13 June 1998. To me, that is more than adequate notice of the policy of the incoming Government—a policy that was available in the public arena for full scrutiny over a year before the election and was subject to debate in the lead-up to the election campaign. I went into the election this year promising five-year contracts, because I believe that they are necessary for good government. I say to all honourable members: surely a party that receives a mandate for an election commitment should be entitled, on matters such as this, to be able to deliver that election commitment if it has received a mandate to govern.

For the record, I still remind honourable members of some other points that I made in the ministerial statement to which I referred earlier. Shorter term contracts destroy the concept of a career Public Service. They inevitably politicise the senior Public Service. Top professional nonpartisan executives will not be attracted to a State which changes its senior managers whenever the political wind changes; we would end up with second-rate people running the departments, which would mean less service to people across the State. I say to all those people in regional Queensland: if you want good services, you have to have good DGs. If you get second-best, you will get second-best services.

This policy accords fully with the provisions of the Public Service Act 1996, as introduced by the Borbidge/Sheldon Government, namely section 53(4)(a), which allows for chief executive appointments for up to five years. This is a section that the Leader of the Opposition would have us believe should now be amended to reflect his new-found opportunistic political philosophy. This Parliament has an opportunity to draw a line in the sand. It has an opportunity to say that enough is enough on the politicisation of senior public servants' positions.

Prior to the last election, I received a delegation from a number of significant Queensland businesspeople who came to talk to me about the Queensland Public Service. They were concerned that there would be more bloodshed after the election campaign. I indicated to them that, firstly, that was not my intention. Secondly, I indicated to them that I was about developing a new culture. I talked

about the need for five-year terms. I talked about the need for getting the best. I talked about the need for establishing a Public Service so that we got the hands of politics out of it, so that we got the sort of Public Service that could serve this community. That is what the business community wanted. I thought that there was going to be some bipartisan commitment to that view.

It is important that we do not make the same mistakes of the past. Let us not return to the uncertainty and the political bludgeoning. It does not matter which side of politics did what in the past; surely we can start again to get a better Public Service arrangement. Let us return some certainty to the appointment of chief executives. Let us develop this new culture in the Public Service. How else will we attract professional, bipartisan career public servants?

The Bill also deserves to be rejected because it breaches fundamental legislative principles, as pointed out by the Scrutiny of Legislation Committee's Alert Digest of 25 August. Members who have an open mind should read that digest, because, firstly, this Bill undermines the terms and conditions of existing and soon-to-be-appointed chief executives. If the Leader of the Opposition has his way, contracts are to be overridden by Parliament. This is very dangerous territory.

Secondly, the Bill has retrospective application to cover any appointment made since my Government came to office on 26 June 1998. Again, the retrospective element of the Bill shows that it is based on a vindictive political approach that has nothing to do with good government or the long-term interests of this State. Thirdly, the Bill is so obscurely drafted that the rights and liberties of the affected parties to the contract are quite uncertain. In conclusion, this Bill is a piece of opportunism masquerading as some sort of principle. This House should reject the Bill in its entirety. It is ill conceived, hasty and motivated by a vindictive form of politics that we are trying very hard to put behind us. If the member for Surfers Paradise continues to attack Queensland's best interests in this way, he will not be holding his current position at the end of three years. What he is doing today is not in the interests of the State.

As I said before, the Public Service Amendment Bill has been the subject of an assessment by the Scrutiny of Legislation Committee on 25 August 1998. The Alert Digest states—

"The committee recommends that the Leader of the Opposition amend the bill so as to remove its retrospective component."

The Leader of the Opposition has an obligation to explain to the people of Queensland why he wants this Bill to be retrospective to 26 June, the date the full Government was sworn in. Why does he want that to be the case? One of the committees of this Parliament has said the operation of the legislation should not be retrospective. The bottom line is that, on behalf of my Government, I have signed a significant number of contracts. All the possible contracts for directors-general have already been signed. Some jobs have been advertised promising five-year contracts, which is the norm. Why does the legislation need to be retrospective? Any Premier in my position would have moved as quickly as he or she possibly could to make certain that the Public Service was in place. The former Premier and Leader of the Opposition did the same thing. I have done the same thing, with a term provided for five years in accordance with the legislation that the member for Surfers Paradise introduced when he was Premier. To introduce a private member's Bill in the way that this has been done is designed to be mischievous. I will say that again: this is designed to be mischievous. It is designed to undermine stable government. Anyone who votes for this Bill is voting for instability. They will be trying to undermine a sound principle that my Government has pursued.

