Legislative Council

Tuesday, 26 February 1985

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

"HANSARD"

Delay

THE PRESIDENT: Honourable members, I have received today this letter addressed to me re the weekly *Hansard*—

> The Government Printer has advised me that certain of his employees who work in non-airconditioned areas have decided to stop work when the temperature is above 37°C.
>
> This has caused a delay in the production of Hansard No. 1. A limited number of books will be delivered this afternoon, and the rest will be delivered tomorrow morning (Wednesday).
>
> Yours sincerely,
> N. J. BURRELL,
> Acting Chief Hansard Reporter.

LEGISLATIVE COUNCIL

Chamber: Filming

THE PRESIDENT: Honourable members, I have received a request from Sound Images who specialise in audiovisual productions for permission to photograph part of a parliamentary sitting.

The film is to be incorporated into a documentary for the WA Technology Directorate on high technology in Western Australia. It is my intention to approve of this request for the filming to take place tomorrow afternoon unless I receive from members sufficient reasons why I should not grant such approval.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Report

HON. JOHN WILLIAMS (Metropolitan) [4.35 p.m.]: I am directed to present the fourth report from the Standing Committee on Government Agencies. The report is a review of the operations of the committee for 1984. I move—

> That the report do lie on the Table and be printed.

Question put and passed.

The report was tabled (see paper No. 464).

OCCUPIERS LIABILITY BILL

Second Reading

Debate resumed from 21 November 1984.

HON. I. G. MEDCALF (Metropolitan) [4.37 p.m.]: This Bill could well have been brought before the House by the previous Government in one form or another had we had it ready. I want to refer briefly to its origin. It arose because I received a letter of complaint from a lady who had slipped over in the Bentley Shopping Plaza. She had been into Charlie Carter's shop; she had spent 25 minutes there, made her purchases, and had then gone out into the common foyer in the plaza with a view to going to the chemist's shop. While proceeding from Charlie Carter's to the chemist's shop in the common foyer, she slipped apparently on some greasy substance thought to be food or something similar, and broke her leg.

When a claim was made in due course by her solicitors on her behalf to the owners of the shopping centre, they naturally referred it to their insurers who denied liability on the ground that she was in the common area and was, therefore, what is called in law a "licensee" and not an "invitee". Had she been an invitee she would have had a claim, but because she was a licensee, the insurers denied liability. The difference between an "invitee" and a "licensee"—words which sound very technical, but really are not—is that an invitee is a person from whom one is likely to receive some pecuniary or monetary advantage if such person comes onto one's premises. If one is an occupier of a shop one's customers will be invitees. A licensee on the other hand is a person from whom one does not expect to receive any monetary advantage even though one consents to his entering one's premises. It may be somebody walking through the place but not a customer, or someone who is allowed to come onto the premises for one reason or another.

Different duties are owed at law to a person depending on whether the person is an invitee or a licensee. For example, if a person is an invitee the occupier of the premises has a duty to take reasonable precautions to keep the place in good order and a liability accordingly. The occupier has to take reasonable care to inspect and maintain the premises and see that they are kept in a safe condition.

There is a lesser duty on the part of the owner or occupier to a licensee. All he has to do is to warn a person of any concealed dangers or traps which might harm him or her where the owner or occupier knows about those dangers or traps. A very different responsibility or duty is owed by the

occupier to a person, depending on whether the person is an invitee or licensee.

The lady slipped over in the foyer of the Bentley Shopping Centre and the landlord, through the insurance company, stated that she was a licensee only because he did not get any monetary advantage or did not seek any monetary advantage from her presence. In the circumstances, the landlord did not owe any duty to her to keep the place in a safe condition and to inspect it and maintain it. He was responsible only if there were concealed traps or dangers which he actually knew about. Had she slipped over in Charlie Carter's or the chemist's shop where she was likely to engage in a purchase, she would have been an invitee. She was an invitee as long as she was in Charlie Carter's or the chemist's shop. However, while she was walking in the area between those premises, she lost her protection.

Because of the obvious discrimination, it appeared necessary for some action to be taken. We could do nothing to help her because she had a civil claim and the matter was thereupon referred by me to the Law Reform Commission. As the Minister said in his second reading speech, the Law Reform Commission produced a paper in about November 1982. In that paper the commission suggested that while the matter was an appropriate one to be referred to the Law Reform Commission, it had so many matters to study that perhaps legislation should be introduced based on the United Kingdom Act of 1957.

The Law Reform Commission's paper raised a number of questions as to the best method of approaching this problem; Western Australian law had followed the old traditional English common law before the United Kingdom Statute was passed in 1957. The English law made a distinction between invitees and licensees which was changed by the 1957 Act.

The English Act caused quite a stir and one or two judges expressed the view that it was inappropriate. However, Lord Denning, in a case, said—

> "... It [the Occupiers' Liability Act 1957] has been very beneficial. It has rid us of those two unpleasant characters, the invitee and licensee, who haunted the courts for years, and it has replaced them by the attractive figure of a visitor, who has so far given no trouble at all. The Act has now been in force six years, and hardly any case has come before the courts in which its interpretation has had to be considered . . . ."

So there was some advantage in turning to the English legislation and having a look at what was being done in other places.

Although the English legislation made the position of invitees and licensees the same, it did not include trespassers. "Trespassers" are those who have no lawful right to be on premises at all and include people who might be involved in the commission of a crime or who have some nefarious purpose for being on the premises. "Trespassers" also includes children who stray onto premises, people who walk through the premises taking short cuts, people involved in recreational activities, and so on. Strictly speaking they have no lawful right to be on the premises.

These wanderers were also excluded from the English Act. They have been governed by a separate rule, and continue to be, even after the passage of the 1957 Act. The separate rule was called the common humanity rule according to which no-one is permitted to set mantraps for people or to deliberately create dangerous situations in order to cause an injury. Under the common law of England one was not permitted to harm a trespasser or to act with deliberate disregard for the trespasser's safety. Nevertheless, they were not included in the new Act.

As I said, the English Act dealt only with lawful entrance and did not deal only with unlawful entrance. The New Zealand Act dealt with lawful entrance only and not with unlawful entrance. However, the English law was not followed in Scotland. The Scottish Act was passed in 1960 and it included trespassers so that they were also to have the benefits of the Act.

Various Canadian Provinces considered the English legislation, the Scottish legislation, and the legislation of other places and included qualifications of various kinds in their legislation in relation to trespassers and others.

