

Legislative Council,

Thursday, 12th November, 1936.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: I desire to announce that I presented to His Excellency the Lieutenant-Governor the Address-in-reply passed by this House. His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the speech with which I opened Parliament. (Sgd.) James Mitchell, Lieutenant-Governor.

BILL—CHILD WELFARE ACT AMENDMENT.

Read a third time and *passed*.

BILL—PETROLEUM.

Report of Committee adopted.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan) [4.37]: Since perusing the Bill I have been wondering whether it will attain the object which I am sure the Government and every member have for the extension of industries in this State, or whether it is calculated rather to delay or interfere with the progress and expansion of industry. I also wonder whether, as a consequence of a lack of such expansion, we may experience less opportunity for providing employment for our people. This Bill obviously is designed to impose certain restrictions, doubtless for a very good reason, to ensure that goods of

the classes set forth in the schedule, namely furniture, bedding, blankets and flannel, are marked as provided for in the measure, and to ensure also that the goods are of the description stated, so that the buyer will have at least some assurance that he is getting what he pays for. There is an old legal maxim with which every member is familiar—caveat emptor. I consider it rather a reflection upon the capabilities of the individual that we should have to introduce legislation of this kind. The more I look at the Bill, the more I incline to the view that the result of its operation will be a lessening of the expansion of industries in this State, which would be a bad thing for the State.

The Chief Secretary: Why a lessening?

Hon. J. NICHOLSON: Because the more restrictions we place upon industry, the less likelihood there is of people coming here and establishing industries. The statute-book already contains a number of laws that seek to ensure protection of various kinds. There is the Health Act to govern the health and food of the people and others matters, but that measure is not concerned with furniture, bedding, blankets, and flannel. Quite properly the Health Act has been designed to ensure that the health of the community is maintained and that the food supplied is of the proper quality. In maintaining the health of the community, the Government of any country are vitally interested, but when we come to things such as furniture, bedding, blankets and flannel—

Hon. J. J. Holmes: Which keep people warm and therefore make for health.

Hon. J. NICHOLSON: —and impose restrictions as proposed in this measure, we shall be discouraging people who otherwise might seek to build up industries here. Apart from the Health Act, Parliament in 1931 passed a measure known as the State Manufactures Description Act, which provided for marking in a certain way all goods made in Western Australia. That Act covers as much ground as is necessary in our present undeveloped state industrially. Compare our position in industry with that of Sydney or Melbourne. Yet we are asked to place obstacles in the way of industry, to make it more difficult for people to establish factories here. We ought to do everything in our power to induce people to come here and establish factories.

Hon. G. W. Miles: Not to make shoddy goods.

Hon. J. NICHOLSON: I am not advocating the making of shoddy goods but we should give that encouragement to industry, bearing in mind the principle of caveat emptor, and also bearing in mind that the buyer always has the opportunity of seeing an article before he buys it.

Hon. L. B. Bolton: Will this measure prevent dumping from the Eastern States?

Hon. J. NICHOLSON: I do not think it will. Wisely, provision has been made in Clause 3 that the measure shall be read and construed subject to the Commonwealth Constitution, so as not to exceed the legislative powers of the State Parliament to the intent that any portion which may be held to be in excess of that power shall, to the extent which it is so in excess, be deemed to be severable from the other portions and not to affect the validity or operation of the measure. I foresee difficulty with regard to goods manufactured in one of the other Australian States coming across here. Bearing in mind the provisions of the Commonwealth Constitution Act and the many decisions which have been given on that particular section dealing with trade within the Commonwealth and the right of one State to send its goods from that State into other States, I doubt very much the efficacy of a Bill such as this—beyond, as I say, effecting one thing, namely the stopping of the establishment of industries here. In my opinion, the Government are taking a wrong step. They, I am sure, are not desirous of blocking industries from being established here; but they can easily do that by legislation of this nature.

Hon. A. Thomson: But is not legislation of this kind in existence in other Australian States?

Hon. J. NICHOLSON: In other States there is legislation not altogether on the lines of this Bill, but some of the clauses of the Bill have been borrowed from legislation in force in other Australian States.

Hon. A. Thomson: That is the reason why I asked the question.

Hon. J. J. Holmes: Before you get away from that point, if the legislation is in operation in other States, why should it not operate here?

Hon. J. NICHOLSON: I put this view, that the difficulty is to induce people to come here and open up industries.

The Chief Secretary: If they are going to impose upon our people, they should be prevented from doing so.

Hon. J. NICHOLSON: One does not want to see them imposing upon the people.

The Chief Secretary: The object of the Bill is to prevent imposition.

