LEGISLATIVE COUNCIL

Thursday 21 August 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

APHID TASK FORCE

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding aphids.

Leave granted.

The Hon. B. A. CHATTERTON: Last week, the Minister of Agriculture made an extraordinary attack on me in the form of a Ministerial statement, in which he claimed that I had attacked public servants for victimising former members of the Aphid Task Force. Of course, if the Minister had listened to the interview that I did on the *Country Hour* or read the question that I had asked in the Council, he would realise that I did not mention public servants at all. They had no motive whatsoever for victimising former members of the Aphid Task Force.

After all, it would be the Minister of Agriculture who had been found by former members of the Aphid Task Force to be fiddling the figures, and it was he who was embarrassed by their public statements. The Minister went on to say that it would be reprehensible and irresponsible of him to carry on the employment of nine task force members until further funds became available through various industry trust funds.

I have been informed that the task force was under-spent on its last year's budget and, far from it being reprehensible and irresponsible for the Minister to carry on the employment of these nine people, the money was available to the Minister within his department. In addition, the Minister himself told me in reply to a previous question that I had asked that part of the funds used by the task force came from the Commonwealth Government.

As there would have been a special purpose grant from the Commonwealth Government, those funds would naturally have to be returned to that Government if they were not used for the purpose for which they had been allocated. Will the Minister now say what funds were under-spent by the Aphid Task Force for 1979-80, and what proportion of those funds that were not spent came from Commonwealth sources?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

RESIDENTIAL RENEWAL

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Local Government a question regarding residential renewal in the inner-city area.

Leave granted.

The Hon. J. R. CORNWALL: My questions are prompted by the type of residential development that is occurring or is contemplated in the eastern part of the City of Adelaide. They also follow a report by Mr. Ray Polkinghorne in this morning's *Advertiser* about an outrageous circular that has been letter-boxed in North Adelaide. I think that I need say very little about that circular, which was quite outrageous. It suggested, of course, that in no circumstances should common people such as factory workers, people who may not be dressed in the Saville Row style or people who drive common Holdens or Falcons be allowed to live in North Adelaide.

Members interjecting:

The Hon. J. R. CORNWALL: It suggested that only "better people" should live there, and that it is much more pleasant to look upon Mercedes and Jaguar cars parked in the streets. Recently, I brought to the notice of this Council a particular development which is proposed for "Dimora", at 120 East Terrace, Adelaide. The proposal at "Dimora" has several serious deficiencies. I have previously outlined to the Council how it would destroy a significant part of the amenity and environment of the area, but there is also another serious planning disadvantage.

I understand that the proposed development will cost about $1 300 000. There is nothing at all in the current proposal that would make it an attractive one for families with children, even if they could afford the enormous up-market prices that the units will command. The proposed units would be occupied generally by single persons or childless couples. On my estimate, if the project proceeds as it is presently envisaged, it will cost between $50 000 and $60 000 for each person added to the city population, yet this is at a time when the Adelaide City Council is said to be trying to attract people back to live in the city. I realise that the house and land have outstanding real estate value. However, it is important and significant that it is owned by the council, which surely has a public duty to consult ratepayers and voters and to provide a more egalitarian mix of accommodation and, particularly, to encourage family units back into city living.

Some years ago the then Lord Mayor, Mr. Roche, said that in future planning the council would take positive steps to double the city's population by the year 2000. Despite the residential development that has taken place since then, the majority of occupiers are still single people or childless couples. If the council continues its policy of encouraging only highly-priced luxury dwellings, the city population will never significantly expand.

The population figure for the City of Adelaide at the last census was 13 733. It is my understanding under the parameters set out in the Local Government Act that that local population does not qualify this area to be called a city at all, so that theoretically at least we could have the ridiculous situation where it would no longer be the City of Adelaide but the District Council of Adelaide. Under the City of Adelaide Development Control Act, 1976, the council was made very much its own master on the understanding that it was an entirely responsible body and would act at all times in the public interest. However, in the case of "Dimora", there seem to be several irregularities. The council is acting as both vendor and the planning approval authority, so that there is an obvious conflict of interest. There also seems to be a thrust towards rushing the whole business through. I have a letter here to one of the residents of "Dimora". The letter, from Woodham Biggs Development Corporation Proprietary Limited, states:

> As a tenant of "Dimora" you are no doubt aware that on Monday 4 August 1980 the Corporation of the City of Adelaide agreed to sell the house and surrounding land to our company.

Of course, that decision was taken not by the council but by its building committee. Already the developer is taking prospective purchasers around the property, showing them what will be available. This is one of the many irregularities that have occurred in this whole situation

involving "Dimora". Does the Minister believe that council residential planning policies are against the general public interest? If he does not, why not? Is it a fact that under the population requirements in the Local Government Act the City of Adelaide no longer qualifies to be called a city? Will the Minister undertake to discuss the situation regarding "Dimora" in particular, and the council's residential planning policies in general, with the Adelaide City Council and the City of Adelaide Planning Committee?

The Hon. C. M. HILL: I have not had an opportunity to read the article by Mr. Polkinghorne, nor have I read the circular referred to by the honourable member earlier in his explanation. To the best of my knowledge, the Adelaide City Council supports balanced residential redevelopment and renewal throughout the City of Adelaide. Of course, in a general balanced programme, from time to time, developments are proposed that come under what might be termed the luxury category. From what I have read in the press, which is all that I know about the "Dimora" development referred to by the honourable member, it appears that this development could well come under that category.

It is rather significant that the property fronts East Terrace, which is a position that commands quite a high value. I do not have any evidence to suggest that the City Council supports a housing programme consisting only of high-priced luxury dwellings, to use the honourable member's term. I am quite happy to ask the Adelaide City Council to give me some information about its general planning in relation to residential renewal and redevelopment within the city.

I assure the honourable member, however, that as far as the Government is concerned, and of course I now refer to the public housing sector, the Government through its instrumentality the South Australian Housing Trust is involved in a certain amount of restoration work of city houses. The vast majority of those houses are leased to welfare tenants and those occupants could well be said to be at the other end of the scale.

The Hon. Frank Blevins: At the bottom of the ladder.

The Hon. C. M. HILL: No, I am not saying that they are at the bottom of the ladder.

The Hon. Frank Blevins: That would be more accurate.

The Hon. C. M. HILL: I said "at the other end of the scale", referring to general rentals and values. The Housing Trust has built flats and at present is planning a major flat development within the city. Those occupancies will not be available to high income earners, nor have most of the new flats built by the Housing Trust in the City of Adelaide. I believe the only way I can satisfy the honourable member is to obtain a copy of the council's policy in regard to housing renewal and development, and I am happy to do that. I will also ask the council to include some reference to the proposed development on East Terrace, to which the Hon. Dr. Cornwall has referred. In regard to his question about the city's eligibility to be deemed a city, I will have to check that myself, but I believe he will find that the City of Adelaide is treated separately within the Local Government Act.

CROSS-INFECTION

The Hon. BARBARA WIESE: My question is directed to the Minister of Community Welfare, representing the Minister of Health. Will the Minister inform the Council of the rate of cross-infection amongst patients at Modbury Hospital? Will he also supply information to show how that rate of cross-infection compares with other Government hospitals?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring back a reply.

NUCLEAR ENERGY

The Hon. N. K. FOSTER: I seek leave to make a statement before directing to the Leader of the Council, representing the Minister of Mines and Energy, a question about mining.

Leave granted.

The Hon. N. K. FOSTER: Members are aware that a Select Committee of this Council has been appointed regarding certain aspects of mining. I do not want to infringe Standing Orders by making a reference to a Select Committee which might be considered to be *sub judice*. However, Standing Orders make close reference to matters which can be raised in this Council, and on which Select Committees are currently sitting or matters involving Select Committees that may have been aborted because of an election, or involving a report not having been before either or both Houses of the Parliament. I refer to a matter of very great concern, particularly to South Australians, following a *Four Corners* television programme shown last weekend. It was quite an extensive report on the international machinations taking place in connection with trafficking in yellowcake and nuclear energy technology to the extent that life on this planet may be endangered.

The Hon. R. J. Ritson: Do you think that *Four Corners* is biased?

The Hon. N. K. FOSTER: I do not think that *Four Corners* is biased; indeed, I compliment that programme for screening the type of programme that was shown last weekend. What concerns me was that the names dropped continually throughout the programme were names that are well known to South Australians, or ought to be, on the basis of a number of recent statements on uranium enrichment that have been made by the Premier and the Deputy Premier, supported by some local government authority in the gulf region of this State.