The legislation enacted in various countries has been a bit of a mixture and this has made it a little confusing as to which legislation we should follow.

The legislation which is now before us, generally speaking, follows the Scottish Act. It makes an occupier liable to any person. It does not simply refer to a visitor who is defined to be an invitee or licensee. The care which an occupier is required to show is care for any person entering on the premises in respect of dangers due to the state of the premises. The premises must be reasonable so that an entrant will not suffer any injury or damage.

The Bill includes all people whom I have mentioned, including trespassers, children, wanderers, illegal campers, motorcyclists, and others who have no right to be on the premises. It also includes those more dangerous trespassers such as burglars, thieves, and other people who commit

criminal offences and who are included within the purview of clause 5 of the Bill.

I approve of the provisions insofar as they apply to licensees, invitees, and other people but not as they apply to trespassers committing crimes or entering upon premises with the intent of committing crimes. I see no reason that a burglar, thief, or vandal who wrecks a house or furniture should have the right to sue because that person happens to slip on a cake of soap in the bathroom, trip over a rolled up carpet, fall through a glass door, or sustain some other injury, while carrying out his business of committing a crime.

There is no reason in the world that we should give this protection to those people. I have already indicated that if we were in Government we would have put forward a similar Bill in relation to those people who have a genuine claim equating the position of invitees, licensees, children and other people who happen to wander inadvertently onto a property or take a short cut, but not people who have committed or who are found in the act of committing an offence.

I suggest to the Attorney that that is an area that should receive attention. The possibilities of trespassers bringing proceedings against an occupier or owner when he happens to be injured in the course of burgling or stealing are legion. This normally happens in the absence of the owner or occupier and it would be too bad if the burglar fell over a roll of carpet and broke his leg and rang the police and said, "I am here, come and get me", and then sued the owner because he had left a rolled up carpet in the doorway. I do not think the owner in that case would have had any intention of harming the burglar, but the accident occurred because the owner may have left in a hurry.

The Attorney may say that this is covered by clause 5(2) of the Bill which says that risks may be willingly assumed by people.

Hon. J. M. Berinson: I would be more inclined to suggest subclause (3)(b) and (d).

Hon. I. G. MEDCALF: I will come to that.

The Attorney may say that it is caused by people willingly being on the premises and that if they go onto premises of their own volition there is a principle of law which states that if a person undertakes some dangerous action of his own volition, then he willingly consents to it and he cannot, thereafter, complain and that that will cover the case of a burglar. I believe that is open to question.

One or two of the Canadian Provinces also thought that it was open to question. Certainly that was the case in Ontario where the Government specifically amended that section which covered those people who willingly went onto premises.

The Attorney may also say—he has already anticipated it—that the circumstances of entering a property may be taken into account by the court when it is assessing the damages. I would not like to rely on that, but it may well be the case. I believe we should have something a little more watertight than that. We should not have to rely on the judge saying, "After all, you were attempting to steal something". It would depend on the facts of each case and there could be long and involved arguments about that. However, we cannot overlook the fact that because of the largess of the previous and the present Governments the burglar would, undoubtedly, have legal aid for his claim and the occupier or owner would probably have to pay his own legal costs. The cards are stacked against the occupier or owner. I believe we should take some note of the advice of the Law Reform Commission.

I would like to quote paragraphs 4.14 and 4.15 of the Law Reform Commission paper which were referred to by the Attorney General. The paragraphs refer to trespassers and read as follows—

> 4.14 An important issue concerns the duty to be owed to trespassers. As noted above[2], the English Act does not apply to trespassers whose position remains governed by the common law. The same approach is adopted in New Zealand. However, in all other jurisdictions a statutory duty has been imposed or recommended in relation to trespassers. Broadly speaking, the duty adopted or recommended has either been a duty to take reasonable care[3] or a duty not to deliberately harm or recklessly disregard the presence of a trespasser[4].
>
> 4.15 It is appreciated that this is a sensitive issue, principally because the kinds of people who are characterised in law as trespassers differ considerably[5]. As suggested above, consideration could be given to the approach adopted in Ontario as a desirable compromise. This would impose upon occupiers a duty of reasonable care in relation to trespassers not engaged in criminal activity. On the other hand, occupiers would owe trespassers on premises in the course of criminal activity only a duty not to deliberately, or through recklessness, cause them undue harm[6]. Of course, when deciding whether the duty of reasonable care had been fulfilled, the fact that the entrant was a trespasser would be a most relevant consideration. As well as being adopted in Ontario, this approach is essentially the same as that recommended in

Victoria (as a second choice) and New Zealand.

It was recommended in New Zealand by the Law Reform Commission after the passage of the Government's legislation. I do not think it has yet been adopted. I strongly commend to the Government that it would be desirable to take the Ontario approach and to provide that a trespasser in the act of committing a crime would not be included in this Bill. That person would then be covered by common law. It means that a person cannot do things with reckless disregard of the possibility of harming someone and that he cannot set concealed mantraps or create concealed dangers with the deliberate intention of injuring even a person with criminal intent.

I hope the Government will agree to such an amendment to clause 5 in order that there will be no liability to the criminal trespasser except in the circumstances mentioned—in other words, only if there is some concealed trap or reckless disregard of the person's status as a human being. Other trespassers such as children and people taking short cuts through properties would be covered by the legislation. I suggest that only the criminal trespassers should be excluded from this Bill. It will, of course, also include trespassers under the Police Act.

If we were to use the words of the Ontario Statute alone we would be referring to people committing a criminal act. Because we have a Criminal Code there may be some argument as to what is a criminal act: Is a criminal act the committing of a crime or does it include any kind of criminal offence?

For those reasons I believe we should enlarge slightly on the Ontario definition and I suggest that we should include as well as the persons committing a criminal act an offence punishable by imprisonment. That term has been used by one or two other Canadian Provinces.

In other respects I believe this Bill is a salutory measure and one which we would have introduced had we been in Government. The present Government has to thank the previous Government for this legislation and I shall await a word of thanks from the Government with great interest.

I commend the Government for proceeding with this legislation—it need not have proceeded. It is a good thing and I suggest that an amendment is appropriate in the Committee stage.

HON. D. J. WORDSWORTH (South) [4.59 p.m.]: I am concerned about this legislation in regard to its effect on those people carrying on the business of farming, and I should like the Attorney to expand on the liabilities of landowners.