Hon. J. NICHOLSON: Surely it cannot be said that in the matter of furniture, bedding, blankets and flannels—without entering into matters to which the Bill could be extended by proclamation, and to which I shall refer later—those goods mentioned in the Schedule to the Bill are of a character such that no one in his senses could fail to recognise them for what they are. I do not think anyone could fail to recognise what these particular articles are.

Hon. J. J. Holmes: Can you recognise an all-wool blanket?

Hon. J. NICHOLSON: Yes, I certainly can. The Bill is proposed to extend not only to the articles mentioned in the Schedule, but, as Mr. Holmes has pointed out, wide powers are to be given to extend its operation to anything else that may be proclaimed to come within its scope.

Hon. J. J. Holmes: We can always alter that.

Hon. J. J. NICHOLSON: It was suggested by Mr. Holmes that that could be altered by way of regulation. I suggest that regulation will not serve any good purpose, any more than proclamation will, because a regulation can be passed when Parliament is not sitting and will have effect from the time of its publication in the "Government Gazette."

Hon. A. Thomson: But Parliament can cancel a regulation.

Hon. J. NICHOLSON: I would remind the hon. member that Parliament would have no voice if the regulation were promulgated at the end of the session. In that case Parliament would have no opportunity of considering the regulation until the Houses resumed their sittings.

Hon. A. Thomson: And what about a proclamation?

Hon. J. NICHOLSON: As regards a regulation, so many months would elapse, and in the meantime the result would be that the regulation would have the full force and effect of law. As regards a measure of a strict character such as this, there is only one proper method if it should be found necessary to extend the scope of the enactment. The one fair way of doing so is by introducing an amending Bill to extend the operation of the enactment. Then Parliament has the opportunity at the right time,

when it is assembled, to decide whether or not the whole of the items proposed to be included in the amending Bill should be included or not.

Hon. A. Thomson: How would you proceed supposing some people were to dump a lot of Japanese stuff in Western Australia under false descriptions? It would be all sold, and the public would be taken down. I am only seeking information.

Hon. J. NICHOLSON: We have to meet cases as they arise. One wrong which might be inflicted in the manner indicated by Mr. Thomson might, if his idea were carried out, be the means of inflicting grave injustice upon many people. This, therefore, is one of the methods of legislation which I do not like to see. A year or two ago a book was published by Lord Hewart, the Chief Justice of England, entitled "The New Despotism," in which he pointed out, and in very strong terms indeed, the effects which had resulted from government by regulation.

Hon. J. J. Holmes: Could he not use stronger words about government by proclamation?

Hon. J. NICHOLSON: I think he could use very much stronger words in such a case as this. To pass the clause I am considering would, in my opinion, be disastrous to the best interests of the State. We used to have here a member, Mr. Archibald Sanderson, who protested times without number against government by regulation. I hope, therefore, whatever the fate of the Bill may be, that as regards this particular clause power to extend the scope of the measure either by proclamation or by regulation will not be authorised by this Chamber. Let Parliament have the opportunity to decide what should be included in the measure. Mr. Thomson need have no fear whatever in regard to excessive dumping. There is another matter I would refer to in connection with the Bill. The scope of the measure not only extends to goods, but includes also certain advertisements in relation to other classes of property, heavy penalties being imposed on offenders. Even shares are brought within the purview of the Bill. I do not think this particular type of Bill should be encumbered with, or have included within it, provisions relating to other property such as shares, for instance. Hon. members will find such other property mentioned in a later part of the Bill. The provisions on that aspect are of a drastic character. I will instance one case so far as property

is concerned. If we are going to deal with the question of shares and stocks, it ought to be in an amendment of the Companies Act. We have already dealt with shares in another measure passed a year or so ago. We then prevented men from hawking shares about. Why should references to shares contained in this Bill not have been included in an amendment to that Act? That would have been the proper Act, and not a Bill such as this. I do not like to see legislation passed in the mixed order to be found in the present Bill.

Hon. J. J. Holmes: It is a question of false advertising, is it not?

Hon. J. NICHOLSON: I am not dealing with that aspect. Shares are referred to in an Act which has been in force for one or two years. If we want to deal with matters of that sort, let us keep things in their proper order; otherwise, when one comes to look in future years for legislation which exists in relation to certain subjects, the greatest difficulty will be experienced in tracing the various Acts. It is not unless one happens to have one's attention drawn particularly to a measure such as this, if enacted, that one would look in it for references to shares or other property.

Hon. J. J. Holmes: Then the provisions of the Bill are in conflict with its Title?

Hon. J. NICHOLSON: No, because the Title includes false advertisements in relation to property for sale.

