

1957.]

*Western Australia (Sales-
Promotion Labels).*

[No. 58.

WESTERN AUSTRALIA (SALES- PROMOTION LABELS).

6° Elizabeth II., No. LVIII.

No. 58 of 1957.

**AN ACT to Authorise the Use of Distinguishing
Labels for the Promotion of the Sale of Western
Australian Goods.**

[Assented to 6th December, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Western Australia* Short title.
(Sales-Promotion Labels) Act, 1957.

2. This Act shall come into operation on a day Commence-
to be fixed by proclamation. ment.

Repeal of
No. 5 of 1931.

3. The State Manufactures Description Act, 1931 is repealed.

Construction
of this Act.

4. (1) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act so as not to exceed the legislative powers of the Parliament of the State the intention being that any portion of this Act which may be held to be in excess of that power shall, to the extent to which it is so in excess, be deemed to be severable from the other portion of this Act, and not to affect the validity or operation thereof.

Act does not
affect other
Acts, e.g.,
Criminal
Code, Health
Act, Fac-
tories and
Shops Act,
Sale of
Goods Act,
Trade
Descriptions
and False
Advertisements Act.

(2) The provisions of this Act are in addition to, and not in derogation of, the provisions of any other Act relating to goods.

Interpre-
tation.

5. In this Act unless the context requires otherwise—

“inspector” means a person having the authority of an inspector under this Act;

“prescribed label” means a label which is in the form prescribed;

“to sell” means to sell by wholesale or retail and includes to barter, to supply for profit, to offer for sale, to receive for sale, to have in possession for sale, to expose for sale, to send forward or deliver for sale, to cause or to suffer or to allow to be sold, and to dispose of or to offer to dispose of under hire purchase agreement; and inflections and derivatives of the verb “to sell” have correlative meanings.

Power for
Minister
to act on
advice of
advisory
committee,
and to
delegate
authority.

6. For the purposes of the administration of this Act, the Minister

(a) may call in the aid, and act upon the advice of, an advisory committee consisting of a representative, appointed by the Minis-

ter from a panel of three names submitted by each of the bodies known respectively as the Chamber of Manufactures, the Chamber of Commerce, the Trade and Industries Promotion Council, and an officer of the Department of Industrial Development;

- (b) may delegate all or any of his authority under this Act, except this power of delegation, so that the powers and functions may be exercised by the delegate; and
- (c) may whenever he thinks fit cancel any delegation conferred under this section.

7. (1) Where it appears to the Minister that the production or preparation of any goods is substantially carried out in the State, the Minister may, on application being made to him in writing setting out particulars of the goods, particulars of their production or preparation, issue to the applicant a permit authorising him to attach to the goods or to their container a prescribed label.

Power for
Minister to
authorise
use of
prescribed
labels.

(2) The Minister may include in the permit such conditions as, in the circumstances of the case the Minister thinks fit to impose in respect of the use of the label.

(3) The Minister may, by notice in writing, served on the holder of a permit so issued,

- (a) from time to time alter any of the conditions of the permit; or
- (b) cancel the permit;

8. (1) A person

- (a) who, not being the holder of a valid and current permit authorising him to do so and issued under this Act, affixes, or causes to be affixed to goods or their container a prescribed label; or

Offences
relating to
labels and
permits.

10. Persons appointed to and holding the office of inspector under the Factories and Shops Act, 1920, or under the Health Act, 1911, are by virtue of their offices, inspectors under this Act.

Inspectors.
Cf. No. 42 of
1936 as
amended,
s. 9 (1).

11. It is the duty of an inspector to see that the provisions of this Act relating to prescribed labels are being observed and, subject to the approval of the Minister and to the provisions of this Act, to commence and conduct prosecutions for offences under this Act; but the provisions of this section do not affect the right of any person to prosecute for any offence against this Act.

Duties of
inspectors.
Cf. No. 42 of
1936 as
amended,
s. 9 (2).

12. A person who by act or omission commits a breach of any of the provisions of this Act, commits an offence against this Act.

Offences
generally.
Cf. No. 42 of
1936 as
amended,
s. 13.
"This Act"
includes the
regulations—
Cf. No. 30 of
1918, s. 4.

13. A person guilty of an offence against this Act for which no penalty is specifically provided, is liable to a penalty of twenty-five pounds, and for a second offence to a penalty of seventy-five pounds, and for a third or any subsequent offence, to a penalty of two hundred pounds.

Penalties.
Cf. No. 42 of
1936 as
amended,
s. 14.

14. (1) The Governor may make regulations prescribing such matters as are contemplated, required, or permitted, to be prescribed by this Act, and such matters as appear to him to be necessary, desirable, or convenient, for giving effect to the purposes and objects of this Act.

Regulations
making
power.

(2) Without limiting the generality of the power conferred by subsection (1) of this section, the Governor may make regulations

- (a) prescribing forms of prescribed labels;
- (b) prescribing the duties and powers of inspectors.