For a long time farmers have had a problem with people who have come in through the farm gates perhaps with the intent of selling the farmer a certain product, or even making inquiries in regard to direction, or to go fishing or mushrooming. The responsibility placed on the farmer in regard to uninvited visitors is a little unfair.

For example, a salesman on a farmer's property could drive onto a cattle ramp which was under repair and damage his vehicle and then say that the danger was not signposted. Another example, of course, is where an uninvited visitor decides to walk across the farm to see a farmer whom he can see driving his tractor at the other side of the farm.

Nowadays many farmers are using electric fences—in fact, they are commonplace—and although these are fully tested to ensure that the shock from them would not kill a man it is not very pleasant to receive the 5 000 volt shock in the arm which these fences can inflict. If a person touched such a fence for any length of time, he would be killed.

[Questions taken.]

I heard a story about a horse which backed into one of these fences and did not have the good sense to take off. It died after a certain number of shocks had been delivered to it. On my own property a kangaroo hopped up between an outrigger on an electric fence and an ordinary fence and it did not last very long. I have seen a cow getting bogged with its nose pressed against an electric fence and it did not last very long. Therefore, it can be seen we are dealing with fences which carry very strong electric currents. After one charge, one makes off in the opposite direction from the fence, whether one be human or animal. However, it could be said that when a person with a weak heart touched an electric fence, it could give him a heart attack.

Hon. J. M. Berinson: Have you erected any warning signs?

Hon. D. J. WORDSWORTH: I do not believe a law or international regulation covers the matter, but when farmers buy these electric fences, they can also buy a little sign which says "Electric Fence".

Hon. J. M. Berinson: Did you buy one?

Hon. D. J. WORDSWORTH: However, when one erects 20 miles of fence, where does one place the notice? The notice is only 6in. by 3in. in size. One such international sign depicts a hand grabbing a bolt of electricity, and it says "Warning". I would question whether such a sign gives people sufficient warning as to the nature of the fence. If

the sign bore the words "5 000 volts", that would be a far better warning.

These sorts of matters worry landowners. These days farmers do not want people to come onto their properties to try to sell them various items. Farmers can go to the marketplace to sell their goods and purchase what they need without having salesmen chasing all over their properties with the ability, under this legislation, to charge them should an unfortunate accident occur.

The Attorney should make a statement in layman's language as to the effect these amendments will have on people involved in various businesses and, in particular, on those who work on the land.

It could be argued that such cases will be covered by public risk insurance. We heard such an argument advanced in respect of the legislation which dealt with straying stock. It is possible such an accident would be covered by public risk insurance, but the cost of such insurance is increasing. This is the case not only in respect of straying stock, but also in respect of escaping fire, and recent judgments have been issued by courts granting large sums against the landowners involved. Thus it can be seen the cost of public risk is ever-increasing.

I do not know what "sufficient warning" is. Perhaps the Attorney could comment in respect of the sign one often sees which says "Trespassers will be prosecuted".

When we were renovating our old house in Esperance it created much interest. Many people came to inspect the house, something which we enjoyed and encouraged when we were involved in the renovations. However, it was something of a shock when we were living in the house to find visitors wandering into the bathroom while my wife was having a bath. We erected signs which said that trespassers would be prosecuted and the problem was resolved. However, I do not believe such signs have any legal significance. I question whether under this legislation the sorts of warnings to which I have referred will be sufficient as they relate to electric fences and other hazards.

HON. P. H. WELLS (North Metropolitan) [5.27 p.m.]: I shall raise a couple of questions to which the Attorney might give consideration in his reply. I do not oppose the concept that the rights of individuals should be protected and that this should be spelt out clearly, but consideration should be given to the type of protection given.

This Bill covers a broad range of liability, not only in relation to commercial premises, but also in respect of a person's own home. I would be interested to know what sort of liability a home owner would have for an injury to a milkman who runs across an unfenced lawn and trips over a hose. Is it the responsibility of the home owner to ensure there are no hazards on his lawn, because someone might trip over them? It appears to me that, if a home owner provides a path to his front door, people should enter by that means. I suggest a wide range of claims could be possible if a home owner is liable for what occurs to a person who enters his property in various ways other than by means of the path provided.

Could the Attorney indicate whether the Bill covers such a situation and whether the resident is liable to ensure not only that the entrance to his property is free from hazards which could cause injury to people, but also that no hazard exists in other areas, such as on his front lawn, across which people may move to get to his door?

This Bill was introduced in October and has remained on the Notice Paper over the summer recess. Could the Attorney indicate what sort of information was distributed about the Bill to ensure that a range of people were able to have some input and the types of responses he has received?

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.30 p.m.]: I thank members who have spoken in this debate for their general support of the Bill and I will restrict my comments in reply to the specific matters put forward for my attention.

Hon. Ian Medcalf concentrated on the question of criminal trespassers. I would think that by a combination of provisions in the Bill the potential problem to which he referred is adequately covered. I would not like to put too much weight on the provisions of clause 5(2), but I put it to him and to the other members who spoke that everything we are doing is subject to the qualifications of clause 5(1), the clause which imposes the new liability. It defines the care which is to be provided by occupiers, and towards the end of that subclause it provides that there must be "such care as in all the circumstances of the case is reasonable".

I have on occasions had cause to suggest in a number of analogous debates that the courts are well experienced in making judgment as to the degree of care which is reasonable in all the circumstances of the case, and there is no reason to doubt that they would be applying an appropriate standard to the relevant questions here as well.

Clause 5(3) provides that, without restricting the generality of the subclause to which I have previously referred, certain specific matters must be taken into consideration. Two such matters which I think would be relevant to this question of the trespasser are paragraphs (b) and (d) of clause 5(3).

The first of these paragraphs calls on the court to consider the circumstances of the entry onto the premises, and the second of them requires the court to consider the knowledge which the occupier of the premises ought to have had of the likelihood of persons or property being on the premises. I know that one's ability to anticipate events are sometimes stretched by the courts, but I would not expect them, in the case of premises, to call on occupiers to anticipate that people will be breaking into their premises; that would be taking that sort of concept much further than a court is likely to accept. That taken together with the requirement that all the circumstances of the entry should be considered would, I think, provide adequate protection against the sort of claim that Mr Medcalf anticipates as being possible. Having said that, I do appreciate that there is a residual sort of argument in what he says: Why leave it up to the application to the Legal Aid Commission and all the processes which follow that? I would be prepared to concede that there is something to be said for that argument; on the other hand it is necessary to keep that within bounds, otherwise a lot of our Acts would end up even longer than they are at the moment.

