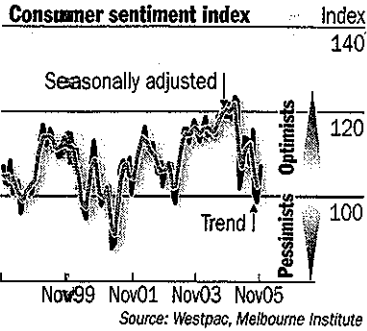


Confidence up again

TICKING UP



prices to the CPI [consumer price index] for the December quarter," he told federal parliament.

The survey found consumers had been particularly sensitive to interest rates, house prices and petrol prices this year, and although they were much more confident about their finances than a year ago, they were still wary about the next 12 months.

All five sentiment sub-indices rose in November, most of all the state of family finances, which was up 18.8 per cent from a year ago. The sub-index on whether it was a good time to buy a major household appliance rose 9.8 per cent.

Separately, the Australian Bureau of Statistics reported that the number of approvals for home loans jumped 4.6 per cent in September, more than double the rise forecast by economists. The value of home-loan approvals jumped 3.2 per cent and the average home loan rose to \$218,300 from \$216,000.

JP Morgan economist Jarrod Kerr said the rebound in approvals came after several months of weak growth. Borrowers, particularly first-time buyers, appeared to have "dived" back into the housing market.

First-home buyers now account for 17.4 per cent of the market, the largest proportion since August 2002.

Document shredders face jail

Bill Pheasant

Companies whose "culture" permits destruction of documents that could form relevant evidence in court cases could face prosecution under proposed Victorian legislation.

The laws, announced by Attorney-General Rob Hulls yesterday and due to be introduced into parliament next week, will also mean individuals found guilty of intentionally destroying documents face up to five years in jail.

Companies prosecuted under the amended Crimes Act provisions — a first for Australia in this area of law — would face fines up to \$314,430.

The amendments are the government's response to an investigation by Melbourne University professor and crown counsel Peter Sallmann, who examined a case involving a controversial document retention policy.

The policy, which resulted in large numbers of potentially damaging documents and CD-ROMs being destroyed by British American Tobacco, emerged during a damages case brought by cancer sufferer Rolah McCabe.

Companies can be prosecuted even if no specific policy for document destruction exists but it occurs because of the corporation's culture.

"If it can be proved the culture of a corporation permitted the destruction of documents that are likely to be required in evidence, that corporation can be found guilty," Mr Hulls said yesterday.

Professor Sallmann's report last year recommended a new statutory criminal offence dealing with "the worst and most blatant instances of the destruction of material relevant to civil litigation". He said it should cover "highly negligent destructions as well as intentional ones".

The company and its advisers, law firm Clayton Utz, were criticised by the primary judge but his findings were overturned on appeal in the Victorian Supreme Court.

A spokeswoman for Clayton Utz declined to comment.

In April 2002 Supreme Court judge Geoffrey Eames struck out the defence of BAT Australia due to the destruction of documents and made several comments and findings critical of Clayton Utz's conduct.

However, the Court of Appeal exonerated Clayton Utz, saying there was no evidence the firm had devised a strategy for the destruction of documents.



Photo: JASON SOUTH

Part on insider trading charges in July.

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Mr Lay was Mr Vizard's accountant and a director of some Vizard companies. ASIC said his refusal to give evidence made it impossible to bring a criminal charge against Mr Vizard. He was charged with a civil breach of director's duties and pleaded guilty. Last night, ASIC chairman Jeffrey Lucy said the corporate watchdog had yet to find evidence a group of people who reportedly invested in

Sausage about the same time as Steve Vizard had inside information. ASIC had received a document relating to the trading, from Melbourne's *Herald Sun*, but had not found enough information to elevate its inquiries to the status of an investigation, he said. Mr Vizard has admitted investing in Sausage Software after receiving confidential Telstra boardroom documents indicating its share price would rise.