

The Hon. J. H. KENNAN (Thomastown Province)—I would like to start by referring to advice I received from a couple of colleagues which may indicate the respect and lack of respect in which politicians are held. On my election I received a note from an eminent colleague of mine at the Victorian Bar. He said that to survive in politics one needs the hide of a rhinoceros, the constitution of an ox and a sense of humour like that of Groucho Marx. Another colleague of mine added one other factor to these three requirements, which was that one needed a finely developed sense of the ridiculous.

I do not know whether Dolph Eddy embodied all or any of those qualities. but I pay tribute to Dolph because he represented the Thomastown Province for six years and Doutta Galla Province for six years prior to that period. He was always a man who, in the finest traditions of the Labor Party, was concerned to represent the small man and the underdog. He would go to great lengths to help individuals. He was not always a man who took up causes in a flag-waving style, but was always concerned for the individual. Yesterday when I took occupation of Dolph's former office, I was struck by the number of telephone calls I received that were for Dolph's attention. They were from places far flung from Thomastown. They were from people who wanted help, particularly those in trouble with the law. That matter was always one of Dolph's main interests, as it is one of my interests and one of my party's interests.

It was disturbing to note persistent complaints yesterday about mishandling of the law by various people. It is on the matter of the administration of justice and law reform that I shall address some remarks to the House this evening. In the performance of the Liberal Government, particularly in the past six to nine years, one could discern a malaise in the areas of the administration of justice and law reform that affected the Government's whole performance. I refer to the over-all inertia and indifference to the ordinary person and the failure and unwillingness to act

for the ordinary person while at the same time displaying a willingness to act or give way to pressure from the powerful.

I shall refer to two problems in the administration of justice that have been in existence for a long time, in one case for centuries and in the other case in recent times. I refer to delays in court hearings and to the area of white-collar crime. One can note how bad the Liberal Party Administration became over 27 years in the area of the administration of justice. The former Government received a report in early 1981 that was prepared by three members of the Victorian Bar and endorsed by the Victorian Bar Council. The report demonstrated the enormous delays experienced in court hearings of up to four years for criminal cases and at least two years for civil cases. The report indicated that over the past decade during which the Liberal Party had been in power that it knew about the situation. In 1972, 820 persons committed for trial in the County and Supreme courts were awaiting trial. At the end of 1977, the number of people awaiting trial in those courts was 695 and in 1979 the figure had increased to more than 1000. It is evident that early in the last term of the former Liberal Government delays in court hearings in criminal and civil areas were increasing. The report made recommendations indicating that, with two more judges in the County Court and with an increase in staff in the listing division and in the preparations branch, delays in the criminal area of the courts could be dissipated over a four-year period.

This may seem to be an esoteric topic, but when one considers the inhumane conditions in the remand yard in this so-called civilized society, one realizes that delays in court hearings are inexcusable.

A particular shame of the former Government is that decent and honest members of the legal profession, as well as many other people, considered that the delays were shameful, but the Liberal Government was not prepared to do anything about them. It is not an easy problem to solve. It has been

occurring for centuries; Shakespeare spoke of the "law's delays". However, the Liberal Party did nothing about the matter.

The Labor Party is committed to implementing the recommendations of that report. It will not only appoint two more judges to the courts, but will also clean up the sub-human conditions in the remand yard. Mrs Kirner spoke about a human rights Bill and it is opportune to mention that one of the things a Bill of that type will do is to entrench the right of trial by jury. In an effort to overcome delays in court hearings the previous Administration floated the idea of optional juries so that an accused person, in many cases unrepresented at the committal, might sign away or consider signing away his right to trial by jury. The Cain Labor Government will not allow that to happen.

Another area that gives an indication of the malaise that has afflicted the previous Administration is corporate crime. It is an example of how the former Government was devoted to running scared of large vested interests and avoided getting into difficult areas. The Fraud Squad is notoriously undermanned. It reached a stage of two or three-year delays. If one were to take evidence of a juicy fraud case along to the Fraud Squad, one would be told that the squad would start looking at it in 1984 or 1985.

The Corporate Affairs Office is grossly understaffed compared with other offices, such as the office in New South Wales. That is demonstrated in the way in which the corporate shield is used for anti-social purposes, as has been demonstrated in the McCabe report. Companies and persons who want to take advantage of the corporate shield must pay to ensure that these provisions are strictly enforced. The other area of malaise that unfortunately arose out of the issue of tax evasion was the declining standards by a small handful of people in the legal and accounting professions. Mr McCabe made this point about those provisions and said that "their own professional standards were subjected to

pressure when it became obvious that other well-known firms were not maintaining the same standards. In the circumstances, he considered that more support ought to have been given by the professional bodies."