Hon. I. G. Medcalf: Don't you think that a judge these days would say that you should have realised that if you left your premises, someone would break into them?

Hon. J. M. BERINSON: I would not expect a judge to say that and I would be disappointed were a judge to say that; and I say that with the full understanding of the current state of the Interpretation Act.

I do not believe that an amendment is necessary and I do not propose to sponsor an amendment. It was not clear to me whether the honourable member was prepared to move an amendment of that kind. If that is his intention and if he is in a position to move his amendment today, I would like to hear what he has to say and to be in a position to consider the terms of it.

Hon. I. G. Medcalf: I can put it on the Notice Paper if you would like to adjourn the Committee stage until tomorrow.

Hon. J. M. BERINSON: I am happy to follow that procedure. I will jump now to Mr Wells' inquiry about the extent of the circulation of the Bill. I am sorry but I do not have my relevant file here, although my recollection is that the Bill was circulated to the usual people, such as the Law Society and, from memory, various groups interested in property management. I think about five or six representative groups were involved.

I can say in response to the later part of his inquiry that to the extent we had a response, it was favourable, but a number of groups to which the Bill was circulated did not respond at all. In these circumstances and given the time which has elapsed, I think we are entitled to take silence as acquiescence. No opposition was expressed and what replies we received indicated support.

The particular cases that Mr Wordsworth and Mr Wells raised are difficult to deal with in isolation in a satisfactory way. If we are to proceed on the basis of examples it may well be that these are not representative of a range of problems. To take the two matters specified and to deal firstly with the question of the electrified fence, let me suggest to Mr Wordsworth that there may well be no significant difference between what this Bill provides and what is the current position in relation to perils of that kind. That is to say, acknowledging that electrified fences can be as dangerous as the member suggests, even a licensee today would be entitled, under common law rules, to more warning than one sign over 20 miles of fence. To that extent I do not think we are taking the argument very far with that example.

Much the same can be said for the milkman referred to by Mr Wells. I hesitate to rely on my memory of the relevant cases, but my understanding is that the milkman would not be a licensee but an invitee, in which case the higher standard now applying would apply to him as well. So I would think that any risk now attaching to Mr Wells' public liability insurers is much the same for his milkman, with or without this Bill.

Hon. P. H. Wells: Even if he uses the wrong entry, such as the lawn?

Hon. J. M. BERINSON: I would suspect so, but this is not really a situation in which I would attempt definitive statements of the law, attaching as they do to hypothetical situations. This Bill makes it clear that an occupier is required to take reasonable care in all the circumstances of the case; that is what it says and that is what it does. I can take it no further than that on the basis of hypothetical situations. It would be reasonably dangerous on my part to do so, and unlike Mr Wells with his milkman, I do not have insurance to cover errors I might make.

It is clear enough that this Bill has the general support of the House, and I thank members for that support.

I will take up the suggestion that was made earlier. After the vote on the second reading, we will not proceed to the Committee stage today. That will allow consideration of Hon. I. G. Medcalf's proposed amendment.

Question put and passed.

Bill read a second time.

LOCAL COURTS AMENDMENT BILL

Second Reading

Debate resumed from 19 February.

HON. I. G. MEDCALF (Metropolitan) [5.41 p.m.]: The Opposition supports this Bill, which simply seeks to bring the small debts division of the Local Court into line with jurisdiction of that of the Small Claims Tribunal, and that concept is quite correct.

As the Minister has indicated in his second reading speech, the jurisdiction for both courts was the same—$1 000—and when the jurisdiction of the Small Claims Tribunal was extended to $2 000, it became implicit that the small debts division should have the same authority.

For those reasons we support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

JUSTICES AMENDMENT BILL

Second Reading

Debate resumed from 19 February.

HON. I. G. MEDCALF (Metropolitan) [5.44 p.m.]: This is also a fairly short Bill, but it contains some matters of more moment than does the previous Bill, and some of these matters should be thought about by this House.

Currently if a person is charged with an offence and remanded in custody that person must be brought back to the court every eight days to have his position reviewed. This eight-day remand period has been in the law for a long time. This remand period has also been found inconvenient for a long time by many people, particularly by the police and prison officers who have to be present in the situations which are mentioned in the second reading speech; indeed, as mentioned in the Law Reform Commission discussion paper on this subject, often when it is decidedly inconvenient. Particularly when the remand of a number of prisoners falls on the same day when many prison officers and police officers must therefore be engaged in transporting them and with their security.

I concede that there are some very good reasons for having flexibility in relation to the remand period, and these points are made very well, as the Attorney General pointed out in his second reading speech, in the Law Reform Commission's discussion paper on Courts of Petty Sessions, a paper which was issued a few months ago.

There were, however—and this should not be overlooked—some very good reasons for the eight-day remand period. One of the main reasons—I believe it is probably the principal reason—was to prevent unnecessary detention for long periods. The principle behind this goes back centuries to the time when some of our most ancient freedoms originated, when people were detained without trial, and when it was necessary to have a writ of *habeus corpus* in order to bring people before a court or to bring them out of their dungeons or prisons wherein they were incarcerated. While that situation no longer applies and our prisons can no longer be described in that unhealthy manner, certainly not by me, nevertheless, it is still just as important for people to have their freedom and not to be detained for any longer than is absolutely necessary.

The second and perhaps other very important reason that the eight-day recommended period was ingrained into law is that it is necessary to have as speedy a trial on an issue as possible. People should not be left in uncertainty with criminal charges hanging over their heads. This should not occur for very good reasons, not the least of which is that witnesses tend to die or disappear, facts become shrouded in all sorts of imaginative clothing, and people tend to forget. The human memory is very fallible and therefore it is necessary to have as speedy a trial as possible, particularly in criminal matters. Of course, it has always been the intention of successive Governments in this State to have criminal trials brought on as speedily as possible, sometimes at the expense of civil trials.

Another reason for having the eight-day remand period was to ensure that there was no tardiness by the prosecution, because this could also occur. No matter how well-intentioned a prosecution is, Crown law is often very short-staffed, as indeed it has been for some years in this State, and if a particular matter does not require being handled urgently, it may well be left in the "too hard" basket or, at any rate, other matters may have to take priority.

