LEGISLATIVE COUNCIL

Tuesday 9 August 1988

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

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

SETTLERS FARM SCHOOL

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

Settlers Farm School, Paralowie South West, stage 1.

PAPERS TABLED

The following papers were laid on the table:

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

Remuneration Tribunal—Report relating to Determination No. 7 of 1988.

Regulations under the following Acts—

Motor Vehicles Act 1959—

Articulated Vehicle Licences.

Duties of Towtruck Operators.

Summary Offences Act 1953—Reflector Plates.

By the Minister of Tourism (Hon. Barbara Wiese):

River Murray Commission—Report, 1987.

Surveyors Act 1975—Regulations—Surveyors Board Fees.

South Australian College of Advanced Education—By-laws—Parking.

By the Minister of Local Government (Hon. Barbara Wiese):

Department of Local Government—Report, 1986-87.

City of Salisbury—By-laws—

No. 5—Dogs.

No. 6—Bees.

No. 9—Swimming Centres.

District Council of Waikerie—By-law No. 61—Dogs.

MINISTERIAL STATEMENT: ACTING JUDGE BOWEN-PAIN

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

Leave granted.

The Hon. C.J. SUMNER: I wish to advise the Council that today I received correspondence dated 5 August 1988 from His Honour the Chief Justice addressed to the honourable the Attorney-General as follows:

There is a report in the *Advertiser* of this date of a question to you and an answer thereto in the Legislative Council as to the possibility of Master Bowen-Pain, who presided over a recent defamation trial in his capacity as an Acting Judge of the District Court, being a member of a political Party. As the report carried overtones of judicial impropriety, Master Bowen-Pain has assured me that he is not and has never been a member of a political Party.

You may think it proper for this information to be conveyed to the Legislative Council.

Yours sincerely,
(Signed) L.J. King, Chief Justice

QUESTIONS

ACTING JUDGE BOWEN-PAIN

In reply to **Hon. R.I. Lucas** (4 August).

The Hon. C.J. SUMNER: I have a reply as follows:

1. I am advised that the Press Secretary of the former Minister of Health rang a cameraman on 4 August 1988 in an attempt to confirm certain information volunteered by the cameraman on 2 August 1988 in a conversation prior to a press interview with Dr Cornwall on that day which I am advised was to the effect that Acting Judge Bowen-Pain had been a member of the Liberal Party for years. The Press Secretary has advised me that the Opposition's account of her telephone conversation with the cameraman is completely inaccurate.

2. The Press Secretary's action in my view does not constitute contempt of court.

3. I, in my previous answer (see *Hansard*, Thursday 4 August 1988), indicated that the Government does not question the independence or impartiality of His Honour Acting Judge Bowen-Pain. The question of Acting Judge Bowen-Pain's rumoured membership of the Liberal Party was something for the Hon. Dr Cornwall to consider in consultation with his legal advisers.

As I said in response to the honorable member's question last week, I expect that in today's environment judges when appointed would resign from membership of any political Party. I would also anticipate that a judge who had at least relatively recently been a member of a political Party would in a controversial case involving a person of the opposite political Party declare his position to the litigants to ascertain whether there was any objection to his hearing the case and in some circumstances may disqualify himself. Obviously the need to do this would diminish the longer a judge is divorced from political activity or membership of a Party. I refer the Council to my earlier ministerial statement in which His Honour the Chief Justice has advised me that Acting Judge Bowen-Pain is not and has never been a member of a political Party. I therefore regard the matter as closed.

HON. J.R. CORNWALL

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Attorney-General a question about the fringe benefits tax.

Leave granted.

The Hon M.B. CAMERON: I have been advised that the indemnity the Government is providing to the former Minister of Health following the judgment in the Humble libel case will attract tax under section 20 of the Fringe Benefits Tax Assessment Act, which covers situations in which an employer reimburses an employee for spending incurred by the employee. As the State Government pays fringe benefits tax on behalf of its employees at the rate of 49 cents in the dollar, this would add at least another $73 500 to the bill South Australian taxpayers will be forced to pay for the former Minister's inability to hold his tongue, bringing the total to more than $220 000.

My question is: has the Government sought a ruling from the Taxation Commissioner on whether it is liable to pay fringe benefits tax on the costs and damages of the former Health Minister and, if not, will it immediately obtain a ruling?

The Hon. C.J. SUMNER: To my knowledge, the Government has not obtained such a ruling. I would not have expected the payment to attract fringe benefits tax as the damages and costs were incurred by the Hon. Dr Cornwall in the course of his ministerial duties.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of legal costs.

Leave granted.

The Hon. L.H. DAVIS: In the *News* on 29 April 1988 it was reported that a bill believed to be more than $32 000 for legal costs incurred during criminal proceedings against two senior police officers had been handed to the Attorney-General with a request by the Police Association that the Government pay it. These costs related to charges against Mr Kevin Harvey and Mr Eric Douglas whose charges were dismissed. The report said:

> However, Mr Sumner said, 'There are certain guidelines concerning the payments of legal costs for Government employees. I have asked the Crown Solicitor to examine this claim.'

When asked a question last Thursday as to whether or not the Crown Solicitor had recommended that the Government pays Dr Cornwall's costs and damages, the Attorney-General skirted around the question and said only that he (that is, the Attorney-General)—

The Hon. C.J. Sumner: I said that I had recommended it.

The Hon. L.H. DAVIS: That is right, that he had recommended the indemnity. There is a suggestion going around that the Crown Solicitor did not in fact approve the indemnity for Dr Cornwall. My questions to the Attorney-General are as follows:

1. Was the question of indemnity for Dr Cornwall referred to the Crown Solicitor for advice consistent with the reference of the Police Association's application to the Crown Solicitor only a few months earlier?

2. Did the Crown Solicitor in fact recommend against the indemnity?

The Hon. C.J. SUMNER: The answer to the second question is 'No', the Crown Solicitor made no recommendation on the matter. Although she was informally consulted, the decision to recommend indemnity was made by me.

The guidelines that are referred to in relation to the Police Association matter are not the same guidelines as apply to indemnities for costs and damages for Ministers of the Crown. Those guidelines apply to public servants and police officers and have been promulgated by the Government. They are the guidelines under which the Government acts when the question of payment to public servants has to be examined by the Government.

The question of the Police Association claim is still with the Crown Solicitor and I am awaiting a report on that. Those particular guidelines have no relationship to the guidelines relating to defamation proceedings against Ministers and indemnity for costs and damages in relation to those. Those guidelines were never finalised although they were subject to some four years of very desultory or, might I say, non existent negotiations with the shadow Attorney-General.

The Hon. L.H. DAVIS: By way of a supplementary question, I ask: did the Crown Solicitor favour indemnity?

The Hon. C.J. SUMNER: The Crown Solicitor did not have a view on indemnity. I did not ask the Crown Solicitor for her view.

The Hon. L.H. Davis: Why not?

The Hon. C.J. SUMNER: Because it was not relevant. There were no guidelines from which the Crown Solicitor could judge whether an indemnity ought to be paid. I made the recommendation and I stand by that. The Crown Solicitor had nothing to do with it in terms of making a recommendation one way or the other because there were no guidelines to match it up against. On the other hand, with respect to the Police Association case, guidelines are promulgated. The Public Service unions know about them, and that is the way that the matter will be dealt with.

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

Leave granted.

The Hon. K.T. GRIFFIN: On 14 November 1984, a letter was written by Dr Humble's solicitors to Dr Cornwall's solicitors, as follows:

> We acknowledge receipt of your letter of 25 October.
>
> We have taken the advice of counsel.
>
> From the information we have it is clear, on our instructions, that at the press conference on 28 February 1984 your client made a number of defamatory remarks of and concerning our client at the press conference which was the subject of numerous media reports.
>
> In view of the fact that your client made those statements at a press conference we are instructed to request that your client publicly apologise to our client. Our client would be prepared to accept an apology on the following lines:
>
> > On 28 February 1984 I held a press conference. I acknowledge that some of the statements I made at that conference were disparaging of orthopaedic surgeon Dr Peter Humble. I acknowledge that those statements were unfounded and untrue and regret that I made those statements. I express to Dr Humble my sincere regret for the distress and embarrassment caused to him and unreservedly withdraw any adverse imputation against him.
>
> Would you please advise if your client is prepared to make that apology?

A reply was forwarded by Dr Cornwall's solicitors on 13 December 1984, as follows:

> We refer to your letter of 14 November 1984. We have now taken instructions from our client on the contents of your letter.
>
> Our client denies that he made a number of defamatory remarks of and concerning your client at the press conference of 28 February 1984.
>
> We agree that our client's remarks were the subject of numerous media reports. At all times our client has stated that his remarks at the press conference were misquoted. This was conceded by the *Advertiser* newspaper in its edition of 8 March 1984. Furthermore, we are instructed that as early as 1 March 1984 our client wrote to your client advising your client that he had been misquoted by the *Advertiser* and the *News* newspapers. Our client's letter was exhibited in an affidavit of Mr Gregory Travis Brown sworn 12 April 1984 in the proceedings issued out of the Supreme Court.
>
> In these circumstances we confirm that our client is not prepared to publicly apologise to your client as demanded by you.
>
> With respect to the matters contained in the apology demanded by your client we point out that your client has long since resumed surgery at the Murray Bridge Hospital. It appears that the matters leading to the dispute between your client and ours have long since been resolved.

Both letters were exhibits in the court action. According to last week's judgment, the judge said, among other things:

> As far as the conduct of the action up to the time of trial is concerned, the defendant has maintained an attitude of scorn and contempt for the plaintiff and the proceedings generally.

There is no indication of any unqualified apology having been made, nor is there any indication that the Government, the Premier or the Attorney-General required an apology as a condition of Dr Cornwall's being granted a Government indemnity. My questions are:

1. Did the Government, the Premier or Attorney-General require an unqualified apology to be given by Dr Cornwall to Dr Humble?

