It is important for the Utilities Commission to be independent from the government with regard to those regulatory determinations that directly affect network users or individual contestable customers. New industry participants require an independent Utilities Commission to ensure that any regulation which may impact upon their competitive position is not subject to day-to-day political considerations. In addition, independence is required for the purpose of certification of the access regime under the *Trade Practices Act.*

This bill addresses the independence of the Utilities Commission by providing that the Utilities Commission is not to be subject to ministerial direction in the performance of its functions; and the Utilities Commissioner is to be appointed for a fixed term, and only subject to dismissal before the end of that term on account of misconduct or incapacity.

In addition, to ensure that the Utilities Commission is, and is seen to be, an effective regulator, it will be given the power to make orders requiring compliance with its pricing determinations. The commission will also be able to suspend or cancel the licence of an electricity industry participant where that participant is in breach of its licence conditions. This independence does not make the Utilities Commission unaccountable. The bill makes provision for certain decisions of the Utilities Commission to be reviewed at the request of an affected person and then, if necessary, to be appealed to the Supreme Court.

Mr Speaker, together these bills implement the government's proposed reforms to the Territory's electricity supply industry. I recognise that the bills contain some complex provisions. I am nevertheless confident that they will achieve the government's aim of ultimately reducing power costs in the Territory, while protecting taxpayers' investment in PAWA and providing a stable environment within which the private sector can operate.

I commend the bills to the Assembly.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL (Serial 207)

Bill presented and read a first time.

Mrs BRAHAM (Local Government): Mr Speaker, I move that the bill be now read a second time.

I take this opportunity to introduce the *Local Government Amendment Bill 1999* into the House. This amendment bill is intended to make a relatively minor change to the *Local Government Act.* Its purpose is to enable a dispute that may arise as a consequence of a community government council election to be heard before the Local Government Tribunal. At present this is not possible as the legislation directly has allowed only municipal council electoral disputes to be determined by the Local Government Tribunal. This situation was not an oversight in the legislation, rather there were no disputes until just recently, and if there had been they could have been heard before the local court anyway.

The Local Government Tribunal consists of one magistrate. The tribunal is empowered to hear a range of disputations that may arise within councils or between councils and their residents. Hearings before the tribunal may be less formal and they are not bound by strict legal procedure.

The Local Government Electoral Regulations govern municipal council elections but not community government council elections. Community government council elections are governed by their respective schemes or constitutions. The power for the tribunal to determine municipal council electoral disputes is contained in the electoral regulations at regulation 72A . It is proposed to delete this provision by subsequent amendments to those regulations. The provision will be transferred to the *Local Government Act* by the bill now before this House. The provision will be expanded to include community government council electoral disputes, and the amendment will also enable disputes to be heard according to procedures set out in the relevant provisions of the electoral regulations, namely Part VIIA thereof. While this is a minor amendment, it is necessary to have it included in the *Local Government Act* prior to the elections for all municipal councils in May 2000. I anticipate further changes to the act next year when recommendations arising from the local government reform and development agenda are finalised.

This bill will ensure clarity as to where and how an electoral dispute can be determined. It will also ensure equity and commonality between the 2 streams of local government in this particular regard.

Mr Speaker, I commend the bill to the honourable members for their consideration.

Debate adjourned.

AUSTRALASIA RAILWAY (SPECIAL PROVISIONS) BILL (Serial 209)

Continued from 24 November 1999.