Finally, this remand period was designed to avoid delay in committal proceedings and to give an accused person the opportunity to air his case and make a complaint of some sort before the magistrate at the time he comes up for remand. The fact that a complaint is aired, even if the magistrate cannot personally do anything about it, will in many cases mean that the complaint will be rectified.

Indeed, when the prisoner comes before the court, he will also have another opportunity to apply for bail, so that he is not left languishing in prison. They are the very good reasons for the eight-day remand period.

The Opposition concedes there should be some flexibility in this area, because of the problems and difficulties which have been adverted to—the problems of manpower and the fact that prisoners themselves often find it inconvenient to have to parade themselves before a Police Court, go into a separate lockup and have their fingerprints taken, and all the other things that go on whenever they go into a new police area.

For those reasons we do agree that a change is desirable, but what I am concerned about is that at this stage we have merely reached the discussion stage of the Law Reform Commission paper. The Law Reform Commission has issued, as usual, an excellent paper in which it has raised all the issues which are relevant. Many other matters which are to do with the Justices Act are raised in the paper as well, and this particular matter has been raised. The commission has asked people for submissions. It has asked the public, the legal profession, and anyone who is interested in this subject, to make submissions on what they think about it.

The Government is now acting, without awaiting those submissions, and that is a cause for some slight concern. I would have thought that perhaps it would be desirable to await the report of the Law Reform Commission, but the Government has decided, probably for manpower reasons more than anything else, that it wants to act now.

While I do not oppose that, I do draw attention to the fact that a prisoner who is undergoing a custodial sentence may be put in a difficult position as a result of the provision which is to be inserted in this legislation. The situation is this: We are now proposing to amend the Justices Act to provide that where a defendant is already imprisoned then, provided he consents he can be remanded for any length of time up to the time when his term of imprisonment ends. If he is there for two or three years—to draw a long bow—under this provision, he can by consent not come up for remand again for another couple of years. Of course, the prosecution would have the opportunity of bringing this matter forward at any time during that period, but I do not know that the prisoner would have such an opportunity, if he changed his mind.

I think that prisoner may have only one opportunity; that is, when he consents. If he consents that his remand may endure until the end of his present term of imprisonment, what if he changes his mind? What if he does have a complaint? We may be working a hardship on the prisoner in these circumstances, particularly if he is in some kind of psychotic state as sometimes such a prisoner can be, and particularly if he is suffering from shock, having been imprisoned recently with further charges pending. Sometimes this happens, and I do not know that it is satisfactory that he gives his consent and that that may be the end of the road, until such time as the prosecution is ready to proceed.

That could work the other way as far as Government revenue is concerned. He could continue to be imprisoned for a longer period, because if he were tried during his current term of imprisonment, the punishment of further imprisonment could be made concurrent with his present term. There are all sorts of considerations to this matter, and no doubt this will exercise the mind of the prisoner, or if he is fortunate enough to be advised by the Legal Aid Commission, the practitioner allotted to his care.

I draw attention to that fact. I do not know what can be done about it. I am just a little concerned. I appreciate that the Government has said that this is an interim measure only. It is on an interim basis. The Attorney General has not explained that it is basically due to manpower reasons. I do not know whether that is the reason, but I suppose it is. I can understand that flexibility is necessary.

I say that we will go along with it, but it is too long a period to leave the prisoner until the expiration of his current sentence. I know he will not necessarily be left that long, because the prosecution will bring the trial on when it is ready. There is no compulsion on the prosecution. An eight-day remand is like an alarm clock that goes off all the time; it brings people to heel. In the meantime I suppose if the prisoner knows that some of the witnesses will flee the jurisdiction, or that someone will remove them in some other way, he may well be disposed to consent to this arrangement.

There are many if's and but's, and I would have felt that it was better in the case of proposed

subsection 3(a), which is contained in clause 2, to still provide some period such as 30 days—some interim period. The duration of the prisoner's custodial sentence seems to me to be too long, and I would venture to say that that may well be the conclusion the Law Reform Commission comes to. It has only put this clause forward on a very tentative basis and has suggested that there may well be disadvantages in adopting the suggestion which is basically the same as this Bill, except for the reference to consent.

Those are the comments I want to make about that area of the Bill. Although I am not proposing to move an amendment, I draw attention to that matter and ask the Attorney General to look at it, because I believe what I have said is worthy of consideration. In our zeal for looking after the prosecution we should not forget that there are two sides to this question. The prisoner has his rights too and is often not in a position to bind himself indefinitely early in his prison sentence.

The other part of the Bill deals with part VII of the Justices Act relating to domestic violence. Perhaps Hon. Lyla Elliott may take an interest in the proceedings as she is chairing a committee on domestic violence. The new part VII on domestic violence was introduced late in 1982 and those provisions came into effect in May 1983.

According to all the reports I have heard from the courts, great use has been made of it. Indeed, in the first six or seven months no less than 500 applications were made under this part of the Justices Act, whereas, in the previous year there would not have been five in the same period. In any case, the previous provisions were quite futile because the police did not have a power of arrest and neither was there any effective sanction, such as imprisonment, in the previous law.

The Government went to great lengths to accommodate the views of many of the women's groups, but it also took in the views of other people in the community. When we were in Government and brought in part VII, the six months' imprisonment provision was inserted there for the very good reason that in many cases it was necessary there should be a period of imprisonment. Many people, including Rosemary Wighton from South Australia and her committee, the women's advisors group of the Department of Premier in South Australia, advised that there should be a period of imprisonment. It was taken as read that the offender had to be put away for a while.

There are situations where that may be too onerous. There are situations where perhaps there is damage to property rather than damage to a person, and in those circumstances it is desirable that the court should have a power to fine—a power it does not have at present.

I sincerely hope this will not be taken to be the let-out, as a result of which people who ought to be imprisoned will not be. Sometimes the only way the situation of domestic violence can be relieved is by removing the offender altogether from the premises.

With those words I indicate the Opposition's general support of the Bill.

Debate adjourned, on motion by Hon. P. H. Wells.

House adjourned at 6.00 p.m.

QUESTIONS ON NOTICE

499. *Postponed.*

TRANSPORT: AIR

Cargo: Capacity

502. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Transport:

(1) Has there been any reduction in weekly air cargo capacity on scheduled flights between Perth and Asian destinations since 1 March 1983?