In recommendation 5.20 of the Alert Digest, the Scrutiny of Legislation Committee also states—

"The committee requests that the Leader of the Opposition consider clarifying the range of situations to which the bill is intended to apply."

There is a significant degree of uncertainty. Recommendations 5.25, 5.26 and 5.27 state—

"The absence of explanatory notes can render the committee's task of scrutinising bills more difficult.

Accordingly, the committee again draws to the attention of Parliament to the desirability of statutory amendments along the lines of those previously proposed, extending the obligation to produce explanatory notes to all bills.

The issue of the provision of facilities for the drafting of such explanatory notes in relation to private members' bills would of course also need to be addressed."

My interpretation of those statements is that this legislation was put together in indecent haste to bring about a political objective and not an objective in the interests of Queensland.

Let us consider what happened. When we took over, there were a number of contracts that had expired. As a result of the expiration of those contracts, I have issued a number of new contracts. Under my Government, there was no witch-hunt of the Public Service. In rough terms, we retain one third of the CEOs. For example, Tom Fenwick remains; Bruce Wilson remains; Dr Robert Stable

remains; Jim O'Sullivan remains; Ron Boyle remains; David Williams, who came from the Queensland Events Corporation, remains; Kevin Yearbury, a director-general appointed under the previous Government by the then Premier, has been retained in his position. Almost one third of the CEO positions were retained. We retained people of whom we had some criticism. Did Wendy Armstrong get the sack? No, she did not. Wendy Armstrong has a job in my Government, because I am not about being vindictive. Did Meredith Jackson get the sack? No, Meredith Jackson did not get the sack. I have maintained those people in the Public Service and allowed them to make a contribution. In terms of those individuals, there was absolutely no vindictiveness from my Government.

Through this legislation the Leader of the Opposition is pursuing a spoiler role. Let us consider some of the details of the legislation. The Leader of the Opposition's Bill proposes to limit contracts for departmental chief executives to the term of office of a Premier. All chief executive contracts would be deemed to expire following a general election. The second-reading speech also states an intention to reduce compensation for termination of contracts, but it is silent on how compensation would be reduced. How can members possibly vote on a Bill when it is silent on a key issue like that? That indicates that this is a sloppy piece of drafting and a sloppy Bill that should be withdrawn.

Let us consider the legal aspects. There are two breaches of fundamental legislative principles relating to retrospectivity. Amendments are to apply from 26 June 1998. An inconsistency with natural justice excludes current show-cause provisions for the executive. These elements are core to the proposal and cannot be amended without changing the Bill's intent. As to the policy on CEO contracts—the intent of the Bill is inconsistent with the Government's stated policy as expressed and outlined in the policy document of April 1997 and as expressed by me to Parliament on 5 August where five-year chief executive contracts were specifically addressed and supported. It is also the policy of all other States and the Commonwealth.

Financially, the perceived impact of the Bill is to reduce payments resulting from termination payouts. Those savings are not easily identified, as much depends on when elections occur and how many terms have been served. Treasury research shows that the impact of executive turnover on an organisation is up to 1.4 times the annual salary. More regular turnover of chief executives therefore leads to higher indirect costs. Good financial and staff management leans towards reducing turnover. From a reverse view, adequate compensation provisions for the early termination of contracts may also be seen as initial incentive, therefore useful in attracting adequate staff.

The key issue in opposing this Bill is that it legitimates political appointments. Let us be clear: this Bill is all about politicising the Public Service. This will undermine the ability to attract and hold high-quality executives, to maintain the professional impartiality of the Public Service and to ensure that strong leadership is provided in the medium and long term. Queensland is better served by able administrators than by political appointees or political hacks. The Public Service wants stability and certainty. This Bill encourages turnover of senior management and instability. It assumes an adversarial approach to governing instead of trying to develop a shared bipartisan approach to better government.