2. If yes, when was it required and what was the outcome?

3. If no apology was required to be given as a condition of that indemnity, why was it not required?

The Hon. C.J. SUMNER: As I understand it, the Government did not require an unqualified apology to be given by Dr Cornwall. I think some discussions regarding settlement were conducted in relation to the matter, and indeed Dr Humble saw fit to settle with the media but, as I understand it, refused to negotiate with Dr Cornwall, and that is why the matter went to trial. Dr Cornwall was—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute. Well, there was no preparedness as I understand it on Dr Humble's part to negotiate with Dr Cornwall. The reality is that I was involved in discussions with Dr Cornwall earlier in the piece. It was agreed that he should enter into negotiations with Dr Humble to try to settle the case jointly with the media organisations. Dr Humble refused. As honourable members know, he settled with the media; he refused to negotiate with Dr Cornwall; and the matter then went to trial, during which, I might add, Dr Cornwall, the honourable member, did tender an apology to Dr Humble. I will not comment on the judgment because that will be the subject of an appeal and, although technically it is not *sub judice* at the moment, it would be inappropriate for me to comment on it. It may be that those findings will be overturned; I do not know.

The other point I would like to make is that it would appear that the correspondence which the honourable member has could only have come from Dr Humble, and it seems somewhat strange to me—

Members interjecting:

The Hon. C.J. SUMNER: Well, all right. I am not slandering anyone. The fact is that he is using correspondence from Dr Humble—

The Hon. M.B. Cameron: From the court.

The Hon. C.J. SUMNER: Not from the court, from Dr Humble's solicitors to Dr Cornwall and his reply in a political way in this Chamber. I had assumed that one of the things which Dr Humble did not want in this case and about which he protested was that it ought not to be used or be seen—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute—as a political issue in that sense. Nevertheless, the honourable member has the correspondence and he has referred to it. I have answered the question. There were attempts to negotiate with Dr Humble. Apparently he was quite prepared to negotiate with the media but refused to negotiate with Dr Cornwall, and the matter went to trial.

SEXUAL HARASSMENT

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question concerning sexual harassment.

Leave granted.

The Hon. CAROLYN PICKLES: A case was recently brought before Justice Marcus Einfeld, President of the Human Rights and Equal Opportunities Commission, relating to sexual harassment by the doctor employer of three New South Wales women. This case was lodged under the Commonwealth Sex Discrimination Act. In a summary of the judgment, Justice Einfeld made the following factual findings after expressing reservations about the complainants' allegations:

(a) the respondent indulged with all complainants in occasional, mild if aggravating touching; momentary, insignificant though unsought holding; and sporadic, assertive if unwanted attempts at closer physical or facial contact;

(b) the respondent briefly but firmly held the complainant Hall around the neck with one hand on Saturday 14 December 1985;

(c) the respondent on one occasion placed his hand underneath the uniform of the complainant Oliver and touched her inner thigh;

(d) the respondent, on one occasion each, lowered the level of the zips on the front of the uniforms of the complainants Oliver and Reid to about breast or bra level, followed by the immediate raising of the zip to its previous levels, by him in the case only of the complainant Oliver;

(e) the respondent made a small number of statements to the complainants Oliver and Reid with mild sexual overtones, without exhibiting any real interest in their responses. These statements may be seen to be juvenile and thoughtless and quite disregarded the feelings of the complainants;

(f) there were adequate indications from the complainants that these activities were not pleasing to them;

(g) the respondent had a view of such behaviour which, because of its relatively non-invasive character, allowed him to recognise or understand little of the wishes of the complainants and show little respect for their legal and personal rights;

(h) the respondent did not intend harm to the complainants but had tactile and amorous impulses which, because he did not regard them as threatening or sexually creative, did not in his view require advance or retrospective consideration of the complainants' attitudes:

(i) each complainant did not in fact want, seek, like or provoke the actions or words of the respondent.

On the basis of these findings Justice Einfeld made the determination that during their employment each of the complainants was sexually harassed by the respondent. However, because he considered the effects of the sexual harassment on the complainants to be trivial, he concluded that it was inappropriate to make an order for damages by way of compensation. He commented that 'the public exposure of these complainants and the findings are sufficient relief for the complainants'. Justice Einfeld, in his decision, made further outrageous statements such as: 'Women with the normal experiences know very well the various ways in which some men ocassionally behave.'

Ms President, the effect of this decision is to shift the responsibility for sexual harassment from men to women. There is an implication that it is unreasonable for a woman to be offended, distressed or humiliated by sexual harassment as, given the normal life experience of most women, they should be able to cope with sexual harassment. The finding that the employer placed his hand under an employee's dress and touched her inner thigh should only cause her minor distress, trivialises sexual harassment. This is likely to deter women from availing themselves of the protection which the legislation was designed to provide. Can the Attorney-General say what are the implications for South Australian women in the work force as a result of this decision?

The Hon. C.J. SUMNER: Madam President, I doubt whether there are any indications for women in the South Australian work force as a result of the decision. The decision is one of Justice Einfeld in the Federal Equal Opportunities Commission. That is in another jurisdiction, and relates to the interpretation of the Federal Act, not the South Australian Act. I therefore do not believe that it would necessarily have any effect in South Australia.

The Equal Opportunity Act in South Australia protects people against sexual harassment *per se* and, in that sense, South Australia is, I believe, unique in the Commonwealth, whereas the Commonwealth Sex Discrimination Act requires complainants not only to prove the sexual harassment but also further disadvantage in employment or education. South Australia has led Australia with these sections of the Equal Opportunity Act which are obviously more direct in their effect than those of the Commonwealth law. The South Australian sections go beyond Commonwealth law and therefore I do not believe would be inconsistent with the Commonwealth law. I do not believe that the decision is binding on the local, that is the South Australian, Equal Opportunity Tribunal because it is in relation to different legislative provisions. I therefore believe that South Australian citizens (women in particular) would not be subject to the same considerations if they took a case of discrimination

on the grounds of sexual harassment to the South Australian authorities.

Employers, educational authorities and providers of goods and services are still required by State Acts to take all reasonable steps to ensure the work place is free from sexual harassment. The Equal Opportunity Act of South Australia defines sexual harassment and therefore provides the basis for serious consideration of all complaints of the various forms of sexual harassment. As I said, under South Australian law, no disadvantage in employment has to be proved in order to establish sexual harassment. Harassment is discriminatory in itself if proven. Therefore, I believe that South Australian legislation is broader than the Federal legislation and that the interpretation which the judge has placed on the Federal legislation would not necessarily be applicable in this State.

STIRLING COUNCIL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question on the subject of the Stirling Council.

Leave granted.

The Hon. I. GILFILLAN: Flowing on from a well-attended meeting last night in the Stirling council area, there is obviously great concern about the capacity of ratepayers in the Stirling council area to meet their obligations. Apparently considerable amounts of damage are still outstanding as a result of the Ash Wednesday bushfires, particularly to those who were not insured. I understand that legal advice to the council is to contest each case which, as anyone who has been involved in litigation would know, can involve enormous amounts of expenditure. The estimated sum in the Stirling situation is $20 million.

The LGA has set up a self-insurance scheme for local governments. Unfortunately, that will not come into effect until January 1989; therefore, it leaves the Stirling council without the cover of $25 million which would be available after that time.

The Minister would have read, if she had not heard already, that last night's meeting, which was attended by over 2 000 people, indicated a refusal to pay rates. This raises some concern in the minds of those who are involved in predicting what would happen economically to a council in the event of default of rates, and that appears to be the threat in the Stirling area.

Ms President, I mention to the Minister, and she is no doubt aware, that in division XIII part II of the Act the Minister does have power to go into a local council where it has failed to discharge its responsibilies under the Local Government Act or any other Act. Therefore, my questions in fact put it to the Minister that there may well be circumstances where the council is unable to collect revenue to meet its obligations and that that may very well stand as a case of a failure to discharge its responsibility. My questions to the Minister are:

1. Does the Minister believe the Stirling council can collect adequate revenue from its ratepayers to cover its costs and payments without levying punitive and intolerable rates on ratepayers?

2. Does the Minister agree that the State Government has the ultimate responsibility in the event of financial insolvency of a council?

3. In the event of substantial default in the payment of rates by ratepayers of the Stirling council and subsequent insolvency of the Stirling council, what action will the Government take?

The Hon. BARBARA WIESE: Ms President, as all members would know, this matter has been protracted. The Stirling council has been attempting to deal with it for a number of years—since the Ash Wednesday bushfires took place. A judgment was made by the court when the matter came to court for the first time that both the council and the operators of a dump in Stirling run by a company known as S.F. Evans and Co. were jointly responsible for the damage that took place at the time of the Ash Wednesday bushfires. Following that judgment I understand that the council took—

Members interjecting:

The Hon. BARBARA WIESE: Following that case the lawyers for the council advised council to test—

Members interjecting:

The Hon. BARBARA WIESE: Following the outcome of that case, the council has appealed that decision and, because that matter is still before the court, it is inappropriate for me to comment on the details of the case. If members, including the Attorney-General, would let me finish my sentences, they would find that I am quite capable of answering the question in an appropriate fashion. As the matter is before the court, it is not possible to discuss any aspect relating to it and, until the matter is resolved, the liability of the council and any potential costs that may accrue to the council cannot be determined.