Hon. L. Craig: Including shares, stocks and bonds.

Hon. J. NICHOLSON: I do not think it right to include in a Bill which has relation to trade descriptions—

Hon. L. Craig: The Title is bad.

Hon. J. NICHOLSON: It is wrong to include in a Bill of this nature provisions relating to shares and property. Now, as to shares, let us consider the position of an auctioneer selling property. Here we find that if there is some misdescription the auctioneer will have to prove very clearly indeed that he was not aware of the false description, or of the untruth that might be contained in a false advertisement, and he might be put to a great deal of trouble in the matter. We have already a Land Agents Act. Why is this provision not included in that statute? That is the proper place for it, and not within a Bill such as this. We should not mix up titles in this way. We have an Act dealing with land agents and

we ought to be able to find laws of this character within the covers of that Act, and not have to hunt into a Bill dealing with trade description of goods to find what the law is affecting land agents in the matter of advertisements of property. I ask members to study these particular clauses, weigh them seriously in their minds, and consider whether what I suggest would not be better, and whether the Government should not bring in an amending measure which would deal with these particular subjects in their proper place. There was included in the particular Act to which I referred a reference to the hawking of shares as well as land. All these matters were brought within that Act. Consider the array of statutes that we have. In looking up Acts to find reference to such matters as shares, I suggest that in years to come one would not think of turning to an Act with a title such as this. At present we know it is there, but I defy anyone, in five or ten years' time, to think of this particular Act having reference to such a matter.

Hon. J. J. Holmes: The title is "Trade Descriptions and False Advertisements." Would not the words "false advertisements" be sufficient to direct your attention to the Act?

Hon. J. NICHOLSON: I would take the reference as being to false advertisements in regard to trade descriptions of goods, and 99 people out of a 100 would do the same. This method of passing legislation is wrong. I hope members will take the opportunity to emphasise their opinion in that direction and to object to these particular clauses in the Bill. I object strongly also to Clause 4 in the Bill with regard to proclamations and I think likewise that consideration will require to be given to the description of goods, because in passing a measure such as this we have to bear in mind that there are classes of goods which are not readily saleable.

Hon. L. Craig: They are not goods within this schedule.

Hon. J. NICHOLSON: Yes, even goods within the schedule. Goods might be held on premises for a year before being sold. I suggest the hon. member inquire from any people dealing in goods of this nature how long they have had them on their shelves.

The Chief Secretary: Should they not be sold strictly in accordance with the trade mark?

Hon. J. NICHOLSON: These goods may be imported from some other place.

The Chief Secretary: How does that affect it?

Hon. J. NICHOLSON: In accordance with the Bill, a description of the goods has to be exhibited, including the name and address and other particulars regarding the manufacturer, which the man who bought the goods might be quite unable to supply; and the only man who would be entitled to make a mark on those goods would be the man who manufactured them.

Hon. L. Craig: Provision is made for that in the Bill.

The Honorary Minister: It is provided for in the Bill.

Hon. J. NICHOLSON: The provision is hardly wide enough. It is provided under the Bill that all these particulars have to be supplied, and I think there should be an exception made of all goods which have been purchased prior to the passing of this measure.

Hon. G. Fraser: So that they can alter the description and dispose of the goods?

Hon. J. NICHOLSON: The hon. member is wrong in putting that construction on the matter.

The Chief Secretary: That is the only inference—that they might impose on the people.

Hon. J. NICHOLSON: Holders of such goods at the present time must be given an opportunity to dispose of them without being handicapped by legislation such as this.

Hon. J. J. Holmes: There is nothing to prevent that.

Hon. J. NICHOLSON: A man must not sell or expose for sale goods unless they comply with the provisions of this Bill. He must give the trade descriptions in full. I ask the hon. member to read very closely and carefully the definition of the words "trade description." He will see that there are particulars contained in that definition on page 2 of the Bill which it would be impossible for the man who bought the goods some time before, to give. This measure should not be made to apply to any goods which can be shown to have been in a man's possession for sale at the time of the passing of the Act.

Hon. L. Craig: That is covered on page 4.

Hon. J. NICHOLSON: I doubt, from my perusal of the Bill, whether it is.

The Chief Secretary: You think a man should be allowed to give a false description of the goods in order to get rid of them?

Hon. J. NICHOLSON: I am not suggesting that. He should be given an opportunity to dispose of goods he has lawfully bought and dealt in up to the time of the passing of the Act. Why should the Act be made to apply to goods a man cannot possibly get rid of in a day? If they could be got rid of immediately, it would be a different matter.

Members: Read page 4, at the top.

Hon. J. NICHOLSON: I have read the paragraphs referred to.