It is also of considerable concern that, whereas the opinion has been expressed that such an enrichment plant would not lead to the product becoming procurable by people in Australia, as well as outside the country, the capability of bomb fire material becoming available is very disturbing. I think the programme ought to be shown in Port Pirie, Whyalla, and Port Augusta, if not in the remainder of the State, at least once a week. It also ought to be shown in every senior school in the State, because it is the young people who will lose their lives early. It does not make much difference to you, Mr. President, or to me (remembering that we were born on the same date), because it will take 25 years before people get cancer. However, the young people will be the most endangered human beings in this State at present if this Government is determined to go ahead with its wanton and discriminatory attitude towards nuclear energy.

The Hon. L. H. Davis: You've been watching *Fantasy Island*.

The Hon. N. K. FOSTER: I have not, and a person who makes a remark like that and is a freak on the committee of which I am a member—

The PRESIDENT: Order!

Members interjecting:

The Hon. N. K. FOSTER: He walked through Mary Kathleen—

The PRESIDENT: Order! You should now ask your question.

The Hon. J. E. Dunford: What was he like at Mary K.?

The Hon. N. K. FOSTER: Awful! I made the prediction to the Chairman of that committee that yellowcake must have been knocked off in that company or was due to be knocked off. The Hon. Mr. Milne will recall my remarks.

The Hon. L. H. Davis: It's a wonder you ate their food.

The PRESIDENT: Order! The Hon. Mr. Davis has disturbed the procedure enough.

The Hon. N. K. FOSTER: Is the Hon. Mr. Davis quite finished?

The PRESIDENT: Order! The honourable member has leave to ask his question.

The Hon. N. K. FOSTER: I thank you for your protection, Mr. President. Will the Attorney-General, as Leader of the Council and representing both the Premier and the Deputy Premier, have made available a transcript of the *Four Corners* programme of last weekend and will he ascertain from that transcript the identities of the companies involved and any relationship they may have with the people to whom the present Premier of this State has referred, namely, Urenco and its associates—people to whom he is prepared to sell the future of the people of this State?

The Hon. K. T. GRIFFIN: The question was asked of me as Minister representing the Minister of Mines and Energy, and in that context I will refer the question to him and bring down a reply.

NATURAL CURES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about Seatone.

Leave granted.

The Hon. FRANK BLEVINS: All members of the Council at some time or other have been afflicted with a variety of aches and pains and have sought remedies for them in different ways. In fact, I was quite alarmed a couple of weeks ago to find that a report on a survey showed that 45 per cent of all Australians are afflicted with some form of chronic illness. That is an alarming figure and it does not say a great deal for the "Life. Be in it." campaign. However, some of the remedies that people seek can only be described as weird. They take a variety of potions and use all sorts of creams, and they often visit quacks of one type or another, some of whose practices are of very dubious value. It is perhaps an indication of the lack of faith that the Australian public is developing in conventional medicine, or perhaps it is because of the increased costs of treatment. Some products that people use to treat themselves can be highly dangerous. My attention has been drawn to an article in the *News* of 19 August 1980, headed "Doctor hits at dangers of natural cure" and stating:

> A widely-used "natural cure" for rheumatism has been blamed for causing hepatitis in an eldery Adelaide woman. The woman became ill three weeks after she began a course of mussel extract tablets known as Seatone. She was admitted seriously ill with severe stomach and abdomen pains to Queen Elizabeth Hospital.
>
> Doctors at the hospital found she was suffering from an uncommon non-infectious form of hepatitis known as granulomatus. All medication was stopped, and two weeks later the woman had recovered. Doctors at the hospital have since submitted a report of the incident to the *Australian Medical Journal*.
>
> The hospital's Director of Rheumatology, Dr. Stephen Milazzo, said there was concern that Seatone was promoted as "a completely harmless natural product". "That has proved to be very untrue," Dr. Milazzo said.
>
> Nothing is quite safe for all of us. In this case the woman suffered an adverse reaction to Seatone. We are concerned that the treatment has been strongly promoted as "natural" and has been accepted by the public as being harmless. "More awareness is needed of the possibility of adverse effects from any stong substance—natural or not," he said.
>
> Seatone attracted wide public attention last year following the launching of a book, *Relief From Arthritis*, written by marine biologist Mr. John Croft. The makers claim a 60 per cent success rate in the treatment of arthritis. Seatone—

and this is interesting—

> contains the freeze-dried extract of the sex glands of the green-lipped mussel, a shellfish found only in New Zealand.

It sounds rather nasty. Will the Minister of Health investigate this incident, and will she also consider (perhaps this is where the Minister of Community Welfare will pick up the question and, hopefully, answer it) having more stringent controls placed on the labelling of so-called health foods or natural cures?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

NAME CHANGING

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question regarding the changing of names.

Leave granted.

The Hon. ANNE LEVY: In the third reading debate on the Statutes Amendment (Change of Name) Bill, the Minister explained the procedure that is followed regarding a change of name on the electoral roll following marriage, and indicated that the registrar of Births, Deaths and Marriages notified the Electoral Commissioner of all marriages that took place in South Australia, so that the Electoral Commissioner could then contact all the recently married women and provide them with a form so that they could, if they so desired, change their name on the electoral roll. While I am sure that this is a courtesy and a facility that would be gratefully received by a large number of people (and I make no criticism of it whatsoever), I do wonder whether the Electoral Commissioner, in forwarding this form, gives any indication at all to the recently married woman who receives it that she in no way needs to change her name, either formally or on the electoral roll, and that it is purely a matter of choice for her.

I am concerned that the arrival of this form, without any indication whatsoever from either the Electoral Commissioner or the Registrar of Births, Deaths and Marriages, could lead many recently married women to feel that it is obligatory for them to change their name to that of their husband, without in any way indicating that they have a choice in the matter. In view of this, I ask the Minister whether, in fact, any indication is given that the recently married woman need not change her name, either through the Electoral Commissioner or through the Registrar of Births, Deaths and Marriages, and, if no such indication is given, will the Minister consider the matter to see whether this information can be supplied in the circumstances to which I have referred?

The Hon. J. C. BURDETT: An indication is given. The form that is sent in relation to the electoral roll is accompanied by a circular that comes from the Divisional Returning Officer of the Australian Electoral Office, which is a Commonwealth body. That circular reads as follows:

Dear Madam, One of my most important responsibilities is to keep the electoral roll for this division up to date, and I have now been advised of your recent marriage. You may now prefer to enrol under your husband's name, or you may wish to remain on the roll or become enrolled under your maiden name. The choice is yours. To adjust your enrolment, if this is necessary, would you please fill in the enclosed electoral claim card and return it to the address on the top of this letter. A post-free envelope is enclosed.

If you are not now living at the address to which this letter has been sent, you will need to register any permanent change of address on the electoral roll. If this is the case, would you please fill in the claim card. It is compulsory to register any change of address within 21 days of becoming qualified to enrol at your new address. The card can therefore be used to change your address and, if you wish, to change your name.

In case there are any changes required to your husband's enrolment details, I have enclosed an additional claim card. Cards are also available at all electoral offices and post offices. You are only entitled to enrol if you are an Australian citizen or other British subject.

Yours faithfully,
Divisional Returning Officer.

POPULATION OF ADELAIDE

The Hon. G. L. BRUCE: I seek leave to make a short statement before asking the Minister of Local Government a question regarding the population of Adelaide.

Leave granted.

The Hon. G. L. BRUCE: It was drawn to my attention early this afternoon that the population of Adelaide is possibly below 15 000, which I understand could mean that the Lord Mayor of the City of Adelaide should be referred to as the Chairman of the District Council of Adelaide. Although there is possibly a separate Act which relates to the City of Adelaide and which enables it to be called a city, will the Minister give the Council a detailed account of what immediate steps have been taken to upgrade Adelaide's population?

The Hon. C. M. HILL: The Hon. Dr. Cornwall earlier referred to the matter of the city's having to become a district council. Of course, that would not be the case, as in that eventuality it would become a corporation, and with such a municipality the holder of the office would be entitled to be known as Mayor and not Chairman. However, in relation to the fine point that has been made regarding the current population of the City of Adelaide and the population which the Local Government Act stipulates that a municipality must achieve before being given the status of city, I shall be pleased to have a close look at the Local Government Act or any other Act and bring back a reply.

