LEGISLATIVE COUNCIL

Thursday 25 August 1988

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

ABERFOYLE PARK SOUTH PRIMARY SCHOOL

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Aberfoyle Park South Primary School.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

South Australian Government Financing Authority—Report, 1987-88.

MINISTERIAL STATEMENT: ATTORNEY-GENERAL'S ROLE

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The statement is as follows:

1. Background:

I believe that it would be useful to provide the Parliament and the South Australian community generally with some explanation of the role of the Attorney-General in our system of Government and the relationship of the Attorney-General to the Government with respect to the legal system and, in particular, the criminal justice system. I say this because from time to time there are obvious misapprehensions amongst honourable members, the media and the general public about the role of the Attorney-General.

For instance, questions are sometimes asked in Parliament in relation to Crown appeals against sentences or the Crown's attitude to suppression orders or bail applications. Particularly in the House of Assembly these questions are often couched in terms of whether 'the Government' will act in a certain way in relation to these and other issues which arise in relation to the criminal justice system. Further, the media sometimes refer to the State Government initiating Crown appeals or report the Opposition as calling on the State Government to initiate a Crown appeal against a sentence or a suppression order.

Couched in these terms, the questions reveal a misconception about the relationship of the Government and the Attorney-General with respect to the criminal justice system. Further, recently when I wrote to the Presiding Officers of the Parliament in my role as Attorney-General to remind them of the potential for a mistrial if prejudicial publicity were to occur during the trial of a senior police officer, some members accused the Government of attempting to gag the Parliament. For these reasons I consider it opportune to outline to the House, the responsibilities of the Attorney-General in these matters.

The purpose of this ministerial statement then is to attempt to correct any misconceptions that exist in the Parliament, the media and the public mind regarding the role and functions of the Attorney-General in this State. The mistake is often made of confusing the constitutional role of and functions of an incumbent of the office of Attorney-General with the role and functions of the Government of the day (that is, the Cabinet or the Governor-in-Executive Council) in relation in particular to the criminal justice system.

What the examples cited earlier by me reveal is that members of Parliament and the media often believe incorrectly that the Government of the day has the carriage of, or an involvement in, prosecutorial decisions in relation to the criminal justice system. I consider it important to restate the proper legal and constitutional position of the office of Attorney-General *vis-a-vis* the Crown, the Government and the public it serves. It is important that the constitutional propriety of the Attorney-General's independent status be understood and recognised by members of Parliament and the community alike.

2. Office of Attorney-General:

There is no mention in the South Australian Constitution Act 1934 of the Attorney-General. Like many aspects of the constitutional system this State inherited from Westminster, the office of Attorney-General evolved by custom and convention. It is essentially a creature of unwritten law. But that does not mean that the office of Attorney-General is an office devoid of content or duty. In fact, quite the reverse is the truth. A comment by one New Zealand writer adequately sums up this point:

> Of all public officers the Attorney-General is expected to keep his soul, even in difficult and compromising circumstances. A politician from the ranks of the majority Party in the Legislature, and . . . a member of the Cabinet, he is expected to represent the public interest, to ensure the criminal law is properly enforced, and to protect charities. In all but the last he may come to situations where the interests of his political Party and of the administration of which he is a member may not be easily reconciled with the public interest as a whole. Yet he is expected on coming to office and in its performance to keep his integrity—his soul—so that, among other things, the administration of the criminal law never becomes merely the tool of a powerful and unscrupulous executive . . .

A former British Attorney-General (Sir Elwyn Jones) succinctly put the matter another way:

> . . . the basic requirement of our constitution is that however much of a political animal [the Attorney-General] may be when he is dealing with political matters, he must not allow political considerations to affect his actions in those matters in which he has to act in an impartial and even quasi-judicial way. ('The Office of Attorney-General' [1969] *C.L.J.* 43 at 50).

The well established principle of the constitutional independence of the Attorney-General in relation to prosecutorial functions is stated in Edwards—'The Law Officers of the Crown' at pages 5, 6, 7 and 8. I refer in particular to page 6, as follows:

> The episode has since served to focus both parliamentary and public attention on a basic problem of good government, namely, the necessity of ensuring that the machinery of criminal justice is never allowed to become a pawn in Party politics, or subject to parliamentary pressure. Universal acceptance of the principle of freedom for the Attorney-General to discharge his quasi-judicial duties is only a reflection of the paramount importance that for centuries has been attached to the independence of the judiciary.

And at page 8 it states:

> To me, the ultimate strength of the office of Attorney-General and Solicitor-General in all their various activities rests primarily on firm adherence to this long fought for principle of constitutional independence.

On this general question of the role of the law officers of the Crown, I commend to honourable members who desire further information on this issue two books by J. Edwards: 'The Law officers of the Crown' (1964) and 'The Attorney-

General, Politics and the Public Interest' (1984) (both published by Sweet and Maxwell).

At this point it is worth noting that in the United Kingdom the other Law Officer of the Crown (which is dealt with by Edwards in these books), namely, the Solicitor-General, is also a member of Parliament. In this State that office is constituted by statute—The Solicitor-General Act 1972.

3. Responsibilities of the Office of Attorney-General:

The responsibilities of the Attorney-General can be divided into two broad categories. In the first, he is a member of Cabinet, like any other Minister and, in accordance with the Westminster system of Cabinet solidarity, bound by the decisions of Cabinet on matters of Government policy. He is bound and accepts decisions of Cabinet on all matters of policy and legislation including those within his own portfolios. Whether legislation is to be presented to Parliament to change the law is clearly a matter on which the Attorney-General is in no different position to other Ministers. While the Attorney's advice may be sought on the terms of legislation and would presumably be given some weight, in the final analysis whether to proceed with legislation is a decision for Cabinet.

However, there is a second category of responsibilities where the Attorney-General has a special role and is not subject to the direction of Cabinet or his Party. These are his responsibilities for the enforcement of the criminal law and the representation of the public interest in legal proceedings. Against this background I would like to summarise briefly but not exhaustively the principal roles of the Attorney-General.

General Duties:

(i) The Attorney-General is the principal legal adviser to the Crown, its Ministers, departments, agencies and authorities. In this capacity, the Attorney-General must not only exercise a duty of reasonable care but also have regard at all times to the public interest.

In this context it is worth noting that in South Australia the Attorney-General is called on from time to time to advise the Parliament, its presiding officers and its standing and select committees on matters of law. As with most advice provided to Government departments and Cabinet, this advice is usually provided by the Crown Solicitor or Solicitor-General. However, it is the Attorney-General who remains ultimately responsible.

Criminal Law:

(ii) The Attorney-General has ultimate control of criminal proceedings.

(a) An indictment may only be preferred, for a serious offence, by the Attorney-General. In other words, a citizen of this State may only be brought to trial in the higher courts upon the motion of the Attorney-General who at all times exercises his or her powers to do so by having due regard to the public interest. This is so whether the offence is one known only to the common law or is constituted by Act of Parliament. Moreover, under some Statutes certain prosecutions may not be initiated without the actual consent of the Attorney-General (for example, s. 187 (2) of the Criminal Law Consolidation Act 1935 dealing with prosecutions of trustees fraudulently disposing of property in which a public charity may have an interest). In this context, one writer has observed:

> It is clear that in exercise of his statutory powers, whether of giving consent to prosecutions or otherwise, the Attorney-General is subsequently accountable to Parliament and liable to its control . . .
>
> (Dickens: 'The Attorney-General's Consent to Prosecutions' [1972] *Modern L.R.* 347, 349).

This accountability to Parliament, of course, may take many forms, including questions asked by members of Parliament.

(b) The Attorney-General has the power to enter a *nolle prosequi* in a criminal case on indictment, to direct that all further proceedings be stayed.

(c) The Attorney-General may appeal to the Supreme Court against a sentence passed on a person convicted on information.

(d) If the role of the Attorney-General in relation to the criminal justice system is properly understood, then the arguments which are sometimes advanced for an independent Director of Public Prosecutions lose much of their force. Indeed, in the United Kingdom, where there is a Director of Public Prosecutions, that office is not independent of the Attorney-General. It bears a similar relationship to that of the Attorney-General to the Crown Prosecutor in South Australia. The following statement on the relationship between the Attorney-General and the Director of Public Prosecutions in the United Kingdom is equally applicable to the relationship between the Attorney-General and Crown Prosecutor in this State.

> So what we have is a Director of Public Prosecutions who takes most of his decisions by himself, but who consults the Attorney in a small number of difficult cases. We have an Attorney-General who makes up his mind on his own, but consults his Cabinet colleagues in a small number of difficult cases. The Attorney asserts his independence from the Government, because other Ministers must not tell him what to do (though they can offer him advice). But the Director is not able to assert his independence from the Attorney, because the Attorney can effectively exercise control over the Director's decisions. It's a relationship that has worked successfully enough for 60 years.
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> (Rozenberg: 'How independent are the D.P.P.'s decisions?'; 2 October 1987, *Law Magazine* p. 21).

Civil Law: the Public Interest:

(iii) The Attorney-General is responsible for the protection of charities. It is that officer's responsibility to ensure that property held on charitable trusts is properly applied in accordance with their terms.

(iv) The Attorney-General representing the public interest may take proceedings *ex officio* or on the relation of a member of the public to enforce public rights (that is, relator proceedings). Lord Wilberforce, in *Gouriet* v *Union of Post Office Workers* [1977] 3 *WLR* 300, 310, observed:

> It can properly be said to be a fundamental principle of English Law that private rights can be asserted by individuals, but that public rights can only be asserted by the Attorney-General as representing the public. In terms of constitutional law, the rights of the public are vested in the Crown, and the Attorney-General enforces them as an officer of the Crown.

(v) The Attorney-General has a duty, in appropriate cases, to bring proceedings for contempt of court, whether that court is exercising a civil or criminal jurisdiction.

(vi) It is also the Attorney-General's supervisory role to ensure that the processes of the courts of this State are not the subject of abuse by vexatious litigants (see for example, s. 39 Supreme Court Act 1935). It can therefore be appreciated that the special functions and responsibilities of the Attorney-General (and there are some functions unique to the office) are frequently complex. In many instances they do not admit of easy solution—public administrative acts rarely do. The Attorney-General's role is best summarised as follows. In relation to certain functions which I have outlined:

(a) It is independent. The duties of the Attorney-General are only capable of being discharged by that officer alone. That is not to say the incumbent does not or never can seek the opinion or advice of, or consult with, other relevant actors involved (including ministerial colleagues). Clearly, no decision can ever be made, as it were, in a vacuum. But,

at the end of the day, the final decision is that of the Attorney-General and no others.

(b) It is the guardian of the public interest. In relation to the legal system, without exception these duties of the Attorney-General can only be discharged with the public interest being the paramount consideration:

> He may, if he wishes, consult with ministerial colleagues, but he must be the sole judge of the weight which ought to be given to consideration of a public character.

And, even more graphically:

> "The Attorney-General should absolutely decline to receive orders from the [Premier] or Cabinet or anybody else that he shall prosecute." (see Silkin: "The Functions and Position of the Attorney-General in the United Kingdom" [1978] *The Parliamentarian* 149, 150).

(c) It is accountable to the Parliament. All Ministers are accountable to Parliament and the Attorney General is no exception. That is not to say the Attorney-General would be requested by Parliment to divulge in detail all the factors which together determine the reasons for a particular decision (for example, the Attorney-General may be subject to a legal obligation of secrecy or confidentiality; information may be particularly sensitive either in relation to the private affairs of a person or the affairs of the State, etc.) However, with mutual self-restraint and forbearance a proper and tolerable interaction of the supervisory role of Parliament and the accountability of the Attorney-General should ensue.

4. Conclusions:

It can be appreciated that each of these elements of the Attorney-General's role has significance for other members of this Parliament (whether they are from Government or Opposition sides), the printed and electronic media and the general public.

This is the case because, where there arise concerns or questions about the conduct of prosecution in the criminal law or the vindication of public rights in the courts of this State, those concerns or questions should be directed to the Attorney-General or the Minister representing the Attorney-General in the House in which the Attorney does not sit. They should not be directed to the Premier or other Ministers (or their respective advisers).

I have on previous occasions (*Hansard* 12 August 1987, page 110) indicated my view that the public interest is best served by having an elected Minister in the form of the Attorney-General responsible and accountable to the Parliament in relation to the criminal justice system and the protection of the public interest before the courts (that is the independent functions which I have outlined). However, in exchange for this accountability it is important for there to be some understanding of the role of the Attorney-General in our constitutional structure, derived as it is from the Westminster system and, in particular, an understanding that inrelation to certain functions the Attorney-General must act independently of the Government.

Although the principles that I have outlined are well established as part of our legal and constitutional structure, they are apparently not well known to the public, the media or, indeed, all members of Parliament. I trust that this statement will be useful in clarifying any misconceptions in this area and contribute to a better understanding of the role of the law officers of the Crown and in particular the Attorney-General.

QUESTIONS

WAITING LIST DEATHS

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Minister of Tourism, representing the Minister of Health, a question about hospital waiting list deaths.

Leave granted.

The Hon. M.B. CAMERON: I read with interest the comments in today's *Advertiser* made by the new Minister of Health in the other place that the waiting list for elective surgery in public hospitals is now about 6 300—with an apparent fall of 500 in the past year, but with no details provided of that. I recall that some short time ago the number of people on the waiting list rose unexpectedly from 6 000-odd to nearly 7 000 as a result of a very clever computer that found people that it did not know existed before. One might question just how this apparently substantial reduction has been achieved in that time. Was it the application of the $2.5 million used in the past year to reduce waiting lists (with $2.3 million this year, I understand—a drop)? Was it because hospitals were putting through more patients? Was it because, for a variety of reasons, the patients were no longer there?

I have before me a summary of the number of people waiting for the elective surgery at the the Queen Elizabeth Hospital as of 30 June 1988. It shows that 1 730 people were awaiting elective surgery on that date, a small increase on the 1 703 people on that hospital's list at 13 January 1988. The figures I have obtained, however, show other disturbing details. Of people removed from the hospital's waiting list in the 12 months to 1 July 1988, 40 had died while waiting. On top of that a further 142 had presumably grown tired of waiting and had sought treatment elswhere. During the same 12 month period there were 306 surgical cancellations because there were insufficent beds at the QEH and a further 426 cancellations because theatre time was unavailable. My questions to the Minister are:

1. Is the Minister aware that 40 people on the Queen Elizabeth Hospital's waiting list have died in the past year while awaiting elective surgery?

2. Will the Minister provide figures detailing how many other patients have died during the past year while also awaiting elective surgery at Adelaide's other major public hospitals?

3. Will the Minister investigate whether the cause of death in each of these cases was in any way related to a delay in the individual's obtaining elective surgery?

The Hon. BARBARA WIESE: On the question of waiting lists, I know that the honourable member has addressed this question on a number of occasions in this place and has made quite considerable capital from his claim that waiting lists have grown enormously in South Australia. It is important to put into some context that the method of recording such lists has changed significantly over time. In fact, the lists of today cannot be compared with the lists of some time ago, because the method of recording has improved enormously and the categories for treatment have also changed over time. So, it is not possible to make the sorts of comparisons that the honourable member very often makes. I make those points because it is important that they be on the record. I will refer the specific questions the honourable member has raised to my colleague in another place and bring back a reply.

FESTIVAL OF ARTS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the Festival of Arts.

Leave granted.

The Hon. L.H. DAVIS: A report on the 1988 Festival of Arts now before the Festival Board of Governors makes the following acerbic comment:

> We did, however, learn a good deal about the way the tourism industry works and in particular the way Tourism South Australia does not work. Despite being written into the much vaunted tourism plan and putting in more effort from our end, we received less support from Tourism South Australia than we did in 1986.

The reference to the tourism plan no doubt is based on the commitment of Tourism South Australia to have a Festivals and Special Events Marketing Officer appointed by June 1987 who would provide advice and liaise with Festival organisers. In view of this blistering criticism by Festival organisers—a view widely shared in arts circles—will the Minister of Tourism, who also assists the Premier with the Arts portfolio, advise:

1. What support did Tourism South Australia give to the 1986 and 1988 Festivals?

2. When was the Festivals and Special Events Marketing Office appointed and what role did that person play in promoting the 1988 Festival?

3. Will Tourism South Australia's contribution to the 1990 Festival be reviewed?

The Hon. BARBARA WIESE: I am not sure why it is that the Hon. Mr Davis has in his possession a copy of any report currently before the Board of Governors, but that aside I am most concerned to hear that there would be any complaints made by people associated with the Adelaide festival about the level of support given to the festival during the course of the last Festival of Arts, because Tourism South Australia provided significant support to the last festival. I saw a criticism of the kind just expressed by the Hon. Mr Davis in a newspaper article that appeared in last Saturday's *Advertiser*. As a result of that reference I sought a report from my officers on the level of support given to the Adelaide Festival of Arts.

I am very satisfied that Tourism South Australia provided considerable support to this last Festival. Indeed, the level of support exceeded that given to the previous Festival. I shall be happy to outline some of that support, and I am sure members will agree with me that it is very significant.

First, Tourism South Australia funded the pre-launch brochure for the Adelaide Festival at a cost of $20 000. It took the leading role in organising and accompanying the Eastern States' launch promotion. It organised the New Zealand promotions, including arrangements for free wine at a launching ceremony. It also organised brochure distribution to other overseas outlets. Tourism South Australia provided a service through its travel centres for the distribution of programs, and provided a desk in the Adelaide Travel Centre during the course of the Adelaide Festival so that information could be given to tourists who were in town to attend Festival performances.

In all our product brochures about tourism and South Australia we make extensive reference to Adelaide festivals and we give prominence to the Adelaide Festival of Arts. It is quite true that the tourism plan has suggested that Tourism South Australia has a responsibility to assist in promoting the Adelaide Festival, and that is certainly something that we have done now over a number of years. Recently, in assessing performance in this area, one of our officers (who was appointed to oversee the implementation of the tourism plan) called on the Festival administrators to hear their comments on Tourism South Australia's performance and to seek their views on whether the cooperation that had existed between the Festival organisers and officers in Tourism South Australia had been adequate or appropriate. Indeed, they expressed considerable satisfaction with the role that had been played by Tourism South Australia.