A little earlier when I was talking about contracts being terminated or contracts expiring when Labor took Government, the Leader of the Opposition interjected. As I have said in this House on a previous occasion, the Leader of the Opposition, the then Premier, came to office in extraordinary circumstances. He came to office by virtue of a by-election part-way through the term of a Government elected in July 1995 and the subsequent decision by the honourable member for Gladstone to support the coalition. Had the Goss Government not lost that by-election in February 1996, there would not have been a change of Government. That is not arguable. As a result of the fact that after seven months of the Goss Government a new Government was formed, a number of contracts were issued by the then Premier. Not all of them were for the term of the Government; the Premier had inherited some contracts and I understand that some were of a different nature—the Leader of the Opposition can explain that to the Parliament. However, those contracts were largely for the term of that Government. Why? Because of the extraordinary circumstance of the change of Government part-way through a term of Government.

That is a scenario totally different from a newly elected Government, which is the Labor Government, having the right to appoint public servants for the duration of a period that it deems appropriate under a piece of legislation introduced by the former Government. They are totally different circumstances, and anyone who argues differently is simply pursuing a political argument for mischievous reasons. It is simply an unarguable fact.

The issue is very clear: the Labor Party, the party that I lead, went to the electorate with a clear commitment. It sought a mandate from the community on a number of matters. One of them was our reforms of the Public Service. Nobody can say that they were surprised or that they did not know about that. No-one can say that that was not a mandate from the people of Queensland. Firstly, we have a mandate for these five-year contracts. Secondly, the five-year contracts were provided for in a piece of legislation introduced by the Leader of the Opposition when he was the Premier. If it is good enough for the Leader of the Opposition to put that in his legislation, why is it not good enough for this

Government to implement it? If the then Premier did not think that was worth while, why did he have it in his legislation? Why did his legislation allow for five-year contracts? Because when he was Premier he accepted that there is merit in having five-year contracts. These are the hurdles in this debate that the Leader of the Opposition cannot get over.

Mr Borbidge: We didn't appoint one CEO on a five-year contract.

Mr BEATTIE: Yes, and I explained a little earlier why—because of the unusual circumstances by which the coalition came to power. However, the Leader of the Opposition has not answered the question: why did his legislation allow for five-year contracts? That was in his legislation.

Mr Borbidge interjected.

Mr BEATTIE: That does not matter. Why did the previous Government's legislation allow for five-year contracts?

Mr Borbidge interjected.

Mr BEATTIE: Then why have it in the legislation for five years?

Mr Borbidge: You supported it.

Mr BEATTIE: The Leader of the Opposition cannot answer that question, because he made it law.

Mr Borbidge: The practice was there.

Mr BEATTIE: That does not matter. It is the previous Government's law. If the Leader of the Opposition did not want five-year contracts, why did he put it in his legislation? Why did he make it the law?

Mr Borbidge: Because you argued that minority Governments should not appoint for five years.

Mr BEATTIE: The coalition came to office part-way through the term of the Goss Government. That is why the Leader of the Opposition, when he was Premier, was in a different position, and he knows it. The Leader of the Opposition has not been able to answer the question. If there is something so offensive about having five-year terms which through this Bill he argues that there is, why did he put it in his own Bill? All those members who are thinking about how to vote on this matter should ask themselves that question. If what I did by giving directors-general five-year contracts was so terrible, why did the Leader of the Opposition and then Premier provide for that in his law? I am doing this under his law. This is not my law; this is the law of Mr Borbidge, the Leader of the Opposition. How can he now say that the Bill that he introduced should be now amended so I cannot do what he legally said could be done? If members want to talk about hypocrisy, they would see that it does not get any better than that. I want to say this again, because it is a very relevant point: Labor received a mandate from the people of this State for these five-year contracts.

I have to say that I am appalled to find that the Leader of the Opposition wants to make this legislation retrospective. He wants to try to destabilise the Public Service. It is not unreasonable for me to do what I have done. I went to the people with the commitment. As I said to members, the commitment was out in the community for 14 months or 15 months before the election. As soon as the election was over, as it is the prerogative of the Premier, and as the former Premier did, we went through the process of appointing directors-general, which we had to do because people's contracts had expired. I went through that five-year contract process. It is absolutely transparent.

So why should a Government have to go into a Parliament and defend itself against a destabilisation by the Opposition, which is playing a spoiler role? There is no moral, legal, ethical or other justification for what the Leader of the Opposition is doing. Let the record show clearly that it does not matter how the Leader of the Opposition tries to paint this——

Mr Schwarten: Dress this up.

Mr BEATTIE: It does not matter how the Leader of the Opposition tries to dress this up, the bottom line is that we had a mandate and, in accordance with that mandate, I have signed five-year contracts. So what is this about? This is not only about playing politics but also about trying to destabilise a legitimately elected Government.