The current issue with which the Stirling council is dealing with respect to its ratepayers is an objection which is being made by a group of ratepayers to the most recent rate increase which council has introduced for this coming financial year. I understand that some ratepayers in the Stirling council area intend not to pay their rates this year. I believe that some of them think that it would be appropriate for the Minister of Local Government, somehow or other, to protect them from having to pay their rates, or indeed any fines that would accrue should they choose to take that action. I have no power to intervene in the process of rate setting by the Stirling council. The council has set its budget for this year in an appropriate way, as I understand it and, should any ratepayers choose not to pay their rates this year, then they will be subject to the fines which are enshrined in legislation and against which I can provide no protection at all. If they choose to take that action, it is their responsibility. At this point I do not believe that there are any grounds upon which I, as Minister of Local Government, can or should intervene in the business of the Stirling council.

Should the circumstances that the Hon. Mr Gilfillan has outlined arise where a significant proportion of ratepayers do not pay their rates and the council finds itself in a position of not being able to meet its responsibilities, then the situation may very well be different and it is a matter that I will keep under review during the next few weeks. However, at this point there are no grounds upon which to intervene. The South Australian Government holds the position that we as a Government have no responsibility in this matter and that it is a matter to be resolved locally between ratepayers and their council. I will take no action on the matter until circumstances change to a situation where it would seem that the State Government should become involved by way of some sort of intervention, perhaps if the council can no longer function.

The Hon. I. GILFILLAN: I thank the Minister for an adequate answer in many respects, but she did not address my second question which was: does the Minister agree that the State Government has the ultimate responsibility in the event of financial insolvency of a council?

The Hon. BARBARA WIESE: No, if the honourable member is referring to financial responsibility.

The Hon. K.T. Griffin: If the referendum is passed, the Commonwealth Government or the High Court might come into it.

The Hon. BARBARA WIESE: Yes. The financial responsibility of councils is a matter for councils and if, for one reason or another, there needs to be broader responsibility with respect to financial issues relating to council, then it is my view and that of the Government that that responsibility must be shared by the local government community and not the State Government. In summary, the Government does not believe that we have any responsibility in this matter.

The Hon. I. GILFILLAN: As a further supplementary question—

The PRESIDENT: The Hon. Mr Gilfillan has had one supplementary question.

The Hon. I. GILFILLAN: Is there any limit in Standing Orders to supplementary questions?

The PRESIDENT: It is unusual and I think that in the past it has been ruled that only one supplementary is permitted. Of course, within the time limit you can ask other questions.

FITZGERALD REPORT

The Hon. M.S. FELEPPA: I seek leave to make a short explanation before asking the Minister of Ethnic Affairs a question about the Fitzgerald report.

Leave granted.

The Hon. M.S. FELEPPA: As members may be aware, the major recommendations of this report sparked considerable debate across Australia, particularly within ethnic community groups. We have been assured by the Prime Minister, through his various public statements, that this Government has not yet considered implementing this report. Will the Minister inform this Council as to whether or not he or the South Australian Government agree with the findings of this report and will the South Australian Government approach the Federal Government and request it to reconsider the whole report, particularly the most critical recommendations which have already been strongly rejected by the community at large, and particularly by the ethnic community groups?

The Hon. C.J. SUMNER: The Government has not formally considered the Fitzgerald report, but it will do so in the near future and will consider each and every one of the recommendations and marry those up with the submissions that the State Government made to the inquiry. The State Government will then determine its attitude to the recommendations. However, from my own point of view (and I believe that these views are shared by the Government), the Fitzgerald report is unsatisfactory in many respects. In particular, I believe that it is unsatisfactory in its treatment of multiculturalism.

In the light of what to me has been a relatively successful immigration policy over the past 40 years which in the past 15 years or so has seen, on a politically bipartisan basis, acceptance of cultural diversity as something of benefit to Australia, I think it is regrettable that the Fitzgerald inquiry has muddied the waters on the concept of multiculturalism and its relevance for contemporary Australian society. This is particularly so, as it would appear that Fitzgerald in fact supports the concept, even if under a different label, in saying (and this is one of the quotes from the executive summary of the Fitzgerald report):

> A coherent philosophy of immigration is needed. Such a philosophy should emphasise the Australian context of immigration and the commitment required of all Australians to Australia and its future, and allow Australians to understand how immigration affects them now and in the future, how it can contribute to a positive harmony of economic and social benefits, to a culturally enriched Australia, to openness, tolerance and sophistication, to economic independence, to creativity, and to a racially diverse, harmonious community.

That is a definition with which I doubt most supporters of multiculturalism would argue. It is therefore regrettable, in my view, that the Fitzgerald inquiry has allowed itself to be painted as critical of the concept. If there is misunderstanding in the community about multiculturalism, then the challenge is to explain what it means, not to attempt to avoid the debate by changing the label. This is particularly so when the label which was chosen, at least by Dr Fitzgerald if not by the committee, namely, cosmopolitanism, really seems to be in complete contradiction to one of the central themes of the Fitzgerald report, namely a commitment to Australia. Cosmopolitan means, according to the Oxford dictionary, 'a person or group of persons belonging to many or all parts of the world or free from national limitations'. I would have thought that an antithesis of what the substance of what the Fitzgerald report recommends.

The label changing by Dr Fitzgerald (if not by the report as a whole) has not advanced the argument but merely added to the community uncertainty which was identified. I believe that the challenge is to articulate the advantages of multiculturalism (an integral part of which has always been a commitment to Australia, its democracy, parliamentary and legal institutions, and tolerance and respect for basic human rights).

In the final analysis we are a multicultural society whether we like it or not. You cannot have mass immigration for over 40 years from virtually every country of the world without creating a reality which is a multicultural community. While we have a non-discriminatory immigration policy and annual numbers of 150 000 or so, we will continue to have a culturally and linguistically diverse population. The challenge here is to ensure smooth integration into the Australian community without rancour, bitterness or racial division.

A policy which respects and promotes understanding of different cultures (that is, multiculturalism) rather than one which represses them (assimilation) seems to me to offer the best chance of all Australians participating equally in our community without being alienated to the margins of society and without having their unique individual assets (whether cultural or linguistic) denigrated. Policies which do not respect the different cultures which now make up an Australian nation would be a recipe for division and conflict.

The Hon. I. Gilfillan: Who wrote this?

The Hon. C.J. SUMNER: I did; I personally wrote it. In fact, it is a speech I gave a couple of weeks ago. If immigration is to continue at levels of 150 000 per annum then it is critical that we have in place a coherent philosophy and policies to ensure the harmonious integration of migrants from all over the world into Australian society. I believe the notion of multiculturalism as it has been developed and articulated (essentially on a bipartisan basis) over the past 15 years provides the base for such policies.

I also think that it is somewhat regrettable, certainly unfortunate to the nation, that the Leader of the Opposition in the Federal Parliament, John Howard, has also seen fit to enter this debate in the way that he has and particularly the way that he has treated this issue. He is attempting to repudiate his previous stance on the matter in the pursuit of some political advantage. I think that most people admired

John Howard for one thing at least and that was a speech that he gave in 1984 in the Federal Parliament at the height of one of these debates about immigration policy which was promoted at that stage, I believe, by Professor Blainey. Most observers believed that the speech Mr Howard made in the Parliament was one of the best he had given.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: I think it was a speech he gave off the cuff, it was not prepared. The matter was debated when it came up in Federal Parliament in 1984. He was admired for that speech because he reaffirmed the policies which had been developed by the Whitlam Government, followed by the Fraser Government and taken up by the Hawke Government. He repudiated discrimination and supported multiculturalism. I think it is regrettable and most unfortunate for Mr Howard that he has apparently gone back on those words. In the process he has brought with him extremists from within the Liberal Party, such as Liberal frontbencher Senator Puplick who said these quite extraordinary things. According to the *Advertiser* Senator Puplick launched a scathing attack on the ethnic affairs industry and described their leaders as 'limpet-fish of the ALP who should be brushed off like parasites'. I wonder how the Hon. Julian Stefani feels about that, an ethnic leader of many years. Apparently, he is a limpet-fish of the ALP, according to Senator Puplick, who should be brushed off like a parasite. The *Advertiser* article continues:

> In this they are aided and abetted by the self-proclaimed and self-appointed high priests and priestesses of the ethnic affairs industry.

No doubt they are the people I will be seeing on Saturday night at the annual ball of the Ethnic Communities Council. According to Senator Puplick these people 'are notorious for their constant attacks on basic Australian values and institutions, including our flag and the Crown'.

Members interjecting:

The Hon. C.J. SUMNER: Listen to it because it is the Liberal Party in full flight. The quote continues:

> They are just the political limpet-fish of the ALP and ought to be brushed off like any other parasite.

Apparently that is the stance now being taken by the leadership of the Liberal Party. In my view that is an extremist and unacceptable approach to Australians. It undermines the work of many Liberals over many years including former Ministers Ian MacPhee of the Federal Parliament and the Hon. Murray Hill of this Parliament, a period of over 15 years. The policy of multiculturalism was developed by the Whitlam Government and picked up by the Fraser Government. The Liberal Party report (the Galbally report) set the agenda for the past 10 years or so. The Hawke Government is now working on its own multicultural agenda for which it hoped to get bipartisan support.

The reality was that, in the early 1970s when the policies changed, a great burden was lifted from the shoulders of many migrants. They had gone through the repressive policies of assimilation and the denigration of being called balts, wogs and dagoes. They had gone through the denigration of having their languages and cultures described as worthless. Of course, that is absurd when one considers where many of our migrants have come from and the incredible contributions that their cultures and languages have given to the civilisations of the world. The lifting of those constraints on community debate and the lifting of those prejudices which came about as a result of the policies of multiculturalism gave the opportunity for a flowing of new ideas from these people. They were able to express themselves openly in a democracy without fear of being intimidated. Anyone like me who has had contact in this area over the past 15 years knows how strongly people feel about the policies that changed in the early 1970s which enabled them to get away from the repression of their first two decades in this country.