The article that I saw in the *Advertiser* last Saturday and the comments now being made by the Hon. Mr Davis do not reflect, by all accounts, the views of the people who were directly associated with the Adelaide Festival of Arts and, indeed, the Managing Director of Tourism South Australia has never received any communication or complaint from the Festival organisers about the role played by Tourism South Australia during the course of the last Adelaide Festival of Arts. So, I do not think that the comments that the Hon. Mr Davis made are shared by the people who are closest to the event.

In a general sense members should be aware that it is not the role of Tourism South Australia to be solely responsible for the promotion of the Adelaide Festival of Arts. The people who are responsible for the Festival have the role of promoting their own event. Indeed, it may be said that perhaps they could devote more of their resources than they currently do to the promotion of the Adelaide Festival.

That aside, it is my view that Tourism South Australia has added significantly to the work of the organisers of the Festival in promoting it widely throughout Australia and, indeed, throughout the world. Unless other information is brought to my attention that has not yet been forthcoming, there is nothing in what the Hon. Mr Davis says that changes my mind about that.

The Hon. L.H. DAVIS: I have a supplementary question. The tourism plan referred directly to—

The PRESIDENT: Order! A supplementary question must be a question, not a statement.

The Hon. L.H. DAVIS: As the tourism plan referred directly to the appointment of a Festivals and Special Events Marketing Officer, to be appointed by June 1987, will the Minister answer my second question, namely, when was the Festivals and Special Events Marketing Officer appointed and what role did that person play in promoting the 1988 Festival?

The Hon. BARBARA WIESE: The officer to whom the honourable member referred was appointed some months ago. I cannot be specific about the month in which he was appointed, but it was some time during the course of 1988. Indeed, since his appointment—

The Hon. L.H. Davis: Well after he was due to be appointed?

The Hon. BARBARA WIESE: Certainly.

The Hon. L.H. Davis: Why?

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It was not possible to appoint somebody earlier because of staffing constraints within the Public Service and the reorganisation of Tourism South Australia. This person has now—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —been appointed and, indeed, since the time the tourism plan was written, it has been determined—

The Hon. L.H. Davis interjecting:

The Hon. BARBARA WIESE: I will give you a copy of the report that has been done on the tourism plan and the implementation of it, and I think you will be—

The PRESIDENT: Order! I ask that all remarks be addressed through the Chair.

The Hon. BARBARA WIESE: —very satisfied that Tourism South Australia has done a very good job in holding up its end of the bargain in the implementation of the tourism plan. Some things have not been achieved by the target date; other things have been achieved well in advance

of the target date. Whatever way one looks at it, almost all the strategies outlined in that plan that were given to Tourism South Australia to implement have now been achieved. That is a significant step forward by the organisation.

With respect to the officer to whom I was referring, before being interrupted by way of interjection, since that person has joined the staff of Tourism South Australia and the officers of the organisation, in consultation with representatives of the tourism industry, have had an opportunity to re-examine the original proposal laid down in the tourism plan, it has been determined that the role of that officer should be slightly at variance with the original idea, in that this person will now be largely responsible for working with local organisers of festivals and tourist associations in the development and improvement of particular local festivals, rather than his efforts being directed more predominantly towards the promotional aspect of festivals. That is the role that that officer is now fulfilling, and that person is fulfilling that role adequately indeed.

PARLIAMENTARY TERMS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about parliamentary terms.

Leave granted.

The Hon. K.T. GRIFFIN: In 1985, in introducing a Bill to amend the South Australian Constitution Act to provide for four year terms of which three years is fixed, in promoting the Bill the Attorney-General said:

> The real advantages of the proposal inherent in this Bill are the removal of the potential for cynicism and opportunism from the decision-making processes that apply to elections.

Is the Attorney-General prepared to give an unequivocal commitment that this Parliament will run its full term which expires in February 1990 and that the Government will not call an election prior to that date?

The Hon. C.J. SUMNER: It is a rather incredible question.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: What the legislation did, as the honourable member well knows, was, in effect, to provide for a three year fixed term of Parliament; that is, the Parliament could not—

The Hon. R.I. Lucas: It wasn't really.

The Hon. C.J. SUMNER: It is not completely fixed, but what it did, in effect, was to introduce a three year fixed term. The only way that that would be reduced would be if the Government lost its majority in the Lower House or if there was some behaviour by the Legislative Council which would have deprived the Government of the day of its Supply.

Members interjecting:

The Hon. C.J. SUMNER: Okay.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I do not think one could call any Bill a 'Bill of public importance', but it does provide for there to be, except in certain circumstances, no election before the three years have expired. It was agreed by the Opposition that the general term would be extended to four years, so the structure of the Bill was agreed to by the Opposition, that is, a three year minimum and a four year maximum.

The Hon. M.B. Cameron: And 12 months for cynicism.

The Hon. C.J. SUMNER: No, that has always been the position in relation to the Bill introduced, which is now the Act, and members opposite agreed to it. So, there is no point in their coming here and objecting and interjecting.

Members interjecting:

The Hon. C.J. SUMNER: Members opposite agreed to three years minimum, subject to certain given circumstances occurring which would result in an election occurring before the three years, and a four year maximum. Of course, in that the Hon. Mr Griffin has been less than frank to the Council—

The Hon. K.T. Griffin: That's not so.

The Hon. C.J. SUMNER: You said that the term expires in February 1990.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The Parliament can go through and probably there can be an election after that date.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The term expires in February 1990.

The Hon. K.T. Griffin: That is what I said.

The Hon. C.J. SUMNER: I know. The four years of the Government's term would be up in December next year—not 1990. I would have thought that a full and frank explanation of the Hon. Mr Griffin's question would have required that. The reality is that the four years will be up in December 1989—next year—and I think it has always been considered that about the four year time, whether it be a March election, which was a tradition once, or a November-December election, which has been the tradition more recently, there was some flexibility about when an election would be called. That was always implicit in the legislation introduced, and always implicit in the legislation that members opposite agreed to.

The Council knows that the decision as to whether to call an election in this State and under the Westminster system generally is one which rests with the Premier; for instance, honourable members may well remember that in 1979 I had no idea that there was going to be an early election.

The Hon. L.H. Davis: You voted against it—you were the only one.

The Hon. C.J. SUMNER: That was the problem, but the decision had already been taken. I got there too late—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The decision had already been taken and we were informed that an election—

The Hon. R.J. Ritson: It was not a very good decision.

The Hon. C.J. SUMNER: No, it was not a good decision. I am on record somewhere as having said something about it at the time. As it was, the Hon. Dr Cornwall and I were, as I recollect, presented with what is called a *fait accompli.*

The Hon. J.R. Cornwall: We were twelfth and thirteenth in the Cabinet at the end where one did not hear!

The Hon. K.T. Griffin: It should have been a round table.

The Hon. C.J. SUMNER: Yes, I was about to say that we sat at the end of a very long table. Nevertheless, our ears pricked up when this information was revealed to us by the Premier.

Members interjecting:

The Hon. C.J. SUMNER: Yes, one cannot really reveal what happened in Cabinet.

The Hon. M.B. Cameron: It would be unparliamentary.

The Hon. C.J. SUMNER: It is probably fair to say that it was not a formal Cabinet meeting. Nevertheless, we were all present and it was announced by the Premier that there was to be an election. As I say, it is a matter within the system which is principally one for the Premier. Of course,

he consults, but I know of nothing which would mean that the Government would not go through its full term. There seems to be a curious phenomenon in this State and indeed nationally that someone starts a rumour that there is going to be an early election and all of a sudden questions are asked about it in Parliament, there are media reports about it and the whole world is abuzz. The only people who do not know anything about it are the Premier, the members of Cabinet and the Government.

It is just absurd. One of the reasons for the introduction of the Act which now governs the question of elections was to try to stop some of this bizarre nonsense occurring as it often did a few months after a general election had been held. The Bannon Government saw out its last full term and I know of nothing that would indicate that it does not intend to substantially fill this term.

The Hon. M.J. Elliott: Today's budget!

The Hon. C.J. SUMNER: The budget is the budget. Why would it indicate that the Government would want to go to an election? If there is to be an election following this budget, it is a complete surprise to me.

The Hon. L.H. Davis: You get consulted.

The Hon. C.J. SUMNER: I do not get consulted on these matters.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Yes, I thought I would let you know exactly what I do. I certainly know nothing, apart from what I have seen in the media, of the speculation on this topic and, as I said, I know of no reason why at this stage the Government would not be seeing out its full term. Whether or not there is an election is a matter for the Premier. The three years is not up in any event until December this year, and I would expect the Government to go into the next year and to its full term. It is not a matter for me to say, because that is a matter, as I said, for the Premier.

It is also probably worth pointing out that, if the referendum on fair elections is carried, there will need to be a redistribution in this State if the election is to be held after September next year, but that is well known to the public and, in fact, was made known to the media by me.

STATE FINANCES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about State finances.

Leave granted.

The Hon. M.J. ELLIOTT: I read a most interesting article in the *Financial Review* of Monday 22 August. Titled 'South Australia to go for election budget', part of that article states:

> The South Australian Government looks set to abandon the notion of fiscal responsibility by bringing down a good news budget this week in preparation for an early election.
>
> The tax cuts are expected to be the biggest since the Premier, Mr Bannon, launched a $42 million package of cuts and a 12-month freeze on most State charges in his 1985 election budget.
>
> Indeed, Mr Bannon's $4 million budget surplus announced this week turns into a deficit of more than $300 million if measured the same way as the Federal and New South Wales Governments measure theirs.

I made a further inquiry into that matter and I believe that our State Government has practised for some time what other States have practised and that is treating borrowings as income. The article continues:

> ABS figures also show the South Australian Government's net financing requirement rose from $388 million in 1986-87 to $588 million in 1987-88, an increase of 43.8 per cent, far higher than any other State.

In fact, compared with New South Wales which had reduced its by 2.7 per cent and the Federal Government had reduced theirs by 80.2 per cent. The article concludes:

> Although the full extent of the Government's unfunded liabilities is unknown, the State has about $2 billion in unfunded superannuation payments and further added to its debt problems this month by deciding against immediately funding the 3 per cent superannuation payout granted to all public servants. This is expected to add a further $50 million to the State's unfunded liabilities this year.

My questions are:

1. When will the State Government adopt an honest budgetary process and cease treating borrowings as income?
2. When will the State Government act on the blowout on unfunded superannuation payouts?
3. Will the State Government allow a continuing blowout in its net financing requirements?

The Hon. C.J. SUMNER: That is a fairly extraordinary question to ask on a day that the budget is being brought down in another place. I would have thought the honourable member could have perhaps waited for his colleague to return from the House of Assembly and then been better informed about what is in the budget before he asked his question. But no, he has sought on the day of the budget, apparently, to pre-empt what might be in it.

I understand that, when the honourable member is referring to treating borrowings as income, he is referring to the fact that there is a consolidated account which operates in this State, and I should say that the creation of a consolidated account as I recall it, goes back to the days of the Tonkin Government. That was the Government, if my memory serves me correctly, that brought what was once the revenue account and the capital account together into a consolidated account. It is also fair to comment that it was the Tonkin Government which used $64 million of borrowings—

The Hon. M.J. Elliott: You are still doing it.

The Hon. C.J. SUMNER: That is not right; that has just been liquidated by the Premier. That was the announcement which he made a week or so ago. The accumulated deficit left by the Tonkin Government has now been eliminated. That Government used capital funds to run the recurrent expenditure and that we have been reducing, year by year, since we came into Government. It has now, as I understand the position, completely eliminated that overhang of debt from the Tonkin Government.

I would have thought that rather than coming in and sniping about that the Hon. Mr Elliott would have come in and congratulated the Government about it. So the presentation of the State budget accounts in a consolidated account has been going on for many years and, as I say, if I recollect correctly, was started by the Tonkin Government.

With respect to the question of superannuation, the honourable member will know, having been a member of the Parliament, that the new Superannuation Bill was presented and passed by the Parliament which closed off the earlier superannuation scheme and started a new public sector superannuation scheme, and it was only yesterday or the day before that the Hon. Mr Davis congratulated the Government on having taken this action.

The Hon. L.H. Davis: Having been forced to take action.

The Hon. C.J. SUMNER: Forced to take action; for whatever reason, the Hon. Mr Davis was pleased that that had occurred.

The Hon. M.J. Elliott: What about 3 per cent of the Public Service?

The Hon. C.J. SUMNER: What are you saying, that 3 per cent of public servants should not get that?

The Hon. M.J. Elliott: No, I did not say that.

The Hon. C.J. SUMNER: Well, what are you saying? The problem is that you cannot work out what you are saying.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Someone else wrote the question and you did not understand it. The honourable member comes into the Parliament, usually pontificating about the lack of funding for education. He just moved a motion apparently about the responsibility of the Minister in the area of education. No doubt when he gets up and delivers his speech, he will be castigating us up hill and down dale for not providing enough money for education and virtually all his questions, whether they be on national parks, or whatever, are all about the fact that there are insufficient funds going into these Government activities.

Now, of course, he has decided to take a complete turn around and accuse the Government of somehow or other not funding its liabilities adequately. The fact is that the per capita debt in South Australia is lower than in most other States. We have not increased the per capita debt greatly since we have come into Government. Certainly not *vis-a-vis* the other States. We paid off the deficit on the consolidated account that was left over from the Tonkin Government. The honourable member will have to wait and see what the precise situation is with respect to this year's budget. I think he will find from the point of view of deficits or otherwise that it is quite satisfactory.

GOVERNMENT SERVICES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question on equity of access in Government services.

Leave granted.

The Hon. J.F. STEFANI: In May 1985 the South Australian Labor Government announced a commitment to equal opportunity measures intended to benefit all sections of the community and in particular directed a review of Public Service management practices to respond to changing community needs and expectations. On completion the review stressed amongst other matters that Government employees should be responsive and sensitive to the needs and composition reflected in the community and their individual clients in the delivery of services.

The Government further required that every State agency develop a policy and practical strategies which commit the agency to monitor and wherever necessary improve the delivery of services to all members of the ethnic groups in our community. My questions are:

1. How many State agencies have developed a policy and practical strategies and who are they?

2. When will other State agencies comply with the Government's requirements?

3. Will the Minister make available to this Chamber, copies of the policies developed and adopted by the various State agencies?

The Hon. C.J. SUMNER: Madam President, certainly a large number of Government agencies have dealt with this issue. The Education Department produced a report from a committee chaired by Dr Smolicz on education for cultural democracy and that I think was commended a few days ago by the Hon. Mr Lucas in his Address in Reply speech. He congratulated the State Government on its efforts in multicultural education, so that report on education for cultural democracy was produced and then the strategy was implemented and that is, of course, still in train. The State Government picked up funding for multicultural education programs when the Federal Government withdrew some support for them. The Department for Community Welfare produced an ethnic affairs strategy document which was also the subject of budget finance and some of which has been implemented, and other matters are still in the process of being implemented. In the Health Commission a special unit was established—a migrant health unit—and that followed the report prepared on migrant health. Again, policies in that area are being implemented through that unit.

Other departments have prepared their ethnic affairs management commitments. I do not have a full list of them but, if my memory serves me correctly, the Department for the Arts has one and the Department of Consumer Affairs has one. In respect of the Department of Labour, an immigrant workers task force prepared a broad outline of what should be happening in that area, and at present an implementation team is looking at the precise costs of some of the recommendations.

There is little doubt in my mind that what the South Australian Government has done in this respect, through the Ethnic Affairs Commission and other agencies, equals, and I believe surpasses in many respects, what any other Government in Australia has done. It has been a comprehensive attempt to deal with these issues. When we came into Government we established task forces and working parties to try to ensure that ethnic affairs and multicultural policies were not just something that were stuck outside of Government, whereby, for example, we create an Ethnic Affairs Commission and say, 'That is all we need to do, because we have kept the ethnics happy. They now have their own commission and that is all we need to do. We will give them a bit of money so that they can buy some costumes and have some good dances, but we are not really committed to ensuring that people of ethnic minority origin are part of the mainstream South Australian community.'

The strategy was to repudiate that approach and to use the Ethnic Affairs Commission. Following the review and changes to the legislation the commission was constituted as a prime mover in the development of policies throughout the public sector and indeed in the development of policies that could be sold in community relations terms to the general community. As part of that project, reports were prepared, as I have said, in the areas of education, community welfare, health and labour. There are management plans in relation to some other departments as well. I think that that adequately answers the questions, but if there is any further information I will provide it for the honourable member.

WHITMORE SQUARE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about Whitmore Square.

Leave granted.

The Hon. DIANA LAIDLAW: Whitmore Square has been the focus of much public interest in recent months. Questions about whether the square should be declared a dry zone and about how best to accommodate homless people have been debated vigorously, and they remain issues to be resolved. Welfare agencies in the area—and I have been in contact with the Salvation Army, St Lukes, St Vincent de Paul and the Adelaide Central Mission—are frustrated at present because they feel that they are having difficulty contributing to the debate that is raging. On several occasions over recent months they have sought from the Attorney-General or his office statistics on the number

of arrests and prosecutions arising from offences committed in Whitmore Square, as compared to other squares in the City of Adelaide region, and they are particularly concerned about the lack of response. I therefore ask the Attorney whether he agrees that such figures may help to resolve some of the issues central to the current debate about the future of Whitmore Square? When will he agree to the frequent requests from welfare agencies in the area for his office to provide those statistics?

The Hon. C.J. SUMNER: This matter is with the Liquor Licensing Commissioner, who has responsibility for advising the Government in this regard. As the honourable member knows, the Adelaide City Council has made a request for Whitmore Square to be declared a dry area, and that request is currently being considered. There have been a number of conferences. The views of welfare agencies are being taken into account. At this point in time no decision has been made. I think one of the factors that the Liquor Licensing Commissioner is considering is the matter of the offence rate in that area, in comparison with other parts of the City of Adelaide.

The Hon. DIANA LAIDLAW: By way of a supplementary question, Ms President, as I believe that the Attorney may have either not heard or misunderstood my question: when will the Attorney provide to welfare agencies the statistics, as requested by them, on the number of arrests and prosecutions arising from offences committed in Whitmore Square, compared with other squares in the City of Adelaide area? I understand that these requests have been made to the Attorney and to his office but that the agencies have not yet received an answer.