(2) If "Yes" to (1), what representations have been made by the State Government, and to which organisations, to protest at the diminution of services?

(3) What has been the result of those representations?

Hon. PETER DOWDING replied:

(1) All scheduled international flights out of Perth have cargo capacity. All except one airline (MAS) use B747 aircraft.

On the week ending 9 March 1983, there were 17 scheduled departures from Perth Airport to Asian destinations. During the week ending 23 February 1985 there will be 17 departures from Perth Airport to Asian destinations. However, two of the departures will be by aircraft operating an irregular service.

Over the past two years there has been a decrease in connections with Singapore—from 10 per week down to seven per week. At the same time, there has been an increase in connections with Denpasar—from one per week up to two per week.

(2) Over the past few months, the State Government has made many representations on the subject of securing adequate cargo capacity out of Perth Airport on both scheduled and non-scheduled aircraft. The Premier has made representations. The Minister for Transport has made representations too, and held discussions with his Federal counterparts on this subject. Discussions have been held with and representations have been made to a number of existing and potential air service operators.

(3) (a) The Federal Government has advised that, in response to our representations, it is setting up an urgent review of international air freight policy as it applies to Western Australia and northern Australia. It is expected that the review will be finished by June 1985. A committee has been formed to make a detailed submission to the review. Relevant producers and exporters and the Government are represented on that committee;

(b) we detect an easing in the general attitude of the Federal Government towards granting permission for air cargo services to operate on non-scheduled routes such as Perth-Brunei;

(c) several air service operators have shown an interest in providing capacity for air cargo exports out of Western Australia. We are actively pursuing these interests. However, where scheduled airline services are involved, we realise that, in order to put these expressions of interest into effect, the terms of some bilateral agreements involving Australia would have to be either complied with or altered.

GOVERNMENT REPORTS

Public Comment

528. Hon. P. H. WELLS, to the Leader of the House representing the Premier:

(1) How many current Government reports are there on which the public has been invited to comment?

(2) Would the Premier give me the following details of such reports—

(a) title;

(b) date of release;

(c) date public comments required by;

(d) where copies of the reports are available for examination; and

(e) where copies are available for purchase?

Hon. D. K. DANS replied:

(1) and (2) If the member has specific concerns, I will give consideration for the matter to be examined, but I am not otherwise prepared to divert resources to supply this information.

HEALTH: HOSPITAL

Wanneroo: Radiologist

529. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

(1) Is there a radiologist on permanent call at Wanneroo Hospital?

(2) If not, what arrangements are there when a radiologist is required?

Hon. D. K. DANS replied:

(1) The hospital's appointed radiologist is contactable at home by telephone when he is not on duty at the hospital.

(2) Answered by (1).

ROADS: NORTHERN PERIMETER HIGHWAY

Commencement

530. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Transport:

(1) When will work commence on the northern perimeter highway?

(2) Has the development of this highway been separated into planned development stages for construction?

(3) If so, what are the stages of the area covered and the expected starting and completion dates?

Hon. PETER DOWDING replied:

(1) Although work has commenced on a short length of north perimeter highway associated with stage five of the Mitchell Freeway there is no programme for the construction of further sections of the highway.

(2) No. Planning for possible staging of future construction is being considered for discussion with local authorities, but details will not be available for some time. Construction of this highway should be regarded as long term.

(3) Answered by (2).

EDUCATION: HIGH SCHOOLS

North Metropolitan Province: Enrolments

531. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Education:

(1) What is the present enrolment of students in secondary schools in the North Metropolitan Province?

(2) What was the equivalent enrolment at the same time in 1984?

Hon. PETER DOWDING replied:

(1) and (2)—Enrolments in North Metropolitan Province Government Secondary Schools:

	1984	1985
Greenwood SHS	1 262	1 204
Wanneroo SHS	1 166	1 124
Carine SHS	1 255	1 308
Warwick SHS	843	981
Scarborough SHS	1 006	944
Craigie SHS	1 241	1 172
Duncraig SHS	1 238	1 350
Ocean Reef SHS	411	671
Woodvale HS	—	178
TOTAL	8 422	8 932

It should be noted that these are preliminary figures. The annual census of schools in March provides a more accurate indication of student enrolment numbers.

TRUSTEES: PRIVATE

Land Purchase: Powers

532. Hon. I. G. MEDCALF, to the Attorney General:

In view of the desirability of the private trustee companies being given similar powers to purchase land to those conferred upon the Public Trustee by an amendment to his Act in the autumn session of Parliament a year ago, and the Attorney General's statement that his inclination would be to support uniform treatment in respect of ability to purchase land for the Public Trustee and the private trustee companies alike, will the Attorney General advise—

(1) Is he now prepared to recommend the introduction of legislation into Parliament to permit the private trustee companies to have similar treatment in respect of ability to purchase land to that conferred upon the Public Trustee last year?

(2) If not, why not?

(3) What action has been taken by the Government to implement the other recommendations of the Law Reform Commission in relation to trustees' powers of investment (Project No. 34 Part V)?

Hon. J. M. BERINSON replied:

(1) to (3) The Law Reform Commission report on trustees' powers of investment is the subject of consideration by an interdepartmental committee headed by the Director General, Office of Economic Development. The committee is expected to report in 1985 and its report will then be considered by the Government.

TRADE: CHINA

Contract Negotiations

533. Hon. NEIL OLIVER, to the Leader of the House representing the Premier:

In the brochure distributed at the launching at the Western Australian Exim Corporation Limited it was stated that—

> The over-riding aim of EXIM is to assist and complement the emerging credibility and success of W.A. firms entering foreign markets.
>
> Government endorsement and new initiatives through EXIM are intended to expand these markets and make them more enduring.
>
> Government to Government relations with trading partners and particularly with China are vital in opening up opportunities with these countries.

(1) Is the Premier aware that the Peoples Republic of China prefer trade not to be conducted on a Government to Government basis, but have expressed a desire for their local instrumentalities, organisations and industries to undertake individual contractual negotiations?

(2) If "No" to (1), from what source did the Premier draw the conclusions in the statement?

Hon. D. K. DANS replied:

(1) No.

(2) Ministers of the Chinese Government and senior officials have made it clear that, while Chinese instrumentalities and enterprises are free to deal with private organisations overseas, there is no objection to their dealing with Government related organisations. Indeed, in some instances, the Chinese authorities show a preference for this form of trading relationship.