The Hon. G. L. BRUCE: I asked what steps had been taken to upgrade the population of the City of Adelaide.

The Hon. C. M. HILL: I shall be quite happy to seek the council's policy in regard to this matter and bring down that policy.

PENALTIES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about drug penalties and capital punishment.

Leave granted.

The Hon. C. J. SUMNER: I noticed in the *Advertiser* this morning a report of a speech made by a colleague of the Attorney-General, Mr. Oswald, who is described as "Liberal, Morphett". In the Address in Reply debate, Mr. Oswald is quoted as having said that he believed that penalties for the sale and possession of drugs were too lenient. He further stated that the penalty should fit the crime, and said:

> I personally believe that hanging should be introduced back into South Australia.

Statements have been made by members of the Liberal Party on the question of the death penalty from time to time and, in addition to this most recent statement from Mr. Oswald, there have been statements made in the past. I can recall firm statements being made last year by Mr. Becker, another colleague of the Attorney-General, and from time to time by other Liberal members. First, in view of the conflict within the Liberal Party on the issue of capital punishment, will the Attorney-General explain to the Council the Government's policy? Secondly, has the Government any intention of altering the penalties for the production and sale of heroin and other hard drugs, which at the present time stand at $100 000 or 25 years in prison or both?

The Hon. K. T. GRIFFIN: I remember quite clearly within a few days of the first session of this Parliament commencing being asked a question by the Leader of the Opposition about whether the Government had any intention of reintroducing the death penalty. On that occasion I categorically said that the Government did not have any such intention. I repeat that, as the matter stands, there is no intention by the Government to reintroduce the death penalty, and there is no intention to review that decision. If, as is reported in the media, there are differing views held by members of the Liberal Party, they are entitled to express those views both in public and in private. So far as I am concerned, the death penalty will not be reintroduced, nor is there any intention at this stage to review the very substantial penalties already provided in legislation for drug offences.

CRIME WAVE

The Hon. J. E. DUNFORD: I seek leave to ask the Minister of Local Government, representing the Chief Secretary, a question regarding the crime wave in our community.

Leave granted.

The Hon. J. E. DUNFORD: Honourable members will remember that my Leader, the Hon. Mr. Sumner, and I referred in our Address in Reply speeches to the growing number of violent crimes in our society. Prior to the last election, Liberal members screamed around the countryside condemning the previous Government and saying that, if it is to be safe for our sons and daughters to walk without fear in the streets, the people should vote in a Liberal Government. Whenever one spoke to police officers, the blame was placed on the previous Government. Members on the other side, including the Hon. Mr. Hill, blamed the previous Government, yet I have found in a recent report compiled by the South Australian Law Department that in the first three months of this year under a Liberal Government only 10 per cent of breakings reported to the police were solved. This situation is quite different from the position when the Labor Government was in power. We had nothing like that crime wave, especially associated with breakings, when we were in office.

Not only has the crime rate increased by 25 per cent to 30 per cent since the Liberal Government came to power but nothing has been done. Honourable members can

make speeches and talk about it; members opposite can scratch their heads; but I believe that something more positive must be done. Some police claim that the Police Force is understaffed. I do not know whether the Police Force is understaffed or not. It seems that the whole idea of our Police Force is a mix-up. We have members of the Police Force walking the streets in uniform and directing traffic, but there does not seem to be any detection of crime. We should have more detectives investigating where people sell the goods that they obtain from these breaking and enterings.

I should like to quote figures taken over the previous 12 months to show that the situation was different under Labor. In the first quarter of last year there were 3 412 breakings, that is, about 1 000 fewer than in the corresponding period this year. In a recent case before the Industrial Commission involving a claim by police for a 20 per cent increase, a witness, Sergeant Frank Barry Cocks, told the commission that their forensic division had only enough time to deal with a third of the evidence from crime scenes. The rest was filed and never used. Here we have two-thirds of the evidence that is collected by the police not being dealt with by the forensic division in police investigations. This same report also shows that, of 41 rapes reported to the police during the period, only 17 were cleared up. Not only can people who break into houses take a chance that only one in 10 will be caught, but rapists in our society, who seem to be growing in number, have a 50:50 chance of getting off scot free. It has reached a point where the voting public in this community want some action by the Government. Something has to be done. One cannot leave it to the police, who are under the control of the Government. This is a Government responsibility, and it is about time that the Government did something about it.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster will desist from argument across the Chamber. I think the Hon. Mr. Dunford should ask his question.

The Hon. J. E. DUNFORD: Will the Minister ask the Chief Secretary what positive action he intends to take to curb the escalating crime wave in our community? Secondly, will the Chief Secretary confer with the Police Association as to what manpower and equipment would be required by the police to carry out their duties more effectively? Will he report to this Council on the police requirements?

The Hon. C. M. HILL: I will pass on those questions to the Chief Secretary and bring down a reply.

WOODCHIP INDUSTRY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Forests, a question on the woodchip industry in the South-East.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier this year (I think in March) the Minister of Forests stated that he had negotiated with the Indian company Punalur Paper Mills to commence a woodchip project in the South-East of South Australia, and that the project would commence on 31 August this year. There have been some delays to that project that have been caused by the South Australian Government. In spite of the reply that the Attorney-General gave me yesterday about the purchasing of land for this project, it is well known that the South Australian Government has been less than helpful to the Indian company in obtaining land for this project.

The Minister also announced that the South Australian Government shares held through the Timber Corporation would be transferred to the Indian company, but that transfer has not taken place because of the requirements of the Commonwealth Overseas Investment Review Board. They are two examples of the delays that have been caused to the project by the South Australian Government's lack of action. In view of the delays that have been outside the control of Punalur Paper Mills, what is the revised programme for the development of the woodchip project in the South-East?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

ABORIGINAL TREATY

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Aboriginal Affairs, a question about an Aboriginal treaty.

Leave granted.

The Hon. BARBARA WIESE: A resolution was carried at the National Aborigines Conference in 1979 advocating the making of a treaty between the Aboriginal people and the Federal Government. The call for such a treaty was repeated last month during National Aborigines Week. Such a treaty would recognise Aboriginal ownership of land in Australia prior to white settlement and would signify respect, one for the other, of white and black people.

The Hon. R. J. Ritson: Treaties are made only between sovereigns, not between a sovereign and a subject.

The Hon. BARBARA WIESE: Treaties such as this have been made with the Maoris of New Zealand, the Indians of North America, and the people of Papua New Guinea. Can the Minister advise the Council whether the Government supports the proposal to establish a treaty with Aboriginal people in Australia, as suggested by the Aboriginal Treaties Committee and endorsed in principle by the Federal Government? That fact might interest the Hon. Mr. Ritson. If the Government supports this proposal, will the Minister make representations to his Federal colleague to see that negotiations are initiated with the Aboriginal people as soon as possible?

The Hon. C. M. HILL: I will refer the whole matter to the Minister of Aboriginal Affairs and bring down a reply.

LEGAL PROCEEDINGS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General a question about law offenders.

Leave granted.

The Hon. N. K. FOSTER: Mr. President, I will give you the opportunity to adjudge whether or not my question is in order. My question arises because of my concern about nine charges, if my memory serves me correctly, brought against a Federal member of Parliament. Three of those charges were for forgery, three for uttering, and three for straight-out theft. That person was acquitted because the law in New South Wales, as I understand it, requires only one dissenting juror to declare a person to be not guilty of any charges.

The Hon. K. T. Griffin interjecting:

The Hon. N. K. FOSTER: The Attorney-General should be patient. I understand that it took between seven and nine hours for a juror to be convinced that he or she

should raise a dissenting voice.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: For the Hon. Mr. Davis's benefit, through you, Mr. President, I also understand that, in an extensive summing up, the judge made blatant political statements. This matter relates to this country, and therefore involves South Australia, because we are still part of the Commonwealth, despite what the Hon. Mr. DeGaris said yesterday. The judge said that the person, Mr. Sinclair, must have been under considerable stress (I know him, and he has never been under stress before) after 1975 because of his heavy political responsibilities prior to that.