The Hon. C.J. SUMNER: I am not personally aware of the requests. As I said, the matter is being handled by the Liquor Licensing Commissioner, and I assume that he is taking into account the representations that are being made, including those from the welfare agencies.

The Hon. K.T. Griffin: They are not making representations; they are making a request.

The Hon. C.J. SUMNER: I do not know of any requests of that kind. I assume that the matter has gone to the Liquor Licensing Commissioner, who is preparing a report on the matter. As I said in answer to the earlier question—had the honourable member been listening—I am sure that the question of the offence rate in Whitmore Square *vis-a-vis* the rest of Adelaide is one factor that will be taken into account.

The Hon. Diana Laidlaw: Yes, but the welfare agencies want that information to be provided.

The Hon. C.J. SUMNER: I am not sure what information is available, as far as dividing up the City of Adelaide into regions to show where the most arrests are. I would be most surprised if that information is statistically available without some further work. However, I will ascertain what the position is *vis-a-vis* those requests with the Liquor Licensing Commissioner and provide a reply to the honourable member.

CONFESSIONS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of confidentiality of the confessional.

Leave granted.

The Hon. K.T. GRIFFIN: A Sydney case last week brought into the public arena the question whether or not Catholic priests who hear a confession should be protected by law from being compelled to disclose in court the information received in the confessional. That case was a criminal case where the Catholic priest is reported to have said that he would go to gaol rather than disclose what was told to him in the confessional. There is in this case a clear conflict between the law of the land, which does not protect the confession from disclosure in court, and Catholic ecclesiastical law.

Only legal professional privilege between solicitor and client is protected by the law, but even that is being eroded by some taxation laws relating to anti-evasion. The issues which do arise if confidentiality is to be protected for Catholic priests are wide ranging. For example, what is to be the definition of confession? When is something told in confidence to a priest actually to be protected? Is it proper for a confession of a crime to be suppressed? More particularly, doctors will raise the issue of doctor/patient confidentiality. Other religious dominations may ask for the same level of protection. Even journalists assert that they must not disclose, even in court, the sources of information, and some cases have been reported where journalists have indicated that they, too, are prepared to go to gaol rather than disclose the sources of their information. My question is: does the Attorney-General propose to amend the law in respect of the confidentiality of confessions and, if so, in what respect.

The Hon. C.J. SUMNER: I understand that the Hon. Mr Griffin has jumped the gun on this matter and put out a statement to the effect that he does not think there should be any protection.

The Hon. K.T. Griffin: I didn't. I said that a number of questions were to be answered.

The Hon. C.J. SUMNER: He's not coming clean!

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If legislation is necessary it must be passed by the Parliament. As everyone knows, the Government does not have the numbers in the Parliament, at least not in this place. So I would not want to take any action in this area unless honourable members were prepared to indicate to me their views on the topic. I take it from what the Hon. Mr Griffin says that he is opposed to any privilege being accorded to Catholic priests in that respect.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: He hasn't made up his mind.

The Hon. K.T. Griffin: I want to know your view.

The Hon. C.J. SUMNER: I am saying that from the tone of the honourable member's question he is opposed to the privilege of confidentiality being removed.

Members interjecting:

The PRESIDENT: Order! I call everyone to order.

The Hon. C.J. SUMNER: The Hon. Mr Griffin apparently does not believe that this privilege relating to the confidentiality of the confessional for priests of the Roman Catholic faith should continue.

The Hon. K.T. Griffin: I am not saying that. The law does not protect it at the moment. Do you have any intention of doing anything? You don't want to answer the question.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am happy to answer it if the interjections would stop. The answer is very simple.

Members interjecting:

The PRESIDENT: Order! Interjections are out of order. They do not need to be replied to. The Hon. Mr Griffin has asked his question. The Attorney has the call to answer that question, and I ask him to do so without debating the issue, which is forbidden under Standing Orders.

The Hon. C.J. SUMNER: I agree entirely with what you say, of course, Madam President, but I feel that where interjections are made it is difficult not to respond to them; otherwise, *Hansard* will be produced with an accusation from members opposite without a reply from the Minister. I understand that the Hon. Mr Griffin has said that confidentiality is not protected by the law at present. It is not a matter to which I have given any detailed consideration, apart from being aware of the debate relating to the New South Wales priests. No representations have been made to me on the matter, and there is no proposal by the Government to legislate in this area at this stage.

RESIDENTIAL CARE WORKERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Community Welfare a question about residential care workers.

Leave granted.

The Hon. DIANA LAIDLAW: On Saturday 13 August a prominent advertisement was placed in the employment pages of the *Advertiser* seeking residential care workers to apply to DCW for work with young offenders and kids at risk of personal problems or problems with their families. I have been contacted by a number of people within DCW about the advertisement, as it invited applications from people wanting to work as casual residential care workers. The arguments put to me by these experienced departmental workers were that the employment of casual residential care workers was not in the best interests of young offenders themselves. They pointed out, as they have done to the department on numerous occasions in the past, that the foundation of any successful program to help young people to re-establish their lives necessitated constant and often time-consuming efforts by appropriately trained people.

I understand that in a most recent meeting with senior DCW management residential care workers demanded that all positions in future be taken by full-time workers who are dedicated to winning the confidence and respect of kids in trouble. I therefore ask the Minister why the Government is persisting in advertising for casual workers to be employed by DCW as residential care workers against the advice that has been given to the department over an extended period by experienced workers in the field.

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

TERTIARY EDUCATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about tertiary education for country students.

Leave granted.

The Hon. M.J. ELLIOTT: A number of claims have been made to me lately about the success of country students who come to the city to go on to tertiary education.

The Hon. C.J. Sumner: I did that.

The Hon. M.J. ELLIOTT: I came from the country myself. One claim is that, despite a fairly high matriculation score in country high schools, a large number of students do not take up the opportunity to go to universities because it is so expensive living away from home. Secondly, having made that decision the give-up rate is fairly high and many return home. I saw that myself when teaching in Renmark. Will the Minister obtain replies to the following questions:

1. What is the average matriculation score for country high schools compared with metropolitan high schools?
2. What is the percentage of year 12 students from country high schools who go on to tertiary education, and how does it compare to metropolitan high schools?
3. What percentage of country students who undertake a tertiary course successfully complete it and how does it compare with those in the metropolitan area?

The PRESIDENT: I feel that the final question is one for the Minister of Further Education, and he is represented by the Attorney-General in this Chamber.

The Hon. BARBARA WIESE: I will refer those questions to the appropriate Ministers and bring back a reply.

BUDGET PAPERS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to table the budget papers.

Leave granted.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 23 August. Page 431.)

The Hon. M.B. CAMERON (Leader of the Opposition): I do not intend to delay the Council too long on this debate this year, but I wish to raise a couple of small matters in relation to the health portfolio. I believe it is important to use whatever occasion we have in this Parliament to bring to the attention of the Government certain matters to which it is difficult to allude in Question Time. First, I will refer to the position of interns (that is, young doctors fresh out of medical school and newly registered in the system) in the hospitals system. This problem is not new, but nevertheless it is a matter which increasingly has underlying problems for the people concerned due to the increasing pressure under which they are put because of the reduction in staffing levels and budgets in the hospitals system. These young people are being placed under more and more pressure to make decisions without (what I would regard and I am sure the hospitals themselves would regard) adequate supervision.

Of course, those who suffer the end result of this decision making that is being done by doctors without sufficient experience are the people who present for treatment; and that alone is a matter of grave concern. I was alarmed to read of an incident that occurred a long time ago (1983) and of the recent implied criticism of a young doctor who had only been in the casualty section of the Royal Adelaide Hospital for two weeks after registration, as I understand it, and was being blamed by witnesses at a royal commission for a death at that hospital. That in itself was a matter of grave concern because people cannot expect a young doctor straight out of medical school to have sufficient experience to be in a position to not make mistakes. Therefore, the matter of supervision is extremely important. I believe that the former Minister of Health and the Health Commission have repeatedly failed to realise the problems occurring in our hospitals, such as understaffing owing to budget cuts. I know that you, Ms President, would be fully aware of this problem because you raised a question in April 1983 about

casualty services at the Queen Elizabeth Hospital. In reply the Minister stated:

> . . . a proper balance between their financial and staff resources on the one hand and the need for them to maintain efficient accident and emergency services on the other hand, I submit that such consideration cannot be allowed to excuse deteriorations in the quality of patient care. Medical staffing should be organised so that there are sufficient registrars, senior registrars and consultants—

and I guess that when you asked this question you meant residents also, although you did not mention them—

> available to back up the medical staff working in emergency services.

The Minister also indicated that he was very concerned about the matter and said that as soon as he received a report:

> It is my intention to act swiftly once we have received the committee's recommendations.

I guess it must be alarming to those who have followed this matter of staffing of casualties and hospitals to find that five years later the Lyell McEwin Hospital has virtually shut down in relation to acute care services. At that hospital there are normally four high dependency beds available, but at present none is open; no orthopaedic surgeons attend; medical services have been cut; some beds are closed; and paediatric services have been cut. At present an enormous number of transfers are being made to the Royal Adelaide Hospital, which has its own problems. Young, freshly graduated doctors are working up to 36 hours in a shift.

I know that a person in the Health Commission said that the interns' dispute really only boiled down to money, but it is clear to me that he has no medical experience or has never talked to an intern; if he has, he has not listened to them. To say the problem is only because of money is absolutely ridiculous. I have fairly close contact with young interns and I assure that person in the Health Commission that that is not the case.

Working a 36 hour shift should not, but does, occur. To say that there are rest periods in between is really a load of nonsense. Although they get up to two, three or four hours off between sessions in that on-duty time, it is almost impossible to sleep because any minute they can be called to casualty. It is not a set period; they can be called at any time. In those circumstances it is almost impossible to rest.

I understand that, following a statement I made that at the Lyell McEwin Hospital there was a black and white television, no coffee making facilities, and plastic chairs in a very bare restroom, some of those deficiencies have been made up. However, that had been the case for a number of years. Even so, the conditions for rest periods during those 36 hours were absolutely disgraceful at that hospital. I guess that the reasons for that are many, not the least of which is the fact that last year $2 million was cut from its budget.

The industrial conditions under which these people are working in the hospitals system are absolutely disgraceful. I absolutely reject the statement by a senior member of the Health Commission (and I think it might have been the Deputy Chairman) who said that it was all about money. That was an insult to the people who have worked extremely hard in this system over which he has an oversight. His statement should be entirely rejected. Perhaps it is not a bad idea for some of these people to go from their ivory tower at the end of Rundle Mall to the hospital, stay there for 12 or 14 hours and find out what it is like to work in that system, particularly when so many serious cases come in almost constantly and decisions on life and death have to be made. That is not easy.

In some cases, people arrive who have been constant visitors at the casualty section. In such cases, people have been alcoholics and created difficulties in the system. When a person pulls out the relevant card, there is a long list of complaints, all of which relate to alcohol. There is a potential for that person's real problems to be overlooked, particularly by a young doctor. We should have some understanding of the problems that these young people face and realise that the system that puts them in the situation of having to work these extremely long periods is the problem.

I turn now from the Lyell McEwin to the Royal Adelaide Hospital casualty section, which has extraordinary difficulties because it has an ethic of not turning anyone away. It sees everyone who presents at the door. As well as being the casualty service it is a GP service. It is extraordinarily difficult for these young people to sort out the patients who are really casualties from people presenting at 9 or 10 o'clock at night asking for a prescription for some pain-killer because of a problem that they have had for the past two days.

They get pretty exasperated at times about that sort of approach in the middle of the night when they are extremely busy with serious casualties. Those are often the people who complain about having to wait for long periods in casualty when, in fact, the staff is extremely busy. Up to 300 people present in any 24-hour period at RAH casualty and up to a quarter of them are serious and probably half are casualties, so the staff has an extremely difficult role to perform. The residents and the registrars who assist the interns (it may be the other way around) are often involved in the cubicle area with serious casualty problems. The outpatient area, where the assessments are made whether a problem is life threatening, is often staffed just by the intern with the back-up of the more senior doctor behind. If they pull the resident or a registrar out for every person who presents, it becomes an impossible situation in terms of providing care to people in a life threatening situation.

It is extremely easy for these young people to make a mistake, more particularly when staffing levels have reached a point, as I believe they have, of being unacceptable. That is clearly demonstrated in a full report on the Adelaide Casualty and ESS Theatres undertaken last year or the year before which said just that—that there was severe and serious understaffing in all the areas from casualty through to emergency surgery suites and nothing has been done to alter that, as far as I know.

It is time that, instead of criticism of these young, newly graduated doctors who are providing a service at our public hospitals, there should be more understanding and more back-up for them from senior people, from the Minister of Health right down through the Health Commission. That would be preferable to that most unfortunate remark the other day by the senior person from the Health Commission.

On behalf of those young people I reject absolutely his slur that all they wanted was money. Really, all they want is a reasonable way of life in which they have some time on their own when they are not making decisions at a time when they are absolutely dog tired, 36 hours after starting a shift. I defy anyone in this place (and we have enough complaints here when we sit for long hours at night) to perform at full tote odds for 36 hours straight.

Another matter that I raised recently in a question to which I have not yet had a reply—although I trust that I will—concerns visiting medical staff in our public hospitals. The time has come for the health system to stop abusing the people who work within it. Let me assure the Attorney that I am not intending to get into the question of a recent court case, but nevertheless there is a tendency within the health area for people at senior levels to be considered

reasonable targets for criticism and abuse. Unfortunately, that has extended into many areas of the Health Commission where people at senior level believe that they are able to treat senior visiting medical staff with some contempt, not having to show any understanding of the role that they perform and the service that they provide to the community.

As everyone knows, in the early days of our public hospitals and until the late 1960s and early 1970s, senior visiting medical staff acted as honoraries: they were not paid at all for the duties that they performed in our public hospital system. Since then there have been some payments for sessions, but even those payments have not been in any way commensurate with the service provided and they certainly are not today. We rely very much within our excellent public hospital system on these people to provide the services that we need, yet it seems that we feel we can just run around the countryside, or even in this Council, abusing them. That is not on; it is not necessary. It is creating a situation in which soon we will find it extremely difficult to get the sort of people we need working within the system to perform those duties.

I refer to the people at the other end who suffer—the patients who do not receive the care. There will not be an adequate number of surgeons available to do the more serious operations. The number of orthopaedic surgeons prepared to operate within the public hospital system is falling rapidly. Certainly, we have lost some extremely valuable people from the system purely because they are sick of being treated badly by the former Minister and the commission. As I said in the question I asked recently, it has reached a stage where there are no orthopaedic surgeons at the Lyell McEwin. If a person breaks a leg in Salisbury or Elizabeth, they have no choice but to come to Royal Adelaide or Queen Elizabeth Hospital. If they go to those hospitals and have an injury other than a broken leg, and if they have an orthopaedic problem that requires them to go on a waiting list, I assure the Council that the waiting list, despite all that is said about numbers, is quite extraordinary. People must be prepared, as a public patient, to wait for 2½ to three years. That is simply not on in this day and age.

The time has come for us to look carefully at the remuneration of visiting medical staff. That is not the most important factor, although it is a factor. The most important factor is for these people to be treated with some respect for the service that they provide at a very minimal return. They come into our public hospitals, operate and do all the things that are necessary to teach young students and registrars to get to the stage where we can have replacement staff. They also provide the training for nurses and supervise groups within the hospital. They provide advice, as well as keeping up with the latest technology overseas, something only they can do. We should learn more to appreciate them and seek less to abuse them and treat them with disrespect. I repeat: if we do not, we will end up with a second-class health service because we have driven specialist people away from our system.

The other sad aspect is that we have an extraordinary situation now where, after all this time with this wonderful Medicare (because of this and other reasons), if a person is wealthy, the person can go into hospital tomorrow and have any problem fixed. For those people there is no problem. People are available to do that work in private hospitals. However, poor people, without the means to keep up health insurance, must join a queue. That is an unfair system that I certainly do not accept. Members of this Council should not accept it, either. I accept that one can never solve the problem of waiting lists entirely; it is part of the system that we always have some waiting list. That is the way it works, with rises and falls in the demand on the services.

According to my information, the situation at the Queen Elizabeth Hospital is that if you are an adult and you need a tonsilectomy, there is a three-year waiting list at least and also that you will never be operated on, if you are a public patient. I do not know whether people on the other side, perhaps the Hon. Carolyn Pickles, would agree with that. I do not believe anybody should accept that situation, because if you are an adult and you have a tonsil problem and you go to the Queen Elizabeth Hospital and you are insured, you go in tomorrow. That is the system and it is a system that has to be rectified in some way. The Lyell McEwin Hospital itself, as the former Minister would know, has had an enormous rise in its budget over the past five or six years from $8 million to $21 million, but somehow its acute care provisions have gone backwards and there is something wrong with that.

Perhaps I could give some indication: its occupied bed days have gone from 50 817 in 1981-82 to 47 505 today. That is after a budget rise of almost four times. The average length of stay has remained about the same, the percentage occupancy is about the same—almost a straight line. The number of births has gone up slightly, operations performed have gone from 5 040 to 4 492. Attendance at the accident and emergency or outpatients section has gone from 67 022 down to 65 161 and non-medical attendances have gone from 1 849 to 11 750.

Although the Lyell McEwin is called a health service, at the same time community health nursing client contact has gone from 3 800 to 41 000. I rather wonder whether there ought to be some investigation of this whole question of community health nursing. I am fully in favour of teaching people to look after themselves, but the cost of doing this seems to have gone out of all proportion in this particular hospital, and I wonder what actual investigation has been done on client contact—whether anybody does an audit of these client contacts by community health nursing. I think the time has come for us to look very carefully, perhaps to set up some system to keep some watch on what is happening to the health dollar in that particular area. That does seem an extraordinary rise when, at the same time, we cannot get sufficient doctors at the Lyell McEwin Hospital to provide acute care services. We have reached the stage, as I have said, where we have virtually got a non-acute care hospital where the best thing to do if you have an accident is to go past. I would be interested to know how many people are arriving both from the Lyell McEwin Hospital and the Modbury Hospital at the Royal Adelaide Hospital which has already got its own problems in relation to working conditions.