Hon. J. J. Holmes: One would not think so to hear you speak.

Hon. J. NICHOLSON: I am speaking of certain types of goods which are manufactured somewhere else, and to which all the details under the heading of "trade descriptions" would not be affixed. Take, for example, certain types of articles to which there could not definitely be attached everything required under the term "trade descriptions."

The Chief Secretary: Provision is made for that.

Hon. J. NICHOLSON: The only provision is that the Minister may exempt. Paragraph (ii) would not have the effect of safeguarding the position.

The Honorary Minister: What about paragraph (iii)?

Hon. J. NICHOLSON: Nor paragraph (iii), which has merely to do with proclamations. Looking through the Bill, I think that instead of its being helpful in the establishment of industry, it will serve rather to block industry. We are protected in vital matters, such as foods, by the Health Act and various other Acts.

Hon. L. Craig: What about patent medicines?

Hon. J. NICHOLSON: Patent medicines are provided for in the Health Act.

The Chief Secretary: Have you read Clause 7, paragraphs (b) and (c)?

Hon. J. NICHOLSON: Yes.

The Chief Secretary: Would you require anything more than that?

Hon. J. NICHOLSON: It is necessary to consider what is required under the heading of "trade descriptions." The requirements are so wide in extent, and a man who is not a manufacturer, but imports the goods he sells, could not put the markings on the goods which should be placed there by the

manufacturer. I do not think the Bill will be helpful. I object to it likewise on the ground that it embodies a number of matters which are irrelevant to the main subject of the Bill, and which should be included in another Bill entirely. Those matters should be kept quite distinct.

HON. H. V. PIESSE (South-East) [5.16]: I have listened attentively to what Mr. Nicholson had to say, and I consider he is somewhat over-cautious in his criticism of the Bill. I have had the opportunity of discussing the Bill with several storekeepers, and, being in the trade myself, perhaps I may claim to have a greater understanding than the hon. member of what is required in connection with the sale of the various goods dealt with in the Bill. I welcome the proposal to compel a true description of goods to be sold being given. One matter entered my mind, and it is that where goods have been purchased, the merchants who purchased them should have the opportunity of disposing of them. As has been pointed out by Mr. Nicholson, there is no provision for this in the Bill, but the Chief Secretary interjected that he considered it was provided for.

Hon. L. Craig: It is provided for.

Hon. H. V. PIESSE: Now that Mr. Craig says the provision is there, well it must be so. This is a matter which, in Committee, we can discuss further. It is my intention to support the Bill, with the exception of Clause 4 which I consider gives the Government too much power.

Hon. G. Fraser: Don't spoil a good Bill!

Hon. H. V. PIESSE: I shall certainly vote against that clause in Committee. It sets out that the Governor may at any time, and from time to time, by proclamation declare that any article not included in the Schedule shall be "goods" within the meaning of the measure. In my opinion this is a very dangerous power to give the Governor, and when the Bill is in Committee I hope members will assist me to radically alter the clause.

Hon. G. Fraser: In what other way would you say that difficulty should be got over? The only way would be to bring in a Bill every year.

Hon. H. V. PIESSE: I would sooner do that than give the Governor power by proclamation to do what the clause proposes. Clauses 13 and 14 should also be amended.

The latter provides that any person guilty of an offence for which no penalty is specifically provided shall be liable to a penalty of £50 and for a second offence to a penalty of not less than £25 nor more than £100. That should be altered to give a magistrate, or whoever may be sitting in judgment, the right to impose a penalty not exceeding a certain amount. The minimum which is fixed seems to me to be too high. I have carefully looked through the other clauses of the Bill, and when it is in Committee I shall endeavour to amend it in the direction I have outlined. I shall support the second reading.

HON. L. CRAIG (South-West) [5.19]: I support the second reading of the Bill, which apparently has been introduced at the request of the wool-growers who ask that goods made of wool should be described as woollen articles. It is most important that inferior goods should not be labelled as though they were made of the superior material. There is one danger connected with the Bill, and that is the administration of it. There are certain goods sold under trade names, and—I have this on good authority—many wholesale people consider it a privilege to be able to sell those goods. It is not a question of the manufacturer making a concession to the wholesalers to sell those goods, because they are high-class, even though they may not be made entirely of wool but may contain a considerable quantity of wool and perhaps a certain amount of cotton. I understand, however, that wholesalers who may have a large quantity in stock fear the placing of restrictions on articles of this description, and there is every likelihood of the manufacturers running their pen through the orders of the wholesalers and declaring that Western Australia shall not have any more of such goods. Regarding some of these articles, the demand is greater than the supply and therefore the Government would have to be very careful in dealing with people who sell goods of this description. I support the second reading of the Bill.