I also wish to point out, during this courtesy extended to me by the Council this afternoon, that Fraser expended considerable energy to get out of paying a $2 500 bill (for cars, taxis and so on) to the Federal Government when he was in Opposition. He has been a most unscrupulous manipulator of the Parliamentary privileges system. Should a case be brought against a person in South Australia of a corporate nature, how many jurors are required to dissent before a person is found not guilty of charges such as thieving and so on? If a senior member of the South Australian Police Force gave evidence before a court of law, would his evidence be totally and absolutely disregarded if a person from overseas was brought in to refute such evidence and that evidence was made the subject of a direction by a South Australian judge?

The PRESIDENT: Order! In the first place, no Minister need answer that question, because it is completely out of order. Secondly, I draw the Hon. Mr. Foster's attention to the fact that he reflected upon the member—

The Hon. N. K. Foster: What member? One could not reflect upon Mr. Sinclair, Sir. That is an impossibility.

The PRESIDENT: Secondly, I believe the Hon. Mr. Foster also reflected upon the court that found that person not guilty. I draw the honourable member's attention to that, because it is that type of explanation of a question that is leading to a discourse or speech lasting half an hour, and that is becoming very tedious. I do not know whether the Attorney-General wishes to reply to the question.

The Hon. K. T. GRIFFIN: Mr. President, I decline to answer a question that is out of order.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Can the Minister give reasons—

The PRESIDENT: Order! There can be no supplementary question, because the first question was out of order.

NON-GOVERNMENT SCHOOLS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about non-government schools.

Leave granted.

The Hon. ANNE LEVY: As a brief summary of the history of this matter, I explain that in March 1979 an Act amended the Education Act and provided for regulations to be issued giving the conditions for the approval of non-government schools in regard to whether they could be set up in this State. These regulations providing these conditions for approval have never been issued, so currently there are no regulations regarding the setting up of non-government schools in this State.

In October last year, I asked a question of the Minister about when these regulations could be expected. On 13 December last year I received from the Minister of Education a reply that Cabinet had agreed that the regulations should not be proceeded with for the time being and that action should, in lieu, be taken to amend the Education Act to provide for a Registration of Non-government Schools Board. I received that reply dated 13 December, although it was not inserted in *Hansard* until 26 February this year. In passing, I mention that such a board would add another QUANGO to the 249 enumerated by the Hon. Mr. Davis the other day.

Be that as it may, eight months have passed since I received that reply and I (and, I am sure, no-one else) have not heard anything regarding a Registration of Non-government Schools Board. In the meantime, non-government schools can be opened at will in this State, with no criteria for facilities, resources, numbers of students, qualifications of teachers, or any other education matters that should be of concern to the Government.

Furthermore, once any such schools that do open in this State have been in existence for 12 months, they become eligible for grants from the South Australian Government, which provides per capita grants to all non-government schools once they have been in existence for more than 12 months. In view of this situation, I ask the Minister when we can expect to get legislation to set up this Registration of Non-government Schools Board so that the situation can be regularised and the current free-for-all situation brought under control, as I feel that the matter is urgent.

The Hon. C. M. HILL: I will refer the matter to the Minister of Education and bring back a reply, which I am sure will trace the whole history and also give the current situation.

HOSPITAL TOWELS

The Hon. G. L. BRUCE: Will the Minister of Community Welfare, representing the Minister of Health, ascertain the truth or otherwise about the shortage of towels at the Royal Adelaide Hospital as referred to in correspondence in this morning's *Advertiser,* and will he also find out whether this is one way in which economies in the health scheme are being practised?

The Hon. J. C. BURDETT: I will consult my colleague and bring back a reply.

[Sitting suspended from 3.14 to 4.28 p.m.]

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 490.)

The Hon. L. H. DAVIS: The Attorney-General, in introducing this Bill, emphasised that the main thrust of the measure was to abolish the right of the unsworn statement. That is conceded by the Opposition, which has accepted other amendments relating to the provision of a power for a special magistrate to authorise a member of the Police Force to inspect banking records if he is satisfied that it would be in the interests of justice, and also relating to the amendment in respect of the definition of "banking records", to take into account computer technology and modern methods other than those more conventional records under the old heading "Banker's Books".

The Attorney stated succinctly that the Government was adopting the Mitchell Committee recommendation from its third report of 1975 relating to court procedure and evidence, namely, that the right of an accused person to make an unsworn statement should be abolished. As the Leader of the Opposition himself stated in his detailed speech on this matter, the unsworn statement finds its place in our criminal procedure by anomaly rather than design.

The Evidence Act, 1929-1979, in section 18, subsection VIII, provides for the right of the person charged to make a statement without being sworn. The Government's amendment provides for this right to be repealed, a right which at least in 1973-74 was taken advantage of by about 70 per cent of accused persons tried in the Supreme Court. There has been a suggestion that there has been no substantial variance in this figure.

The Hon. Mr. DeGaris, when speaking in support of the Bill, produced good evidence to show that the preponderance of recent comment on this matter in various States has been in favour of abolition, and he explained the difference between the current position in South Australia and that in Victoria, where the unsworn statement is used only to a limited degree.

The Attorney-General, the Hon. Mr. Sumner, and the Hon. Mr. DeGaris have covered the arguments in some detail. I support the Hon. Mr. DeGaris's observation that there is no need to refer this matter to a Select Committee. As the Hon. Mr. Sumner himself observed, there is no unanimity amongst academic lawyers, and I suspect this could also apply to lawyers in practice as well. A Select Committee is not going to correct that situation.

He also says it is a complex matter. That may be so, and in fact is so regarding many of the matters which we discuss in this Chamber. However, I strongly oppose the notion that, as a reflex action on any issue where there is no unanimity, or where it is complex, a Select Committee should be appointed. I believe that individual members can and should avail themselves of the facts, and, in the technical area and in specialist areas such as this, it is appropriate for them to have facilities available which will enable them to make a decision through material available in the Parliamentary Library or its research section, or through discussion with the Minister or an officer of his department. If one reads *Hansard,* one gets the impression that the Hon. Mr. Sumner was rather startled to think that the judge had a discretion on the admissibility of evidence.

The Hon. C. J. Sumner: I wasn't startled.

The Hon. L. H. DAVIS: I was in the Chamber at the time, and for a former Attorney-General to be startled came as a surprise to me. The Hon. Mr. DeGaris also made an observation on that point. He describes himself as a bush lawyer, and I have had a fleeting acquaintance with the law, and we were of that view.

The Hon. C. J. Sumner: The point wasn't relevant.

The Hon. L. H. DAVIS: I suggest that it was very relevant.

The Hon. C. J. Sumner: The point I was making was that you accepted part of the Mitchell Committee package and not the other part.

The Hon. L. H. DAVIS: The fact that we have taken one part and not the other is not to deny the equity and fairness of the Government's proposition, and I will discuss that soon.

The Hon. Mr. Sumner objects to the Government adopting part of the Mitchell Committee's report but not all of it. If the Government had accepted the balance of that committee's recommendation, the accused would have been protected to an intolerable extent. Absolute protection would be given to an accused who could engage in a wholesale character assassination of witnesses for the prosecution, with no fear of cross-examination as to their own character.

I believe that, although this is a narrow aspect of the law, it is an important aspect. Although the accused is presumed innocent until proven guilty, the unsworn statement has apparently become used in South Australia as a device, certainly more so than elsewhere in Australia, and, quite possibly, the Western world.

I believe that Mr. and Mrs. John Citizen would support the Government's proposal that in the pursuit of justice the accused's character in appropriate circumstances should be subject to cross-examination. It appeared that the Hon. Mr. Sumner sought to obscure the position which will exist as a result of these amendments. The position will be as follows: first, the right of the person charged to make an unsworn statement is repealed but a reasonable balance between the pursuit of justice and the protection of the accused is provided by the discretion of the trial judge as to the admissibility of evidence regarding the accused's previous convictions. This is supplemented by section 18 of the Evidence Act.

I will reiterate these provisions briefly, because the Hon. Mr. Sumner glossed over the real protections that exist, notwithstanding the Government's proposal to abolish the unsworn statement. That protection is contained in section 18 VI of the Act, as follows:

> A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked, shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless—
>
> *(a)* the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or
>
> *(b)* he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution;

The remainder of paragraph *(b)* is being deleted. That is further supplemented by protection for the accused in the Bill. New subsection (4) provides:

> Subject to subsection (5), a defendant forfeits the protection of subsection (1) VI if—
>
> *(a)* the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution; and
>
> *(b)* the imputations are not such as would necessarily arise from a proper presentation of the defence.