I make one small point that at the Royal Adelaide Hospital orthopaedic registrars are working up to 30 hours straight in theatre, one operation after the after, often with just a short meal break. Again, this is a very dangerous situation and I have been told that sometimes registrars have been observed going to sleep over patients. I do not know whether anybody here would find that very acceptable. To see a doctor nodding off while poised with a screwdriver over a patient is not, to my mind, very acceptable working conditions and certainly it is just as well the patients are not awake, otherwise they would be a little anxious. That is not a new condition, but is one that has been around now for some time.

The whole question of hospital systems, of course, is one that I have taken some interest in for obvious reasons and I have been concerned for some time about what I see as

a general run-down in the condition of our hospitals. I will certainly be seeking a lot of information in the Estimates Committees either in this place or another place and I hope I get better treatment in another place this year than I got last year from House of Assembly members when I asked questions, because I assure the Attorney-General that I do not care whether there is a Minister of Health in this Council or not. If the questions that I have asked in another place are not answered then I will be again seeking information through this place.

It is important that we know just what is happening in our hospital system and what is happening with equipment. I am getting complaint after complaint about lack of equipment or having to use obsolete equipment within our hospital system. I am getting complaint after complaint about the condition of the hospital buildings themselves, the general lack of maintenance that is occurring and I believe it is time we started looking very carefully at this, because I believe there is a time bomb building up under our health system, from what I see as lack of reasonable maintenance and that is nothing new.

The drug situation is another thing that has to be looked at very carefully. Some hospitals are now issuing scripts within the hospital so that the hospital itself is not up for drugs, so the bill goes to the Commonwealth. I am not sure about the legality of that but that is again an attempt for people to sit within their budgets.

The question of the car park at the Royal Adelaide Hospital is another subject on which I do not wish to spend much time but I still wish to indicate that I believe that the wrong decision has been made in putting the first car park across the road at North Terrace. I offered the Government bipartisan support for a car park on the hospital side of the road for very obvious and clear reasons. The first aspect is safety, because regardless of where you put the car park, if it is on the other side of North Terrace to the Royal Adelaide Hospital, it will be dangerous for people crossing the road. To suggest that people are going to cross at the traffic lights is really fooling yourself, because it will not occur. People will jaywalk across the road and again I believe the Government, for reasons I fail to understand, has made the wrong decision.

The Hon. C.J. Sumner: You would put it on the parklands?

The Hon. M.B. CAMERON: I said that quite clearly in the paper. I have not resiled from that at all.

The Hon. M.J. Elliott: There is room for a small car park; it is the larger park that needs to be built across the road.

The Hon. M.B. CAMERON: That is right and that is the one that should be built.

The Hon. M.J. Elliott: You are not talking about the big one?

The Hon. M.B. CAMERON: No, the one which is in that area and which is a car park now.

The Hon. C.J. Sumner: That is going back to parklands.

The Hon. M.B. CAMERON: Nonsense. I bet my bottom dollar you will still have a car park there. Do you know how long it is before this car park is going to go back to parklands? It will be 10 years. I do not think the Government gives a damn about the nursing staff. The Attorney-General should not say anything about this matter because he obviously does not have close contact with nursing staff at the Royal Adelaide Hospital as I have. I will not disclose who it is but it is a family situation.

The Hon. C.J. Sumner: You can put it on the park?

The Hon. M.B. CAMERON: That is right, no doubt about that at all. What you have done is put these nursing staff in a position where for the next 10 years, they will be subject to the same problems they have had for the last 10, and that is that they have to go to the north parklands behind the hospital late at night without security and with all the things that can happen, particuly to young women who work there and are in danger of assault, and I suggest to the Attorney that there is going to be—

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: The City Council would have agreed.

The Hon. C.J. Sumner: But they didn't.

The Hon. M.B. CAMERON: I have a letter from the City Council saying they do. You may not have got that correspondence. I have a letter from the conservationists saying they agree. I have a letter from everybody saying they agree. I have got all the correspondence. I am very well informed on this matter. I will take you through it piece by piece. Some of the union people concerned have been very good and kept me informed and, because they informed me, I am prepared to agree to the car park going on part of the parklands because I believe those unions took an extremely sensible attitude towards the whole matter, and they are concerned about the parklands, too.

There is nothing wrong with that, but before the next 10 years are up, and it could even be sooner, there will be serious problems with some young person working in the hospital in the north parklands and you, as a Government, will have to accept some responsibility for that because of the failure to understand that that was the first priority: to deal with the area of greatest danger. This is the area where cars get vandalised almost every night; that is the area where young women are harassed by people late at night and I am extremely concerned that the Government has failed to take any account of that. I do not know what has happened within the system.

I must say—and I say this very clearly and openly—I do not understand the RANF's attitude to this matter. I cannot understand why members of the RANF agreed to this. If they took a vote in the hospital they would not get agreement to what occurred. So, I just do not understand why that group suddenly caved in. They were opposed to the suggestion in the beginning, for the very reasons that I am saying, and they suddenly went to water. I must say that I am very disappointed in that organisation in relation to this matter.

The RANF does some good work for nurses, but in this case I believe that it let down its members rather badly, and I am very disappointed that it has taken this stand. To allow this whole thing to be put off for 10 years and to allow the money to be spent in another area was, I believe, a totally wrong decision. However, that is only my opinion. The Government must accept responsibility for what occurs from now on. If there are problems I will try not to say, 'I told you so,' but it will be difficult.

The Hon. C.J. Sumner: It will return to parklands.

The Hon. M.B. CAMERON: What nonsense! Is the Minister suggesting returning to parkland an area between SAIT and the Dental School? It is an area that will never be used as parkland. It would certainly not have affected Frome Road in any way to have one more building fronting it. It is one small area, and the building would not have been unacceptable in any way whatsoever. It would have provided some car parking also for the Zoological Gardens, as well as for SAIT. Anyway, that is a problem that the Government must now face up to. I thought that I should express my view again. I have done so publicly before. I freely state that, yes, it is part of the parklands, but everyone to whom I have spoken, including conservationists, people

involved with the parklands, the City Council and the unions agreed to the proposal, but the Government and somebody in the RAH did not agree. With those few words, I wish to indicate my support for the Address in Reply.

The Hon. CAROLYN PICKLES: I also support the Address in Reply. In this our bicentennial year, a year in which we recognise white settlement in Australia, it is interesting to reflect on a recent event which took place in London's Westminster Hall: the tercentenary of the events in England of 1688—the glorious revolution—was celebrated by an address to the gathered members of the Houses of Commons and Lords by the British monarch, Queen Elizabeth II. The events of 1688 constitutionally removed forever the absolute power of the monarch. The people's Parliament was united to form a constitutional monarchy by putting into practice the cardinal principles of the sovereignty of the Crown in Parliament and the separation of powers, ushering in a freedom under the law, which has been passed on to Australia by the mother of Parliaments—Westminster.

The Bill of Rights and the Scottish Claim of Rights of 1689 are still part of statute law in Britain and the foundation on which the whole edifice of parliamentary democracy rests. It has influenced democracy in the United States, and, to a much larger extent, Commonwealth countries. The events of 1688 marked the beginning of a political process which has continued to the present day. More people were admitted to the active political life of Britain; universal franchise was introduced, and a new religious tolerance began. It is, therefore, timely that we, in Australia, look to an alteration in our Constitution which will further enshrine equality and tolerance.

It is also timely that we should be reflecting on the independence of Australia, on its role in the world today, and on its multicultural composition—a far cry from the days when a white Anglo-Saxon culture was imposed on the native people of Australia. And perhaps, too, we should reflect on the role of the monarch in Australia. The events of the past 300 years may well lead us to look to a severance of this tie with what was once our mother country. We are now a nation of people whose background and history is varied, and I believe we must consider whether we wish to still be tied to the apron strings of that mother country or whether we can move to take our place in the world as a truly independent nation.

In reflecting on the role of the monarch, I would like to place on record my congratulations to Bill Hayden on his appointment as the Queen's representative in Australia. The political smear campaign against him and his wife by some Liberal and National Party members was shameful. I believe Bill will bring to this somewhat anachronistic role, dignity and a sense of humour which has not always been the role of the Governor-General in Australia.

Ms President, from the events of 1688, I move now to a more contemporary issue, but an issue which I am sure was alive then but not dealt with in such a humane manner as we deal with it today. It is the issue of poverty. Poverty damages us all. It is time for the poverty debate to come of age in Australia. It is time for us to stop treating poverty as if it were a minority issue.

About one-fifth of the population of Australia lives below the poverty line. The gap between the most well-off and the least well-off has been steadily expanding, and the levels of poverty have increased, especially among women and children. In South Australia, one in every three children is growing up in a family on a low income. Poverty is created and recreated by the ways in which a whole society—the rich as well as the poor—manages its affairs. Poverty benefits some at the expense of others. The rich have one set of priorities and a restricted vision of social justice, whilst the poor are often so excluded and so lacking in the resources to effectively alter their social circumstances, that the combined result is to accept the *status quo.*

The real effect of poverty is not always easy to quantify and the long-term economic and social effects are only just being realised. This impacts in the area of housing, health, employment, education, and the general effects of poverty on the community.

In the area of housing, studies have proved that, in most low-income families, the weekly expenditure on housing is so high that people cannot afford other basic necessities such as food, clothing, travel, medical attention and education. People on low incomes are severely disadvantaged in the private rental market. This is especially true for sole supporting mothers. The pool of housing stocks is scarce and the rental is mostly too high.

Discrimination often occurs when a family has several children. The majority of tenants in public housing in South Australia are on low incomes. People on low incomes are unable to accumulate savings to enable them to buy a home. Youth homelessness is growing in society where economic and social pressures force young people out of the family. Young people in the past have left home to seek employment or further their education, but now their departure is also being forced on them by other factors.

In the area of health, people on low incomes again suffer a serious disadvantage. People in poverty have less money to spend on food, medicine and medical assistance. Aborigines are particularly disadvantaged with additional factors such as isolation, lack of adequate water supply, access to medical attention and the destruction of their culture. Urgent attention needs to be paid by all Australians to their problems. Evidence in Australia supports the thesis that poverty is associated with poor health, especially amongst children. In a study on child poverty, and children's health, by Hicks, Moss & Turner, 1988, it was stated:

> The evidence of a link between low social economic status and poor health may be elusive, and the significance of childhood illness for health risks in adulthood equivocal, but that may be because either the data about health or the data about socio-economic status are inadequate. Conventional approaches to the collection of health data tend to take an individualistic or clinical approach, when the problem may be one of public health, rather than an individual disease event.

It is this lack of data that has seriously hampered health researchers and other people concerned about the long-term effects of poverty on the social and economic factors of Australia. Hicks *et al.* found that the infant mortality rate in the first year of life in lower socio-economic suburbs was two to three times higher than in more affluent suburbs. In a study of preschoolers, obesity, developmental delay, and related problems were more common in the former areas than in the latter. People on low incomes were more likely than the rest of the population to have accidents or suffer from stress-related illness.

Nowtny and Stretton conducted a standardised medical examination of preschool children in Melbourne which showed that 34 per cent of children from disadvantged suburbs had problems warranting further intervention, but previously unrecognised, as against 18 per cent in a more advantaged group. The more common problems were untreated dental caries, incomplete immunisation, hearing loss, visual defects and speech disorders. The long-term cost to the nation of a sick society has not been quantified in any study, but it is apparent that urgent measures are required to ensure that all Australians have access to the basic necessities for a healthy life, food and shelter. I will discuss the

South Australian Government approach to these complex issues later.

Obviously, unemployment has been a significant factor in poverty causation. Inability to adequately feed, cloth and house families on low incomes leads to other social problems than purely health-related ones. Severe depression, loss of self-esteem, feelings of helplessness, all make the search for a job almost impossible. Prolonged feelings of alienation can lead to anger, frustration and anti-social activity. Boredom and restlessness can lead to criminal activity. Long periods out of the work force compound the problem.

In economic terms, poverty creates poverty. Low income families spend about 40 per cent less per week on housing, fuel and power than those on higher incomes. They spend about 50 per cent less on food and transport; about 66 per cent less on clothes and about 80 per cent less on recreation. Severe problems have been incurred by those on low incomes with credit facilities. Our consumer society and often less than ethical advertising has caused low income earners to become caught in the poverty trap with credit facilities. Inability to purchase goods, and difficulties with credit has a severe impact on the economy.

In the area of education, despite South Australia's attempts for equality of education, low income earners are severely disadvantged. Retention rates in schools are slowly improving, but not in the areas where there are people on low incomes. The Federal Government's measures in the area of tertiary education will do little to encourage people on low incomes to aspire to tertiary education, although I welcome indeed the budget announcement with respect to Austudy.

A recent seminar on child poverty in South Australia, conducted by the South Australian Institute of Teachers, pointed to the need for teachers to understand and identify the problem of children from severely disadvantaged backgrounds. The symptoms of poor diet, poor health, hearing loss, and so on, can lead to inattention and behavioural problems. State schools have attempted to tackle these problems but obviously more work and resources are required.

The effects of poverty on a community are serious. Available evidence suggests that the burden of the tax and social security benifits has come to fall most heavily on the average and below-average income earners, than those on high incomes. Occupational benefits represent a loss in tax revenue and deprive society of resources for public welfare and public spending.

Privilege and stigma are reinforced by measures which allow those who are better off to accumulate capital assets which can be sold or passed on. The price of poverty in a democracy is high. Democracy is based on a sense of community, of shared social interests. When a significant sector of society starts to feel excluded from some control of its own destiny, it withdraws from the wider society. The more 'different' it becomes, the less the wider community feels obliged to deal with it, to compromise and to adjust.

I turn now to the State Government's response to the issue of poverty. The Government's social justice strategy is seeking to redress the situation and bring about a fairer and more equitable distribution of resources. Now, the Hon. Ms Laidlaw had this to say about social justice, in her Address in Reply speech:

> . . . social justice is a nebulous term. It is indistinct and hazy as to its meaning.

She goes on to say:

> At this time there is no community consensus as to the meaning or merits of social justice.

Perhaps the honourable member does not understand the issues of redistribution of wealth, equity and fairness. I do not like casting aspersions on a person's background. I do not believe that people are necessarily answerable for their parents or their background of privilege, but I ask the Hon. Ms. Laidlaw to keep an open mind on the issues of equity and justice and not allow her blinkered view on the former Minister of Health and Community Welfare, the architect of the social justice strategy, to warp her judgment.

The South Australian Government has recognised that there is an unequal distribution of wealth in this country and in this State. Whilst the State Government alone cannot remedy poverty, an integrated approach, in cooperation with the Federal Government, local governments and the community, can achieve much. The Premier has today announced measures in the budget which show the Government's commitment to equity measures, and its determination to tackle the problem of poverty in this State—a $19.2 million commitment.

The State Government's strategy has been designed to complement the Federal Government's program. Under this program, a number of initiatives have been taken to tackle the problem of poverty. Amongst other measures, the Federal Government has introduced the family allowance supplement, which provides a non-taxable payment to families on low incomes. In South Australia 1 000 families are now receiving payments under this scheme, and this is expected to increase further. It is an unfortunate fact that many families have not availed themselves of the family income supplement.

The child support scheme, the first stage of which was implemented recently, has also been introduced. This scheme has been formulated to ensure that children of sole parent families receive better financial support from the non-custodial parent. This is a significant move, as the economic consequences of marital breakdown, particularly on women and children, are considerable.

A study by the Australian Institute of Family Studies found that while men were, on average, $60 per week better off after separation, women (and by definition, children) were on average, $78 per week worse off. In South Australia alone, two-thirds of all children living in poverty are in families where the main bread winner is a women. In the State Government's social justice strategy key areas have been identified where Government intervention can most effectively assist disadvantaged people and to break poverty cycles. Some of the initiatives taken by the State Government, as part of the social justice strategy, include: making funds available through the Department for Community Welfare to enable non-government financial counselling services to improve their assistance to those in desperate financial circumstances. upgrading the Supported Accommodation Assistance Program (SAAP) which provides services to people who are temporarily homeless, by offering them counselling and support to find longer-term housing solutions and to take control of their own lives. Special emphasis has been given to young people in the city who are homeless. Matching Commonwealth funding to ensure that the Home and Community Care Program (HACC) continues to help those in most need. This service provides support for frail, aged and disabled people, with 90 per cent of its commitments going to ethnic services, 49 per cent to Aboriginal services and 12 per cent to people with dementia.

Education plays an important role in reducing disadvantage. As previously outlined, people with low levels of education are far more likely to be poor. The State Government has recently announced a reallocation of funds to schools, which include $156 000 for books and materials to students eligible for Government assistance. This increase is expected to benefit around 40 000 students; and $315 000 to primary

schools in disadvantaged areas to provide additional resources in programs which expand children's skills. In order to encourage children to study maths, sciences and technology subjects which will enable them to be more comfortable with rapid technological and scientific developments, extra primary and secondary teachers will be provided.

An additional $300 000 will be spent on computers and technology in the classrooms. To tackle the problem of youth unemployment, the State Government has sponsored a number of projects, such as the Aboriginal boat building project and the Hindmarsh industrial project which, in many cases, have helped break young people's dependency on income support programs and welfare services by giving them work skills. The Government is also looking into the feasibility of creating a socio-economic database, bringing together a range of data sources which would dramatically improve the quality of our knowledge about the South Australian community.

Underpinning the social justice strategy is a commitment by the Government to efficient, effective management of public resources, not just for the sake of sound commercial management but in order to meet the real needs of the community. The social justice strategy is a whole of Government strategy; it is much more than a welfare strategy. As part of the strategy all Government agencies have been required to report each year on the initiatives which they plan to put in place in the following year—from transport to agriculture to education.

The Bannon Government believes that a strategy, to be effective, must involve all facets of public sector activity. It is as important, for example, to provide decent sanitation and clean water for children in the Far North as it is to provide a good education. It is just as important to ensure that housing and transport are available and affordable. Without meeting these basic requirements we cannot begin to address more complex issues.