HON. A. THOMSON (South-East) [5.21]: While I do not agree with all that was said by Mr. Nicholson, he is to be commended for showing the possibilities that may arise. I do not agree with him when he states that a measure of this description will mean that the manufacturers in the other

States will not entertain the idea of establishing themselves here. At the same time it is regrettable that it should be necessary to introduce a Bill to compel a certain class of manufacturer to be honest, and to protect the purchaser and consumer. Mr. Holmes and Mr. Craig have told us that as far as the woollen industry is concerned, it is important that people should not be taken down by purchasing goods which are sold to them, as made of pure wool but which, in fact, are of an inferior quality and contain material which gives them the appearance only of being woollen, and which may be bought at a cheaper rate than the goods of really first-class quality. Like other members I am against government by proclamation. Neither am I in favour of government by regulation, but of the two evils I much prefer the latter. It is possible that the occasion may arise when it may be deemed in the interests of the public that certain classes of goods shall be brought within the purview of the measure, and if we feel that any injustice is being done Parliament will be able to step in, and if it is thought advisable, to disallow the regulation. I should like members to scrutinise the powers it is proposed to give to inspectors. To my mind an inspector will be in the position of being able to enter premises and take away a man's property and hold it for a certain period. Then if the inspector's action is not sustained the goods are returned. The delay, however, may render those goods, which may be seasonal goods, unsaleable, and so the owner will suffer a loss.

Hon. J. Nicholson: That is a dangerous provision.

Hon. A. THOMSON: To my mind it certainly is dangerous. There are also other clauses which require careful scrutiny. I may draw attention to Clause 10 which places an employer or a manufacturer in a difficult position. A man may be dismissed, and may feel aggrieved at the dismissal. An inspector is to be given the power to interview any person whom he has reason to believe to have been within the preceding six months employed in relation to the sale of goods, and he can compel the dismissed employee to answer any question in respect of any matter arising under the provisions of the Act. I realise that it is necessary to give inspectors certain powers, but we do know that it is possible for inspectors to make mistakes, and there is no provision in the Bill to compensate a shopkeeper or

an employer who may have done certain things in all good faith. Thus that employer is faced with a possible serious loss.

Hon. J. J. Holmes: Would he not have any rights under common law?

Hon. A. THOMSON: I do not think so. An inspector is to be given extensive powers. For instance we find in Clause 15—

If an inspector finds any goods which are exposed or offered or are in the possession of any person for sale, and to which the prescribed trade description has not been applied as required by this Act he may take possession of and obtain such goods as for such time as may be necessary to decide what action if any shall be taken against the owner or person in possession of the goods, but such inspector shall take all reasonable precaution to protect such goods from injury . . . until any proceedings in respect of such goods are disposed of.

Hon. T. Moore: That has been in operation in New South Wales for years.

Hon. A. THOMSON: We are not dealing with the Act of New South Wales, but a measure which is now before us, and which will impose what I consider unfair conditions on the people of this State. There is a proviso to that clause which says—

Provided that if no action be taken against such owner or person in possession of such goods within one calendar month of the taking of possession of the goods, such goods shall be returned to such owner or person at the end of such calendar month.

That seems to me to be a very dangerous clause.

The Chief Secretary: In what way?

Hon. A. THOMSON: It is proposed to give an inspector power to take possession of goods that may be on a man's shelf. As I said before, they may be seasonal goods, and by the time they were returned their value would be gone.

Hon. J. J. Holmes: Only if they were falsely exposed.

Hon. A. THOMSON: It may later be found that no offence had been committed. Then the next clause sets out—

Such goods shall at all times during such detention be at the risk and expense of the owner thereof.

An inspector may take away a man's goods, but that individual will still be responsible for them, though they will be out of his keeping, and responsible also for any risk that is incurred. That subclause requires very careful consideration. The Bill also provides that if within a calendar month no action is taken against the owner of

the goods he may recover possession of them. The inspector may say that in his opinion the goods do not comply with a certain description, that as a consequence the trader cannot be allowed to sell them. For one whole month, therefore, these goods will have been held up from sale.

Hon. J. J. Holmes: Possibly they can be sold under their correct description.

Hon. A. THOMSON: What is the correct description? Suppose the inspector finds he has made a mistake, and that the goods really are correctly described. Notwithstanding that, the storekeeper would have lost the sale of his goods and will have no redress. The goods will have passed out of the trader's possession. True, they can be returned to him after a month, but during the whole of that time the storekeeper is responsible for any damage sustained by the goods.