One needs both parts of the proposed new subsections (4) *(a)* and (4) *(b)* to operate before the defendant forfeits the protection that currently applies, even in the amended form of paragraph *(b)*. If the imputations are such as would arise from a proper presentation of the defence and if the judge, in his discretion, says that it is reasonable to advance imputations against the character of the prosecutor or witnesses for the prosecution in defending his position as the accused, the defendant will not forfeit automatically the protections in paragraph *(b)*. The defendant is still protected from cross-examination as to previous convictions where he alleges evidence of duress or improper methods were made in relation to obtaining a confession or statement.

To suggest that the defendant is not protected is not correct. The Government seeks a balance between the need to pursue justice and the need for the prosecution in certain circumstances to have the right to cross-examine the witness regarding his character and previous convictions and also the right to preserve the presumption of innocence on the part of the accused. The Government, I am sure, has been concerned about the large number of cases, especially involving sexually related offences, where the unsworn statement has been used as a naked device—a

weapon—by the defence to besmirch the character, sometimes improperly, of the prosecution witnesses.

The Hon. Anne Levy: Always improperly.

The Hon. L. H. DAVIS: Why always improperly?

The Hon. Anne Levy: How can it ever be proper to besmirch someone?

The Hon. L. H. DAVIS: The defence may be justified in the allegations that it makes, and we seek to preserve that balance by saying that, if in the trial judge's opinion it is a reasonable presumption that the character of the prosecution witnesses is part of the defence case, that will protect the defendant—the accused—from having his own character opened up automatically. He still has the protection that now exists under section 18 VI of the Evidence Act. Therefore, in conclusion, I support the proposition.

The Hon. C. J. Sumner: If you have that power, why do you think the Mitchell Committee made the recommendation?

The Hon. L. H. DAVIS: It has been quite clearly explained by other speakers on this side of the Chamber that we have adopted the view that the Mitchell Committee took and that we should abolish the unsworn statement, but we have not gone as far as the Mitchell Committee, in the sense that we do not believe that the defendant should be protected to the extent of being able to attack a witness with no fear of having his own credibility opened up.

The Hon. C. J. Sumner: What do you think she would have said about the unsworn statement in the case of not giving that protection that she recommended?

The Hon. L. H. DAVIS: Quite obviously, as the Hon. Mr. Sumner said in his lengthy speech on this matter, there are many computations and permutations in this case. He went through a number of computations of retaining the unsworn statement in certain circumstances, not retaining it in others, and giving discretion to the judge, and so on. I am not going to canvass those propositions, except to say that, if one sets down clearly, as I have attempted to do, the position in these amendments that we have adopted, any reasonable person would take the view that the Government has achieved a sensible balance in this matter.

The Hon. C. J. Sumner: What I am saying is that the Mitchell Committee may not have recommended the abolition of the unsworn statement if the other protections were not granted.

The Hon. L. H. DAVIS: That is right, but we are simply saying that we support that main thrust of the Mitchell Committee report but do not go so far as to lean over backwards to protect the accused from having to justify his own position when he has brought into focus the character of the prosecutor or witnesses for the prosecution in a way that is not relevant to his defence. I would have thought that any reasonable person would say that, if the defendant impeaches the character of a prosecution witness in a way that is not relevant to his defence, it is quite logical and quite just for his own character to be opened up in evidence. I support the proposition as moved by the Attorney-General and support the Bill.

The Hon. K. L. MILNE secured the adjournment of the debate.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 494.)

The Hon. ANNE LEVY: I support the Bill and wish to make one or two brief comments on it. I do not need to add to the list of achievements of the previous Government in regard to the ethnic affairs area, as they have been detailed very well by the Leader of the Opposition in his speech yesterday. I wish to look at the education area regarding ethnic affairs where, as the Leader mentioned yesterday, the previous Government did a great deal in terms of introducing or expanding the community language programme, introducing the Italian bilingual programme into primary schools, establishing the multi-cultural education centre, initiating the special programme to promote understanding of ethnic minority cultures and languages among school-children in this State, making per capita grants for ethnic schools, and providing special funding to train teachers to teach Italian and Greek through the Adelaide College of the Arts and Education.

My concern arises from the recently announced changes to the Women's Adviser Unit in the Department of Education and the Department of Further Education, where there has been the removal of the position of Women's Adviser and the substitution of an Equal Opportunity Officer who is not only to undertake all the work previously done with regard to women in the two departments but also is to undertake the same sort of function for the Aboriginal community, handicapped persons, and the ethnic communities.

I specifically raise this in view of some of the stated objects and functions of the commission as detailed in clauses 12 and 13 of the Bill. In particular clause 12 *(b)* provides that one of the objects of the commission is to "assist and encourage the full participation of ethnic groups in the community in the social, economic and cultural life of the community". The economic life of the community obviously involves employment, and I think the participation of ethnic groups in employment in the Education Department would certainly come within the objects of the commission as stated in clause 12.

Furthermore, clause 13 (1) *(a)* provides that one of the functions of the commission is to "investigate problems relating to ethnic affairs". Clause 13 (1) *(b)* provides for it to "undertake research and compile data relating to ethnic groups", and paragraph *(e)* refers to determining the needs of ethnic groups and the means of promoting their interests. Whilst these provisions are to be interpreted broadly, there is no suggestion that they will not apply within areas such as the Education Department or the Department of Further Education. I wonder what is to be the relationship between the Equal Opportunity Officers in the Education Department and the Department of Further Education and the Ethnic Affairs Commission to be established by this legislation in the area relating to ethnic groups.

The previous position of Women's Adviser has certainly been concerned in the two departments with employment opportunities, promotions, promotion lists, in-service training, and so on, relating to women, and these can be regarded as economic activities. In relation to students, the Women's Advisers have been concerned with the provision of non-sexist curricula and encouragement to undertake non-traditional subjects in education, thereby increasing the breadth of education and career opportunities for girls.

If the same functions are now to be undertaken for ethnic people by the Equal Opportunity Officers in these departments, I wonder how this will relate to the work, objects and functions of the Ethnic Affairs Commission. Is there to be consultation between these officers? What demarcation lines will be set down, and how can we be

sure that they will not be operating at cross purposes at different times?

As the Ethnic Affairs Commission and the Equal Opportunity Officers are responsible to different Ministers of the Crown, what procedures will be followed to ensure that there is co-operation between these bodies, which may be concerned with the same matters in some areas? How will difficulties between them be resolved and, *in toto,* how can we be sure that complete consideration has been given to this matter in order to resolve any possible difficulties before they may arise?

I strongly suspect that no such consideration has been given and that the change within the Education Department and the Department of Further Education was a hurriedly thought-up change, made for all sorts of political reasons, and that the implications of this with regard to the Ethnic Affairs Commission have not been considered, discussed or resolved. I should very much appreciate the Minister's giving attention to this matter, and I hope that he will be able to reassure honourable members when he makes his concluding remarks. I support the Bill.

The Hon. C. M. HILL (Minister Assisting the Premier in Ethnic Affairs): I thank honourable members for the contributions that they have made to the debate. It pleases me greatly to learn that they intend to support the Bill, although I notice that some amendments have been placed on file. Indeed, Parliament as a whole supports the change that is proposed in the Bill, whereby ethnic affairs will be taken from a Government department as it is at present and placed within a separate commission.

There are one or two points which have been made and to which I will refer briefly. The Hon. Mr. Sumner said yesterday that this legislation means that there will be another statutory body, whereas it is the Government's policy (a policy that several honourable members have stressed in their speeches) to minimise the number of statutory bodies operating in South Australia.

It is impossible for the Government to be completely inflexible in relation to this matter. Some statutory bodies are now operating under close scrutiny, and the Government is looking into the possibility of repealing certain legislation so that it may be possible to abolish some statutory bodies.

When we look at the overall question, we must consider whether there will be a net increase or decrease in the number of such authorities over a given period. The Government has done a considerable amount of work in relation to its deregulation policies, and this work entails investigating the possibility of dispensing with some statutory bodies. However, if we take a commonsense view of the overall position, it must be agreed that there are and will be times when some new statutory bodies are and will be necessary, and such is the case in relation to this Bill.