Therefore, departments such as Engineering and Water Supply and Transport have a crucial role to play with human service agencies in supporting social justice initiatives. The social justice strategy is designed to be a system-wide approach, looking for key points at which the Government can most effectively intervene to stop the cycles of poverty which families can find themselves caught in—poverty traps which reinforce dependence and reduce people's opportunities.

This means that we need to take a long, hard look at the way we manage and allocate our resources across agencies and at the impact of the divisions which we make. Central to any successful strategic plan which seeks to reduce poverty are measures aimed at improving employment and training opportunities for young people, for the long-term unemployed and for sole parents wishing to re-enter the work force. Creating more employment opportunities and ensuring equity in access to that employment are crucial. This is the basis of a strategy which aims to increase people's skills and talents to enable them to gain a fair share of the communities' resources without being dependent on welfare services.

I believe that details to implement the strategy and a financial commitment, which have been announced by the Premier in the budget speech, will ensure that the South Australian Government will take a lead in developing ways to work towards the elimination of poverty in this State and the provision of services based on equity. Again, I call on the Hon. Miss Laidlaw to read carefully this document on the social justice strategy of the Bannon Government and I ask her to repeat the statement she made in her Address in Reply that this is a nebulous strategy.

This Government has committed itself to highlighting poverty issues and developing measures of dealing with the problems associated with poverty. It is unacceptable that a democracy that was founded on the concepts of equality, tolerance and understanding should continue to deny equal access in the areas of employment, education, housing and health. I support the motion.

The Hon. C.J. SUMNER (Attorney-General): I do not wish to contribute at great length to the Address in Reply debate. The only issue I will take up is the question raised by the Hon. Mr Griffin relating to delays in the courts. It is probably fair to say, with respect to most of the court lists in South Australia, that we compare very favourably with the Eastern States in particular. I believe that the lists in the Magistrates Court and the Supreme Court, although not completely satisfactory, are certainly in reasonable shape.

The major problem that we are faced with at present is the delay in the District Court civil jurisdiction. This has come about partially at least because the jurisdictional limits of the District Court were increased and much of the work that had previously been dealt with by the Supreme Court was then dealt with by the District Court. The question of dealing with the delays in courts is not an easy one, and it is one that the judiciary, judicial administrators and Ministers are grappling with around the country.

However, I think we have reached a stage where we have to say that we can no longer, when faced with an increase in court lists, automatically indicate that the only solution is to increase the number of judges or magistrates. That was certainly the approach adopted throughout the 1970s and the early 1980s: if the lists got long you appointed another judge or magistrate to overcome that problem. For some reason in South Australia we have almost double the number of judges and magistrates than exist in, for instance, Western Australia—a State of comparable size. I have never been able to quite ascertain why that is the case, but nevertheless it does seem to be so.

I think that, if we adopt the approach that the only solution to increases in court lists is to add further judges, proper attention will never be given to changes in legislation and procedures that might be necessary to try to change the way in which cases are dealt with. It seems that (and it is a natural phenomenon) if you increase the number of judicial officers the work rapidly fills to take up the time of the new appointees, and you are then faced with having to appoint more; you get on a treadmill that you do not get off.

That is what occurred in this State and around Australia in the 1970s and the early 1980s, because little attention was given to judicial administration or to changing procedures to try to improve the work rate and the procedures under which the courts operate. So, we have a major dilemma which cannot, in my view, be solved on a permanent basis by simply increasing judicial resources. It may be that from time to time additional judicial resources are necessary, but that ought to be a last resort. If we have to appoint further judges in the District Court, for instance, then we have to find more courts for them, and the Sir Samuel Way building cannot accommodate many more, if any. So, it seems to me that the attack must be to look at procedures and administration.

Certainly, in this area a considerable amount of work has been done in the Supreme Court, the District Court and the Magistrates Court. As I have already indicated, the District Court is the court with the major problem. I have

said, and I think that the situation in the Magistrates Court and the Supreme Court, while not entirely satisfactory, is certainly under control.

The District Court, with Senior Judge Brebner taking a keen interest in judicial administration and a keen interest in looking at the procedures of the court to ensure that the greatest efficiency is operating, has seen a significant increase in the output of that court in the past two years or so. Senior Judge Brebner and the judges of the court are to be commended for the developments that have been made in that respect.

Attention already has been given in that court to better listing procedures and to the use of pre-trial conferences. In addition the pre-trial conference master, Mr Teesdale-Smith, who used to be a master of the Supreme Court, will be appointed shortly, to act also in the District Court to try to speed up the pre-trial process and achieve a greater rate of settlement and organisation. As will be revealed in the budget and no doubt will be the subject of questions later, the Government has set aside a sum of money to provide additional judicial resources for the magistracy and the District Court. Master Kelly of the Supreme Court is now to be for three weeks a month carrying out duties as a master of the Supreme Court and for one week a month to be an Acting Judge of the District Court and seconded to the Licensing Court. That has released Judge Hume from the Licensing Court to return to full-time duties in the District Court. In addition, there will be some—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: He will now become a full-time judge of the District Court and Master Kelly an Acting District Court judge will do the Licensing Court work one week a month. There has been a saving of some judicial resources there. In addition, money has been set aside to get some additional temporary judicial assistance for the District Court. Already the Deputy Chief Magistrate, Mr Anderson, is an Acting Judge of the District Court. He has been for some months and will continue to be so. So, there are some additional resources that have been put in: former master Teesdale-Smith; Judge Hume returning from the District Court; Acting Judge Anderson; and there are funds for a further judge to be added to the District Court on a temporary basis.

I should also say that two District Court judges have been appointed and these seconded to the Industrial Court to deal with the remainder of the cases being dealt with in that court under the old workers compensation legislation. When that backlog is cleared up (it is not expected for another 12 months), another two judges will be available for the District Court.

That is the action that has been taken. We must look at changing procedures, and there are two issues that I would like to commend to the Council. The first is that we should more and more see the courts as one unit and that there ought to be greater cooperation between the courts: the judicial officers ought to move (so far as they can) to get greater cooperation between the courts. For instance, I see no objection in having Supreme Court judges sitting in the District Court if the Supreme Court lists are in a satisfactory state and District Court lists are not.

I see no objection to District Court judges taking acting commissions in the Supreme Court. I see no objection to magistrates taking acting commissions in the District Court. We need to see the courts more as one and, further, we need to look to greater flexibility in the use of judicial resources. In this session I will be introducing legislation to deal with this issue. The Bill has not been finalised, but I hope that we could have a situation where masters of the Supreme Court, for instance, would also jointly with their commissions as masters be judges of the District Court.

That would give flexibility between a master of the Supreme Court and a judge of the District Court. That is a logical step, it seems to me, because the masters already have the same status, salary and terms and conditions as do judges of the District Court. That is worthy of consideration.

The other matter which is being considered and which ought to proceed is an attempt to get a pool of people—perhaps senior practitioners who are nearing retirement and who are prepared to be put on a list—to take acting commissions as magistrates and District Court judges. This would have the advantage, when we have a problem with illness in the court as we do from time to time, or a problem with long service leave and the like or for some other reason when there can be a temporary blow-out in the lists, where we would have some people who were prepared to help. Indeed, there may be judges who have retired early but who are prepared to make themselves available for this pool. Those people could come in, attack the problem as it emerged and get on top of it immediately.

This idea, which has operated in Canada and has been considered in some other States, of supernumerary judges, that is, judges who have retired but who are prepared to remain on a list to come back and do work from time to time, is one that needs some consideration, so that we can inject a greater degree of flexibility into the system and attack the problems immediately they emerge. Without that flexibility our hands are somewhat tied. As I said, we cannot proceed any longer with just the simple solution of saying, 'Longer lists, more judicial resources'. We must find other ways to deal with the issues. They are some of the general thoughts that I have. Legislation will be introduced later in the session to give effect to those matters that I have mentioned in the last part of my remarks.

Motion carried.

The PRESIDENT: I wish to inform honourable members that the Governor has nominated Wednesday 7 September at 4.15 p.m. as the time for the formal presentation of the Address in Reply.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ELECTRICAL PRODUCTS BILL

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

With the agreement of the Opposition Parties I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is twofold. First, it will provide for energy labelling of electrical products sold in South Australia. Secondly, the Electrical Articles and Materials Act 1940 will be repealed and its features 'modernised' and incorporated in the new Act. Energy labelling on certain appliances has existed in New South Wales and Victoria

since December 1986. It is this Government's view that a similar scheme should be introduced in South Australia to ensure that a uniform approach to this important energy conservation measure is obtained.

Initially the scheme will only cover refigerators and freezers. At a later date consideration will be given to including such appliances as air-conditioners and dishwashers. Energy labels already appear on most Australian made refrigerators and freezers sold in South Australia as the manufacturers have no control over where each unit will be consigned for sale. As labels are required in New South Wales and Victoria the manufacturers automatically apply them to all their units. However labels are only applied to imported units in the two States with existing legislation.

The introduction of compulsory energy labels will provide consumers with accurate advice on the electricity consumption or efficiency of all refrigerators and freezers and therefore will enable people to make an informed decision on the purchase of a new unit knowing exactly how much it will cost to operate. The scheme will be administered by ETSA as an adjunct to their electrical materials and articles testing facility.

The Electrical Articles and Materials Act 1940 provides for ETSA to undertake tests on all electrical products and materials and to certify them safe for domestic and commercial use. It is proposed to update the provisions of this Act and incorporate them in the Electrical Products Bill. In addition two new features have been added to the legislation that will enable ETSA to force a recall or seize unsafe electrical products.

At present, the trust has power to stop the sale of electrically unsafe articles, and even to prevent the continued use of such articles. That does not protect a consumer who has bought an expensive appliance and cannot use it because it has been found to be dangerous. This Bill will give the trust powers to enforce a recall by the traders or manufacturers involved, who must correct the problem or compensate the purchaser.

In this aspect, the Bill brings South Australia into line with corresponding legislation in other States. It is therefore not expected to make any difference to the vast majority of the electrical manufacturing and retailing industry who show genuine concern for the wellbeing of their customers. Indeed, there have been instances where faults have led manufacturers to initiate recalls, even before the authorities have become aware of any problem. At the other end of the scale, however, are those traders who are not prepared to accept their responsibilities, and put short-term gains ahead of public safety. In the past, officers of the trust have had to employ persuasion, and if that failed, have had to ask for assistance from the Department of Public and Consumer Affairs, or the Trade Practices Commission. Whilst this assistance has been freely given and generally effective, every additional link in the chain delays the effective implementation of any recall, and adds to the danger of injury, or even death, to the consumer who bought the product in good faith.

It must be stated that faults do occasionally occur in modern electrical equipment. The very complex nature of many items makes it difficult for a manufacturer's research department to foresee all eventualities, and equally difficult to ensure that all articles are built to the standards of perfection that ensure absolute safe operation. Even the approval testing done by the Electricity Trust is not able to guarantee that quality control will be scrupulously maintained. Nevertheless, it is unfair that the consumer should be directly penalised for the shortcomings of the manufacturer or trader, and the recall provisions in this Bill will put the financial responsibility with them for any deficiency in safety.

At present the regulations under the Electrical Articles and Materials Act empower authorised officers of the trust to enter the premises of any applicant for the purpose of inspection, or to carry away any article for test or examination. This power only extends over applicants, that is, those bodies who have applied for approval of one or more of their electrical products.

The effect of this regulation is misdirected. In the experience of the trust's officers, those bodies who are applicants for approval are almost invariably law-abiding and trying to do the right thing; whereas some of the traders who are not applicants for approval are those who give greatest cause for concern. By including the search and seizure provisions within the Bill, by broadening the scope of these provisions to include any trader, and by requiring that a court of summary jurisdiction pass judgment before seized items may be retained beyond one month, the public's safety will be enhanced, yet any misuse of the powers will be prevented.

Victoria and New South Wales both include similar provisions in their legislation. Victoria, in fact, authorise entry of any premises. This Bill prohibits entry of a private dwelling except in pursuance of a warrant issued by a justice.

It is unlikely these provisions would ever have to be used against the well-established traders who have a name and reputation to uphold. The main areas of concern are the 'flea-markets', the roadside stalls, and other outlets of little or no permanency. The due processes of summons and prosecution take time, and have no effect at all if the trader in question has moved interstate and changed his name, leaving the unsuspecting purchasers of his goods in possession of non-approved or even dangerous items. Even if such traders are brought to court, they normally only admit to selling 'only a few' such items, and the scant records they usually keep make it impossible to prove otherwise. The result is an unknown number of items, possibly dangerous or even lethal, remain at large in the community.

To protect the public from this type of trader and the unsafe merchandise they have been known to sell, this Bill provides for persons who are knowledgeable in safety matters relating to electrical products to be able to do an on-the-spot preliminary assessment of the article, and, if it appears unsafe, to seize it and others like it. This will have the dual benefits of protecting the public and providing a very real deterrent for any retailer, even the 'fly-by-night' type, who tries to make quick money at the expense of the public's safety. I commend this Bill to members.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for commencement (subject to transitional provisions) on a day to be fixed by proclamation.

Clause 3 repeals the Electrical Articles and Materials Act 1940.

Clause 4 is an interpretation provision. Subclause (1) defines various terms used in the Act. Subclause (2) empowers the Governor to make certain declarations by proclamation.

Clause 5 deals with the labelling of electrical products. Subclause (1) provides that a trader (being a person who sells electrical products in the course of a trade or business) must not sell an electrical product of a prescribed class unless it is labelled under the authority of ETSA in accordance with the regulations, or in pursuance of an authority conferred by a corresponding law, in accordance with the requirements of that law. The maximum penalty for a breach of this provision is $5 000.

A corresponding law is the law of another State or Territory declared to be law corresponding to this Act.

Subclause (2) is similar to subclause (1). It prohibits a trader from selling a domestic appliance of a prescribed class unless properly labelled to indicate its energy efficiency in accordance with the regulations or in accordance with a corresponding law. The maximum penalty fixed for a breach of this provision is also $5 000.

Subclause (3) provides that no offence is committed under subsection (1) or (2) if the sale takes place within six months after the relevant prescribed class of products or appliances is constituted or within six months after a change in requirements in relation to a label and the product or appliance is labelled in accordance with the earlier requirements.

Subclause (4) makes it an offence to affix a label to an electrical product or appliance without proper authority, or to sell an electrical appliance to which a label has been affixed without proper authority knowing that the label was affixed without that authority. The maximum penalty is $10 000.

Subclause (5) empowers ETSA to declare that a label affixed in pursuance of a corresponding law will not be recognised in this State.

Subclause (6) provides that where there is such a declaration, a label to which it applies must be disregarded when determining whether a product or appliance is labelled as required by this Act.

Subclause (7) provides that this section does not apply to the sale of second-hand goods.

Clause 6 empowers ETSA to prohibit the sale or use (or both) of an electrical product that is or is likely to become unsafe in use. Subclause (2) empowers the trust to require traders to recall unsafe products or to take specified action to make a product safe. If it is not practicable to render the product safe, or, if the trader chooses not to do so the trust can require the trader to refund the purchase price on return of the product. A contravention or failure to comply with a prohibition or requirement under this section is an offence. The maximum penalty is $10 000.

Subclause (5) empowers an authorised person who suspects on reasonable grounds that a trader has, on particular premises, stocks of an electrical product prohibited from sale under this section, to enter and search the premises and seize and remove any stocks of the electrical product found there.

Subclause (6) provides that an authorised person may not enter a private dwelling under subclause (5) except in pursuance of the warrant of a justice.

Subclause (7) provides that a justice may issue such a warrant if satisfied that it is, in the circumstances of the case, reasonably required for the purposes of the administration or enforcement of the Act.

Subclause (8) provides that the trust can apply to a court of summary jurisdiction for an order forfeiting to the trust products so seized for disposal by it as it thinks fit.

Subclause (9) requires the return of seized goods if an application for forfeiture is not made within one month of seizure or if the application is unsuccessful.

Clause 7 makes an offence against this Act a summary offence.

Clause 8 is the regulation-making power.

The schedule contains transitional provisions. These are self-explanatory.

The Hon. J.F. STEFANI: The Opposition supports this Bill which provides for the energy labelling of electrical products sold in South Australia and repeals the Electrical Articles and Materials Act 1940, whilst incorporating a number of upgraded features in the new Act. The Bill is designed to provide some consumer protection, as it will require manufacturers to label their electrical appliances with information relating to electrical usage and, in the first instance, it will cover freezers and refrigerators and is expected to cover other appliances, such as dishwashers, at a later stage.

The measure will bring South Australia into line with energy labelling of certain appliances in force in Victoria and New South Wales. It will ensure that a uniform labelling process is implemented by all manufacturers and importers consigning refrigerators and freezers for sale into at least three States in Australia.

The introduction of compulsory labels will provide consumer protection because they will indicate to consumers the exact electricity consumption or efficiency of all refrigerators and freezers. They will further enable consumers to make an informed judgment before they purchase a particular brand unit of equipment. In addition, the Bill will require imported products to clearly indicate their energy performance. The energy labels will further ensure a more enlightened consumer approach to energy conservation.

Whilst I am totally opposed to any form of additional control or Government interference, I fully support any measure which provides for the safety testing of electrical equipment because this will protect the community from serious injury or even death. The safety testing of electrical items is currently administered by ETSA; energy labelling will be concurrent with its electrical material and articles testing facility and will require additional staffing arrangements. Under the current legislation, ETSA is conducting safety tests on more than 60 different types of electrical appliances, including refrigerators and freezers. The present costs associated with safety testing of these latter articles is around $900 per unit series; the energy consumption labelling will cost an additional $1 000 per unit series tested. The fee for safety testing and energy labelling is based on a scale of fees depending on the article tested and is prescribed under the old legislation.

Through the existing safety testing procedures, ETSA has provided a necessary and valuable service to the community to ensure that electrical appliances are safe before being mass produced for consumer use. The new Bill and its amendments provide ETSA with restricted authority where necessary, to enter premises and seize electrical appliances which have not been safety tested and may have been sold by unscrupulous traders. This will protect the interests and safety of the public.

I support the amendments which have been moved by the Deputy Leader of the Opposition in another place, and I am pleased to note that such suggestions have been agreed to by the Minister. I support the Bill.