Hon. J. J. Holmes: That point can be dealt with in Committee.

Hon. G. Fraser: I take it your objection is to the time that must elapse before the goods are returned?

Hon. A. THOMSON: Some responsibility should be placed upon the inspector so that he cannot take any vindictive action against the trader. These officials are not infallible. A small shopkeeper may purchase a quantity of goods which he believes to be in accordance with their description. The inspector may think otherwise. Some safeguard should be inserted in the Bill to protect traders. Clause 12 states—

Subject as hereinafter provided where in any case the court hearing the complaint does not make any order forfeiting the goods to the Crown, the inspector detaining the goods shall return the same to the owner so far as may be known forthwith at such owner's expense.

An inspector may take my goods, compel me to go to the court to defend my case, and after I have been put to that expense and lost the sale of my goods, I still have to pay to recover them. Surely that was not the intention of the framers of the Bill. Safeguards should be provided for those who are likely to come under its provision. I support the second reading, because I look upon the Bill as an honest endeavour on the part of the Government to improve the existing conditions. I regret that unscrupulous manufacturers who are prepared deliberately to mislead the public should exist. It has become necessary to deal with them. I ask

the Honorary Minister to consult with the Crown Law Department to see if it is not possible to insert a proviso that will give some measure of justice to those people whose goods have been wrongfully taken by an inspector and who have thus been prevented from disposing of them. If it is found that the action of the inspector is not upheld by the court some provision should be made for a form of compensation to the trader concerned.

Hon. G. Fraser: If goods are taken by an inspector there would be some sound reason for it.

Hon. A. THOMSON: But that would be only the opinion of the inspector. No opportunity is given for an appeal. The powers given to inspectors are too great. If they were made responsible for their mistakes they would be more careful about what they did. It is not right that even one shop-keeper should suffer through the mistake of an inspector. If a trader has lost £100 through being unable to sell his goods it will not help him much if an inspector is dismissed.

The Chief Secretary: Your argument is far-fetched.

Hon. A. THOMSON: It is my duty to draw attention to these matters. I shall certainly not vote for the passing of clauses which give inspectors the right to take a trader's goods, force him into court, and cause him not only loss of money, but further expense in recovering possession of his goods.

HON. L. B. BOLTON (Metropolitan- [5.38]: I support the second reading of the Bill, because it is an honest endeavour on the part of the Government further to assist local manufacturers. I disagree with Mr. Nicholson who claimed that the Bill might be the means of preventing other manufacturers from coming to Western Australia. I think it will have the opposite effect. If this measure prevents imported goods from being sold under a false description, and goods cannot be imported into the State because of that fact, the measure will have the effect of assisting local manufacturers to develop their businesses.

Hon. G. Fraser: They will know they have to face only legitimate competition.

Hon. L. B. BOLTON: That is the point I was going to make. No manufacturer will object to fair and legitimate competition. If they have to face goods that are sold under

a false description, with the small volume of trade we have in this State as compared with the other States—this is really the cause of the dumping we hear so much about—local manufacturers are placed at a great disadvantage. I agree it is unwise to give too much power either by means of proclamation or regulation. In Committee I intend to attempt to secure amendments on that subject. The Bill is an honest endeavour to help manufacturers who are in need of assistance. Whilst we are advancing we are not making that progress which we should make. Much of that lack of progress is due to factors that will be adjusted by the passing of this measure.

THE HONORARY MINISTER (Hon. E. H. Gray—West—in reply) [5.40]: I congratulate Mr. Bolton upon his short speech. He has a wide knowledge of local industry, and his remarks were a convincing answer to the speech of Mr. Nicholson. There are two main objections to the Bill which generally has been favourably received. The first objection is to the proclamation clause. Mr. Parker said I was wrong in my contention that the abolition of the proclamation clause would lead to delays. He argued that it would take a month and a day to issue a proclamation. His idea was to issue regulations and give traders no opportunity to show cause why they should not be carried into effect. If that were the policy followed, instead of the trader being given a fair opportunity to state his case before the Minister and the departmental officers, the battleground would be shifted to Parliament. It would be unfair to members of either House that they should be worried by the lobbying tactics of different firms in defence of any particular brand of goods which it was desired to ban. That would place members in a very unfortunate position.

Hon. H. S. W. Parker: The Bill does not give any opportunity to these people to raise objections.

The HONORARY MINISTER: If a mistake has been made the Bill will give people ample opportunity to state their case.

Hon. H. S. W. Parker: But the Minister need not take any notice of them.

The HONORARY MINISTER: It would be better that the case should be heard before the officers of the department than that it should be shifted to Parliament, where the battle would be waged around

some particular regulation. That practice would be objectionable and unfair to members.