Many people of goodwill—some of whom I have mentioned already—have worked incredibly hard in this country to try to overcome those prejudices of the past. We have asserted that democracy and multiculturalism are consistent and natural bedfellows, as indeed they must be. We have inserted multiculturalism as a resource in terms of the language that the community has. The diversity of languages spoken in Australia is a resource that we should use to improve economical ties with other countries and is not something to be denigrated. I believe that what we have in the recent debate, as far as the Fitzgerald report is concerned, is regrettable because I think that in its comments, particularly on multiculturalism, it has muddied the waters and gone off the rails and, certainly with respect to Mr John Howard's intervention in the debate, I would hope that all members of this Council would condemn the approach that he has taken.

PLEA BARGAINING

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

Leave granted.

The Hon. K.T. GRIFFIN: Last week, Mr Barry Moyse pleaded guilty to 17 drug related charges. The Crown tendered no evidence on charges arising out of a $4 million marijuana crop at Penfield. My questions are:

1. Was there plea bargaining in relation to the various charges?

2. Were any deals struck which resulted in the acquittal of Mr Moyse on charges relating to the marijuana crop at Penfield?

3. If there was a deal, what are the details? If there was no deal, is the Attorney-General able to indicate why no evidence was offered in relation to the latter charges?

The Hon. C.J. SUMNER: I am a little surprised that, by the tone of his question, the Hon. Mr Griffin is critical of the results achieved in the trial of Mr Moyse. I would have expected him to move a motion congratulating the prosecution authorities, the National Crime Authority and the South Australian police on what I consider to be a very, very satisfactory result. The tone of criticism that I find in his voice seems to me to be somewhat strange.

As I understand it, plea bargaining is generally considered to apply where a person bargains for a particular plea of guilty in response to a particular sentence being imposed. Apparently that happens in the United States; it does not happen in this country. There is no plea bargaining in that sense: that there is a particular plea, which is known by the judge and accommodated by the judge in the sentence before the plea is actually made. That sort of plea bargaining does not occur in Australia. However, discussions occur every day of the week between prosecution authorities and defence on whether it is appropriate to take pleas of guilty and, if a plea of guilty is made to a particular charge, what the attitude of the Crown would be to penalty. Obviously, in this case there were discussions and the result was that the prosecution authorities determined that it was appropriate to accept the plea of guilty on 17 charges and to have the other matters dismissed or not proceeded with. In the circumstances, that was a very satisfactory result. Mr Moyse is yet to be sentenced but he has now been found guilty of 17 quite serious charges.

In this matter, at the suggestion of the NCA, the prosecutions were briefed out to independent counsel: Mr Michael David, QC, and Mr David Smith. They were supported by a prosecutor from the Attorney-General's office (Mr Snopek) and an officer of the NCA. The counsel work was done by barristers from the independent bar, briefed by the Crown to handle these particular matters because of their sensitivity and because there may have been some criticism of Crown prosecutors being directly involved when, of course, in the past many of them may have had some contact with Mr Moyse in their professional capacity. So, to ensure that everything was above board, and at the suggestion of the NCA, the briefs were given to Mr David and Mr Smith. The advice which I received and which emanated from Mr David was confirmed by the Crown Prosecutor and agreed to by me. I was satisfied on their advice that the result was very satisfactory, and I would have thought that, from the general public's point of view, it was very satisfactory.

I expected the Hon. Mr Griffin to have been satisfied that this particular individual, a former head of the Drug Squad in South Australia, had eventually agreed to plead guilty to some 17 charges. Obviously, there were discussions and the honourable member is aware of the end result. If he wants further information, I can provide it, but that is an outline. I do not believe that there was any plea bargaining in the sense of any undertakings being given by the Crown on the question of what ought to be an appropriate penalty, but, if that is not the case—

The PRESIDENT: Order! The matter of the penalty is still *sub judice.*

The Hon. C.J. SUMNER: I understand that. I am saying that there was no discussion on that topic, so I will not go into it. That is my understanding.

FRUIT AND VEGETABLES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question on the matter of minimum fruit and vegetable grade standards.

Leave granted.

The Hon. M.J. ELLIOTT: This question also concerns the Minister of Agriculture. I have received submissions from a number of horticultural groups including the Apple and Pear Growers Association and the South Australian Tomato Council Incorporated on the matter of minimum grade standards. For something like 2½ years, after a great deal of cooperation between officers of the Department of Agriculture, the Consumers Association, the Housewives Association, chain stores, the Retail Fruiterers and Greengrocers Association and the South Australian Chamber of Fruit and Vegetable Industries, I believe that there would have been very strong support for the setting of minimum grade standards.

The apple and pear growers have argued that there would not be any increase in price and they have found it very difficult to understand why minimum standards were not set. The South Australian Tomato Council informed me that South Australia is now the only State in the Commonwealth that has no minimum grade standards and that, with no minimum standards, our market would become the dumping ground for all produce that does not come up to the standards set in other States. Not only the South Australian Tomato Council said that. I was sent a copy of the newsletter of the Orchardists and Fruit Cool Stores Association of Victoria, which has an indirect interest in South Australia. The newsletter reads:

In South Australia, the Cabinet has reportedly decided that there is no need for legislation to enforce minimum grade standards. So much for uniformity. This opens up possibilities for improving the standard of fruit on the Melbourne market—send the poorer quality to Adelaide.

On the other hand, if the quality of South Australian fruit marketed deteriorates there may be better prices offering for good quality lines. The thought also occurs that, for those of you who insist on selling immature fruit at the beginning of the season, Adelaide will be an outlet now that Victoria has maturity testing.

I now ask: why were not minimum grade standards set? They seem to have been set in the other States and the interstate fruit sellers believe that we have made an incredible mistake that they will make the most of.

The Hon. C.J. SUMNER: The reason for not agreeing to this was basically because the Government felt it should be left to the market to determine.

An honourable member: Like potatoes.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: We wanted that to apply to potatoes, eggs and a whole lot of other things.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Well, there is a free market in fridges.

Members interjecting:

The Hon. C.J. SUMNER: As far as I am aware, there have been no complaints from consumers about the fact that there are no minimum standards. I think there is—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Possibly there is a case for some kind of minimum standards relating to the export trade because, if a bad batch of fruit is sent overseas, that affects not just the particular producer exporting it but also the reputation of Australia as a whole.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: Well, locally—

The PRESIDENT: I draw the honourable Attorney's attention to the time.

The Hon. C.J. SUMNER: Basically, the answer is that we felt that the market and consumers ought to have the choice. The proposition was to destroy what they might call substandard fruit, and that would require agricultural inspectors to wander around the markets and decide what fruit was edible. As the honourable member would know, having lived in the country as I have at various times, you were able to get certainly very low-grade, perhaps over-ripe, fruit very cheaply, and you were able to use it. Under the proposals put before us, it would all be graded and you would not have access to that low-grade fruit at the price that you might want it—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —to make whatever it is that you might be interested in making. Basically, the answer in short simply is that if we did not want this matter determined—

Members interjecting:

The Hon. C.J. SUMNER: Well, I am finishing.

The PRESIDENT: I hope you are finishing.

The Hon. C.J. SUMNER: I am finishing in one line. We did not want this to be a matter for the Government to have to determine by bureaucracy, with people running around the markets confiscating fruit and destroying it because it was not up to standard. We actually felt that the consumers could decide what fruit and vegetables they wanted to buy.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

SUSPENSION OF STANDING ORDER

The Hon. BARBARA WIESE (Minister of Tourism): On behalf of the Attorney-General, I move:

That for this session Standing Order 14 be suspended.

The Hon. R.J. RITSON: In speaking to this motion, I want to make the point that the spirit of this practice, which has existed for some 10 years has been to enable the Government to place on the Notice Paper at an earlier date its business for the session. I notice that we are to have a rather lengthy and very political resolution spoken to by Ms Pickles in private members time before the completion of the Address in Reply, so that the spirit of the removal of the obstacles of Standing Order No. 14 seems to be a little bruised.

I do not feel strongly enough to oppose this longstanding tradition because of its practicality, but I just express my disappointment that this suspension will be used for the Labor Party to extol the virtues of the 'Yes' case in the forthcoming referendum, and I think that bruises the spirit of this practice of suspending this Standing Order.

Motion carried.

OMBUDSMAN ACT AMENDMENT BILL

The Hon. Barbara Wiese, on behalf of the **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to amend the Ombudsman Act 1972. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

This short Bill seeks to amend the Ombudsman Act 1972 to upgrade existing penalties under the Act and to provide for new offences of preventing persons from making complaints to the Ombudsman, and of hindering or obstructing such persons. These new offences are considered desirable, not only because the Ombudsman himself has sought their inclusion but also because similar provisions exist in the Police (Complaints and Disciplinary Proceedings) Act 1985 (section 49 (2)). I commend this Bill to honourable members and I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 15 of the principal Act which is the provision dealing with the making of complaints. The maximum penalty in subsection (4) for refusing or failing to take all steps necessary to facilitate any communication by a complainant necessary for or incidental to a complaint under the Act and for failing to ensure the privacy of that communication is increased from $500 to $2 000.

Clause 3 inserts a new provision, s. 15a which makes it an offence to prevent a person from making a complaint or to hinder or obstruct a person in making a complaint. The maximum penalty is $2 000.

Clause 4 amends section 22 of the principal Act which prohibits the disclosure of information obtained by or on behalf of the Ombudsman in the course or for the purpose of an investigation. The maximum penalty is increased from $500 to $2 000.

Clause 5 amends section 24 of the principal Act. This section provides that a person must not obstruct or hinder the Ombudsman, fail to comply with lawful requirements of the Ombudsman or make false statements to the Ombudsman. The maximum penalty is increased from $500 to $2 000.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ACTS INTERPRETATION ACT AMENDMENT BILL

The Hon. Barbara Wiese, on behalf of the **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

The purpose of this short Bill is to insert into the Acts Interpretation Act 1915 a provision of general application that will apply to cases where an Act is to be brought into operation on a day (or days) to be fixed by proclamation.