The Hon. M.J. ELLIOTT: The Democrats support the Bill. In particular, the first part of the Bill, which requires energy labelling of certain products, is an important small step towards energy conservation in South Australia. Energy conservation will become increasingly important in South Australian for two reasons. First, it is economically cost-effective to conserve power rather than getting into the game of building power stations at great capital cost, whereby we then have to pay for borrowings. In fact, if one does one's sums, one finds that to conserve power is much better for the economy than to encourage the wasteful use of it.

For another important reason, which relates not to just South Australia but the whole globe, it is important that we reduce our demands on electricity, particularly where it is being produced by the burning of fossil fuels, and I am

talking about the greenhouse effect. It is willingly conceded by all those taking the greenhouse effect seriously that there is no way known we can stop using fossil fuels tomorrow, and in fact for the foreseeable future, perhaps the next hundred years or so, we will continue to do so. But what is being argued very strongly is that we reduce its consumption as far as possible. One first small step is the labelling of devices so that people become aware and may make sensible decisions that will help take us in the right direction. I would have hoped that this Bill would go further, and perhaps at a later time the Government will be bolder in legislation. I would like to give examples of where further we might go. I quote from the *Guardian* of 21 August 1988. An article entitled 'Doomsday prognosis' talked about the greenhouse effect, and I wish to draw to the attention of this Chamber a particular part of that article, as follows:

> Consider the simple replacement of a 75-watt incandescent bulb by a single 18-watt fluorescent bulb. According to Bill Keepin and Gregory Kats of the Rocky Mountain Institute, the fluorescent bulb produces just as much light over its lifetime but prevents the burning of 400 pounds of coal, prevents the release of 12 pounds of sulphur dioxide into the atmosphere . . . .

That is a quite significant difference, in simply changing over from ordinary incandescent bulbs to fluorescent bulbs. Further in relation to energy saving, the article states:

> While a nationwide energy efficiency program [in the United States] would cost approximately $50 billion, it could save $110 billion per year in energy expenses—a net reduction of $60 billion each year. Yet, as representative Claudine Schneider (Republican, Rhode Island) pointed out at recent hearings on the greenhouse effect, 'less than 2 per cent of the upwards of $50 billion per year in federal energy subsidies goes to promote greater reliance on energy efficiency'.

If the United States can see itself saving $60 billion a year by an energy efficiency program, it would be reasonable to assume that in South Australia savings would be of the order of $300 million to $400 million a year. So, not only does it make good environmental sense but it makes tremendous economic sense as well. I hope that the State Government will look more seriously at pushing for very strong energy conservation programs. An article entitled 'Where on earth do you get energy from?', from the magazine *Sweden Now* 3/1986, notes:

> Conservation-minded studies suggest that Sweden's road to success without nuclear power lies in a low energy future. The energy picture could change quite dramatically for the better in the next 15 years, once they have broken out of the straitjacket of relying on conventional energy supplies, according to one evaluation . . . Every household in Sweden would play its part with small energy savings on a mass scale. They would range from imposing electrical efficiency standards on all domestic electrical appliances, to building energy-conserving homes. He cites the example of houses now being built in which energy requirements are a quarter of what they were in the early 1970s . . . It is even possible to have twice the standard of living of 1975 by the year 2015 supplied by renewable energy such as biomass, windpower and solar cells.

And that is not to mention the savings that can be achieved by energy conservation. I believe it is important that the Government start to impose standards on electrical appliances. I do not think it is good enough simply to tell consumers what are the differences. If we are to run the economy of this State for the well-being of all citizens and if we are to treat the greenhouse problem seriously, we must start setting minimum efficiency standards for all devices. By doing that we can achieve those two goals referred to. As to the rest of the Bill, the Democrats support those provisions. As I have said, we support the Bill as being a small step in the right direction.

Bill read a second time and taken through its remaining stages.

IMMIGRATION

Adjourned debate on motion of the Hon. C.J. Sumner:

That this Council—

1. Affirms the principles embodied in the politically bipartisan approach to immigration and multiculturalism, which has existed in Australia since the Whitlam Government and has been supported by successive Liberal and Labor Governments—namely those of non-discriminatory immigration and integration of migrants into the Australian community through policies of mulitculturalism.
2. Calls on the Federal Parliamentary Liberal and National Parties to reaffirm their previous commitment to these policies.
3. Requests the President to convey this resolution to the Prime Minister and the Leader of the Opposition in the Fedeal Parliament.

(Continued from 18 August. Page 359.)

The Hon. L.H. DAVIS: I indicate from the outset that the Liberal Party has no disagreement with the substance of the motion moved by the Attorney-General. My own personal commitment to migration and the recognition of the richness and value of the culture of many nations to our community should be well known to the Attorney-General. We have attended dozens of ethnic functions and made dozens of speeches on the subject in the 2½ years since I succeeded the Hon. Murray Hill as shadow Minister for Ethnic Affairs.

In moving this motion the Hon. Chris Sumner referred to the fact that he and the Hon. Murray Hill had followed a bipartisan approach on immigration and multiculturalism. Neither the Hon. Mr Sumner nor any other Minister in the Bannon Government has once publicly questioned the State Liberal Party's commitment to this bipartisan approach. Indeed, the Liberal Party in the Legislative Council has recently welcomed to its ranks the Hon. Julian Stefani, a prominent member of the Italian community, a successful businessman, a person committed to helping the aged in his community, a person who led the appeal for funds for both the 1976 and 1980 earthquake victims in Italy raising well over $500 000 and also a former State 440 yard champion. That surely is clear evidence of the recognition by the Liberal Party of the contribution made by persons of ethnic origin.

The Liberal Party in South Australia and nationally remains committed to an active migration policy. Regrettably in recent years South Australia has been attracting far less than its fair share of migrants from overseas. Currently we are attracting only about 5 per cent of all migrants coming into Australia, even though we have 8.5 per cent of Australia's population.

The European settlement of Australia began with the migration of a few convicts and sailors to Sydney just over 200 years ago.

In discussing Australia's immigration policy we tend to focus attention on post-war World War II migration programs. However, it is important to recognise that South Australia's history is a rich mosaic of migration.

Colonel William Light, first Surveyor-General of the new British province of South Australia and founder of Adelaide, was an extraordinary man and he was an ethnic. Light was, in fact, Eurasian, the son of Francis Light (founder of Penang) and a Malaysian mother. He was one of many non-Anglo Saxons who arrived in the new colony in its early years. In 1838 Pastor Kavel and other residents of the Prussian town of Klemzig came to South Australia to avoid religious persecution. The 1840 census showed Klemzig village, north-east of Adelaide, as a German settlement of 34 dwellings, a school and 209 inhabitants. There was also a large German settlement at Hahndorf and Tanunda and by

1844 Germans made up nearly 10 per cent of the colony's 17 000 people. In Hahndorf the shearers were principally young men who were waited on by men of the village who caught and carried sheep to the shearer.

The Germans began the wine making industry and also established a clothing factory at Lobethal, which later became famous as Onkaparinga Textiles Ltd. Colonel Robert Torrens, an Irishman, was the prime mover in bringing 500 migrants from his home country by 1841. That was the largest planned migration from Ireland at that time. Torrens later became Premier and is remembered, of course, for the Torrens title system. Thousands of migrants from Cornwall flooded into the new colony in the 1840s following the discovery of silver lead at Glen Osmond and copper at Kapunda and Burra.

The nonconformist Cornish made an indelible contribution to the mining industry during the nineteenth century. South Australia's religious freedom was a magnet for a small number of Poles who established the Polish Hill River settlement in the gently rolling hills of the Clare Valley in 1848. By the early 1860s, there were 30 families with their own church, priest and school. In the same region an Austrian, with the help of two Jesuit priests, established Sevenhill, named after the seven hills of Rome. By the late 1840s many Norwegians and Swedes were working on the busy wharfs of Port Adelaide.

The first Greeks arrived in South Australia in 1852 and at that time thousands of Chinese were landing at Robe and travelling overland to the goldfields in Victoria. The Scottish made a notable contribution to the community and commercial life. The townships of Mount Gambier and Naracoorte and the corporate groups, Adelaide Steamship and Elders, were established by Scots. Sir Thomas Elder brought 31 Afghans and 120 camels to the colony in 1865. Afghans and their camel trains were prominent in early exploration of the State and the construction of the overland telegraph line between 1871 and 1873. In the 1870s, Italians from the Molfetta region settled in Port Adelaide and Port Pirie where they soon established an important fishing industry.

North Americans also made their mark. John Jenkins from the United States arrived in the State in 1878 and became Premier of South Australia at the turn of the century. Renmark was founded in 1887 by the Chaffey Brothers, irrigation experts from Canada. Croatians and Bulgarians arrived in South Australia in the early years of the century seeking respite from economic depression. The Bulgarians established market gardens in Fulham and adjacent suburbs before World War I and also worked on fruit blocks on the Murray River. In the period 1947 to 1966, the population of South Australia surged by 70 per cent from 650 000 to 1.1 million. This increase was well ahead of the national average and reflected the industrial development program under Sir Thomas Playford's skilful leadership.

The large number of migrants from Great Britain and Ireland was accompanied by waves of migration from other countries in war ravaged Europe, notably Italy and Greece. In several villages of the Campagna region of Italy, more than half the population took the long sea voyage to a new life in South Australia. These Italians faced not only a foreign language and culture but an often suspicious native population and inadequate support services. The Italian sense of family was extended through the development of dozens of clubs, which today still provide a meeting place for people from the same region or town.

In the late 1940s and 1950s, Australia also received many migrants whose homeland had been siezed by the Russian bear: Latvians, Lithuanians, Estonians and Hungarians, many with tertiary qualifications, who gratefully signed two year Government contracts to work in factories, ditches, railways and hospitals in exchange for the freedom they had lost. More recently, Australia has also accepted refugees from the Vietnam conflict.

The patterns of migration are ever changing. In the past 10 years there has been a sharp decline in the number of migrants from the United Kingdom, Ireland, Greece and Italy but this has been offset by increasing numbers from North and South America, New Zealand, Africa and Asia.

In 1947, the year Australia's unique planned migration program commenced, just 6.7 per cent of South Australians had been born overseas. There has been a dramatic change in this statistic just 40 years later. In a press release dated 21 July 1987, just over a year ago, I referred to statistics that had just become available from the 1986 census. They indicated that 325 000 South Australians had been born overseas while almost half the State's population of 1.37 million was either born overseas or had parents who were born overseas. I went on to say:

> People from over 100 countries are now resident in South Australia. In recent years, our State's population growth has stemmed almost equally from immigration and natural increase. Our ethnic communities have provided valuable skills to our work force, and have enriched our culture. Our transition to a multicultural society has been achieved with very little disharmony, reflecting the bipartisan approach to migration policy and a generally tolerant community. 46 per cent of those born overseas came from the United Kingdom or Ireland, 9.4 per cent from Italy, 4.6 per cent from Germany and 4.3 per cent from Greece.
>
> Other nations strongly represented in South Australia include the Netherlands (3.2 per cent), Yugoslavia (2.8 per cent), New Zealand (2.6 per cent), Poland (2.5 per cent) and Vietnam (2.2 per cent).

In fact, I have listed the top 10 countries from which South Australia's overseas born population came. It continues:

> In the past 10 years there has been a sharp decline in the number of migrants coming to South Australia from the United Kingdom, Ireland and Southern Europe. But this has been matched by increased numbers of migrants from North and South America, New Zealand, Africa and Asia.

That background is useful in debating this motion. The fact is that for many years there has been a basically bipartisan approach to immigration and multiculturalism; that is beyond dispute. However, as I indicated to the Attorney-General, whilst there is broad support for the substance of this motion, the Liberal Party will seek to amend it in a minor fashion. I move:

> In paragraph 1, to strike out the words 'has existed in Australia since the Whitlam Government and has' and to insert in lieu thereof 'have'.
>
> To delete paragraph 2.
>
> To renumber paragraph 3 as paragraph 2.

I point out to the Attorney-General that paragraph 1 contains a grammatical error and that the verb 'has' at the beginning of the third line should be 'have'.

Obviously, the Attorney-General can see straightaway that there is very little disagreement with the proposition that he has put. We simply quibble about the time that the bipartisan approach to immigration and multiculturalism actually occurred. The word 'multiculturalism' has not been in vogue only since the Whitlam years: I would also argue that there was a bipartisan approach to immigration before the Whitlam years.

The Attorney-General is entitled to shake his head and disagree with that, but this phrase really does not add anything to the motion. It is interesting to note, as my colleague behind has interjected, that the Attorney-General is at odds with the Prime Minister who is associated with a motion which accepts that the Holt Government initiated a program that subsequently became a bipartisan program for immigration.

The second point I make is that I do not think it is appropriate, and it is highly unusual to say the least, for this Council to call on political Parties to reaffirm a commitment. Certainly, there have been occasions in this Council when we have called on the Government to examine a proposal, but I think it is quite appropriate for the President merely to convey the substance of this resolution to both the Prime Minister (Rt Hon. R.J. Hawke) and the Leader of the Opposition (Mr John Howard) in the Federal Parliament. That is the substance of my amendment, and I do not think that in any way detracts from the substance of the motion that was moved by the Attorney-General.

The motion focuses, first, on migration policy and, secondly, on multiculturalism. I want, first, to make some points about migration policy and draw the attention of the Council to an official document called *The Migration Entry Handbook* dated September 1986. Chapter 2 sets out the Federal immigration policy. It says that the principles of migration policy *inter alia* are:

Principle No. 1—It is fundamental to national sovereignty that the Australian Government alone should determine who will be admitted to Australia. No person other than an Australian citizen has a basic right to enter Australia.

Principle No. 3—The size and composition of migrant intakes should not jeopardise social cohesiveness and harmony with the Australian community.

Principle No. 9—Policies governing entry and settlement should be based on the premise that migrants should integrate into Australian society. Migrants will be given every opportunity consistent with this premise to preserve and disseminate their ethnic heritage.

I have no difficulty with those principles at all. We are aware that the Government sought to examine migration policy by establishing the Fitzgerald committee. The Fitzgerald report, which was tabled a few months ago, attempted to raise matters which were not necessarily agreed on by the Government. Obviously, with 1.5 million people applying to migrate to Australia each year but only about one-tenth of that number being accepted, there must be some criteria.

The Fitzgerald report centred around the need to look very hard at the criteria and it emphasised economic criteria—that it must be in the nation's economic interest. That was central to the Fitzgerald argument.

It is interesting to reflect on the comments of various Federal Labor Ministers on migration. Mr Bob Hawke, when President of the ACTU, at a press conference on 28 November 1977, while debating the issue of Vietnamese and Indo-Chinese refugees, said:

Obviously there are people all around the world who have a strong case for entry into this country, and successive Governments have said that we have an obligation, but we also have an obligation to people who are already here. Of course we should have compassion, but people who are coming in this way are not the only people in the world who have rights to our compassion.

I would like to underline the following point made by Mr Hawke:

Any sovereign country has the right to determine how it will exercise its compassion and how it will increase its population.

Mr Hawke, as the shadow Minister for Employment, Industrial Relations and Youth Affairs, was quoted in the *Daily Mirror* of 22 April 1981 as saying:

We want to know the condition and nature of the people who are coming here, their health and their capacity to be part of the community. The point is to have control of it; we cannot be completely open-ended about it.

Earlier that year, in January 1981, Mr Hawke, on immigration, said:

In that situation it is absurd where you have young people unemployed to be bringing people from overseas to fill alleged or actual shortages.

I am not sure whether he would say that today. The former Immigration and Ethnic Affairs Minister, Mr Mick Young, actually confirmed with George Negus that there was a quota system in operation with respect to refugees. An interview was recorded on 18 October 1987, as follows:

George Negus: How do you arrive at a figure: for instance, this week you've said, as a result of your visit to the camps in Thailand, that we're going to have another 2 000 refugees in the next year? How do you arrive at a magical figure like that . . .?

Mick Young: Well, first, George, it's not correct to say we're taking an additional; what we announced in the year intake 87-88 was 12 000 refugees and special humanitarian entries from around the world.

George Negus: Right.

Mick Young: The quota for Thailand for this year out of that 12 000, is 2 100 and we allocate the figures as best we can . . .

So there is another interesting quotation. More pertinent and more recently has been the disclosure by Mr Peter Cullen, the actual consultant to the Minister for Immigration on business migration. Mr Cullen, in the *Sydney Morning Herald* on 23 August, and in other papers around Australia, was quoted at length on the Federal Governments position, and I want to quote from the *Sydney Morning Herald* of 23 August, as follows:

The Federal Government has already acted to curb Asian immigration by issuing instructions to alter the mix of business immigration by increasing the proportion of Europeans and North Americans at the expense of Asians.

Mr Peter Cullen, the consultant to the Minister for Immigration on business migration, disclosed to the *Herald* yesterday that the policy directive had come from the former Minister, Mr Mick Young, and was still in force.

Mr Young commissioned Mr Cullen to examine the business migration program in October last year, at the same time as he set up the Fitzgerald inquiry to examine general immigration policy.

It goes on to say:

The Government was concerned that 75 per cent of business migrants were coming from Asia . . . 'We must demonstrate that the policy is a global policy.'

The *Sydney Morning Herald* comments:

The order is in contrast to the Government's condemnation of the Libral Party's draft policy, which would allow it to adjust the structure of migrant intake to ensure a socially cohesive, tolerant and harmonious society.

In the same article, although the new policy has been officially denied by the department (of course, what else could they say, in view of the high ground that the Hawke Government had taken) the department admitted it was expanding its recruitment program—

in areas where demand is low, including Europe, North America and the Middle East, and it has ceased its Hong Kong promotions.

Michael Bonney, who until last month had been the Director of the department's Permanent Entry Planning Section, was quoted in the *Sydney Morning Herald* as saying:

The argument is what proportion should come from which country. In Hong Kong and Malaysia there's good push factors why people would want to leave. There is high demand from those areas and there's no need to build or promote any more, simply to service the application level that's occurring.

In fact, they had ceased promotion in Hong Kong. The article continues:

The department, the industry and the States are working towards a joint effort to attract people from other countries.