Recently, the Victorian Bar Council very pleasingly suggested that it would amend its ethical rule in relation to tax evasion and the giving of advice by barristers in tax evasion matters. The Victorian Bar Council received no encouragement, particularly from the previous Government in the past six years or so, when the tax evasion industry grew. The Federal shadow Attorney-General, Senator Evans, has been vocal on this in recent times. He said that the Labor Party will be giving every encouragement to the legal profession and other associated professions to ensure that their standards are maintained, and they should not allow their members to engage in the anti-social conduct of these fraudulent tax evasion schemes, as was instanced by the McCabe report.

I point out one other matter in regard to the McCabe report, that is, that vendor agents, many of them solicitors and accountants, received commissions from \$500 to \$200 000. McCabe said that the circumstances in which those commissions were received were questionable, but it was outside his province to look into them. There is the suggestion there, and I hope it is under investigation, of the most serious example of secret commissions one could think of. That is the level to which the legal profession and other professions, fortunately in the minority, descended, and it was part of the malaise of the administration of justice in this State. The Labor Party will be urging those professions to lift their game.

It is not only in the area of the administration of justice that the Cain Labor Government has such an enormous task. There has been inertia in the whole area of law reform. I will give two examples. In 1957 the Chief Justice's Law Reform Committee commenced to examine the question of occupiers' liability, shortly before an English Act was introduced in the same

year reforming that area of law. That committee is still looking at it, 25 years later, and the Government has done nothing in that time. The Labor Party Government will be introducing legislation to simplify that, along the lines of the English legislation. A quarter of a century has slipped by since the committee first started to look at that matter; it was simply looking at provisions that applied in England and which could easily have been adopted here.

Another area that the previous Administration found too hard was criminal investigation, protecting suspected persons from arbitrary arrest and unfair interrogation. There was the Murray report in the mid 1960s, the Beach report in the mid 1970s and, later the Norris report, but it was still too hard, with too many vested interests for the Liberals to get involved.

It gives me great pleasure, in conclusion, to indicate the wide sweep of the Cain Government's proposal in the area of law reform, and these are all matters which can be dealt with in the next three years. They are matters, by and large, which do not involve great expenditure of public moneys, but they do require a political will, a concern for the proper administration of justice, and a commitment to protect the individual's liberties and civil rights.

As I indicated, the Labor Party will be appointing two more County Court judges. It will be setting up a director of public prosecutions, because for too long in this State there have been instances of selective prosecution, and we want to see the prosecution process put one step removed from the direct day-to-day political control of the Attorney-General. The Labor Government will be introducing legislation along similar lines to the English legislation. With that there will also be an improvement in the preparation of Crown criminal law cases, which is so desperately needed.

The Labor Government will also be introducing reform of the sale of land legislation to get over the absurd situation of a person buying a quarter acre block of land with the intention of

building a house on it, signing a contract, and the land being zoned general farming. There was a notorious case at Corio involving about 600 blocks, land zoned "general farming", with a person having no prospect of building now or in the future, yet the law allows the person to sign a contract whereby he is committed to paying residential prices for a useless block of land. The Labor Government will be shifting the onus onto the vendor so that the vendor has to disclose to the purchaser the land use restrictions. The Labor Government will be introducing other safeguards so that purchasers in that situation are protected.

Another example of the Government's concern for individual persons as against powerful interests is that it will be introducing human rights legislation, a criminal investigation Bill, a freedom of information Bill, and it will be making at least a concerted effort—and I know that efforts have been made in the past by other Governments, including the former Government—to ensure that proper interest is paid on solicitors' trust accounts. There is a potential for more than doubling the amount of money available for legal aid in this State by that method.

I cannot resist referring to one other matter, that is the area of gun control. Nothing highlighted better the differences between what the electorate was offered by the major parties than in the issue of gun control. We, in Victoria, have a serious situation in relation to the abuse of guns. Since we have got into power we have discovered that the previous Government was advised that there is no good reason why gun laws were not improved in this State, but there was a vocal lobby so the previous Government gave away to it, as it did before in 1979. The Labor Party stood firm. If one took a pragmatic view, I do not think we lost one vote overall out of that. It is a pleasing example of standing firm on a clear principle and succeeding on it. I would have thought that there ought to have been a lesson in that, even for the Liberal Party. With those remarks I conclude.