Experience has shown that, when detailed consideration is given to the timing of the implementation of an Act, it may be the case that considerable flexibility is required, especially if transitional problems come to light during consultation on specific issues relating to the commencement of the measure. Such consultation may not have been practicable, or appropriate, before the passage of the legislation. The amendment would assist in many of these cases by giving the Governor-General power to bring the particular measure into operation in several stages. This degree of flexibility might also assist a Government, in appropriate cases, to make savings when staff and facilities must be reorganised on account of legislative change, and enable a Government to bring measures in gradually when members of the public or businesses must reorganise themselves on account of legislative change.

Obviously, the proposed provision would not prevent the Parliament from making more specific provision for the commencement of a particular measure if it so desired. A similar provision has been included in the Interpretation of Legislation Act 1984 of Victoria.

Finally, the amendment would result in the simplification of the standard commencement provision (usually clause 2 of a Bill). I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 7 of the principal Act to provide that when an Act is to come into operation by proclamation, then, unless the contrary intention appears, the proclamation may fix a day for the commencement of the Act, fix different days for the commencement of different provisions of the Act, or suspend the operation of specified provisions of the Act until a day or days to be fixed by further proclamation. The amendment will allow for the 'staggered' commencement of complete provisions, parts of provisions, or provisions that are to be inserted into another Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ELECTION OF SENATORS ACT AMENDMENT BILL

The Hon. Barbara Wiese, on behalf of the **Hon. C.J. SUMNER (Attorney-General)**, obtained leave and introduced a Bill for an Act to amend the Election of Senators Act 1988. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

This Bill seeks to make amendments to the Election of Senators Act 1903 to bring it into line with recent machinery amendments to the Commonwealth Electoral Act 1918. The two amendments to the Commonwealth Electoral Act relate to time limits in the Federal electoral timetable.

One amendment increases the maximum period between the issue of the writs and the return of the writs from 90 days to 100 days. This will avoid the need for the Commonwealth Parliament to meet in early February if a Federal election were held in mid November as, under the Constitution, Parliament must meet within 30 days of the return of the writs. It could also be a useful precaution against the possibility of a long delay before all Senate vacancies are filled, given the manner in which the Senate scrutiny is now required to be conducted.

The other amendment removes the 20-day and seven-day limitations from the provision relating to the extension of time for holding the election and returning the writs. It was made on the basis that both limitations served no useful purpose. For example, in relation to the Senate writs, it is possible that any problems that might delay the return of the writs would not have emerged within the 20-day period. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 2 of the Act by providing that the date fixed for the return of the writ must not be more than 100 days after the issue of the writ.

Clause 3 amends section 3 of the Act by removing the 20-day time limit before or after the date fixed for the polling, within which the Governor may exercise the powers set out in that section. The clause also repeals subsection (3) which provides that a polling day must not be postponed under section 3 of the Act at any time later than seven days before the time originally appointed.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. BARBARA WIESE (Minister of Tourism) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open Parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. M.S. FELEPPA: I move:

That the Address in Reply as read be adopted.

I wish, first, to express my support to the Governor for the address with which he opened the fourth session of this Parliament. I also join His Excellency in expressing my sincere condolences to the family and relatives of Sir Douglas Nicholls on his death. My condolences are also extended to the family of the late Mr Arnold Noack, former Head Attendant of the House of Assembly, who died suddenly on 4 June this year.

On a happier note, I wish to welcome to this Council the new member, the Hon. Mr Giuliano Stefani. I wish him a successful political career and I hope that, despite our different political ideologies, we will still be able at least socially to maintain our friendship and to serve our communities as we have done well for many years.

On this occasion, it would also be appropriate for me to place on the record of this Council, a word of appreciation and best wishes for a former member of this Council, the Hon. Mr Murray Hill. I have always had a great respect for him since I became a member of this Council. He has at all times, like other members on both sides of this Council, been very courteous and kind to me. We have often met at various social functions performing our duties representing our respective political Parties, I always enjoyed those social events in the company of our respective wives. I wish him and Mrs Hill a very happy and long retirement.

Madam President, today I will be speaking about the bicentennial celebrations and other matters equally important to the community. My first question is: what is Australia celebrating, and what should we be celebrating?

I suspect that 1988 will not be remembered in Australian history for the purpose we originally assigned to this year but rather for some unintended outcome which we have not yet discovered or perhaps for a purpose that we assigned more to the periphery of this year. If we look for a moment back to the first centenary commemoration, we will discover that 1988 was principally a year for self-congratulation for the achievement of the first 100 years of settlement. The year 1988 started off in almost a similar vein, with a celebration, presumably just like the 1888 anniversary, but this time for the first 200 years of achievement. But the evidence of the past few months seems to indicate that the effort to maintain the celebration is gradually straining and that so many other purposes are cutting across it to make it less carefree than was originally anticipated.

Of course, one cannot completely ignore the demands made on this year by the rethinking being foisted on us by our Aboriginal community. An initial, even if superficial, review of the year so far seems to be in stark contrast with 1888 which was indeed a celebration of the first 100 years of settlement. The year 1988 seems to be increasingly a rethinking of 1788 and I personally do not find this review in any way depressing. In the light of what I wish to say, I find it rather encouraging. However, what I say as I go along might upset some popular expectations but is not in contradiction with the objectives of the bicentenary as outlined by the official planners.

In an effort to seek a true perspective of 1988, I will endeavour to project myself in to the future and try to remove myself for a moment from the distortion of the present. I would project myself, then, to the year 2088 with a question: what would they write in 100 years time about 1988 as people plan the tricentennial celebration? Will they call it a celebration? What will they say was the eventual characteristic feature of 1988—intended or unintended? That projection also seems to be quite logical because historians try to tell us that it is practically impossible to give a reliable interpretation of history in the making.

As I have already mentioned, Madam President, it has taken us 200 years to come to grips with the significance of the events which took place in those early years of first settlement. Even now we are ever so reluctant to accept the objectivity of the harsh judgment that we must pass on some of those earlier activities.

I am also aware that my projection will reflect my own personal sensitivities and reactions to the present time. Therefore there could be a contradiction in the way in which I approach my task this afternoon. However, how is one to speak to a society that seems to be so reluctant to make legitimate concessions and take directions which are long overdue, except by treating it with the judgment of history? So I will go on with my attempt.

What then will historians of the year 2088 say of the achievements of year 1988 and what would I want them to say? I am reasonably convinced, therefore, that they will discover that the intended outcomes of our bicentennial year were not achieved. I also suspect that, in spite of the great energy and prominence given to the economic achievements of Australia, and the efforts to project the economy as the ultimate primary beneficiary of the year, this, also, probably will not prove to be the case.

I also suspect that when our bicentennial celebrations are reviewed it will be found that the goals we set to achieve were neither achieved nor appropriate. Historians will possibly be looking for other achievements or outcomes. By the year 2000 we will know whether or not we have successfully tackled the global and basic problems which are at the basis of our very survival as a nation and as a race. Of course, I am referring to the need to respect each individual's identity and the need to share equally power and resources. Above all, we need to identify the means of rectifying some of history's injustices. We need to preserve the physical and social environment which will endeavour to maintain hope for the future for the coming generations.

During my address today I will examine some of these factors which I believe will be a part of the assessment of our success as a nation. These will include our ability to distribute wealth and opportunity more fairly and equitably; the ability to tackle honestly and courageously the constructive treatment of the Aboriginal population; the need to re-examine our attitude towards the basic social groups—the family and marriage; and the need to single out a symbol of identity around which all Australians can rally, irrespective of national origins, cultural background or historical events.

But the most immediate need for any change in Australia I believe will always be perceived at the micro level of economic need. We know that individuals in a society cannot aspire to the lofty ideals of other achievements until they have resolved, with some peace of mind, the most basic economic needs. Australian society today presents itself as outwardly egalitarian and equal, but the statistics often tend to show otherwise. We must not confuse the global and national wealth with the wealth of single individuals.

The recent history of the participation of multinationals has done very little to distribute wealth; in fact, if anything, it has helped to concentrate it. At this point, I will not enter into a tirade on how the rich are getting richer and the poor are getting poorer. Clearly, it would be futile and unproductive to attempt a redistribution of wealth. Historically, any attempt at such intervention has not met with success. It has not achieved its goal and has not satisfied the prospective recipients. However, there is another way of looking at this issue and that is by examining it at the point of opportunity.

The recent announcement by the Prime Minister of a special provision for children is an example of such intervention. The Prime Minister promised to eliminate poverty for our children during the years ahead and, in my view, that program needs our total support, because it will aim at providing an economic and social environment which will inevitably provide all children with opportunities. In my view, it would be too late to introduce a welfare program at the adult age. I believe that adults would then feel defeated and would be placed in an almost non-remediable situation. We all know that welfare services never cure ills. They provide temporary relief, but they do not do justice to the responsibility that society has towards all its members.

On the other hand, a recent measure that can be criticised as contrary to this need for provision of opportunities at the starting point of life is the imposition of tertiary fees for students. The argument used by the Federal Government and as adduced by the Minister to justify it—that the abandonment by the Whitlam Government of such fees did not achieve the equality to which it was targetted—is not convincing. What an excuse! There are too many arguments in opposition to this statement to defeat such an understanding of the statistics over the past 15 years. For example, how can we expect our nation to adopt such a novel situation as the ability to enter freely a higher level of education when throughout all its history this was accessible only to the wealthy few?