The next area to which I refer is that of education, to which the Hon. Mr. Sumner referred yesterday and to which the Hon. Miss Levy referred today. The Hon. Mr. Sumner referred yesterday to the Liberal Party's policy in relation to the education needs of migrant children. It is perfectly true that the Liberal Party stressed in its policy that it intended to investigate this very important area. It is also true that we have not decided specifically to investigate it with a particular inquiry. As honourable members know, a wide and deep inquiry into the whole area of education has been put in train. That inquiry, chaired by Dr. Keeves, will include an investigation into the needs of the education of migrant children. I believe that by adopting this course we will satisfy the aim that we originally had in mind when formulating our policy.

I have already asked the Ethnic Affairs Adviser, Mr. Gardini, to concentrate his activities on this work preparatory to making a submission to the inquiry on behalf of the Ethnic Affairs Branch. I have written to the leaders of ethnic communities, pointing out that the inquiry will examine this question, and asking them to make submissions to the inquiry directly or, if they so desire, to Mr. Gardini in my department. Mr. Gardini will then prepare a submission based on the responses that we will have received from the various ethnic communities.

Therefore, the whole matter will be put before the Keeves inquiry, and I am sure that it will be looked into fully and adequately. It does not matter whether or not we have on that inquiry a person of ethnic origin. That is not the point. The point is that proper submissions are made to the inquiry, in which the Government has complete faith. If that is done, I am sure that the matter of education as it affects migrant children and other ethnic people will be fully investigated by it.

The Hon. C. J. Sumner: Why didn't you put someone with an ethnic affairs background on it?

The Hon. C. M. HILL: For the simple reason that I gave a moment ago: that it is not necessarily needed. One does not have to have a person of ethnic background on such an inquiry. What one needs is highly qualified reputable people, with adequate submissions being made to them so that they can do the job.

The Hon. C. J. Sumner: You should not have made the promises.

The Hon. C. M. HILL: It has nothing to do with making promises. When we could honour our promise by using the overall inquiry as a vehicle, it was considered a better course to adopt. That is what we have done, and it is what I am sure will completely satisfy the ethnic communities on that point.

The Hon. C. J. Sumner: There is nothing in the terms of reference about inquiring into migrant education.

The Hon. C. M. HILL: It does not matter if it is not specifically in the terms of reference. If the honourable member had been in the Chamber a moment ago he would have heard what I said. Rather than pursuing the proposed inquiry involved in the promise, we were satisfied that that promise would be completely honoured by the matter going to the larger inquiry.

Also, I point out to the Hon. Mr. Sumner and the Hon. Miss Levy, that the Multi-cultural Education Co-ordinating Committee within the Education Department is providing worthwhile and considerable input into the whole question of migrant education. I think the Hon. Miss Levy referred a few minutes ago to difficulties or conflict because two departments were dealing with the one subject—on the one hand, the Education Department and, on the other, the Ethnic Affairs Branch, or the Ethnic Affairs Commission, as it will be.

There may be a certain degree of overlap, but that does not mean that the best results cannot be achieved as far as administration is concerned. The new Equal Opportunity Officer who is going to be involved with this work, as well as her other activities, will naturally keep in close liaison with the commission. Conversely, officers from the commission will keep in close contact with the Education Department.

We are fortunate in South Australia that we have Mr. Jim Giles as the Deputy Director of the Education Department. We all know of the deep interest that he has in migrants and the subject of education as it affects migrant children in particular. I am sure that with the arrangements we propose regarding the appointment of an Equal Opportunity Officer, as well as the continuation of

the Multi-cultural Education Co-ordinating Committee in the Education Department, and the inquiry which has been commenced into the overall subject and to which the Ethnic Affairs Branch or Commission will make comprehensive submissions, the problems that have occurred in the past will be overcome.

The third point to which I refer was mentioned by the Hon. Mr. Sumner, who implied that the present concept of the commission in this State was taken from New South Wales which, as he quite properly said, has been the only State in which an Ethnic Affairs Commission has existed. For the purpose of putting that position right, I point out to the Council that in the 1977 Liberal Party election policy on ethnic affairs which was released on 22 August 1977 and which was prior to the election held on 17 September 1977, we stated:

> The Liberal Party will establish a community and ethnic affairs commission.

Our plans for the commission go back much further than the election in New South Wales on 7 October 1978, when the Wran Government came to office. It was the New South Wales Government that introduced its commission legislation in 1979. It cannot be said that we are simply copying the machinery that was established in New South Wales.

The Hon. C. J. Sumner: The Wran Government was elected before that.

The Hon. C. M. HILL: There was an election in New South Wales on 7 October 1978. The New South Wales Ethnic Affairs Commission Bill was introduced in 1979. The last point I make in reply deals with a concern that the Hon. Mr. Sumner expressed yesterday. I think he considered that the committee system of giving grants to ethnic communities may in some way be altered or dispensed with altogether. I believe he was responsible or partly responsible for the system which still continues now and which involves the Ethnic Festivals Grants Advisory Committee and the Ethnic Grants Advisory Committee.

I think the honourable member feared that that system might be changed or replaced with some other method. It is not my intention at all to encourage the commission to change the system of having committees which investigate applications for grants and which make recommendations for grant moneys to be paid to ethnic groups. The final decision really will be in the hands of the commission.

However, I feel confident that the machinery which has been established during the term of the previous Government and which I have found to work well will continue to do so. I know that the honourable member has been particularly associated with one of those committees.

The Hon. C. J. Sumner: Which one?

The Hon. C. M. HILL: The Ethnic Festivals Grants Advisory Committee. I hope that the commission will continue the system of committees to consider applications for grants, and so forth, so that this successful method of handling grants will be continued once the commission comes into force.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

THE BANK OF ADELAIDE (MERGER) BILL

The Hon. K. T. GRIFFIN (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

Bill recommitted.

Clause 1—"Short title."

The Hon. K. T. GRIFFIN: I thank those honourable members of the Select Committee for their co-operation in dealing with this Bill expeditiously. The Committee may remember that the Select Committee was appointed last week, and since that time it has met on four occasions to hear four witnesses, as indicated in the report. The Select Committee paid specific attention to clause 10 *(a)* of the Bill, which relates to the terms and conditions currently enjoyed by employees of the Bank of Adelaide being maintained when the merger with the A.N.Z. Bank occurs.

Bank of Adelaide representatives appeared before the Select Committee on two occasions, the last occasion being today. The committee heard evidence from those representatives on a confidential basis and received details of staff benefits, both gains and losses, that would be experienced by employees of the Bank of Adelaide who became employees of the A.N.Z. Bank. On the basis of those details and other evidence, the committee was assured that, overall, the gains outweighed the losses, although there might be specific instances where individual employees would be slightly disadvantaged. In the particular area of established loans to employees of the Bank of Adelaide, the evidence from the A.N.Z. Bank was that any increases in interest rates to bring those loans into line with A.N.Z. Bank employees would be phased in over a period of up to two years. In cases where individual employees experienced hardship as a result of any of the changes, there is a standing offer to consult with appropriate officers in the A.N.Z. Bank, who would sympathetically consider particular cases of hardship.

In view of those matters, the Select Committee was satisfied that there was no reason why amendments pertaining to this or any other topic should be recommended. Accordingly, the Select Committee recommended that the Bill should be passed without amendment. This is an important piece of legislation that will facilitate the merger of the Bank of Adelaide and its savings bank subsidiary with the A.N.Z. Bank and its savings bank subsidiary, eliminating, as I indicated during the second reading debate, a tremendous amount of red tape for the two banks, their subsidiaries and customers and for officers of the Government, including Stamp Duty Office employees. This Bill represents a means by which all of the many thousands of transactions may be dealt with expeditiously without unnecessary red tape.

Clause passed.

Remaining clauses (2 to 10), preamble and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 552.)

Clauses 2 and 3 passed.

Clause 4—"Interpretation."

The Hon. C. J. SUMNER: During the second reading debate, I raised the question whether the definitions of "ethnic affairs" and "ethnic group" were satisfactory. "Ethnic affairs" is defined to mean "any matter relating to the language, traditions and culture of an ethnic group"; and "ethnic group" means "any group of persons within the South Australian community who share a common language, traditions or culture". The New South Wales Ethnic Affairs Commission Act, 1979, provides the following definition:

"Ethnic affairs" means matters pertaining to the existence of different ethnic groups in the community.

