

SCHEDULE

Statute Law Revision Amendments of Sheriff's Act 1978

The Hon. P. HOLLOWAY secured the adjournment of the debate.

DAIRY INDUSTRY (DEREGULATION OF PRICES) AMENDMENT BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I move:
That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This bill brings into effect an agreement between the Australian dairy industry, the commonwealth government and the States to deregulate the Australian dairy industry in a coordinated and orderly manner.

This has been requested by the dairy industry itself at a national level and has the full support of the Australian Dairy Industry Council, the Australian Dairy Farmers Federation, and, at the State level, the South Australian Dairy Farmers Association, milk processors, vendors and milk hauliers.

The dairy industry, at all levels, has been very concerned that deregulation through a piecemeal removal of price and supply controls across Australia, could cause dislocation and confusion in the industry.

The South Australian Government has done all in its power to ensure that the changes that now need to be made will be implemented under the best possible conditions for the State's dairy farmers. The industry now has an agreement with the states and the commonwealth that dairy farmers will be entitled to structural adjustment assistance over the next eight years, conditional on each State removing milk price and supply control arrangements from its statutes.

The Bill is designed to come into effect at the same time as similar legislation in the other milk producing states. It will deliver to dairy farmers the opportunity to assess and restructure their businesses so that they can operate in a new, deregulated market environment. The result of this adjustment will be that South Australia's dairy industry will be more competitive and will have its export prospects further enhanced.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause removes the definitions of 'authorised price equalisation scheme' and 'farm gate price' from the Act.

Clause 4: Amendment of s. 12—Functions of the Authority

This clause removes paragraph (a) of section 12 which refers to the Authority's functions of recommending the imposition, variation or removal of price control in respect of dairy produce.

Clause 5: Amendment of s. 15—Accounts and audit

This clause removes subsection (3) of section 15 which refers to the audit of any money collected and paid under section 23(3) of the Act or under a price equalisation scheme.

Clause 6: Amendment of s. 19—Licence fee

This clause inserts subsection (1a) which provides that the regulations may prescribe differential licence fees.

Clause 7: Repeal of Division 2 of Part 4

This clause removes Division 2 of Part 4 of the Act which deals with the control of the price of dairy produce of specified classes and the farm gate price for milk.

Clause 8: Repeal of Division 3 of Part 4

This clause repeals Division 3 of Part 4 of the Act under which the Minister may set up price equalisation schemes or approve voluntary price equalisation schemes.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 May, Page 1072.)

The Hon. T.G. CAMERON: I fully expect interjections from lawyers in the Council, but be that as it may. The Criminal Law Consolidation Amendment Act 1995 codified the law in relation to those accused of a crime who suffer from severe mental impairment. It repealed the concept of indeterminate sentences whereby people who pleaded insanity or defended on those grounds could be held for an indeterminate period of time and thus it was rarely used. People who should have been part of the treatment system were directed to the correctional system. It also separated the trial of sanity from the trial of the offence, whereas before the legislation they were dealt with together.

Previously, while the prosecution had to prove that a defendant was guilty beyond reasonable doubt, the defence had to prove insanity only on the balance of probabilities, and this was changed by the 1995 act. However, some new questions of law have arisen since then. This bill deals with several amendments relating to the order of proceedings and defences, alternative verdicts, breach of licence, jury disagreements, pre-trial matters and other minor changes. It inserts an explanation of when a defence is allowed by common law or statute. It provides for charges to be made on possible alternative verdicts. It clarifies the process of what happens if a trial just proceeds with a trial of mental competence before the trial of the offence and vice versa. Currently, different outcomes can occur, depending on whether or not the trial judge chooses to try the competence before the offence. This measure clarifies that process and provides that during the trial of the offence questions of mental competence are to be excluded.

It clarifies how the court shall proceed after each part of the trial (competence and offence) after how the court finds. It allows the crown to ask the court to review the decision to release a person on licence if they believe that that person has contravened or will contravene the licence. The court may, after allowing submissions, confirm the order, provide for detention, vary the conditions and/or make further orders. It also provides that a supervision order is suspended for the period of detention if a person under licence commits an offence and is sentenced. It allows counsel for the defendant to proceed at their discretion on behalf of the defendant if they believe the defendant is mentally unfit to properly instruct them.

It also gives the court the power during a trial to order the examination of a defendant by a psychiatrist or other expert if the court believes that such a report may speed up the trial. It goes on and makes clear that an appeal lies by leave against a decision of competence, fitness to stand trial or on the objective elements of the case. It goes on and inserts a definition of 'criminal inquest', so that it includes a trial of an issue that is to be tried by jury. SA First supports this bill. It clarifies the proceedings of a trial where there is a question of mental competence and other relevant issues that have arisen after the proclamation of the Criminal Law Consolidation (Mental Impairment) Act 1995. SA First agrees with this bill and the supporting arguments that have been used by the Attorney.