Further, how can we expect to see results in 15 years when the same level of access to equality in education is not carried through to the preparatory stage of universities? Clearly, one does not need much intelligence to imagine that this decision by the Federal Government was for purely economic reasons. I believe that it is short sighted and counter to the spirit of providing equality of opportunity. Inevitably and ultimately it will lead to the necessity of maintaining welfare services for a group of the population which has missed out on being able to advance their social and economic status.

Finally, at this stage, I believe that a comment should be made about the social justice strategy. I was particularly pleased to notice that, according to the Governor's speech, the social justice strategy will still be a commitment of high priority by the Bannon Administration. After an initial burst of publicity, it went a little quiet, but I have always remained confident and have hoped that a pose of silence was due to sound reflection for effective implementation. We need such a program which would target, above everything else, justice and equality. In the year 2088 they will not be asking simply what wealth Australia accumulated, but rather, how evenly it was distributed.

I believe that no question is more pressing or more resistant to a resolution than the Aboriginal question. Two hundred years ago the invaders of this country would have been able to skim over the morality of their action by referring to the current accepted division of the human race into different races based mostly on the colour of the skin and the shape of the body. They came to the conclusion so obvious to the white person that there was a decreasing level of intelligence as we went progressively from the whites to the blacks. The question was not whether we were different, but rather, how different. We knew how good we were, but we were unsure as to how inferior were the coloured people. We knew that we were all human beings, but we tried to define the humanness of the coloured race.

In the British Parliament, during a debate on the abolition of slavery, the proposition was advanced that we were uncertain as to whether the blacks had a soul and consequently their destiny was enhanced by serving the white

man. I believe that the word 'man' here has studiously been used to emphasise that our abhorrent conception of human beings tainted also our ideas of the presumed superiority of the male over the female of the species. As I said earlier, the Aboriginal question is the most difficult social problem that our consciences must bear until we can honestly have the courage and are prepared to face it realistically. It is not that we do not know the solution: rather, it tugs so forcibly at our morality, because of its past history. It is a question that demands such comprehension of atonement and such great change that it seems to challenge much of what we seem to have held as traditional and to challenge all that we think we should celebrate in this very special year, the bicentennial year.

Central to this question is the ownership of the land. In fact, there is a contradiction in this terminology. Aboriginal culture does not recognise ownership of the land. Its beliefs are counter to such a notion. The Aborigines never tire of telling us that they do not own the land: rather, the land owns them, but unfortunately, putting it another way, they live in a white person's world and the Aborigines have been forced to put their requests into the white person's language, so they speak of being given ownership of the land. In fact, in the context of their own culture, the argument becomes even more compelling: it is not the Aborigines who want the land; rather, it is the land that demands that its children, men and women, return to it. Suddenly this argument becomes very potent from every point of view except perhaps from the shortsighted economic argument over the current users of the land.

At this point one cannot gloss over the recent repeated remarks of the Federal Leader of the Opposition, Mr John Howard, about the idea of a compact or treaty with the Aborigines. As I understand, Mr Howard would argue that such a treaty would be divisive of a single Australia. As we know, he is now confused about multiculturalism when he uses the term 'one Australia'. I will come back to his remarks later in my speech, but his statement cannot be sustained. It is not difficult to see that his rejection of the treaty included a rejection of a serious consideration of the circumstances of the past 200 years. We know that we cleared their land, we know that we dispossessed them of their lifestyle, we know that we have decimated their numbers and we have maintained them in a constant state of deprivation and have even refused them entry into our society for nearly 200 years. How can Mr Howard refuse the contract in the name of the unity of our society when we, the civilised people, the civilised men, have effectively excluded them until 1967 which all members will remember when we finally granted them citizenship? So much of history for Mr Howard to remember in this bicentennial year, a year of celebration for the Australian population.

I introduced this topic by referring to the first landing as an invasion. It may be that this word that I have used will hurt some of my listeners, but how else can the landing be taken? The act of proclamation in the name of the King talks of taking possession of the land which was uninhabited. In fact, the British Government knew very well that the land of the Holy Spirit was inhabited and had given instructions to Captain Phillip to treat them with respect. History unfortunately testifies otherwise. So, an invasion it was and the Aborigines have not forgiven and have never accepted it.

Nobody would say that the drafting of an agreement between the Government and the Aboriginal population is capable of resolving the Aboriginal question. As I see it, it would simply be a statement of acceptance of responsibility for the present consequences of our past history and an agreement only to remedy many of the injustices to which the Aborigines are still being subjected. In my view, it is a document which would commit our society in its 200 years of existence to take practical steps in allowing the Aboriginal people to muster their strength, to rejuvenate themselves and to develop their own lifestyle because we have caused the destruction of all of those things.

What are these practical steps that we should take? First, as I said already, there must be a recognition of the special relationship between the Aborigines and the land. In modern terms, and in the light of the pragmatic condition of our society, it may well be that we should be making available to the Aborigines, in the terms of ownership recognised by our law, portion of the land which they have repeatedly claimed. This idea should not sound completely novel. The South Australian Government has already shown the lead in its approach through the administration of the Dunstan era and currently within the administration of the Bannon Government. We must also accept that there will be a time lag between the devolution of the land and the benefits that this action will produce to the Aboriginal population and the population as a whole. Unfortunately, this will be the price that should be paid for 200 years of neglect.

There are also other and even more practical questions that we must face in this 200th year of white civilisation in regard to the Aboriginal population. In almost every social health indicator the Aboriginal population scores abysmally, such as, the standard of housing, nutrition, availability of services, education, life expectancy, infant mortality, access to legal services and so on. Some of these statistics are particularly shameful. There have been 100 Aboriginal deaths in gaol over 10 years; diabetes in over 20 per cent of the Aboriginal population (which is equal to seven times the average for the rest of the population), blindness and a plethora of diseases introduced by the white population at times through rape and forced removal from their natural environment.

Around the political stages of the world we have often been reminded of our failings. When Australia chided France for its treatment of the Samoans we were soon told to look at our own backyard. Mr Hayden, our current Foreign Affairs Minister, had to plead with the countries, whose record of civil liberties he criticised, that we are attempting to remedy our own behaviour towards the Aborigines.

Such assurances will sound very hollow after 1988 if urgent practical and effective steps are not taken to alter the current shameful statistics. Nobody would believe that the solution lies in either signing a treaty or in granting ownership of the land. The benefits will be long in coming and will be costly in terms of money, human suffering and, on our part, humility. It will be necessary to develop some programs which will allow for self-determination by the Aborigines, recognition of their customs and laws, a generous period of time to prove themselves and a conviction above all on the part of all of us that they have the ability and the willpower to succeed so that we are not tempted yet again to tell them what to do, how to do it or to do it for them.

I suspect that in the year 2088 when the success or failure of 1988 is reviewed, the Aboriginal question will merit a great deal of analysis only if we have failed. However, if we succeed it will be judged as proper and logical and perhaps they will wonder why it took so long. If we fail the debate will still rage, but it will be so much more difficult to right the wrongs and there will be another 100 years of dross and guilt to deal with before coming to this issue again. When I began my address I indicated that there would

be one other matter that would be important for me to raise in this Council.

I will briefly discuss the Fitzgerald report, which has been touched upon by the Attorney-General. The Fitzgerald report on immigration has sparked considerable debate across Australia, particularly among the ethnic communities, as I explained in my question to the Minister. In the light of my previous remarks, it is clear that the report deserves significant consideration in this bicentennial year. My personal view on this matter is already known in other public forums. However, it is important that, in this parliamentary forum, these views be repeated so that all of us who have a duty to legislate on behalf of our electors are well informed and carry that responsibility even when it meets with some criticism.

I suspect that the Fitzgerald report will become more famous for the debate it sparked than for the factual contribution on immigration issues that it originally intended to make to the Federal Government. In some respects, a comparison could be drawn with the controversy sparked by Professor Blainey in 1984 when he challenged the readiness of our society to accept Asian immigration. The debate has not progressed since then. It has not advanced the cause of Asians in Australia or Australians in Asia. Of more concern is that it remains as polarised as ever before.

The Blainey controversy has found its way slowly and indirectly into the Fitzgerald report in its discussion about the number of Asians we should allow into this country. The whole discussion appears to be academic. Professor Blainey argues that we should have fewer Asian immigrants simply because we have too many of them to count already; that is when we include all those who live east of the Straits of the Dardenelles. Professor Blainey chides the Department of Immigration and Local Government for defying the traditional definition of Asia and deciding to make it start with India, Pakistan and Afghanistan. The Australian Bureau of Statistics accepted the traditional definition of Asia which coincides with the definition accepted by the United Nations. Depending on which definition is accepted, different statistics will be produced. The whole discussion is esoteric and could well provoke the likes of Professor Blainey and Bruce Ruxton and the more intransigent racists in our community.

The report does little—nothing—to clarify our thoughts or to provide us with the solutions to the broader questions posed by Australia's need for immigrants. This seems to be the first failure of the Fitzgerald report. It has failed to acknowledge properly that immigration is primarily a need that Australia has rather than a need of the people seeking to migrate to this country. This reversal of the starting point of the discussion on immigration is reflected in the distorted view that the report takes of migrants. They are presented generally as self-centred, desperate for a home away from their country of origin and, at best, unwilling contributors to our society in this country. The report goes on at great length to describe the legitimate demands that Australia should be making of migrants on the assumption, one presumes, that migrants have not done so already.

Fortunately, the condemnation of such attitudes has come from every quarter, including the Prime Minister, Professor Jupp (who has been engaged in the past in reviewing ethnic policies for Government) and, of course, from all migrant communities across Australia. As I said earlier, I suspect that the report will go down in the annals of the history of immigration more for the controversy that it stirred up than the contribution it made to any practical solution. As it faces the year 2000 and goes into its third century, Australia is bound to make some decision about the composition of its population. In its analysis of the philosophical principle on which future immigration policies should be based, the report relies on the research it commissioned and on the numerous community seminars and responses it had to consider.

