

erable amount still remains to be done, but that is due to the economic system. The member for Subiaco complained that the scale adopted by the Child Welfare Department is not large enough for unemployed girls. We all agree with that. We know it is not the maximum that should be available for these girls. We have advanced that point of view time and again.

Mr. North: I rise to call attention to the fact that the Leader of the Opposition has his hat on.

The CHAIRMAN: The Leader of the Opposition is in order so long as he does not stand up and move about in the Chamber with his hat on.

Mr. HEGNEY: The scale is not as liberal as I would like to see it. The Disabilities Commission criticised the scale as being more liberal than the average scale in Australia. It is a matter of the money being made available. When the previous Government were in office they did not increase the vote. They had the same struggle to find money as probably the present Government have.

Mr. McLarty: A much greater struggle.

Mr. HEGNEY: I am not prepared to admit that. The whole thing resolves itself into a question of money and the economic system. The Government have done their best to improve the position of workers, and have done so very considerably. I hope at the end of the next year or two that most of the men out of work will be absorbed into full-time employment, and that a better era will be ushered in for the betterment of all.

THE MINISTER FOR EMPLOYMENT (Hon. A. R. G. Hawke—Northam—in reply) [11.33]: With the exception of the vicious and irresponsible speech of the member for Subiaco, the general debate on these Estimates has been fair and reasonable. I have taken a note of all the points raised. They will receive careful consideration with the idea of giving effect to those that are useful and practicable, and if they are so regarded, with a view to putting them into operation as soon as possible.

Vote put and passed.

Votes—Labour, £972; Child Welfare and Outdoor Relief, £126,041; Council of Industrial Development, £1,670—agreed to.

Progress reported.

House adjourned at 11.35 p.m.

Legislative Council,

Thursday, 19th November, 1936.

	PAGE
Leave of absence	1955
Bills: Vermin Act Amendment, SR., passed	1955
Bunbury (Old Cemetery) Lands Revestment, SR., passed	1955
City of Perth Endowment Lands Amendment, SR., Com. report	1955
Financial Emergency Act Amendment, IR.	1956
Dividend Duties Act Amendment, Com., recom.	1956
Factories and Shops Act Amendment, SR.	1956
Trade Descriptions and False Advertisements, Com.	1957

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

LEAVE OF ABSENCE.

On motion by Hon. H. Seddon, leave of absence for six consecutive sittings of the House granted to Hon. C. B. Williams (South) on the ground of ill-health.

BILLS (2)—THIRD READING.

- 1, Vermin Act Amendment.
- 2, Bunbury (Old Cemetery) Lands Revestment.

Passed.

[*Hon. J. Nicholson took the Chair.*]

BILL—CITY OF PERTH ENDOWMENT LANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. B. BOLTON (Metropolitan) [4.37]: From inquiries which have been made, I understand that there is no objection to the proposals of the Bill, which will have the effect of releasing from the City of Perth Endowment Lands Act certain lands acquired by the Workers' Homes Board. The City of Perth offers no objection to the measure, and I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

**BILL—FINANCIAL EMERGENCY ACT
AMENDMENT.**

Received from the Assembly, and read a first time.

**BILL—DIVIDEND DUTIES ACT
AMENDMENT.**

In Committee.

Resumed from the previous day; Hon. V. Hamersley in the Chair, the Chief Secretary in charge of the Bill.

Title—agreed to.

Bill reported without amendment.

Recommittal.

The CHIEF SECRETARY: Instead of moving that the report be adopted, I desire to make an explanation to the House. When progress was reported at the last sitting it was considered that there might be necessity for a new clause. Since then Mr. Nicholson and the Crown Solicitor have considered the matter and have come to an agreement that instead of a new clause it is desirable that the addition should take the form of a proviso to Clause 2. In view of the fact that we have already passed the stage where we can deal with Clause 2, it is necessary now to recommit the Bill, in order to consider the proviso which it is suggested should take the place of the proposed new clause. I therefore move—

That the Bill be recommitted for the purpose of further considering Clause 2.