One of the key roles in the public sector is a director-general and one of the key roles that any Premier or any Government plays is to get the Public Service operating, which I have done. All members need to have in their minds very clearly—and indeed if this Bill is passed, on their consciences—that we have signed contracts. I will say that again because I want everyone in this House to know this, as it is my style to be transparent and open. We have signed contracts with each one of the directors-general whom we have appointed. In other words, this legislation, by being retrospective, would destabilise the Public Service. That will affect all service delivery. These people have taken appointments at my invitation based on a public mandate that I was given by the people of this State. This legislation simply destabilises the Public Service. It affects the good running and good

government of this State. It should be very clear in the minds of all members that any member who votes for this legislation is voting for instability, is voting for uncertainty and is voting for a contribution to instability at a time when we need leadership and we need stability.

As the Premier of this State, I am saying that it is not unreasonable to ask this Parliament to give my Government stability and certainty and be supported on a matter relating to contracts of directors-general so that my directors-general and my Ministers can get on with the job. If this Bill is passed today, it will cause uncertainty and instability and will affect the ability of those directors-general to get on with their jobs because a contract that they entered into in good faith, which I signed in good faith, is now being partly torn up. Why would not some of these people be upset?

I ask the Leader of the Opposition: if he had had problems with my five-year term proposal, why did he not raise it during the election campaign? We were on a public platform where we debated issues. The Leader of the Opposition and I travelled the length and breadth of this State. We met each other in weird and wonderful places. The Leader of the Opposition and I campaigned very hard.

An honourable member interjected.

Mr BEATTIE: No, I pay tribute to the Leader of the Opposition. He campaigned very hard. We both did. We both ran a very effective, hardworking campaign and he was a very formidable opponent. Today, I acknowledge that on the public record.

The Leader of the Opposition knows as well as I do that during that robust campaign he and I raised every possible issue—we thought of some, others thought of a few and from time to time we had to throw in a few out of left field—but not once did the Leader of the Opposition raise the issue of five-year terms. It could not have been on top of my list. Why did the Leader of the Opposition not initiate a public debate about this? I started the public debate. I released it publicly. I do not remember the extent of the media coverage of it, but it was significant in terms of an issue like this, which is never going to be front-page news. If I recall correctly, it appeared in the Courier-Mail and it was widely debated in the public sector itself.

In conclusion, I shall go through the key points—

1. It has been stated Labor Party policy for some time that chief executives of departments under my Government would be appointed for five years. That policy position has been restated frequently.

2. One of the earliest policy statements in this regard was at page 1 of the New Directions statement policy framework for the Queensland Public Service. That document was released in April 1997. That is transparent and open—no surprises there.

3. This arrangement accords fully with the provisions of the Public Service Act 1996, which was introduced by the Borbidge/Sheldon coalition Government. Section 53(4)(a) of the Public Service Act provides that the contract between the chief executive and the Premier must "state a term of appointment of not longer than five years." Those are the actual words of the Act of the Leader of the Opposition, Mr Borbidge.

4. The decision by the previous Premier to offer shorter term appointments to some of his Government's CEO's was a discretionary matter within the scope of the legislation and came about because of the political circumstances of the time, that is, the Government had come in six and a half or seven months after the general election.

5. Inquiries made by the Office of the Public Service of all other public sector jurisdictions within Australia have shown that a five-year term is the norm for CEO contractual terms of appointment. Moreover, this has been the norm since the advent of contract-based employment of CEOs some 20 years ago.

Again I will dwell on that. I cannot understand why the Leader of the Opposition wants to put us at a disadvantage. He knows that the Commonwealth and all the other States have five-year terms. Queensland will not be able to attract the best. It does not matter who we are talking about: we cannot attract the best if all we can offer—

Mr Borbidge: You didn't advertise it.

Mr BEATTIE: Does the honourable member not read the paper? We are advertising right now. In my ministerial statement I explained to the Leader of the Opposition that those who had been—

Mr Borbidge: You have signed contracts.

Mr BEATTIE: That is right. I have appointed a number. As I explained in my ministerial statement, those who had previously been appointed on merit selection were eligible for appointment again, and I appointed them.

Mr Borbidge: Without advertising.

Mr BEATTIE: Because they had previously gone through that system and they were appointed under merit selection.