Hon. J. J. Holmes: I do not think you need flog that point too much.

The HONORARY MINISTER: We do not want to waste the time of members in having to undertake work of that character. The idea of the proclamation is to save time and make the Act effective. This is merely a policing measure, and ample opportunity will be given to traders to state their case before any article is proclaimed. The fact that in another place the schedule was restricted is an earnest that the Government wish to give everyone an opportunity to be prepared for the enactment of this legislation. No action will be taken unwarrantably to prevent the sale of any manufactured article or any article imported into the State. I commend Mr. Holmes upon his favourable review of the Bill, and I can assure him that his proposed amendment will receive every consideration when we deal with it in Committee. It is distinctly refreshing to me after many years in this House to be able to join with him in his effort to teach another place the way to progress more quickly.

Hon. J. J. Holmes: Does that include the proposal to wipe out the provision for proclamations?

The HONORARY MINISTER: I was referring to the hon. member's proposal to add woollen goods to the Schedule. Mr. Mann raised a point regarding newspapers, but I do not think his objection was valid. Surely he will not argue that newspapers should be given license to advertise goods that are falsely described when the owner, manufacturer, or merchant handling them has been penalised under the Act. That would not be reasonable.

Hon. W. J. Mann: But why penalise the newspaper at all?

The HONORARY MINISTER: If the hon. member does not think that provision is made for sufficient notice to be given to the newspaper, he can move an amendment to deal with that phase.

Hon. W. J. Mann: No notice is provided for at all in the Bill.

The HONORARY MINISTER: I should say that there is no danger at all of a newspaper like the "West Australian" being held up because inspectors do not work overtime. It might be of advantage to the

general public if they did work overtime on occasions.

Hon. W. J. Mann: Is that the only reason you can advance?

The HONORARY MINISTER: No, that is one reason. I can hardly imagine that an inspector would enter the office and hold up publication of the "West Australian" in the circumstances the hon. member suggested. His argument was not reasonable.

Hon. W. J. Mann: There is nothing to prevent that being done.

The HONORARY MINISTER: The hon. member will have an opportunity to safeguard that position when we deal with the Bill in Committee. Some objection was raised to health inspectors and factory inspectors policing this measure. Those inspectors are experienced. Too use an argument that has often been advanced in this Chamber, it is not convenient, in view of the State's finances, to appoint special inspectors to police this individual measure. Such a course is not necessary when we have fully qualified and experienced inspectors who can carry out the work effectively. I hope members will reconsider their attitude with respect to the issuing of proclamations, which I regard as of vital importance in order to make the Bill effective. The argument they used against proclamations was the same that they have advanced from time to time against government by regulations.

Hon. H. S. W. Parker: But the position in this instance is worse.

The HONORARY MINISTER: I submit it is necessary to have the power to add goods to the Schedule by way of proclamation in order to make the Bill effective. That proposal will take away from Parliament no power that we possess because the proclamation will deal with a matter that should not be a function of Parliament. We have much more important work to carry out and we should not make Parliament a battleground for lobbyists.

Hon. H. S. W. Parker: You do not suggest that this is a simple matter?

The HONORARY MINISTER: I submit that there is ample provision in the Bill for firms to safeguard their own interests if action is taken regarding some goods that they are handling, and we should not desire this House to be turned into a debating shop for traders who wish to foist falsely-de-

scribed goods on the public of Western Australia. If an inspector should make a mistake regarding goods he may handle, the firm concerned will receive a notice directing them to prevent the goods from being placed on the market. The firm can place the particulars of their case before the Minister and if their contentions are valid, they can stop the issuing of the proclamation. If the matter has to be dealt with by way of regulation, as Mr. Parker suggests, without any notice being given to those concerned, it is possible that a firm who have acted quite bona fide will receive harmful publicity. I submit the provision in the Bill is the more effective method.

Hon. A. Thomson: What protection or compensation do you propose in the interests of the firm whose goods have been seized and subsequently it is proved that they were wrongfully seized?

The HONORARY MINISTER: I cannot imagine the possibility of a big seizure of goods in connection with which an inspector would make a mistake. Obviously he would take samples first and they would be examined by experts who would determine whether they had been falsely described. The decision to take action would not rest with the inspector alone. I do not think any compensation clause should be included in the Bill for the purpose suggested by the hon. member. Such a clause would help to make the measure unworkable. The very fact that the goods included in the Schedule are restricted to three or four articles indicates that the Government desire to afford merchants reasonable protection. I hope that members who intend to move amendments will have them placed on the Notice Paper with despatch.

Question put and passed.

Bill read a second time.