The problem with that definition is that one must decide whether or not it properly defines what we are discussing in relation to the responsibilities of the Ethnic Affairs Commission. I believe that, if the definitions currently contained in the Bill are read literally, every person in the South Australian community would be covered, because everyone in the South Australian community is a member of some ethnic group. The *Collins English Dictionary* defines "ethnic" as follows:

1. Relating to or characteristic of a human group having racial, religious, linguistic, and certain other traits in common.

2. Relating to the classification of mankind into groups, especially on the basis of racial characteristics.

3. Denoting or deriving from the cultural traditions of a group of people.

The common meaning of "ethnic", according to the dictionary, indicates that the majority group within the community, the Anglo-Celtic group, is also an ethnic group. That raises the question whether or not the Ethnic Affairs Commission is designed to deal with the problems of a majority group.

I have always thought that there should be a proper definition of an ethnic minority group, to distinguish an ethnic group that is not in the mainstream cultural group in the community but is a minority group and therefore may have problems regarding discrimination and maintenance of language and culture. I concede that, in common parlance, the term "ethnic affairs" is generally considered to relate to ethnic minority groups but, if we take the dictionary definition of "ethnic" and how it is used outside the common usage it receives in Australia and compare that to the definition in clause 4, we get to the situation where the scope of the Ethnic Affairs Commission is the whole South Australian community.

I raise this matter knowing that the same query could be raised in relation to the Ethnic Affairs Commission in New South Wales, but I believe that there is a problem. It also raises the question whether Aborigines are supposed to come under the purview of the commission. Certainly, as the definition is now they would be included. Whether the Government intends, as a matter of administrative policy, to direct that the commission should not deal with an Aboriginal group, I do not know. The Minister may care to comment on that. The only problem is that, because of the way "ethnic affairs" is defined now, there is some kind of legislative requirement for the Government to include groups other than those to which we commonly refer as ethnic groups in South Australia, namely, those from other countries through migration.

The other query is about whether we should be looking at a different sort of definition and perhaps a different title for the Bill, because doubt is expressed, including among ethnic groups, about use of the term "ethnic group". I put to the Government for consideration in the future, not now, that it ought to look at a term something like "community relations" as a basis for the sort of policy and administration now envisaged by the Ethnic Affairs Commission. If the Minister felt that there was a problem about the definition, I would be pleased to discuss it with him and his officers informally, if need be.

The Hon. C. M. HILL: The Leader has raised a very interesting matter that the Government and I have been considering for a long time. When I was in Opposition, I met various committees of migrant people, and this matter was discussed at length. Over the past five years throughout Australia the term "ethnic affairs" or "ethnic group" has tended to evolve. Interpretation is difficult, and that is proved by the fact that the New South Wales Act does not endeavour to give an interpretation of "ethnic group", only of "ethnic affairs".

It is interesting to recall that, when I was associated with the committees in 1977, the terms "ethnic community" and "ethnic affairs" were mooted. In our policy at that time we promised to establish a community ethnic group. That term has dropped out of the whole expression and I find that all migrants and members of the host population, if I may use that term, understand what is meant by the words "ethnic affairs" and "ethnic group". I think they are common parlance and, whilst one can narrow down the definition and widen the discussion, I think we really mean an ethnic group as such.

I agree that Aboriginal affairs could be taken in as part of the administration within the Bill. It is not the Government's intention that that should be so, because the Government has established a separate Ministry of Aboriginal Affairs and a separate small department under the Minister of Aboriginal Affairs. We find from inquiries that the Aboriginal people prefer that system to one in which they would be included within this commission. All people who raise the subject agree that it is the better approach for Aboriginal affairs not to be included in the Ethnic Affairs Commission. However, if one takes a fine point, one can argue that they most certainly are an ethnic group.

I hope that this legislation will be looked at closely, in keeping with our general policy of not allowing statutory authorities to run on without inquiry or challenge and I think that, when that kind of investigation is carried out into a commission such as this, there may be then another term that is more generally accepted than "ethnic affairs". I think that any Government would be flexible enough to bow to whatever public opinion dictated as to the usage of the words. In the cause of making this commission work, because I am certain that people associated with it accept "ethnic affairs" and "ethnic group", I think it best to leave the words as they are.

The Hon. C. J. SUMNER: It seems that the Minister is saying that, while Aborigines could come under the jurisdiction of the commission, it is not a matter of Government policy that they should and, therefore, the commission will be dealing with the problems of ethnic minority groups who have come to Australia from other countries.

The point that I was emphasising earlier related to the definition of "ethnic group". If the purpose of the commission is to deal with those groups that have come from overseas, the definition is not adequate; really, the term ought to be "ethnic minority group". That would at least make some sense. However, I can see that in the New South Wales Act the term "ethnic group" appears, rather than "ethnic minority group", and that Act has been in existence for some 12 months. There was a predecessor to that Act enacted in 1976 which probably had a similar definition. There does not seem to have arisen any problem in New South Wales as a result of this. I suppose that I should accept the experience of a very good Government in New South Wales. I will not spoil the good nature of the Committee discussions by saying that the New South Wales Government is a better Government than the one in this State but I could be prompted to say that on some other occasion.

However, I still have some qualms about the definition contained in clause 4, particularly that of "ethnic group". Taken literally, it means every group in the community, including the majority ethnic group, the Anglo-Saxon or Anglo-Celtic group. It is my view that, if what the Minister intends is that the Ethnic Affairs Commission just deals

with matters relating to ethnic groups in Australia as a result of migration from overseas, the definition ought to be worked around "ethnic minority group" to make it completely sensible. However, I do not wish to hold up the Bill today. A similar definition or use of the term "ethnic group" appears in the New South Wales Act and does not seem to have posed any problem. If it poses problems here in the future, we can have another look at it.

The Hon. R. J. RITSON: I will take the time of the Council for a couple of minutes to pursue the matter raised by the Hon. Mr. Sumner. I agree that the word "ethnic" is perhaps one of the more commonly misused words in the community and is not used in its true literal sense. He has essentially been saying to the Council that what we really mean is a foreigner or an immigrant.

The Hon. C. J. Sumner: I didn't say foreigner.

The Hon. J. C. Burdett: Minority group.

The Hon. C. J. Sumner: Yes, a minority group as distinct from the main ethnic groups in Australia.

The Hon. R. J. RITSON: That bothers me. If we had a majority of a foreign culture (if, say, 51 per cent of us were non-Anglo-Saxon), then that group would become the majority. Is it the fact that they are foreigners, or is it the fact that they are a minority group, or is it the fact that they are an immigrant group which would make the Hon. Mr. Sumner want to single them out?

I am worried about this, because there are special problems attached to Anglo-Saxon immigrants to this country. Just because someone shares a language and a physical appearance with us, that does not mean that they might not have special problems when they immigrate. They might have special psychological problems, having left their homeland and their relatives. I would not necessarily want the Ethnic Affairs Commission to be unconcerned with those people. If we have immigrants, we often have a trans-cultural rift between Australian-born people of "ethnic" origin and foreign-born people of the same "ethnic" origin. There are trans-cultural problems with children of, say, Italian parents: children being born here, and perhaps not speaking the dialect of their grandmother. I think the wider meaning of the term "ethnic" does not hurt. We do not want necessarily to define English migrants or majority foreign cultures out of it. I ask the Committee to accept the plain meaning of the slightly misused word "ethnic" as satisfactory.

The Hon. C. J. SUMNER: I think that what the Hon. Dr. Ritson has said probably bears out the validity of the comments I made earlier. Perhaps we should be looking for some broader concept of community relations. I do not want to take any objection to what he had to say, except that, if the purpose of the Bill and the commission, as defined by the Minister, was to deal with the problems, as I understand it, of matters relating to groups of people who have come from overseas, then the definition "ethnic group" does not come to grips with that. It could mean the majority groups, the Anglo-Saxon and Anglo-Celtic groups in the community. I accept the point that, in common parlance, the words "ethnic group" have achieved a certain meaning. I think everyone understands it. I would hope that, in future, we could look at some broader concept involving community relations.

The Hon. G. L. BRUCE: I should like to pursue the matter in relation to Aborigines. I accept that "ethnic" could take in the English-speaking ethnic groups, the Welsh, the Scottish, and the Irish, and I believes they could have problems, as "ethnic" in that sense does not exclude them, and I am happy to accept the word in relation to the English-speaking races as well as the foreign-speaking ones. However, I think it is too easy to dismiss the Aboriginal situation.