Question put and passed; the Bill re-committed.

In Committee.

Hon. V. Hamersley in the Chair, the Chief Secretary in charge of the Bill.

Clause 2—Amendment of Section 6 of the principal Act:

The CHIEF SECRETARY: Members will recall that Mr. Nicholson raised the point that when this Bill becomes law, steps should be taken to see that whomever the proviso or new clause in the Bill affected should not be liable to any penalty for not having rendered returns in past years. In order to accomplish that purpose, I move—

That Clause 2 be amended by adding the following proviso at the end of paragraph (a):—"Provided further that any company which has not already made returns in respect of profits assessable under this proviso shall make such returns to the Commissioner within 60

days from the date this proviso takes effect, and where such return is duly made and the duty assessable is duly paid within the prescribed time, then neither the company nor any other person shall be liable to any penalty or fine by reason of such profits not having been previously returned.

Members will see from my reading of this proviso that it covers the whole of the points raised by the hon. member at the last sitting.

Hon. G. FRASER: I am not going to oppose the motion, because it is evidently a satisfactory arrangement between the Chief Secretary and Mr. Nicholson, but it seems to me wholly unnecessary. If action is taken in the courts against these people, I think it will be laughed out of court. The fact that there has been a disagreement between the Taxation Department and these people over a number of years would not help the Taxation Department to obtain a conviction. If it were not for the fact that we were assured that this will apply only to one or two companies, I would oppose it.

Amendment put and passed.

The CHIEF SECRETARY: I move—

That the clause be further amended by adding the following at the end of paragraph (b):—"And the provisions of the last proviso to subsection (1) of section (6) shall apply *mutatis mutandis*."

Amendment put and passed.

Bill again reported with amendments.

**BILL—FACTORIES AND SHOPS ACT
AMENDMENT.**

Second Reading.

Debate resumed from the previous day.

HON. L. B. BOLTON (Metropolitan) [4.56]: It is not my intention to address the House at any great length on the second reading of the Bill. There are very few clauses with which I am in accord. Speaking yesterday to the measure both Mr. Craig and Mr. Holmes were able to see, Mr. Craig about 98 per cent., and Mr. Holmes about 99 per cent. bad in the Bill.

Hon. J. J. Holmes: How much do you see bad?

Hon. L. B. BOLTON: I must admit that I see in it very nearly as much that is bad. It has, however, been said on many occasions that there is a little good in the worst of us and in the Bill I see sufficient good to induce me to support the second reading.

Hon. L. Craig: Because the clause stipulated not less than £25.

Hon. A. THOMSON: That would probably depend upon the magistrate's construction of the provision. The words should be inserted if only to clarify the position. While we desire to protect the public from exploitation, a trader should not be rendered liable to a fine of £50 for a comparatively trifling misdemeanour.

Hon. J. NICHOLSON: Section 29 of the Interpretation Act makes clear that the penalty mentioned is the maximum. At times, through excess caution, the words "not exceeding" have been inserted, but they are unnecessary.

Hon. H. V. PIESSE: I still consider that the words should be inserted. If a justice of the peace were investigating a charge he might not know of the limitation imposed by the Interpretation Act. I move an amendment—

That in line 3 "of" be struck out and the words "not exceeding" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clause 15—Goods without trade descriptions to be seized:

Hon. J. NICHOLSON: I move an amendment—

That in line 12 after the words "disposed of" the following be inserted:—"And such inspector shall before removing such goods give to the owner a receipt for same specifying the quantity and class of goods so taken possession of."

This is an acknowledgment for the goods received and it will prevent disputes that may arise from time to time.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That Subclause 2 be struck out.

The subclause reads—"Such goods shall at all times during such detention be at the risk and expense of the owner thereof."

Hon. A. THOMSON: If we are going to take possession of a man's goods with the right to hold them for a certain period, someone should be responsible for them.