In dealing with Exim, the Chinese have the benefit of commercial flexibility on the Western Australian side combined with the standing attached to close Government association.

HORTICULTURE: GRAPES

Chiller: Surplus

534. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

I refer to the answer to question No. 500 on 20 February 1985—

(1) Is the Minister aware—

(a) that there will be a large surplus of table grapes this season;

(b) that financial returns to growers have already been reduced due to the surplus; and

(c) that refrigeration of table grapes can extend the local season and increase the financial return to growers?

(2) From what source did the Minister draw the conclusion that "Growers appear reluctant to cart grapes to a central facility"?

(3) On the basis of the statement in (2) above, have growers requested assistance for long term storage *in situ* for the local trade?

Hon. D. K. DANS replied:

(1) (a) The mid season table grape market is usually heavily supplied but I am not aware of grapes offered for sale being left on the market floor;

(b) cool conditions in December and January held up ripening and a limited supply of early season grapes fetched high prices; recent hot weather has accelerated ripening of a number of varieties resulting in large quantities of grapes being offered for sale. Returns to growers have held up well considering the volume of fruit available;

(c) yes.

(2) In hot conditions, fruit should be placed in cool rooms immediately after picking and continuous delivery to a central store could not be considered by most growers, whereas picking into their own cool rooms is a practical alternative.

(3) No.

BUSINESSES: WESTERN AUSTRALIAN BUSINESS COUNCIL

Meetings

535. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Industrial Development:

(1) How many meetings of the Western Australian Business Council have been held for the six months ended 31 December 1984?

(2) Who are the members of the WA Business Council?

Hon. PETER DOWDING replied:

(1) and (2) The Western Australian Business Advisory Council is an initiative of the Federal Government. To obtain the information sought the member is recommended to contact the Federal Minister for Trade, Hon. John Dawkins, MP, who is convenor of this council.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cabinet: Recommendation

283. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister made a recommendation to Cabinet on redundancy and termination of employment provisions?

Hon. PETER DOWDING replied:

Yes.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cabinet: Decision

284. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

When will the Cabinet make a decision, and when will that decision be announced?

Hon. PETER DOWDING replied:

I have today announced the decision of Cabinet and that was to indicate that if the Government is given an opportunity to intervene it will support the proposals consistent with the decision of the Federal commission.

The State Government believes that the interests of small business are very well protected by the exemption levels of the Federal commission's statement and that something in excess of 90 per cent of small businesses will not be affected by these redundancy provisions.

Also the State Government has made it clear that it will support the opportunity for individual employers who may be adversely affected by the provisions to apply to the commission for exemption or for some variation of those provisions. I have made a detailed statement and I will make a copy available to the Leader of the Opposition as soon as I have a printed copy in this building.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cabinet: Recommendation

285. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Before making a recommendation to Cabinet and before the announcement of the Cabinet decision, did the Minister consult—

(i) The Confederation of Western Australian Industry (Inc); or

(ii) The Tripartite Labour Consultative Council?

Hon. PETER DOWDING replied:

No formal consultative reference was made to the tripartite council. Under the circumstances it was considered to be appropriate for the Government to make a policy decision in relation to this matter.

The position of the confederation was taken into account when making that decision. Indeed, its position was conveyed to me by officers of the confederation on two occasions, and in particular I received a briefing from the confederation regarding its November survey of business people in Western Australia.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Application: Cost

286. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Prior to the Minister's making a recommendation to Cabinet or since Cabinet made a decision, has the Minister obtained or will he obtain cost estimates of a successful application to the State Industrial Commission with regard to the State Treasury, and also those involved in private enterprise?

Hon. PETER DOWDING replied:

The State Government has not had a detailed costing of these provisions made for the following reasons—

(i) These issues were very fully argued by the Federal commission and as the member will know a great deal of work went into representations to the Federal commission, not only in regard to the union's position, but also the State Government's position, and the position of employers. I doubt very much that more could be said that was not said before the Federal commission. We have made a close examination of all submissions and we were fully informed about them.

I have taken no action since that decision to have other costings made.

(ii) Approximately 40 per cent of the work force covered by awards in Western Australia is covered by Federal awards and 60 per cent by State awards. In that event the effect of the Federal commission's decision will be that we shall have workers side by side on the one hand under Federal awards in receipt of redundancy provisions and on the other hand, under State awards, workers who, in the view of the Government, should not be in any different position.

For those reasons and the reasons taken by Cabinet to support this application at a Federal level prior to my becoming Minister for Industrial Relations, Cabinet has also decided to support it before the State commission.

GOVERNMENT EMPLOYEES

Awards: State

287. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) Is the Minister aware that most people involved or employed by the State Government are working under State awards?

(2) Is the Minister saying that the Government and Cabinet are supporting the application regardless of the cost to the public?

Hon. PETER DOWDING replied:

(1) and (2) I did not say that at all. I made it clear that all these issues had been fully examined before the State Government made a decision to support the application before the Federal commission. No further cost analysis has been done in respect of the State position because the Government has taken the view that it is appropriate to comply with the Federal commission's ruling. The case has been exhaustively argued and all the positions that the Leader of the Opposition would no doubt wish to argue were fully argued before the Federal commission. We accept the decision of the umpire and we think in the circumstances that it is a proper course for the Government to take to say that if the opportunity arises before the State commission we will urge that the safeguards for small business be built into the provisions for the State.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Application: Representation

288. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

In view of the Minister's statement that the State Government will support the application, will it be represented before the Industrial Commission to argue for the success of the application?

Hon. PETER DOWDING replied:

That is a matter that will depend on the attitude of the State commission when the time comes for that proposition to be put.

TRUSTEES: PRIVATE

Land Purchase: Powers

289. Hon. I. G. MEDCALF, to the Attorney General:

With reference to question 532 and the answer concerning the power of the Public Trustee to purchase land—which power was conferred in legislation passed by this Parliament last year—and in view of the Attorney General's comments that his inclination would be to support uniform treatment, does he not consider it unfair that we passed the Bill in relation to the Public Trustee, but the Law Reform Commission's report has to be referred to the committee headed by the Director General of the Office of Economic Development before any action can be taken in relation to private trustees?