It is interesting to quote the *Canberra Times* of 7 June 1988 where the new migration scheme was slated by a key figure in the ethnic community, a Sydney solicitor who specialised in immigration law. He was joined by the Ethnic Communities Council of New South Wales who attacked what they called the hidden discrimination in Australia's 1988-89 immigration program. This solicitor, Mr David Bitel, a solicitor and General Secretary of the Australian Branch of the International Commission of Jurists—impressive qualifications—together with the Ethnic Communities Council of New South Wales claimed that the revised criteria set down by the Federal Government would make it almost impossible for anyone who did not come from an English-speaking country to enter Australia under the independent and concessional migration scheme, which is the largest of all schemes under the program. They made this point:

> ... the requirement for immigrants under the scheme to attain a 'score' of 80 points before being granted entry would make it impossible for people from some countries to enter no matter how qualified they were.

Under the old scheme which required a score of 70, they said it was difficult but possible for people from non-English speaking countries to gain entry. The Ethnic Communities Council was so upset that it—

> Sent a telex to the ALP National Conference in Hobart ... calling for a debate on the new system and said in a statement last night [that was 6 June 1988] that it was disappointed with the announcement. The changes had been made without community consultation.

Let us look at what the Labor Party said even more recently, remembering that it has taken the high ground on this migration road—

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: Claimed to take the high ground:

> ... the Government's backbench immigration committee has called for public submissions on the migrant selection system. The Chairman, Dr Andrew Theophanus, made the appeal yesterday and repeated his warning that the migrant intake had become unbalanced.

There is a very influential member of Federal Labor Caucus and Chairman of the Backbench Immigration Committee criticising the migration policy of the Federal Government and saying publicly (and he is quite happy to be quoted) that it is unbalanced. He said:

> ... migration from some regions had occurred at the expense of others. I don't think you can say there are too many from one country but I think you can say from some countries it appears as though there has been a falling off.

He is quoted at length in the Eastern States, as the Attorney-General would reluctantly acknowledge, something which is quite at odds with all the moral high ground posturing on migration policy by Mr Hawke. Of course, it is interesting to see that, in the midst of this very public debate, which has now run for some weeks, the Federal Minister for Immigration and Ethnic Affairs disappeared from the scene.

The Hon. J.C. Irwin: Who was he?

The Hon. L.H. DAVIS: A man not without influence. He is Mr Clyde Holding, who led the Victorian Labor Party for some years in Opposition and who finally took the road to Canberra and became the Minister for Immigration and Ethnic Affairs. He went, but he was pushed, and he made it well known that he was pushed. Why was he pushed from that position? Why was he dumped from the position of Minister for Immigration and Ethnic Affairs? There is no doubt—

The Hon. C.J. Sumner: You sound as though you're defending John Howard.

The Hon. L.H. DAVIS: I am not defending John Howard. I am putting a point of view. I am tying some very loose ends together in relation to the Labor Party so that I can put some perspective into this debate. It is interesting then to see how Clyde Holding was dumped in the middle of this debate. He was rather unhappy about it. He was not going to go; he had to be pushed or dumped.

Finally, whilst we are debating migration policy—and these are words on paper—what is happening in the real world with the administration of this migration policy? The administration of our migration system is a shambles. A man in Cologne has been waiting for 17 months to have his application for migration to Australia processed. During my recent visit to the United States of America I had confirmation of the fact that very prestigious American people seek to migrate to Australia, but they have waited sometimes between six and 12 months to have their applications processed. In fact, in the United States, by the time some people have had their applications processed, they have gone off the boil, or cooled on the idea or, alternatively, decided to migrate elsewhere.

The Attorney-General has been in the immigration ring for long enough to know that sometimes migration is a matter of impulse; someone sees an attractive advertisement for a country—it might be Paul Hogan putting shrimps on a barbie—or someone may have a bad day in the office and can see Australia as being the last frontier. They then decide to obtain the forms for migration.

He goes to get the forms, puts them in and then has to wait 12 months. By then, of course, things may have changed and he goes off the idea. That is the real world, and migration policy has to be translated into effective administration of a policy. I have demonstrated pretty cogently today, that the administration of Australia's migration program is a mess. It is an unprofessional and totally inadequate approach to applications, many of which are from persons with professional skills and/or money who could contribute to Australia's economic prosperity. Those are some of the facts about which the Attorney would know only too well. Certainly, that is at the Federal level and, as I have already instanced, there has not been one example to my memory in my nine years in Parliament, where there has ever been a fundamental disagreement on a bipartisan approach to migration policy (given that that is determined by the Federal Government) or policies of multiculturalism that have been implemented by successive Labor and Liberal Governments, at the State level.

I turn now to the Liberal Party policy and highlight one of the points made in the executive summary of this recently released policy, as follows:

> This means that any Government must reserve the right from time to time to vary and alter policy, including adjustments to the size and composition of the immigration program, in response to changing requirements, be they social, economic, political or humanitarian.

That point has been objected to but, as I have demonstrated from several quotations from the Hon. Bob Hawke before he was Prime Minister, there is no question that the Labor Party has exactly the same approach. I turn now to multiculturalism. Yesterday, the Attorney made the point that the recently released Liberal policy did not use the word 'multiculturalism'. He got quite excited about that point. Let me remind the Hon. Mr Sumner of what he said when opening this debate, as follows:

> I would accept that there is some confusion in the general Australian community about what it [multiculturalism] means.

He also went on to say that to him:

> Multiculturalism has always (since he was elected to Parliament in July 1975) ... involved, first, a commitment to Australia—its democracy, its parliamentary system, the rule of law, basic human rights and, importantly, the English language.

I agree with him on all points but it is worth noting that the head of the Federal Office of Multicultural Affairs, Dr Peter Schergold, in Adelaide in March this year was quoted as saying (and I am quoting directly from an *Advertiser* interview with Deborah Cornwall on 22 March 1988):

The trouble is 'multiculturalism' sounds woolly. It sounds as if it's all about peace, love and harmony. We've got to get away from the idea that we are doing these ethnic people a favour and look at it in much more hard-headed economic terms.

He is really foreshadowing what the Fitzgerald report later referred to, the importance of keeping an economic perspective on migration policy. Dr Shergold continues:

Multiculturalism is about making the best use of our human resources, recognising the need to give every Australian equal access to services and programs so they can fully participate and contribute to the general community.

Of course, the Attorney-General will remember that it was in fact the Federal Labor Government that quite recently closed down the Institute of Multicultural Affairs, an independent body established by the Fraser Liberal Government, and stripped and weakened this important area of ethnic affairs by setting up the office of Multicultural Affairs within the department.

The Hon. J.F. Stefani: Without consulting the community.

The Hon. L.H. DAVIS: Without consultation and with great agitation from the ethnic communities all around Australia. This is the Party that takes the moral high ground on the migration debate.

That we are a multicultural society is a statement of fact: it is not an opinion. As I stated earlier, persons born in over 100 countries are now resident in South Australia. The commitment of the Liberal Party to recognising the importance of these many cultures remains absolutely undiminished. It is reflected clearly in the commitment by the Liberal Party both federally and in South Australia to maintain the autonomy of the Special Broadcasting Service, the television station SBS. That is a clear recognition that communication is a basic ingredient of any policy which recognises the importance of this nation's many cultures. Where was the Labor Party in preserving the autonomy of SBS? All over the place! SBS was doomed until heavy lobbying and relentless pressure from ethnic groups and the Liberal Party forced the Labor Party to have second thoughts. The Liberal Party remains strongly committed to SBS. The Liberal Party remains strongly committed to supporting and funding, where appropriate, ethnic schools, and that is obviously a recognition of the many cultures. Our commitment to the broader area of multicultural education was covered in some detail by the Hon. Robert Lucas in his Address in Reply speech.

The new Liberal immigration policy states on page 7:

10.1 The Australian identity is unique. It owes its origins to people who have come from many nations, each making a contribution to the development and fashioning of the Australian identity which marks us out as different from any other country.

10.5 It is our goal to ensure that all Australians, no matter what their racial or cultural background, can be truly confident that they have an equal and valued role in developing the modern Australian nation.

10.7 . . . There must be no first and second-class citizens.

10.8 Equality of opportunity is achieved when people of different backgrounds are able to participate in Australian society on the same basis.

10.9 The next Liberal/National Government will continue to encourage respect for Australia's cultural diversity—

its many cultures, its multiculturalism if we want to be semantic about it—

acknowledging that we are a people drawn from many parts of the world. Our pride in the history, culture and language of our diverse origins is a legitimate expression of self-esteem. The sharing of our heritages will enrich our nation and strengthen our sense of unity.

10.11 We understand the continuing personal bonds that many of our citizens feel for their country of origin. The principle we endorse is that whilst any person should value his or her own cultural traditions there is a higher and stronger purpose in which allegiance to one's chosen country is paramount. Such an allegiance acknowledges both the benefits and the responsibilities of Australian citizenship, to which we believe all new residents should aspire.

There is very little difference between that last paragraph to which I referred and the comments Mr Sumner made about multiculturalism. Multiculturalism is a word, but let us not get bogged down in semantics. There is no thought and there has been no suggestion that the Liberal Party at a Federal level—and certainly at a State level—will turn its back on the many cultures which are found in this country. Finally, the policy states:

11.1 A prerequisite for successful settlement is predictable economic conditions which favour family security. Confidence to move freely in the new environment and encouragement to participate in Australian society are also important factors. New arrivals need to be provided with accurate and relevant information on Australian life and to gain competence in the English language. Wherever possible, language skills and orientation will be made available for new residents before they reach Australia.

And, of course, when they arrive here there will be language programs, too. It is clear that the 1987 policy highlights that greater attention will be given by a future Liberal Government to the needs of migrant groups, especially in regard to English language programs, care of the aged and recognition of qualifications and citizenship. A strong emphasis on equality of opportunity for all Australians, without distinction of background, race or colour, will be paramount in our policy. Thirdly, we will provide an immigration program which will give greater attention to skills and which will recognise the economic vitality that is injected into Australia by an appropriate migration policy, while at the same time retaining close family reunion and a recognition of more distant relatives and a compassionate element in a migration policy through refugee programs from time to time as that need arises.

I have demonstrated that the Federal Labor Government cannot come into the migration debate with clean hands. Labor members have attempted to paint themselves as lilywhite; they have taken the high moral ground. However, the facts are otherwise. In many areas they have paid less than lip service to multiculturalism, as I have demonstrated, and they have tinkered with the migration system to adjust the balance of migration into this country—several examples of which I have given. They have tinkered in such a fashion that can only be described as discriminatory. On the ground that the administration of applications for migration is less than satisfactory, certainly, the Federal Labor Party has a lot to answer for, and I believe that this will be generated into a national issue, namely, the failure of the Federal Government to administer the migration policy program effectively and efficiently.

All this demonstrates that the high sounding words of a Party policy document on migration is no substitute for a practical commonsense, compassionate and administratively efficient approach to this most sensitive of issues in the political arena. It should be noted that public opinion polls in Australia have indicated over many years the consistent community opposition to the migration program and/or the level of the migration program. In this Parliament and in any public statement made by a member of Parliament about migration policy, I would hope that appropriate and moderate language will be used.

The rich mosaic of migration has been of great social and economic benefit to this State and to this nation. The continued bipartisan approach to the nation's migration policy, which is determined by Federal Governments, is

vital, and it is important to have a broadly bipartisan approach to the formation and implementation of policies which both assist and recognise people from over 100 nations. That will help ensure 'a richly diverse but cohesive Australia, in which every Australian, whatever his or her background, can enjoy a fair go'. That is a quotation from the Hawke Government policy document for the 1987 Federal election. It will also ensure that:

> 'One Australia' means that whether you are a fourth generation Australian, like me, or somebody who came from Vietnam five years ago or Italy 40 years ago, we are all entitled to the same equality of opportunity in this country.

That was a comment made by the Liberal Leader, John Howard, on 15 August 1988. It was also included in the recently released Liberal immigration and ethnic affairs policy. Given that the Liberal Party has sought to make minor amendments, I support the motion.

The Hon. I. GILFILLAN: It is an unfortunate fact that racism is widespread and an evil that will remain in the world for as long as there are human beings. It is no good denying that it exists in Australia. Those of us with lifespans which enable us to recall the 1950s have seen how different ethnic groups have changed Hindley Street and the general tone of Adelaide into a cosmopolitan exciting city in which to live. I can recall community attitudes which could only be described as xenophobic: the suspicion of anything not Aussie and levelled against Greeks, Italians, the Irish and certainly the Poms. We have now reached a stage where those groups are not generally the subject of blatant racism in Australia. I am sure that all honourable members will still find the expression or outbreak, of racism against those groups even though they have been in Australia for so long.

There are invaluable uses and values associated with ethnic cultures and attributes. If we are willing to listen and understand, we can enhance our own lives and begin to understand not only how some of the other peoples of the world make sense of living and cope with its problems and mysteries, but we can learn that different viewpoints are not necessarily a threat. When different opinions and customs are presented there does not have to be a winner and a loser—one right and many wrongs. If we recognise that Australia is part of a specific sphere, let us capitalise on the background, culture and languages of our Asian immigrants. We can have a background knowledge of Asia as in Chinese, Vietnamese, Japanese, Filipina, and so on through their languages and cultures, which would be extremely difficult for a European Australian to acquire. We need these skills—how dare we despise and waste them. A point system contrived by the Federal Govenment is currently in use in the Federal sphere. Although it does not specifically have a racist aspect, it is far from satisfactory with respect to an open immigration policy. It certainly smacks of ageism and educationism, if not specifically racism.

It is important to realise that racism is more than just a peripheral argument on the wording of policies and the fine tuning of the wording of the Federal Liberal Party's policy. Racism is the ingredient which turns sour the relations between different groups of people who can be identified, either visually or ethnically, with a particular background. It often complicates the iniquitious results of social, economic or geographic division and is responsible for enormous human suffering not only in Australia but also in most of the trouble spots of the world. It is plain that racism between black and white Africans exists in the current slaughter of one racial group by another in Burundi on the African continent.

It is a latent form of tribalism and it does not matter how neatly the dialectic and semantic argument as to what is the desired immigration mix or the cultural blend of the ideal Australia is put forward. The cold, hard and ruthless fact is that many of those speeches and sweet sounding polemics are just a camouflage for racism. Who cares where various point-scoring political statements originate? What is the ultimate intention of this motion? Is it to prove that one political Party is right and the other is wrong? Is it an attempt to extract some concession of error from one political group in favour of another?

That is certainly not the reason for my support of the motion. I see the motion as a very clear expression of opposition to racism. There is no question in my mind that the debate has been triggered by remarks intended to stir the racist reaction of a large proportion of the Australian population with the fear that one group—Asians—would be accepted in numbers into Australia and that the consequences would bring social and economic problems with deterioration of the quality of the Australian way of life. That has backfired and I do not believe that, in the long run, it is a bad thing that the debate has been flushed to the surface because I do not think that any of us can stand and say, 'I am not a racist.' I believe that in all of us is the potential for racist reaction under certain circumstances, and there is no doubt that the Australian population is imbued—some radical, some mild—with some racial prejudice or another. The trick is to recognise it as a negative factor, to overcome it and convert it into an enriching factor for the people and cultures in Australia.

It is pathetic for the Liberal and National Parties to attempt to present the discussion and the debate as a robust sorting out of a policy which, in the end, has turned out to be no more than repetition of an earlier multicultural, non-racist immigration policy. I saw a debate between Senator Teague and Mr Alexander Downer, two members of the Liberal Party, who obviously have diverse points of view on immigration policy. Anyone who has heard Senator Stone, who obviously holds a widely held racist view in the National Party, would realise that the debate in the joint Party room must have been vigorous between those who are racist and those who are attempting to overcome that racist intrusion into the immigration policy of the Liberal and National Parties. I am sorry to say that I do not believe that they won. Damage to the interpretation of the Australian immigration policy has been firmly fixed in the public's mind as it has in the media and internationally: that Australia is potentially racist to a large extent and that is expressed in its welcome of people, particularly from Asia. Although it has not been mentioned previously in the debate, I believe that such discrimination and racism would extend to Africans with black skin should they become involved in immigration policy.

The Democrats support the motion but we oppose the amendments because we see no reason for them. We do not believe that they would assist in the expression of the intention of the motion. I express my appreciation to the Attorney-General for bringing up this matter. It is a very sad feature of our culture that horrendous expressions of racism, as experienced by Peter Dight, still occur.

I place on record that I stand solidly with him in his fight against racism. I believe it is a fight, and it will be an ongoing fight. I call on all members to be seen and heard publicly expressing absolute rejection of and horror at what has now overtly appeared—the white supremacist racist horror that was the plague of other countries at other times and has been latent in Australia for many years. With those remarks I indicate the Democrats strong support for the motion.

The Hon. R.I. LUCAS: I put a question to the Attorney-General for his consideration in reply. When the Hon. Mr Davis spoke he quoted principles 1, 3 and 9 from the *Migrant Entry Handbook.* As he did so the Attorney-General interjected, 'Hear, hear!' across the Chamber. Will the Attorney place on record his views in relation to those principles to which the Hon. Mr Davis referred in his contribution?

The Hon. C.J. SUMNER (Attorney-General): I begin my reply by indicating that the Government opposes the amendment that has been moved by the Hon. Mr Davis and asks the Council to pass the motion in its original form. The Hon. Mr Davis seeks to remove reference to the principles of non-discriminatory immigration and multiculturalism commencing with the Whitlam Government and followed on a bipartisan basis since then. There is no doubt in my mind, from my knowledge of this area, that although some changes were made to the immigration policy and, in particular, to the white Australia policy by the Holt Government, it was not until the Whitlam Government came to power that a fully non-discriminatory policy was introduced at the national level. It is also fair to say that prior—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: But there was not a bipartisan approach to a non-discriminatory policy, because a—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I do. If you read the motion you will see that it refers specifically to a non-discriminatory policy, 'namely those of non-discriminatory immigration and integration of migrants into the Australian community through policies of multiculturalism'. What I am saying is that the Whitlam Government introduced a fully non-discriminatory policy. I am not taking away from the fact that the Holt Government made the first steps towards removing the rigours of the white Australia policy, but it was not until the Whitlam Government came into power that a fully non-discriminatory immigration policy was introduced, and it was not until the time of the Whitlam Government really that the ideas of assimilation were completely put aside and the ideas of integration (to be known later as 'multiculturalism') became part of national Government policy.