The HONORARY MINISTER: I am informed that the actual position is that the inspector would be responsible, but if the Committee desire that this amendment should be made, there will be no objection.

Amendment put and passed; the clause, as amended, agreed to.

Clause 16—Manner in which goods seized may be dealt with:

Hon. J. NICHOLSON: It is my intention to insert certain words at the commencement of paragraph (a). There may be some cases where goods may have been imported into the State, and are on the premises. An inspector comes in and he immediately seizes the goods as being an infringement of the Act. The words I intend to insert will precede the clause. I move an amendment—

That at the commencement of the clause, the following words be inserted:—"The inspector shall give written notice to the owner requiring him within 14 days after service thereof to affix to the goods so taken possession of such trade description or particulars as may be prescribed, and if such notice be duly complied with then such goods shall be returned to the owner subject to the payment of any charges or costs incurred, but failing compliance with such notice within the time aforesaid, then . . ."

Where an inspector has taken possession of goods some such provision as this should be included.

The CHIEF SECRETARY: I have had the opportunity of merely cursorily studying the hon. member's amendment, but it seems to me to go a long way further than Mr. Nicholson actually suggested. My reading of it is that if it is agreed to, any person whose goods are seized can relieve himself of any possibility of proceedings being taken against him under the succeeding paragraphs by virtue of affixing to those goods the trade description referred to in the amendment. In other words, there can be no further action.

Hon. J. J. Holmes: That is my interpretation too.

The CHIEF SECRETARY: While the idea of the hon. member may be all right from the point of view of abundant caution, on behalf of the men whose goods would be taken, the effect would be to nullify Clause 16.

Hon. A. THOMSON: The amendment seems a reasonable proposal. If goods are imported and do not comply strictly with the regulations, surely if within 14 days they do comply with the conditions laid down in the Act there can be no further delay in handing them over.

The HONORARY MINISTER: I hope members will not get into the habit of introducing difficult technical amendments without placing them on the Notice Paper, so that they may be considered properly. A trader will have an opportunity to present

his case to the department before his goods are finally seized. The amendment will completely nullify the object of the legislation.

Hon. J. NICHOLSON: One would think that my amendment was designed to override the Act.

Hon. J. J. Holmes: We do not think that, but we think you are over-cautious.

The Chief Secretary: We absolve you from any such intention, but the amendment would kill the objective we have.

Hon. J. NICHOLSON: There are bound to be many instances where bona fide omissions to comply with the provisions of the Act will arise.

Hon. G. W. Miles: But that would be before the goods were seized.

Hon. J. NICHOLSON: Yes, but once goods that are imported are placed on the floor of the shop and opened up, they are exposed for sale. If there should be anything about the goods that would bring them within the scope of the Bill, the trader, although entirely innocent, would be rendered liable to the penalty prescribed in Clause 14. I merely seek to protect the trader innocent of any fraudulent intent. If there were any fraudulent intent, the offender would deserve whatever penalties were inflicted.

Hon. J. J. HOLMES: Mr. Nicholson has stressed the fact that goods in a trader's possession will render him liable to a penalty in the circumstances he has outlined. It is possible that a man could buy a line of blankets that were three-parts cotton and one-part wool, and yet he could put up a description of them as "all wool blankets." Should an inspector examine the goods and take possession of them, the trader would have 14 days within which to remove the false notice and replace it with a proper description of the goods.

Hon. L. Craig: Whereas at present he could persist with the false trade description for 12 months.

Hon. J. J. HOLMES: If we accept the amendment, we will kill the Bill.

Hon. H. V. PIESSE: If a merchant were to buy goods that subsequently proved not to comply with the trade description, how could he judge? He may act quite innocently and he may accept the goods, believing them to comply with the description of the line he purchased.

Hon. J. J. Holmes: But the trader is supposed to know his business.

Hon. H. V. PIESSE: Could the hon. member tell the difference between cotton and wool?

Hon. J. J. Holmes: I can tell meat that is beef.