Mr Borbidge: Three years ago.

Mr BEATTIE: That is right. Positions were advertised where a merit selection process had not occurred and that is happening now.

Mr Borbidge: It is a roort.

Mr BEATTIE: Nonsense. I repeat that in this country five-year contracts have been the norm for 20 years. I shall continue—

6. The rationale for adopting the use of five-year terms for CEO appointments is: it puts Queensland on the same footing as all other public sector jurisdictions; it advances the public interest by allowing more strategic and longer term planning and visioning for public administration beyond the three-year term of office of a Government; and it improves Queensland's ability to attract and retain high-quality CEOs from other jurisdictions, both public and private.

I think that the case for opposing this Bill is overwhelming, it is strong, it is forceful and it is honest. I say to all members of Parliament that if they support the Bill of the Leader of the Opposition, they support turning back the clock to the past. They support a piece of legislation that is anti-Queensland and that will mean that we are denied the best possible people to run our Government departments. That is what this Bill means.

If what I am doing is such a terrible thing, why does every other State in Australia do it regardless of their political persuasions? Why do Jeff Kennett and Dean Brown do it? Why does the Leader of the Opposition's mate from Western Australia do it? Why do the other Australian States do this and yet, for some reason, the Leader of the Opposition thinks it is wrong? This is not a party political thing. Not only the Labor Party does this; as I understand it, it is what John Howard does. What is wrong with John Howard? He is a mate of the Leader of the Opposition.

Mr Schwarten: Plenty wrong with him.

Mr BEATTIE: There is plenty wrong with John Howard, but on this issue what is wrong with him? The Leader of the Opposition supports him and wants him to continue to be Prime Minister, yet John Howard agrees with me. This is extraordinary. The Liberal Premier of Western Australia agrees with me, the Liberal Premier of South Australia agrees with me, the Liberal Premier of Victoria agrees with me and the Liberal Prime Minister of Australia agrees with me. We want to be a bit careful about which side we are on. However, I must say that Bob Carr, the Premier of New South Wales, and Jim Bacon, the Premier of Tasmania, also agree with me.

This is not about my side of the Parliament playing party politics. This is about good government, good management and getting the best to deliver the best to all parts of the State. Yet all that the Leader of the Opposition does is to play a spoiler role because he sees this as a means of trying to undermine the Government and create instability. He knows that every one of the directors-general that I have signed contracts with will feel unhappy if this Parliament limits their terms to the term of the Parliament instead of five years, as stated in the contracts that I have signed. It is mischievous. It is not about good government or the Opposition working with the Government to try to give us good government and good administration.

Mr Schwarten: It is undermining the Government.

Mr BEATTIE: It is about undermining and destabilising; it is about very base politics.

Mr Schwarten: The people are sick of it.

Mr BEATTIE: The people of Queensland and indeed, I suspect, the people of Australia are sick of it. They want politicians to lead. They want them to find the high ground. I would have thought that the Leader of the Opposition and I could have worked together to develop a new culture in the Public Service to promote excellence and merit selection, as opposed to denigrating political exercises.

Mr Borbidge: No selection. You signed contracts without selection.

Mr BEATTIE: No, I have explained all that. It has been done on merit selection. The Leader of the Opposition understands that.

It is funny: in the years of the Goss Government when I was the Minister for Health, I appointed one director-general, Dr Robert Stable. Who did the coalition Government keep? Dr Robert Stable.

Mr Sullivan: And who did you pick again?

Mr BEATTIE: Yes, we kept him. And why? Because he is a professional and he got there on merit. That is the calibre of the people whom I appoint. The former Government kept the only DG I appointed because he is very good. In my view, this is the sort of thing that will damage the Opposition,

and it should damage the Opposition because people are sick and tired of the politics and the pettiness. They are sick and tired of politicians trying to destroy stable Government, which is what the Opposition is attempting to do today. Let there be no doubt in the mind of anybody in this State: this is an attempt by the Opposition to destabilise my Government in the interests of politics, not in the interests of the people of Queensland.

I say to all members of this Parliament, whether they be National Party, Liberal Party, One Nation Party or Independents: a Government is entitled to govern, particularly when it has gone to the people and sought a mandate. All I seek is the opportunity to govern stably in the interests of the people of Queensland. With this legislation, the only way that that can be done is to defeat this piece of political nonsense.