There is no question in my mind that those policies commenced with the Whitlam Government in the terms that I have expressed in this motion. They were then taken up, as I indicated when introducing the motion, by the Fraser Government and have, until recently, with some variation obviously in individual programs, been given support by both major political Parties at the national and State levels.

So, for that reason I oppose the Hon. Mr Davis's amendment and believe that the motion as moved by me correctly expresses the situation. In my initial contribution I tried to put to the Council the principles that I thought ought to guide us in this area. I suppose I was a little disappointed with the Hon. Mr Davis's speech because there is little doubt that he tried to get into a justificatory process for his Federal Leader. His speech was more narrowly political than I could have anticipated from the tone of my speech introducing the motion. I thought that he could have been more wholehearted in endorsing the principles that I espoused and perhaps a little less churlish in his response, because it seems to me that the gravamen of his speech was that the Federal Liberal Party's principles, in the policy released by Mr Howard are, in fact, the same as those of the Labor Party or those that have prevously existed.

When I interjected—as I did several times—to ask him whether he believed that the bipartisan policy at the national level was still there, he did not answer. One can only assume from his support of the motion, which reaffirms the principles of a politically bipartisan approach, that he does not believe that there is one at the present time at the national level. If his argument was to this end, that is to establish that Mr Howard and the Liberal Party's policy is now the same as the Labor Party's policy, and that bipartisanship was never challenged, one has to very directly ask why the Liberal Leader, Mr Howard, provoked the divisiveness and division which he has in the community; if the end result has been a return by the Liberals to the bipartisan policy.

There is no doubt in my mind that Mr Howard has placed an enormous wedge into this community. Members opposite—or on this side of the Council—will only have to go around and talk to some of the communities to see how they feel about what they consider to be a denigration of their many years contribution to this country. In provoking this debate, Mr Howard has caused much discomfort and hurt to many migrants, many of whom felt part of this community. As I said, when policies on multiculturalism were introduced, they were able to walk tall in this community and feel a part of it. The debate that Mr Howard has provoked has made them feel insecure and uncertain and, in some cases, unwanted. After their contributions to the Australian community, the implied criticism by Mr Howard has let them down and made them feel not a part of the Australian community. That is in the context where the very policies of multiculturalism that Mr Howard is apparently criticising were designed to ensure that people who came here from overseas did, in fact, integrate and feel part of the community—feel wanted.

If, in the final analysis, Mr Howard's approach was just to reaffirm a bipartisan approach to immigration—and that is what it seems Mr Davis was hinting at, although he would not say so when I asked him by way of interjection—what we have is a very sorry state of affairs in Australian public life. We have Mr Howard provoking a debate and in my view, causing enormous harm and discomfort and, having provoked that debate, he is now trying to say that he has come back to his original position.

Of course, in provoking that debate, he has also attempted to get support from those people who are opposed to multiculturalism, those people who are opposed to any level of Asian migration to this country. In the sense that the Hon. Mr Gilfillan said, of course he has provoked arguments and discussions about the question of race. He has done it in a way that I do not think has been a valuable contribution to public life in this country.

If Mr Howard's position now is that there ought to be no multiculturalism, that there ought to be less Asian migration, that there ought to be a discriminatory policy, let him come out and say it. We will then know that the battle lines are drawn and where he stands. He cannot have it both ways. On the one hand, he cannot make these public statements and attempt to gain support from those who are opposed to multiculturalism and those who are opposed to Asian immigration and then, on the other hand, come back and say, in the words of the Hon. Mr Davis, 'The Liberal Party really has not changed its policy.' He cannot have it both ways.

Obviously, as the debate proceeds, those issues will have to be clarified and people will have to know where the Liberal Party stands. Even if what the Hon. Mr Davis says is correct—even if Mr Howard has come back essentially to the principles that were being espoused before—it still does not account for the many statements that were made,

for instance, by some Liberals and by the National Party leaders, Senator Stone and Mr Sinclair, who made quite clear in their view that there would be a discriminatory policy in terms of who was admitted to Australia.

That has not been clarified as far as Liberal Party policy is concerned. It seems to me that Mr Howard has deliberately broken with bipartisanship, and he will have to live with that fact, even though now what he is trying to do is say, 'Many of the principles in the new Liberal Party policy are the same as the old ones.' I concede that. This is where the question has been asked: there has never been any dispute in terms of the policy put out by the Department of Immigration and Ethnic Affairs in the handbook to which the Hon. Mr Davis referred, specifically chapter 2, relating to immigration policy. There has never been any dispute under bipartisanship about principle No. 1, namely, that it is the Australian Government that should determine who will be admitted to Australia. That has never been a principle in dispute at any stage in the proceedings.

With respect to principle No. 3, it has always been implicit and, if not stated, it is certainly stated in espousals of multiculturalism. Indeed, it is in the principles that I put before the Council: the question of social cohesiveness and harmony within the community is clearly something that we must maintain.

The Hon. L.H. Davis: It was in the policy of the Federal Labor Party.

The Hon. C.J. SUMNER: I am not arguing about that. That has never been a point of argument as far as I am concerned. In the principles that I espoused in my speech introducing this motion, I referred to—

The Hon. L.H. Davis: Some people sought to denigrate the Liberal Party for talking about social cohesion. It has become a political issue.

The Hon. C.J. SUMNER: If it has become a political issue, I would like to know whose fault that is. Certainly, it is not the Labor Party's fault because, right through the period of the Fraser Government, we stuck with an essentially bipartisan policy on multiculturalism and immigration. On that issue, the question of social cohesion is obviously an important factor that must be considered.

The other issue to which I referred is principle No. 8, namely, that enclave settlement will not be encouraged. That has always been in the policy for as long as I can remember and it is repeated in the Liberal Party policy.

Of course, it is repeated in the Liberal Party policy. Principle No. 9 is based on the premise that migrants should integrate into Australian society and that is exactly what the motion says. The motion calls for a reaffirmation of the principles, namely, those of non-discriminatory immigration and integration of migrants into the Australian community through policies of multiculturalism. It is not just integration and, of course, I think that has always been used and understood in the community as being different from assimilation. Assimilation was a policy that existed in the 1950s and 1960s and changed in the early 1970s where migrants who came here were virtually forced or encouraged to forget their backgrounds and their language. In the early days, and in the 1950s in particular, they were subject to some rather heavy pressure to do just that. I have referred to some of the denigratory terms that were used in relation to migrants. Certainly, their languages were not encouraged.

The Hon. R.I. Lucas: No mother tongue maintenance policy?

The Hon. C.J. SUMNER: That is right.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: That is right; all that happened, but in the early 1970s that changed for the better. Those attributes were espoused as principles of multiculturalism. We are not talking about assimilation of the 1950s and 1960s but, rather, integration, which means becoming Australian but still being able to retain an attachment to one's own individuality, culture and language and, indeed, being encouraged to do so. As I have said on many occasions, in my view, to have another language is a good thing not only personally but also for the Australian nation and the economy. We are talking about integration, but integration—and these are the key words—through policies of multiculturalism. Many aspects of the Liberal Party's new policy are the same and there is no question about that but, if they are precisely the same, then I return to the point of asking why John Howard provoked the debate and all the negative effects that that has had. If it is different, then I think that he should spell out where it is different. I believe that it is different in one respect and, as I said in answer to a question from the Hon. Mr Stefani the other day, the Liberals have taken multiculturalism out of their policy.

The Hon. L.H. Davis: The word.

The Hon. C.J. SUMNER: Well, in fact the word is there, and I will quote what it says at 10.3, which states:

> One Australia—from many cultures and many nations . . . Terms and concepts such as multicultural—

have a listen to the context—

> and multiculturalism provoke much debate. They mean different things to different people. To many they are words of reassurance. To others they have, over time, connoted division rather than unity.

The words appear. In the sense that I said they had taken the word 'multiculturalism' out of the policy, that was not technically correct, but they have certainly taken the word 'multiculturalism' out of the policy in any positive sense. It does not appear in any positive sense; it appears in the policy by saying that it is a word which provokes debate and the effect of it does not really assist. In my view, the word is a word that is well known.

The Hon. L.H. Davis: You said it wasn't; you said you had a problem.

The Hon. C.J. SUMNER: I did not say I had a problem.

The Hon. L.H. Davis: Yes, you did. Dr Shergold said the same.

The Hon. C.J. SUMNER: No, I did not. What I said about multiculturalism was that, certainly in the general community, there is some misunderstanding about what 'multiculturalism' means, but it is a word that is well understood by those who have been involved and interested in this area over some period of time. The principles are well understood through the Galbally report, the Professor Zubrzycki report and numerous other reports and speeches. I have espoused those principles in my speech. They are well known in that sense.

The Hon. R.J. Ritson: In that sense, they are basically in the present policy.

The Hon. C.J. SUMNER: Some of them are in the present policy, but John Howard is trying to run away from it as a concept. I think that concept is valuable for Australia, because it expresses a position which I think is sustainable. Rather than Mr Howard's running away from it and rather than Mr Fitzgerald's running away from the word, they should have said, 'Yes, it is a word defined in a certain way and it has a certain content to it. It has been used as a vehicle to develop policies and programs over the past 15 years.'

It ought not to be repudiated. If there is misunderstanding about it, our challenge is (as I have said since the Fitzgerald report came out) to get out into the community and explain it more fully, explain what benefits there are in the policy for Australians. That is where the breakdown has occurred.

But just because there is that confusion about it out in the community, or misunderstanding in some circles as there undoubtedly is, does not mean that the whole policy ought to be dumped. I think a more constructive approach from the Liberal Party at the national level and from Mr Howard would have been to recognise that, pick it up and say, 'An emphasis on bipartisanship ought to be towards reaffirming a non-discriminatory immigration policy.' It would involve getting out and ensuring that people understand what multiculturalism means and what the benefits are for Australia in social and economic terms. It would not involve, as has occurred, whether wittingly or otherwise, giving some succour to people out there who want to express racist opinions and who are opposed to non-discriminatory immigration and any notion of multiculturalism. I thank members for their substantial support for the motion.

The PRESIDENT: The Hon. Mr Davis has moved an amendment to this motion in three parts. I believe it would be best to consider each part separately. I put the first question:

That the amendment moved by the Hon. Mr Davis to paragraph 1 of the motion be agreed to.

Question negatived.

The Hon. L.H. DAVIS: In view of the Democrats' position, I will not proceed with my amendments.

Motion carried.

ADVANCES TO SETTLERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 489.)

The Hon. R.J. RITSON: This is a small machinery Bill, and the Opposition wishes to expedite its passage.

Bill read a second time and taken through its remaining stages.

RURAL ADVANCES GUARANTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 489.)

The Hon. R.J. RITSON: This Bill deals with the administration of the guarantee of loans to people developing rural land. In years gone by the background work and the reports of the viability of projects and soundness of the decision to grant the guarantee was done by the Department of Agriculture. It was then submitted to the Land Board and then to the Land Settlement Committee which gave its approval. It was then passed back to the board which advised the Premier to guarantee the loan. During the term of the Tonkin Government, in the interests of deregulation, the Land Settlement Committee was abolished, but the Land Board continued to carry out the function, even though most of the background, research and input to the decisions came from the Department of Agriculture. This Bill merely makes the process more efficient by placing the whole decision-making process in the hands of the Department of Agriculture. It makes sense and the Opposition supports the Bill.

Bill read a second time and taken through its remaining stages.

CONSTITUTIONAL REFORM

Adjourned debate on motion of the Hon. C.A. Pickles:

That this Council applauds the Federal Government for its commitment to constitutional reform as shown by the establishment of the independent Constitutional Commission; that this Council acknowledges that the involvement of the community in the work of the commission sets it apart from all previous attempts to reform the Constitution; that its work, as reflected in the reports of the commission and its advisory committees, establishes the blueprint for the future of constitutional reform. Further, that this Council urges all members to work with all other Australians committed to the principles embodied in the four referendum questions relating to four year terms and concurrent elections for both Houses of Parliament; fair and democratic elections; constitutional recognition of local government; extended guarantees of trial by jury, religious freedom and fair compensation to ensure they are approved at the referendum on 3 September 1988.

(Continued from 24 August. Page 478.)

The Hon. CAROLYN PICKLES: I will try to be brief, as I understand that members want to go home this evening. In the arguments on the Constitution referendum, the Hon. Mr Griffin asked what was so different about 1988, and argued that, as the Constitution had served us well for the past 87 years, we should therefore not propose to change it at this time. I want to point out to the honourable member that the Constitution is not an immutable document and that it must continue to be a living and working document relevant to the country's needs and capable of responding to the challenges of our generation and future generations. Also in his address, the Hon. Mr Griffin attacked the Constitutional Commission. I note here the Hon. Ms Laidlaw's remarks concerning the lack of female composition of the commission: I totally support her remarks.

The recommendations of the commission are the result of wide consultation with the general public, both individuals and representatives of community organisations. They do not represent the interests of any one political Party or interest group. Some 4 000 submissions were received and nearly 100 public hearings were held before the commission wrote the report that gave rise to the referendum questions.

In relation to referendum question 1, the Hon. Mr Griffin argued that a 'Yes' vote would provide no guarantee that a Government would serve four years. He argued that there may in fact be many occasions when matters of such national importance and controversy arise that it may be vital, if not necessary, to test such matters at the ballot box and that to impose fixed terms would deprive people of the right and means to depose an incompetent or unpopular Government, and necessarily reduce the Senate's powers. He has also argued that it would reduce the powers of the Senate and that there would be no checks against the abuse of power.

The constitution and power of the Senate remains unaltered; only the term is altered. This proposal does not involve any alteration to section 53 of the Constitution, which deals with the Senate's power in relation to Supply Bills, or section 57 dealing with double dissolutions. The Senate has wielded its considerable powers most forcibly and most often in the past 20 years—during which time not one Senator has served his or her full term.

Since 1949 there have been 21 elections, which means that parliamentary terms have lasted less than two years on average. This tends to build an inherent instability into the system. All Australian States, except Queensland, have four year terms. The argument put forward on proposal 2 refers only to the number of electors and sets no other criteria for determining fairness. I point out that the Opposition has not acknowledged that the proposal is directed at preventing malapportionment, which is the cause of the gerrymander

in Queensland and in the Upper Houses of Tasmania and Western Australia. By focusing attention on examples of grotesque boundaries in the United States the Hon. Mr Griffin is avoiding this point. The proposal will mean that equal weight will be given to each elector's vote.

An argument has also been put forward that, with the growth in some electorates, the diminishing numbers in others and four year terms, it is most likely that there will be a redistribution in South Australia after every election. This will be an enormous cost to the community. It seems to be a ploy to direct attention away from the equal weighting of votes, which is a fair system of voting. On the question of local government, which seems to cause the Opposition the most pain, it has argued that the inclusion of the recognition of local government in the Constitution will guarantee nothing and may indeed prejudice local government as we know it. Also, there is the prospect of a reduction in the status and function of State Governments and the development of more powerful regional governments under the Federal Government. This does not give the Commonwealth Parliament power to establish local government bodies in the States. It expressly recognises that the form and structure of local government is a matter for the States.

The Hon. C.J. SUMNER: Ms President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. CAROLYN PICKLES: It requires each State to provide for the establishment and continuance of a system of local government. Victoria, Western Australia, South Australia and New South Wales have all amended their Constitutions to recognise local government, but in differing forms. Queensland and Tasmania are the only States which do not recognise local government. Recognition of local government will not give it enhanced powers to impose taxation, for example. The tax basis of local government will still be under the control of State statutes. The provision will not prevent State Governments from dismissing local government councils for incompetence or malpractice. The Hon. Mr Griffin said that he was most disappointed that some local government representatives are not supporting the question. According to an article in the *Sunday Mail* of 25 August, a huge majority of 850 of Australia's 863 local councils strongly support the 'Yes' vote.

As to question No. 4 on the freedom of religion provision, an argument has been put forward that this will pose a potential threat to State aid to church schools and welfare agencies. The proposal will not affect the provision whereby financial assistance to church schools is not in breach of section 116 of the Constitution.

The High Court has taken a narrow view on the range of laws which attract the non-establishment guarantee in section 116, commonly called the DOGS case of 1981. In that particular case the prohibition on establishing any religion was given a narrow interpretation. The High Court held that the provision of financial assistance for private, that is, religious, schools was not in breach of section 116. It is not intended that this provision will affect that interpretation. By removing the word 'for' from the current section 116, an executive action, that is, financial assistance, which aids a private or religious school would not be in breach of the proposed constitutional guarantee.

It should also be noted that judicial interpretation of section 116 indicates that, whilst the guarantee of freedom of religion is one of paramount importance, it is not an absolute freedom and may be qualified at times by other social interests and freedoms, for example, the scientology case. The commission notes that, under the altered section 116, infringements against an individual's freedom of thought, conscience or movement on the grounds of religion would not be tolerated.

It was also argued that the trial by jury question would mean that ultimately the High Court would make decisions about what is or what is not trial by jury, that the High Court would impose its own majority view on the States and on the citizens of the States. In fact, the extension of guarantees of trial by jury was included in proposals to amend the Constitution in Mr Howard's 1987 election policy. A 'Yes' vote will only bring State and Territory laws into line with the Commonwealth, extending the right of trial by jury.

In his summation, the Hon. Mr Griffin stated that all the questions are directed towards developing more and more uniformity within the Australian community and ignoring those differences which may be traditional between the States and the people of the States. In fact, if the question is passed at the referendum, it will not be the case of Canberra dictating to the States, with the nation deciding that all its people in whichever State or Territory will enjoy the rights and freedoms provided by the question. I urge honourable members to support the motion.

The Council divided on the motion:

Ayes (9)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles (teller), C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.J. Ritson, and J.F. Stefani.

Pairs—Ayes—The Hons J.R. Cornwall and T.G. Roberts. Noes—The Hons Peter Dunn and R.I. Lucas.

Majority of 1 for the Ayes.

Motion thus carried.

ADJOURNMENT

At 6.36 p.m. the Council adjourned until Tuesday 6 September at 2.15 p.m.