Hon. H. V. PIESSE: That is your trade. It will be very difficult for merchants at times to determine whether the goods are of wool or cotton. It is difficult to tell the difference between silk and fibre.

The CHIEF SECRETARY: There are two points that appeal to me. The first is that the Bill provides for the issuing of a proclamation setting out what goods shall be brought within the scope of the Act. I understand it is intended to substitute regulations for the proclamation. After notice is given in that direction, there can be no excuse for any person, who may import a particular line of goods, not seeing that the proper description of the goods is placed before the public. The second point is that Clause 16 provides several alternatives regarding what may happen after goods have been seized. The inspector, having found something unsatisfactory, will warn the owner of the goods. He may even give a month's notice. After whatever period may have been allowed has elapsed, the inspector may again visit the premises and, should the same unsatisfactory conditions obtain, he may seize the goods. Clause 16 lays down the procedure that may be followed by the inspector in taking the matter to court for decision. If an innocent person is involved surely the clause provides ample opportunity to avoid any penalty other, perhaps, than the payment of a small amount in costs. It does not appear necessary to go further than the Bill already provides.

Hon. J. Nicholson: My amendment seeks to prevent an innocent person having to face the court proceedings.

Hon. J. J. Holmes: Your amendment would kill the Bill.

The CHIEF SECRETARY: If we provide that a person shall have an opportunity to correct his mistake within 14 days, we may take it for granted that the trader who is really guilty of an offence will see to it that within that period a proper description is applied to his goods. If Mr. Nicholson thinks that the position regarding the innocent trader is not adequately safeguarded, he should submit an amendment in a much different form, for the one now be-

fore the Committee would entirely defeat the object of the Bill.

Hon. A. THOMSON: In view of Clause 15, Mr. Nicholson is quite right in drawing attention to the position that may arise. Goods that are seized may be retained for upwards of one month. I do not think Mr. Nicholson has any intention to kill the Bill, but merely desires to protect the individual whose goods may have been seized without justification. At any rate, the amendment is worthy of consideration. I suggest that Clause 16 be postponed with a view to giving members an opportunity fully to consider this amendment after it has been placed on the Notice Paper. It may even be necessary to add Mr. Nicholson's amendment as a proviso to Clause 15.

Hon. J. Nicholson: Yes, that is so.

Hon. J. J. HOLMES: If we adopt this amendment, we shall never get any prosecutions under the Act because, by the amendment, a man will have 14 days in which to put the matter in order. The amendment absolutely strikes at the Bill.

Hon. J. NICHOLSON: I drafted this amendment hurriedly before coming to the House.

Hon. J. J. Holmes: Very hurriedly, I think.

Hon. J. NICHOLSON: I explained it to the Committee for the purpose of illustration. As Mr. Thomson pointed out, these cases deserve consideration in their various aspects and phases. I do not say that the amendment is given in a definite form, but at all events it suggests the idea. It should be possible to meet the case by some other member bringing down a modification.

Hon. J. J. Holmes: There are already six alternatives to it.

The CHIEF SECRETARY: In view of the hon. member's remarks, I suggest to him that he let the clause go as it stands, and next time we are dealing with the Bill we can give further thought to the hon. member's amendment. Of course, the Honorary Minister is entitled to persist in his opposition to any amendment that he thinks will kill the Bill. It would help a lot to have this amendment placed on the Notice Paper.

Hon. J. NICHOLSON: Very well, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. A. THOMSON: I move an amendment—

That in paragraph (d) the words "at such owner's expense" be struck out, and "and the

owner be compensated for any loss he has occurred owing to the seizure of his goods" be inserted in lieu.

Some sort of provision should be made to protect one whose goods have been seized. Certainly protection is necessary, because one's goods might be seized and held for a month, and then be released. On the case going to the court, the court decides that the goods had complied with the provisions of the Act, and therefore must be returned. In such circumstances, surely the owner of the goods should be entitled to compensation. Imagine that a merchant bought a whole shipment of Christmas goods that he believed complied with the Act; but the inspector said that was not so, and he held them up for a month. So when those goods, intended for the Christmas trade, were eventually released, they would be of very little value, because the season would have passed.