We could have Aborigines exploring their situation, with their avenues with the Minister not achieving what they are looking for, and they could use the Ethnic Affairs Commission for their means to an end when it is not intended for that purpose. I think some reference should be made to the Aboriginal people, because they have their own Minister and their own set-up to look after their affairs. We would not want them to be moving into another field and crossing into another area because they have problems in their own area, using this commission to put their viewpoint when it is not there for that purpose. I think the Aboriginal situation should be pursued.

The Hon. C. M. HILL: I quite understand the immediate reaction of the Hon. Mr. Bruce, but once Parliament starts dissecting specific ethnic groups and writing that into the legislation, it enters upon all sorts of problems regarding discrimination.

We could go on arguing this question all night and still not agree. I believe that it is better to leave it in the very broad sense and, with the passing of time, if the commission has approaches from Aboriginal people (and it will if one of the amendments placed on file by the Hon. Mr. Sumner succeeds in widening the functions of the commission to look into the question of problems associated with race), it could be left to the good sense of the commission to determine whether there is a need for a widening of this administration.

Clause passed.

Clause 5 passed.

Clause 6—"Constitution of Commission."

The Hon. C. J. SUMNER: I move:

Page 2—

Lines 20 to 25—Leave out all words in subclause (1) after "members" in line 20 and insert:

(a) one full-time member appointed by the Governor on the nomination of the Minister;

(b) seven part-time members appointed by the Governor on the nomination of the Minister; and

(c) one part-time member (who must be an employee of the Commission) appointed by the Governor on the nomination of the employees of the Commission.

At present, the Bill provides that the commission shall consist of one full-time member, who shall be the Chairman and Chief Executive Officer of the commission, and seven part-time members. My amendment provides that there be one full-time member, who shall be the Chairman and Chief Executive Officer, and seven part-time members (and up to that point my amendment does not disagree with the Bill), but my amendment provides for a further part-time member, who must be an employee of the commission and who is to be appointed by the Governor on the nomination of the employees of the commission.

While it is not specifically stated, I believe that it is clear from the drafting of the amendment that the employee nominated by the employees should not be the Chief Executive Officer. The amendment would be read in that way because the Chief Executive Officer is not really an employee of the commission. So, the intention is that there be eight members, plus one extra member, who is to be nominated by the employees and appointed by the Governor, presumably after the Governor (in effect, the Government) has been satisfied that the nomination of that person has been carried out satisfactorily. I do not wish to enter into a long debate about this issue.

The Hon. R. C. DeGaris: Aren't you feeling very well?

The Hon. C. J. SUMNER: I have in mind the President's dinner; the honourable member will know that we missed the dinner last year because of events beyond my control and certainly beyond the control of members opposite.

When it is in our power to proceed with the dinner, it would be a pity to continue the debate into the night.

I do not intend to embark on a detailed justification of this amendment, because honourable members will be aware that the matter has been, to use a colloquialism, thrashed out in this Council from time to time over the past five years. The principle simply is that the Opposition adopted while in Government a policy that, with commissions and boards, there ought to be some input from their employees, and this was best achieved by direct representation from the employees on those commissions and boards.

This is a common practice in universities, university councils, councils of colleges of advanced education, and the like, and it is increasingly becoming the practice that it is valuable for there to be employees on the boards and commissions, directly participating in their deliberations. A further example, and something which was passed by this Council, is that there is an employee representative on the Legal Services Commission. This is consistent with the policy that the Opposition adopted, before the last election, on industrial democracy matters, which policy the present Government opposes.

We canvassed the arguments fully in this Council in relation to the amendments to the Art Gallery Act, which amendments were introduced by the Hon. Mr. Hill just before Christmas. I merely commend the amendment to honourable members, which is moved on the same basis as the amendment which was moved to the Art Gallery Act Amendment Bill last year and which provided for an employee representative on the board.

The Hon. C. M. HILL: I oppose the amendment, because it is completely contrary to Government policy, and also because there is within this legislation to be a staff member on the commission.

The Hon. C. J. Sumner: The chief executive.

The Hon. C. M. HILL: Yes, that officer will be on the commission. So, the staff has a representative on the commission. I now refer quickly to a document printed in October, 1979, and entitled "Employee participation". Issued by the South Australian Government, the document sets out that Government's policy.

The Hon. C. J. Sumner: The new policy.

The Hon. C. M. HILL: That is so. It states that the South Australian Government will not impose any particular methods or procedures upon any enterprise. Elsewhere, the document states:

> The Government's role will be to advise and assist employees and management to initiate such schemes only when requested.

Further, the document states:

> The South Australian Government believes the following principles are of major importance in adopting employee participation:
>
> (1) The adoption of employee participation should be voluntary and must evolve from the particular needs and realities within each organisation. Its introduction should be a gradual process.
>
> (2) Legislation will not be used to force the introduction of employee participation. Compulsion may damage the co-operation which already exists and further divide management and employees.

The following appears on page 3 of the document:

> The form of employee participation taken will be the responsibility of the management and employees of a particular enterprise. The role of Government will be confined to voluntary education and assistance. The initiative must always lie with the Parties directly concerned.

Elsewhere the document states:

> To be successful, any programme of employee participation must always be adopted because of a genuine and enlightened desire by all concerned to identify and satisfy the changing needs and mutual interests of both employers and employees.

Therefore, I oppose writing into this Bill legislation that enforces this kind of worker participation, as favoured by the Labor Party, on this commission. After the commission is established, if the staff forms its staff council, and, with the passing of time, they show a readiness or willingness to be represented on the commission, there is no reason why the Government at that time, when a vacancy occurs, should not seek a staff representative on the commission. Then, employee participation, as the present Government envisages, could well be practised.

It certainly is totally against it if we use compulsion at this stage and force the staff to appoint a person to be on the commission, bearing in mind, of course, the point I made a moment ago, that they already have their Chairman on the staff, anyway. I ask the Hon. Mr. Sumner (who I know is close to the ethnic people and their views generally) whether he believes that ethnic people really want a public servant on the commission. That is what would happen, because I remind members that the staff of this commission, in accordance with the provisions of this Bill, are public servants.

The last point I make is that officers will have ample opportunity to participate at the advisory and development levels in the work of this commission as an organisation, because there will be established a great number of voluntary committees, and those committees will be made up of members from ethnic communities. Those committees will be serviced by, in each case, a staff member of the commission. That staff member will, therefore, be close to the activities of those committees, which are an important part of the whole of the machinery we propose to establish. Indeed, it will be the decisions of those committees that will go to the commission for final policy decisions, so it cannot be said that members of the staff of this commission are going to be cut apart from the close working of the commission as it affects ethnic activities generally.

The staff will be participating. They may wish to have a representative on the commission, and if they so wish, after the commission has been established they can make their wants known to the Government of the day. I give my undertaking that every possible consideration will be given to a request of that nature. Returning to the important point of compulsion through this legislation to enforce such worker participation, I stress that that is completely contrary to the Government's policy on employee participation.

The Hon. C. J. SUMNER: I am disappointed in the Minister's not welcoming this amendment with open arms.

The Hon. L. H. Davis: But not surprised.

The Hon. C. J. SUMNER: I must say that I am not overly surprised by it. I feel that participation by employees of the commission on the commission would be of benefit. It is only one person and, although the Minister might say that that person is a public servant, the person would, in fact, be employed in his or her day-to-day work by the commission itself. Further, that person would be one amongst seven others who would be directly appointed from the communities. It is not really imposing a method of worker participation on employees. What it is doing is providing a position on the commission.

How the employees get to appointing that person is a matter that is left to the employee council or organisation, or whatever exists in the work place. There could be a variety of methods used to gain appointment to the

commission. This is a matter about which the Government takes one view and the Opposition another. I do not believe members of the ethnic communities would be unduly upset about it. I think that they would see it as of advantage, because the people concerned in the day-to-day running of the commission would have some say in the commission as well, and I think that would only be of benefit to the operation of the commission. Government and Opposition differences on the question of policy have been debated before the Chamber on previous occasions, and there is no point in pursuing the matter further at this stage.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, C. J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. N. K. Foster and Anne Levy. Noes—The Hons. L. H. Davis and M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. J. SUMNER: As my amendment has been defeated, I will not proceed with my second amendment on file.

Progress reported; Committee to sit again.

ADJOURNMENT

At 6.1 p.m. the Council adjourned until Tuesday 26 August at 2.15 p.m.