## 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.]

B<sup>E</sup> 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 Hitle. (Sales-Promotion Labels) Act, 1957.
- 2. This Act shall come into operation on a day commenceto be fixed by proclamation.

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 The State Manufactures Description Act, 1931 is repealed.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, Factories and Shops Act, Sale of Goods Act, Trade Descriptions and False Advertise-ments 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.

Interpretation.

- 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 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 Power for Minister to production or preparation of any goods is substan- authorise use of tially carried out in the State, the Minister may, on prescribed labels. 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.

- (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

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(b) who being the holder of a valid and current permit issued under this Act, does not observe any condition of the permit;

commits, subject to subsection (2) of this section, an offence.

- (2) It is a defence to a charge of an offence under paragraph (a) of subsection (1) of this section to prove that the person charged believed on reasonable grounds that, at the time he affixed the label, or caused the label to be affixed to goods, he did so in course of his duties as an employee or agent, and that his employer, or, as the case may be, his principal, was the holder of a valid and current permit issued under this Act, and that the conditions, if any, of the permit were observed.
- (3) A breach of any condition of a permit is punishable under subsection (1) of this section not-withstanding any subsequent alteration of the condition or cancellation of the permit, and not-withstanding section eleven of the Criminal Code.
- (4) A person who sells goods to which, or to the container of which, a prescribed label is attached, knowing that the label has been attached without the authority of, or in breach of a condition of, a valid and current permit issued under this Act, commits an offence.
- (5) A person who knowingly makes a false statement in, or in support of, an application for a permit, or for the alteration of a condition of a permit, under this Act, commits an offence.

Evidence.

9. Production of a document which purports to be a copy of a permit issued under this Act, or of any alteration of the conditions, or any cancellation, of a permit so issued, if purporting to be certified by the Minister to be a copy of the original of which it purports to be a copy, has the same probative value as, and is *prima facie* evidence of the matters contained in, the original.

10. Persons appointed to and holding the office Inspectors. Cf. No. 42 of of inspector under the Factories and Shops Act, 1936 as amended, 1920, or under the Health Act, 1911, are by virtue s.9 (1). of their offices, inspectors under this Act.

11. It is the duty of an inspector to see that the puties of provisions of this Act relating to prescribed labels of the provisions of this Act relating to prescribed labels of the provisions of this Act relating to prescribed labels of the provisions of the provi are being observed and, subject to the approval of amended, s. 9 (2). 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.

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

amended, s. 13. "This Act" includes the regulations-Cf. No. 30 of 1918, s. 4.

13. A person guilty of an offence against this Penalties. Of No 42 of Act for which no penalty is specifically provided, is amended, liable to a penalty of twenty-five pounds, and for 8.14. 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.

(1) The Governor may make regulations Regulations making prescribing such matters as are contemplated, power. 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.

- (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;
  - the duties and powers of (b) prescribing inspectors.