Hon. J. M. BERINSON replied:

Since the Bill would have made a deep impression on members, they will recall that the amendment to the Public Trustee Act related only to a limited capacity of the Public Trustee to invest in land. That capacity was restricted to individual estates and did not go to the common fund.

Much broader questions are involved in looking at the range of recommendations made by the Law Reform Commission and I believe that the limited power given to the Public Trustee in respect of land investment does not create any such disadvantageous position for the private trustee companies as to encourage us now to move ahead in a piecemeal fashion.

I am hopeful that the report on the Law Reform Commission's recommendations will be available reasonably soon, and that we will be able to have a comprehensive review at that time of the extent to which the current trustee's powers of investment should be extended.

CRIME: MICKELBERG TRIAL

Evidence: Television Programme

290. Hon. P. H. LOCKYER, to the Attorney General:

(1) Did the Attorney General see the television programme "60 Minutes" on Sunday evening, or has he since had a report of it, or has he viewed a video of the programme, which concerned doubt being thrown on evidence presented to the Western Australian Supreme Court in what was known as the Mickelberg trial?

(2) If the Minister is aware of the TV report, is he considering ordering a retrial, or is his department seeking further evidence that may perhaps lead people to believe there has been a miscarriage of justice and therefore a retrial is required?

Hon. J. M. BERINSON replied:

(1) and (2) I did not see that programme and have not caught up with it since. However, I am aware of the general background to it. I refer in this respect to a public statement which I have previously distributed and which has had some media coverage. That statement was to the effect that certain submissions have been made to the Government arguing that evidence which was presented in the Mickelberg trial was not reliable.

I have previously indicated that I have taken steps since that time to obtain an independant evaluation of those submissions, and that evaluation is now proceeding in the hands of overseas forensic consultants.

I have indicated also that I anticipate the results of this evaluation being available by about April of this year, and at that time the position as a whole will be considered. It is premature by far to try to predict at this stage what future action might be appropriate.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Minister's Address

291. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

Is the Minister going to address the national employment conference in this State on 17 April?

Hon. PETER DOWDING replied:

I am not in a position to answer that question. I do not know, from records that I have with me.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Minister's Address

292. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

Is the department for which the Minister is responsible organising that conference?

Hon. PETER DOWDING replied:

I will get the member an answer to that question. I will take it as being on notice.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Minister's Address

293. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

The Minister used to be very keen on Ministers knowing what was going on in their departments. Would he know whether he is charging a fee for his address to that conference?

Hon. PETER DOWDING replied:

I can hardly know what my position is when I do not know whether I am addressing the conference. I have told the member I will find out.

Hon. G. E. Masters: It is on the programme.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Minister's Address

294. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

Is it usual for the Minister to have his department put his name as a speaker on one of their circulars without telling him?

Hon. PETER DOWDING replied:

It is quite possible my office has been approached as to my availability. It may have been raised with me by my staff, but I do not have an instant recall of events which will happen on 17 April. I have told the member I will get him an answer.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Attendance by Members

295. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

If there is a conference run by his department between 17 and 19 April, would the Minister welcome members of this House going to that conference?

The PRESIDENT: Order! The member knows that is a hypothetical question and is out of order.

EMPLOYMENT AND TRAINING: EMPLOYMENT

National Conference: Venue

296. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

When the Minister is obtaining information about the conference that he is addressing at an extra fee for the dinner, would he also find out where the conference is being held so that the circulars from his department to members of Parliament indicate where such conferences are to be held?

Hon. PETER DOWDING replied:

I doubt very much, in my capacity as Minister for Industrial Relations, whether my office, or the Department of Industrial Relations, would be involved in organising such a conference. I do not charge for delivering papers.

Hon. P. G. Pendal: That is understandable.

Hon. PETER DOWDING: I do not understand the reference to the dinner. I certainly will not be charging for giving an address to anybody. The taxpayer can have that free.

I will, however, undertake to obtain whatever details the member would like about a conference to be organised in April and let him have those full details when they are available. It is certainly not unusual that speaking engagements of mine should be arranged some time ahead. It is certainly not unusual that those speaking engagements would be discussed with me in greater detail as the day draws nigh.

EMPLOYMENT AND TRAINING: SKILLS WEST '85

Ministerial Responsibility

297. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

Is the Minister responsible for the Skills West '85 programme?

Hon. PETER DOWDING replied:

Yes, Skills West '85 is a very significant—

Hon. A. A. Lewis: You are sponsoring it?

Hon. PETER DOWDING:—initiative which is being managed by the Department of Employment and Training. It is not an industrial relations exercise. In my capacity as Minister for Employment and Training, and through the Department of Employment and Training, it is a most welcome initiative in order to stimulate the opportunities for youth training and employment. It is probably an embarrassment to the Opposition because it seems, from the last unemployment figures, to have already started to have some major success.

COMMISSIONERS FOR DECLARATIONS

Applications

298. Hon. P. H. WELLS, to the Attorney General:

In connection with applications for commissioners for declarations, would the Minister inform me—

(1) How many people are employed in handling these applications?

(2) How long does it take to process such applications?

(3) What is the additional time taken to handle these applications because of the reported backlog of applications?

Hon. J. M. BERINSON replied:

(1) to (3) The processing of applications for commissioners for declarations has only recently been transferred to the Crown Law Department. It was previously with the Department of Administrative Services. These applications are now being processed in the same division of the Crown Law Department which deals with applications for justices of the peace.

I do not know that I can satisfactorily answer a question which would require me to subdivide the time of staff allocated to one sort of application as opposed to another. However, in round figures, my understanding of the position is that the processing of applications for commissioners for declarations takes the full-time services of about two members of staff. My view on encountering the backlog was that there was no urgency attached to the appointment of further commissioners due to the numbers available already and for the other reasons I set out in my circular to members. It would, therefore, not be a justifiable exercise to allocate extra staff for that purpose.

As a result, we are taking the other tack of applying existing staff to removing the backlog and, as my request for a moratorium would indicate, we expect that to take about six months.

COMMISSIONERS FOR DECLARATION

Applications

299. Hon. P. H. WELLS, to the Attorney General:

Has there been any change to the process of handling applications for commissioners for declarations since they have come within the ambit of the Minister's area of responsibility in the Crown Law Department as opposed to the way in which they were handled previously by the Corporate Affairs Office?

Hon. J. M. BERINSON replied:

I am not aware of the previous process, so I cannot draw a comparison.