As one reads through the report, one cannot fail to notice the discrepancy between these soundings and what eventually found its way into the report. In my view, it appears that the views of community organisations, various Ethnic Affairs Commissions and State Governments have been uncritically considered. In fact, as Professor Jupp said in the *Canberra Times* of 13 June of this year:

> Much of the controversial content of the report represents Dr Fitzgerald's personal views. He is an Australian nationalist who has little time for multiculturalism and this perception of migrants seems myopic and historically incorrect.

In this way Dr Fitzgerald will not win one friend or loyalty from migrants when he puts into doubt their allegiance to this country, a country that migrants have adopted spontaneously as their home country.

The whole discussion in the report finally led to the recommendations surrounding the citizenship issue. I find little to quarrel with the suggestion that migrants should be solicited and encouraged to take this decision after they become eligible for citizenship. However, I have less of a sanguine feeling for its absolute importance than Dr Fitzgerald had when he suggested that citizenship should be tied to every benefit that a resident should expect of a society to which he belongs. In a world which is shrinking and becoming more and more international and moving towards greater groupings, one finds anachronistic this push towards exaggerated nationalism and I suspect that the insistence of the report on the centrality of citizenship as a right to services and the commitment to certain values is a reflection of Dr Fitzgerald's own longing and a retrograde step in our society. One also suspects that, giving allegiance to the values mentioned in the report, one will be made to accept values that belong only to one culture without the opportunity to contribute to their future development.

The report also fails to acknowledge that migrants have contributed and are contributing enormously to Australia. They are committed to Australia and are contributing to the development of this country. I find it quite strange that the report ties the rights of access to the benefits of this society, not to whether one has contributed to it but to the fact that one has made an outward show of commitment.

Anybody with a fair mind would have expected the report to argue differently. In fact, many migrants have contributed to this country for many years before they became citizens. It is true that many of them are reluctant to take citizenship—to make such an important decision. However, the reason for neglect in taking such an important decision must be found in reasons other than their loyalty. In our amazement at this point, we should be reminded that the recommendation of the report increases our questions when we consider that this country, as I earlier mentioned, granted citizenship to Aborigines only in 1967. What a nice thing to remember!

We can also ask ourselves if the same stringent demands of commitment are made of the locally born residents. Have we imposed on those who are born Australian citizens a condition that they make a commitment to its value, or do we presume that they possess it automatically? As for the Western values which we would want to impose on all those who choose to become Australian citizens, would we impose them on the Aborigines?

One other critical recommendation of the report is that which, if accepted by the Government, would affect the selection and permission of entry into Australia. The report seems surprisingly aligned with the previous recommenda-

tions. It does not seem to have reflected the concerns and problems often voiced by the migrant population. The report fails to give a true value to the skills and contribution that the migrants make to the Australian economy. For example, the report does not recognise the economic value of receiving a migrant who is ready to enter the workforce. Our migrants almost totally fall into this category. It is the country of origin of the migrants that has paid for their education, training and growing up costs. These people come to Australia, as I did in 1956 as a toolmaker, ready to produce for this country without having cost our country a single cent. Their arrival in this land, to their new home, is worth many thousands of dollars in each case. However, this value was not even microscoped by Dr Fitzerald in his recommendations.

Another value not properly considered by the report included the contribution to the Australian economy by the family reunion scheme. The people involved in community welfare would more readily appreciate and accept the economic contribution of the family to maintain the stability of its members. It is a measureable fact and there is measureable evidence that migrants without a family are more likely to need the intervention of welfare and social services than those with an extended family.

It is a pity, however, that the report chose to look at the whole issue of family reunion as a humanitarian gesture. Certainly, maintaining the motivating reason for migrants to call on their family relations is an emotional need, and, as such, the need is humanitarian. But, the outcome in the long run is also economic.

I cannot leave this subject without commenting on the priority given by the report to the English language, a factor which is most important in the choice of a potential migrant. Nowhere more than in the handling of this question does the report betray its bias. History, luckily, simply defies the contention that the language is an insuperable barrier to a successful settlement or contribution. Australian history is replete with many examples of immigrants who come here without a word of English. Ruth Ostrow, the writer of a book entitled *The New Boy Network*, compiled personal biographies of some of the many successful entrepreneurs who today represent the substance of our economy in this country. These people came to Australia from different countries before and during the mass migration. They started to work in most humiliating jobs and slowly progressed, not because of the language factor but because of their willpower, ability and, above all, their determination to succeed.

In my view, the report has its priorities totally back to front. We were expecting the report to recognise that, in order to enhance the contribution of every migrant to Australia, a strong program on English language was necessary at the point of arrival. Instead, the report makes no reference at all to this need. A knowledge of the English language is therefore a dubious predictor of success or contribution. The exclusion of a potential migrant because of a lack of English could well eliminate a highly motivated and successful contribution and, as I said earlier, history seems to support this notion.

The fact that migrants without English are more likely to be unemployed is not simply a function of their ignorance of the language; rather it involves the lack of jobs. We all remember that, back in the 1930s, 1940s, 1950s and even the 1960s, when jobs were available, language was no barrier at all to employment. I might add that during those days the opportunities to learn English were even less than now. A knowledge of the English language should not be used, therefore, to bias the total point score for the selection of a migrant. It is discriminatory, ineffectual and likely to exclude quality persons.

The report also recommends that the attributes of the spouse be considered in the selection. While in its initial consideration this recommendation may appear enlightened, in the long run it will favour those groups who come from a nation where there is already the possibility of equality of education for both sexes.

Finally, the report is very bland in its recommendation about the recognition of overseas qualifications. After so many decades of debate and demands for justice in this area, the report provides only a bland recommendation, lodging the development of strategies with the National Board of Employment, Education and Training. That is all that the Fitzgerald report did in this area. This area could have involved a much more forceful and clear recommendation. In line with the demands by the report that migrants make a contribution to this country, clear directives could have been provided for the allocation of resources and structures to ensure that qualified people were allowed to work in the professions for which they were qualified. We all recognise that we owe it first of all to our young people to be trained. We also acknowledge that Australia has not done enough to retrain its displaced workforce. However, one program does not exclude the other. If we want to import people with the skills, we should be able and prepared first to recognise their qualifications and then benefit from their contribution.

Before I conclude, I would like to say that I have been requested by people within the ethnic community to brush up on Mr Howard's personal philosophies in this regard. One of the more pitiful and petty displays of insensitivity to our national identity has been demonstrated in recent days by the Leader of the Federal Opposition. His call for a One Australia policy to replace a multicultural Australia has all the hallmarks of a latter day cry for a society defined by the colour, customs and values of Europe at the exclusion of others. In the fear of being called a racist, John Howard is quick to point out that is not advocating a return to the White Australia policy. His argument is that he is not asking for the cessation of Asian migration. He knows he could not get away with that, but he still argues that we should take fewer Asian migrants in response to community concerns. Mr Howard is repeating the self same arguments used by Professor Blainey since his unfortunate public statement a few years ago which he later acknowledged was never intended to create such controversy.

But there seems to be a renewed sense of intensity in what Mr Howard has been saying recently. One gets the feeling that Mr Howard has gone through a new form of baptism, and, if one looks for an event that is likely to have affected his recent brashness, one would have to suspect his recent overseas trip, and especially his meeting with Mrs Margaret Thatcher. The man seems to have been captivated by the Iron Lady. He has been more direct, taking a more single minded approach to issues, and wanting to impose his will on the Party, his colleagues and the nation, just like Mrs Thatcher does in her personal approach to politics. The man seems to be infatuated with the British Prime Minister and has adopted her mannerisms and her forthrightness. Unfortunately, he has picked up on a policy which is well established, even if misunderstood, at the present time in this country. Mr Howard's rejection of multiculturalism and his proposed reduction in the Asian intake is at odds with reality, and his replacement with One Australia policy has its origin in race and colour; that is, it is racist in nature.

The Australian reality is that we have been the one nation since 1 January 1901. The reality is also that Australian

society has always been predominantly migrant in nature apart from the first decade after the 1778 landing. The reality is that our society is made up of groups which come from many cultural and linguistic backgrounds and who maintain their cultures and languages. There is no conflict or contradiction in being one nation while maintaing many cultures among our society. In fact, in this respect Australia is not even unique. There are many other countries which are one nation and encourage many cultures and languages. These include Canada, the United States, Yugoslavia and many others.

The reality is also that our most immediate neighbours are not the Europeans but the peoples of Polynesia and Asia. Mr Howard has a very hard task indeed to try to justify his call for fewer migrants or arguments which are not based on colour or race. He simply cannot hide behind what he calls 'popular opinion'. One can argue whether, in the face of popular opinion, he is asking for a lower intake of Asian migrants. One is more likely to confuse popular opinion with 'vocal minorities'. Mr Howard might have confused the two and, for the sake of a fistful of votes, he might have adopted it. But, we must not mince our words. We must face reality. We must respond to the needs of this country for the future of our generation. The basis for the call for fewer migrants from Asia has a social basis. He wants fewer migrants from Asia because they are racially different from the majority of us.

The proponents of such policy talk monotonously of a chocolate coloured society and of a loss of traditional values. Mr Howard himself has spoken of the threat to our traditional values by an influx of Asians. Mr Howard's statement, by any standards, is racist in origin. If he was primarily concerned about the danger of racial conflict, he should concentrate on combating racism, not giving in to it. Mr Howard's position mirrors his predecessor's words, that 'we should have a monoculture with everyone living in the same manner, understanding each other and sharing the same aspirations'. He went on to say, 'We do not want a social pluralism.' Those words were uttered by the late Sir Billy Snedden in 1969.