The CHAIRMAN: Order! I can accept the first part of the amendment, but not the second part, for it is not in order.

The CHIEF SECRETARY: I am afraid Mr. Thomson, unwittingly, has put an entirely wrong construction on the clause. My interpretation of the clause is that, after an inspector has seized the goods, it can be assumed in every case that there is something wrong. But the court decides that the offence, if it be an offence, is one that does not warrant the forfeiture of the goods. Therefore this clause has been inserted to provide that the inspector shall thereupon return those goods to the owner. The opening words of paragraph (d), "subject as hereinafter provided," can relate only to what follows in paragraph (e). So here is a paragraph designed to meet cases in which the court decides that there is no warrant for forfeiture of the goods. If, as Mr. Thomson suggested, an inspector holds forfeited goods for a month, then in such circumstances there is in the Bill a provision stating that certain things shall be done. So on reading Clause 16 as a whole I have come to the conclusion that it has been drafted after very grave consideration of the whole of the circumstances that might arise. But I do not think it bears the interpretation put upon it by Mr. Thomson. If the court is satisfied that the goods seized should not have been seized, the court will make a satisfactory order in such a case.

Hon. A. THOMSON: There is a difference of opinion between the Chief Secretary and myself. There is no doubt that goods

may be forfeited and may be detained in certain circumstances.

The Chief Secretary: The clause deals with cases where an offence has been committed.

Hon. A. THOMSON: I admit that paragraph (e) indicates that the goods may be returned if there is no conviction against the owner. It is to make this quite clear that I have moved an amendment to strike out the words "at such owner's expense."

The HONORARY MINISTER: The amendment would undermine the efficiency of the inspectors. The Chief Secretary has already elucidated the position. I am opposed to the amendment.

Hon. W. J. MANN: I support the amendment. The Chief Secretary dealt wholly with technical offences. He avoided any reference to possible mistakes on the part of inspectors. Mr. Thomson wishes to assist the man who has been made a victim. His amendment will enable the owner of the goods, if not convicted, to claim expenses for the return of his goods.

The CHIEF SECRETARY: The amendment would undermine the Bill. It would cover all those cases where the court considered an offence had been committed, but not of a sufficiently serious nature to warrant the forfeiture of the goods. I suggest that the hon. member should draft an amendment covering only the owners of goods who have not been convicted.

Hon. A. Thomson: I should be ruled out of order for imposing taxation if I attempted to do that.

The CHIEF SECRETARY: If the amendment is carried it will be a direction to the court that although an offence has been committed, the goods are to be returned at the expense of the State. Surely the hon. member can draft a paragraph to cover the point he has raised. He could suggest that in the event of the court being satisfied that a mistake has been made the goods shall be returned without expense to the owner.

Hon. A. THOMSON: Perhaps the Honorary Minister would give an undertaking to bring down a paragraph to protect the class of owner I have in mind. If he will give that undertaking I will withdraw the amendment.

The HONORARY MINISTER: I cannot undertake to draft a paragraph for the hon. member, but I will consult the officers of

the Crown Law Department on the point he has raised.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 17 to 23—agreed to.

Progress reported.

House adjourned at 6.10 p.m.

Legislative Assembly.

Thursday, 19th November, 1936.

	PAGE
Bills: Industries Assistance Act Continuance, mes- sage	1961
Loan, £3,212,000, 1r.	1961
Financial Emergency Act Amendment, 3r.	1961
Lotteries (Control) Act Amendment, 2r.	1961
Banbury, (Old Cemetery) Lands Revestment, returned	2005
Vermin Act Amendment, returned	2005

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

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purpose of the Bill.

BILL—LOAN, £3,212,000.

Introduced by the Premier and read a first time.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.