



Friday 19 July 2002

Ms Merrin Mason
Executive Officer
Victorian Parliamentary Law Reform Committee
Level 8 Spring Street
Melbourne VIC 3000

By email: VPLRC@parliament.vic.gov.au

Dear Ms Mason,

Thank you for the invitation to comment on the “Inquiry into oaths, affidavits, and statutory declarations with reference to the multicultural community”.

We note that your terms of reference seek to determine the extent to which those “currently permitted to witness affidavits and statutory declarations are sufficiently accessible to, and reflective of, the diversity of the Victorian community”.

You have sought data which is not readily available in some instances, however, to the extent we can assist, we trust the following material is helpful.

The ethnic and cultural profile of dentists changes along with the rest of the community over time, however, as with other health occupations, we have seen a very high representation of undergraduates in recent years from Asian and sub-continent backgrounds. The present undergraduate population for example is estimated to have almost 60% drawn from these cultural backgrounds.

Historically, there were larger numbers of European migrants, who continue in practice, and therefore remain available to their ethnic communities. Whereas in the years leading up to WWII, there was a tendency for health professions to be dominated by Anglo-Saxon males, this has evolved in the post war era, with many more candidates presenting from a wide variety of cultural backgrounds, and of course many more women are now practising also.

The Committee may be interested to note that the Australian Dental Council (ADC) conducts examinations for overseas trained dentists, and the numbers who qualify each year are equivalent to the output from two State University dental schools (around 100 dentists). While these candidates may seek registration in any Australian State, there is usually a significant number seeking registration through the Dental Practice Board of Victoria (DPBV).

The ADC advise that their most recent field of 24 candidates was drawn from 23 countries, and that this is not unusual. Dr Ross King, CEO of the ADC has provided the following analysis of candidate source countries, and would be pleased to confirm this advice (Ph. 03 9415 9638).

www.adavb.com.au

SUCCESSFUL CANDIDATES AUSTRALIAN DENTAL COUNCIL EXAMINATIONS
By Country of Training – Period 1997 – 2001

Argentina	2	Hong Kong	13	Singapore	5
Bosnia-Herzegovina	3	Hungary	1	South Africa	49
Austria	1	India	32	Sri Lanka	12
Brazil	1	Iraq	4	Sudan	2
Canada	5	Japan	1	Sweden	3
China	6	Jordan	3	Syria	1
Colombia	1	Kenya	2	Taiwan	2
Czech Republic	2	Korea	1	Thailand	3
Denmark	2	Lebanon	2	USSR	4
Egypt	16	Netherlands	2	USA	5
Fiji	2	Philippines	13	Vietnam	3
Finland	2	Poland	9	Yugoslavia	12
France	3	Romania	10		
Germany	7	Russian Federation	1		

The ADAVB represents over 93% of privately practising dentists and over half those in the public sector. Based on the very diverse cultural backgrounds of members of our Association, and our understanding that the few dentists who do not belong to our Association are also representative of the cultural mix within the Australian community, we do not believe there is a problem with representation amongst dentists who may be asked to witness affidavits and statutory declarations.

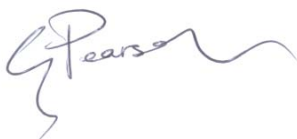
Members of the Association would benefit from updated information or advice sheets concerning their responsibilities when witnessing statutory declarations. Given the diversity of religions and the increasingly non-religious proportion of the community, it may no longer be necessary to accept an oath or affirmation in accordance with the Evidence Act “in a manner appropriate to the religious belief of the person”. In order to avoid cultural clashes, and confusion between religious and legal obligations, it may be timely to change the Evidence Act to simply require the person swearing the oath to “solemnly, sincerely and truly declare and affirm ...” i.e. to use a non-religious affirmation.

If this were done, then witnesses would not need “cultural awareness training sessions” which they would be unlikely to attend in any case. Suitable information literature should be sufficient to assist them in meeting their responsibilities. For dentists, this can be augmented by articles in our Newsletter and on our website.

The ADAVB sees no reason why professional persons who are able to witness statutory declarations should not also be able to witness affidavits. Given that many of these professional practitioners are located close to ethnic communities, this could improve access for members of those communities needing affidavits witnessed.

We have no view about whether the current classes of people able to witness these documents should be extended.

Yours sincerely



Garry Pearson
Chief Executive Officer

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