One could be kind to Mr Howard and say that he did not understand multiculturalism. It is, however, hard to believe that a Leader of the Opposition who almost every day of his life must come into contact with Australia's cultural variety is still under the illusion or ignorance that we are or can be a society with no differences in values, languages, customs, lifestyle and cultures. Multiculturalism is appropriate because it accurately describes our Australian reality. Multiculturalism is greater than pizzas and yiros. As the magazine *Australian Society* put it:

> If multiculturalism is to be relevant to the needs of Australian society, including its migrant component, first and second generation, then it must be urgently concerned with equality, justice and fairness and not just with tolerance and understanding.

Mr Howard is not a help towards this goal. I find it reassuring, however, that Mr Howard is becoming increasingly isolated even by his own Party in this matter. On this point, I place on record my appreciation for the Leader of the State Opposition. Mr Olsen, who said in this very Chamber, when we had a joint sitting of both Houses to appoint a new member, the Hon. Mr Giuliano Stefani, that he and Mr Stefani would work effectively to produce a multicultural policy in this State. I hope that that kind of stimulation will also brainwash the Federal Leader of the Opposition. I hope, too, that members opposite will join me in condemning their Leader. It does Mr Howard and the Liberal Party no honour to support such a stand. It is truly a case of a leader having lost his troop.

As I draw near to the conclusion of my speech, I state, as I said at the beginning, that I was projecting myself into the year 2088 and having a retrospective look. I suspect that the celebration of the third centenary will have a less controversial taste and a greater flavour of achievement if we have put in order the social issues concerning our society, some of which I have already discussed.

There is still one element in the process of growing up as a nation that needs further exploration. Australia is unique in many ways, including the kind of commemorations we regularly hold. For example, we are the only nation that chooses a defeat to celebrate the sacrifice of its soldiers. While the United States of America commemorates its founding day, the arrival of the pilgrims and its independence day, 4 July, Australia celebrates only its founding day. That is a pity because the day on which Australia came of age, 1 January 1901, is far less controversial than 26 January.

The time must come when Australia will grow up into full adulthood and accept full responsibility for itself. I believe that now is the time for all Australians to take a good look at our country and its society. Now is the time to reflect upon both the good and bad and plan ahead for the good of all Australians, both old and new.

We severed the last legal ties with England only a few years ago. We still retain the royal connection. I accept that this represents an emotional attachment for many of our citizens and I highly respect their feelings. However, I suspect that these are becoming less and less important and that the need to shed this vestige of dependency will become stronger and stronger in the years ahead.

It may be that one positive outcome, as we move out of this bicentennial celebration, will be a more serious examination of the first centennial of our independence from the United Kingdom. It may be that we should make the year 2001 the time at which the democracy that we have inherited from Britain finds its full expression in turning Australia into a republic.

Madam President, becoming a republic does not require us to lose our cultural heritage. Migrants from Tibet can still revere the Dalai Lama; Australians from Greece can still pride themselves on the heritage of their philosophy and architecture; Australians of British descent can still hold dear the memories of the monarchy which has been such an important part of their past. By becoming a republic we are not introducing an act of exclusion, and it is important that we bear that in mind. We are not rejecting a cultural import or a tradition. Becoming a republic means widening the field of participation and doing less violence to the requirement of allegiance to this country. However, more importantly, let us not forget that this means offering the Aboriginal people a realistic, inoffensive alternative means of participation.

Madam President, Australia has a golden opportunity as its third century starts to foster and develop a strong life within its society. Through the careful development of our domestic and foreign policies Australia can establish its own identity as a multi-cultural society and continue to live in harmony and peace not only in this land but in the rapidly changing world around us.

I urge all members at this time of celebration not to rest on what has been achieved but to take the opportunity to have a good look and to plan and work for a new Australia—one that our children can be proud to call their home.

In conclusion, I wish to quote Reverend Sir Alan Walker, a Chairperson of the National Goals Movement, who in March 1987 stated:

As 1988 draws near, Australia must take a hard look at the state of the nation and where it is heading. The bicentennial year must be more than boasting pride and shallow celebrations. Australia has everything, almost everything, yet is too often fumbling and uncertain at a time of growing wealth and increasing world influence. A larger vision is needed of the nation's potential and destiny.

The Hon. T. CROTHERS: I second the Address in Reply to the speech of His Excellency the Governor, Sir Donald Dunstan, KBE, CB. Today I will focus on the issue of peace. I note that during the past year South Australia has won the contract for building and fitting out the new submarines for the Royal Australian Navy. I am pleased that at long last a Federal Australian Government has decided to build what is probably the major Australian military acquisition for this decade. The amount of new technologies and skills which it will be necessary for Australian workers to acquire in order to commence the project can have only a beneficial effect on Australian industry in the future. I sincerely hope that these submarines will be used for peace.

The past 12 months have been a very sorry tale in respect of global peace. We have witnessed the continuance of the war between Iran and Iraq, the useless expenditure of massive amounts of money, the futile loss of many hundreds of thousands of lives and the wounding and maiming of hundreds and thousands more citizens of both those nations in what in my view is such unnecessary and senseless carnage.

Of course, there are other trouble spots in the Middle East, mainly in Lebanon with the Palestinian question, and in the Horn of Africa. The conflict and the attendant waste of life and money has continued in Afghanistan, Nicaragua, Fiji and, equally sad to relate, in many other areas of the world in these past 12 months. Indeed, these past 12 months cannot and must not be seen as standing alone as far as global conflict is concerned. All too sadly, wars and conflicts have had an ongoing continuance since time immemorial, with all the resultant loss of life, limb and wealth that such conflicts cause.

Bad as all these occurrences have been, they would pale into insignificance if ever a nuclear war were to occur in this or any other time. I think that the Party to which I belong has a very proud record in Australia over the past six decades when it comes to promoting the issue of peace. I am sure that older South Australians than I would well remember the refusal by the waterside workers in the late 1930s to load scrap iron for Japan and the treatment of those workers by the Government of the day. Those waterside workers were proved to be very right but a short time later.

Who in this Council will ever forget the events of the late 1960s and early 1970s in relation to the Vietnam War to which Australian troops had been committed by the then Holt Government? Again, it was members of the political Party of which I am a member who were to the fore in pleading for withdrawal from and cessation of the Vietnam conflict. History now records that public pressures, both here and overseas, ensured the withdrawal of foreign troops from Vietnam and, as a consequence, peace came to that poor, blighted nation and its people.

It is pleasing for me to be able to say that, since that time, some members of the Opposition have been conspicuous by their presence at one or more of the public forums dedicated to the pursuit of global peace. I will not say that these latter day saints and converts are to be seen as attending these events for any other purpose than the pursuit of peace, because I believe that all converts are welcome. Members opposite would realise that stability of Government, at whatever level, is also necessary if the aims of the peace movement are to be achieved. However, the art of government everywhere is under threat for reasons ranging from and including irresponsible Oppositions that are so hell bent on attaining Government that they are prepared to embrace any cause if they think that there is electoral mileage in it for them, little caring or realising that this irresponsible thirst for power makes it all the more difficult, even for them, when or if they become the Government of the day.

The stability of Government to which I have just referred can come about only if there is trust amongst the nations of this earth. There are many obstacles in our path, not the least of which is the difference in language and culture amongst the various countries. It therefore seems odd that the present debate on immigration in this country should be moving away from the concept of multiculturalism, when it is very obvious to anyone who thinks or cares that it is the present lack of multiculturalism on a global basis that is the biggest barrier to world peace.

In my view, the emergence of Gorbachev as the leader of the Russian people gives the world the last chance it will have for some time, if ever again, for a peaceful solution to its problems. If we fumble the ball that we are carrying, we may never get another chance in our lifetime to ensure that our environment becomes a better and safer place in which to live, not only for this generation, but for generations to come.

The problems which need to be addressed, and for which I believe the opportunity has arisen to do so, relate not only to nuclear disarmament, but also to conventional disarmament and environmental matters. Indeed, the total capacity of our race to survive, and the question of peace and environmental matters should be above politics, but unfortunately, all too often, they are not. I appeal to all members of this Council that, whenever they have to consider these questions, they should put matters of political or electoral gain behind them, especially when it comes to considering that the *bona fide* chances of peace will pass our way only this once. We should not, and must not, miss that chance.

Because of the controversy that is raging in the community at this time, I find that it is fortuitous that we on this side of the Council and on this side of politics have had a mover and seconder, who are both Australian citizens but not born in this country, to this Address in Reply.

In my view, this shows the path to which the Australian Labor Party has committed itself in relation to a truly 'one Australia'. The catchcry of 'one Australia' is not to do what some people in the community apparently would have it do: attract electoral votes. In my view, the Leader of the national Opposition well knows that he will not win the next election unless he can generate some form of hysteria and emotion in the community. It is all too tragic that the last time I recall such hysteria being whipped up in a political sense was in Nazi Germany in the early 1930s. Everyone in this Chamber knows the holocaust that ensued from those events.

I have chosen to depart from some of my notes because I believe that it is very important and I, for one, am pleased to see the Leader of the Opposition in South Australia making representations to his Federal leader in respect of the matter. We must all understand that Australia's population since the Second World War has increased; in fact, it has more than doubled from eight million to the present 16.5 million or thereabouts. We must all understand—and this is our bicentennial celebration—that all of us, apart from the Aborigines, are migrants to this country of recent date. We must also understand that anyone who would

endeavour to utilise the position of not having a bipartisan migration policy deserves to be consigned to the electoral scrap heap of history. I have no doubt that that will indeed be the position.

In conclusion, I commend His Excellency's address on the occasion of the opening of this parliamentary session of this honourable House.

The Hon. R.J. RITSON secured the adjournment of the debate.

ADJOURNMENT

At 4.48 p.m. the Council adjourned until Wednesday 10 August at 2.15 p.m.