BILLS (2)—FIRST READING.

1. Financial Emergency Tax (No. 2).

2. Fair Rents.

Received from the Assembly.

BILL—FORESTS ACT AMENDMENT CONTINUANCE.

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [5.56]: During the course of the debate yesterday, Mr. Craig asked why a Bill had

to be passed each year to continue the operations of the Act. It is a wise provision that enables Parliament to control the situation. The Act places great power in the hands of the Conservator of Forests, and has been a fruitful source of revenue for the State. I congratulate the Forests Department on the excellent work that is being carried out regarding reforestation. In company with other members I visited the reserve outside Narrogin where the rehabilitation of the mallet bark industry has been embarked upon by the department. The plantation is a great credit to the officers who are creating an asset of value to the State on an area, the major portion of which had proved useless for other purposes. I would like the Government or the Forests Department to encourage the farming community to adopt a reforestation policy. I have previously pointed out that in South Africa, and particularly in Natal, the farmers have made it a practice to plant a portion of their holdings with wattle each year. By that means, in the course of time they will derive an appreciable sum annually from the sale of wattle bark, which is used for tanning purposes. Unfortunately, the timber itself is used only for firewood, although large supplies of it are sent to Johannesburg for use as mine props. In this State the mallet bark offers wonderful possibilities, for not only is the bark a very valuable product, but the timber also is of high tensile strength and can be used in manufacturing. On many farms are to be found certain areas of indifferent land which could be turned to profitable use by the planting of mallet bark. I suggest that the department should make available mallet seed to any farmers desirous of making use of it, so as to employ any indifferent land they might have on their holdings. The Minister last night pointed to the difficulty that had been experienced in the reforestation of sandalwood, explaining that the rabbits had taken a particular liking to the young wood and, in consequence, had destroyed it, with the result that the Forests Department had refused to proceed with that enterprise unless supplied with rabbit netting. The opening up of a number of towns in the Great Southern was largely helped by the export of sandalwood. I remember the heated debates that took place in the Assembly when the original of this Bill was before the House, and

again later when merchants were endeavouring to obtain exclusive rights for the sale of sandalwood. A considerable royalty was offered, and members of Parliament were deluged with circulars pointing out the advantages that would accrue if certain firms succeeded in obtaining the sole right to the sandalwood export. Those in authority at the time acted wisely when they decided that control should be exercised, for without it we should be cutting out a very valuable product. At that time the wily Chinese were obtaining considerable advantage from the competition that was carried on amongst the merchants in Western Australia. It is only wise that members should be given a chance to discuss this subject each year. It will be remembered that 10 per cent. of the value of the sandalwood cut, or £5,000, whichever is the greater, is credited each year to a special account at the Treasury. I should like to see some efforts made to continue the experiment of growing sandalwood on the goldfields. I saw in the newspaper recently that it had been successfully grown in the South-West, but that from the oil-extraction point of view it was not as valuable as sandalwood from the goldfields areas. If we were to re-establish the planting of sandalwood in those areas, we should be creating a valuable asset for future generations. I hope that, amongst our other timbers such as jarrah and mallet, sandalwood will not be overlooked. I will support the second reading.

On motion by Hon. C. G. Elliott, debate adjourned.

House adjourned at 6.5 p.m.

Legislative Assembly.

Thursday, 12th November, 1936.

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The SPEAKER took the Chair at 4.30 p.m. and read prayers.

QUESTION—FEDERAL AID, DISTRESSED FARMERS.

Mr. LAMBERT asked the Premier:—1, Is it a fact, as reported, that a loan of £1,000,000 has been granted to the Government for the amelioration of distressed farmers? 2, If so, when will the amount be made available? 3, What policy has been framed for its distribution, and by whom?

The PREMIER replied: The position will not be clear until a full report of the recent Loan Council meeting is available.

QUESTION—UNEMPLOYMENT, SUSTENANCE WORKERS.

Mr. SAMPSON asked the Minister for Employment:—1, Is he convinced that payment of money in lieu of work is having a bad effect on many men who are temporarily in need? 2, Is it a fact that sustenance workers on completion of working periods are being stood down until after the Christmas holidays, and that in the meantime they are provided with rations and are not called upon to work? 3, Having in view the bad effect which this will have and the great importance of maintaining the habit of working, will he give consideration to subsidising approved farmers who are agreeable to giving sustenance workers a start; alternatively will he, to ensure the spirit of self-reliance, arrange for work to be provided by local authorities?

The MINISTER FOR EMPLOYMENT replied:—1, Yes, in certain cases. 2, No. 3, It is not intended to provide subsidies as suggested. The Government frequently co-