

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 December, 1919.*

New South Wales.



ANNO DECIMO

GEORGI V REGIS.

Act No. 47, 1919.

An Act to provide for the control of necessary commodities and the prevention of profiteering; to repeal the Necessary Commodities Control Act, 1914; and for purposes consequent thereon and incidental thereto. [Assented to, 22nd December, 1919.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Necessary Commodities Control Act, 1919," and is divided into Parts Short title and division into Parts. as follows:—

PART I.—PRELIMINARY.

PART

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

P. B. COLQUHOUN,
Chairman of Committees of the Legislative Assembly.

Necessary Commodities Control.

PART II.—CONTROL OF NECESSARY COMMODITIES
AND REGULATION OF PRICES.

PART III.—GENERAL PROVISIONS.

PART I.

PRELIMINARY.

- Duration.** **2.** This Act shall be in force until the thirty-first day of December, one thousand nine hundred and twenty.
- Act to apply to Crown.** **3.** This Act shall apply to the Crown and to any department of His Majesty's Government.
- Repeal and savings.** **4.** (1) The Necessary Commodities Control Act, 1914, is hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain, as if this Act had not been passed.
- (2) All persons appointed under the said Act, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.
- (3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of the said Act, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.
- Interpretation.** **5.** In this Act, except where the context or subject-matter otherwise indicates or requires,—
- “Commission” means the Commissioners appointed under this Act.
- “Commissioner” means a member of the Commission.
- “Fixed price” means the maximum price of any necessary commodity as fixed and declared by the Commission.
- “Fixed rate” means the maximum rate of carriage as fixed and declared by the Commission.
- “Inspector”

Necessary Commodities Control.

“Inspector” means an inspector appointed under this Act.

“Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.

“Necessary commodity” or “commodity” means any of the following :—

- (a) Coal, firewood, coke, kerosene, petrol, or other fuel.
- (b) Gas or electricity for lighting, heating, cooking, or industrial purposes.
- (c) Any article of food or drink for man or for any domesticated animal.
- (d) Any article of clothing or apparel for man, including hats, footwear, and haberdashery.
- (e) Fertilisers.
- (f) Any article which enters into or is used in the composition or preparation of any of the foregoing commodities.
- (g) Agricultural implements.
- (h) Tools of trade.
- (i) Seeds for sowing.
- (j) Any article of furniture.
- (k) Any building material.
- (l) Carriage of necessary commodities by land or sea.
- (m) Drugs, proprietary medicines, medical instruments, chemicals, disinfectants, soaps and toilet requisites.
- (n) Oils.
- (o) Any commodity which the Governor, upon the recommendation of the Commission, declares in the Gazette to be a necessary commodity.

“Prescribed” means prescribed by this Act or by proclamation or regulation made thereunder.

“Retail” shall be deemed to refer to a sale to a person for the purpose of consumption or use.

“Wholesale” shall be deemed to refer to a sale to a person for the purpose of resale.

Necessary Commodities Control.

PART II.

CONTROL OF NECESSARY COMMODITIES AND REGULATION
OF PRICES.*Appointment and constitution of Commission.*

The
Commission.
Necessary
Commodities
Control Act,
1914, s. 3.

6. (1) The Governor shall appoint, by letters patent under the public seal, a Commission consisting of three persons, one of whom shall be a judge of the Industrial Arbitration Court, and shall be the chairman of the Commission.

(2) The Governor may appoint one of the other two members to be deputy-chairman of the Commission.

(3) Any vacancies in the Commission, however caused, shall be filled by appointment by the Governor.

(4) The Commission appointed under the Necessary Commodities Control Act, 1914, shall be the first Commission appointed under this Act.

Chairman
and Deputy-
Chairman.
Ibid. s. 5.

7. (1) At all meetings of the Commission the chairman shall preside, if present; and in his absence the deputy-chairman shall preside. The Commissioner presiding shall have a casting as well as a deliberative vote. The Commission may in its discretion sit in camera.

(2) Whenever the Commission is not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Commission.

(3) Any two members of the Commission shall form a quorum thereof.

Deputy
member.
Ibid. s. 6.

8. In case of illness or other incapacity, or absence from the State, of any member of the Commission, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Commission during such illness, incapacity, or absence, or until such a vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice

Necessary Commodities Control.

notice in the Gazette, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.

9. The Minister may appoint a secretary to the Commission and any other officers whom he considers necessary to enable the Commission to carry out its duties and functions. Secretary and other officers. *Ibid.* s. 18.

Declaring and fixing the prices of necessary commodities.

10. (1) With regard to any necessary commodity the Commission, by notice in the Gazette and in prescribed newspapers (if any)— Commission to fix prices of necessary commodities. *Ibid.* s. 1.

- (a) may fix and declare the maximum price at which the same shall be sold ;
- (b) may fix and declare different maximum prices according to differences in quality or description, or in the quantity sold ;
- (c) may fix and declare different maximum prices for different parts of the State ;
- (d) may from time to time make a declaration varying or revoking any price previously fixed by the Commission ; but only so as to apply to future transactions ;
- (e) may, in fixing any price, do so relatively to such standards of measurement, weight, capacity or otherwise, as it thinks proper ;
- (f) may fix prices on a sliding scale ;
- (g) may fix prices which vary in accordance with a standard, time, or other circumstance ;
- (h) may fix prices on a condition or conditions ;
- (i) may fix prices which vary with profits, dividends, or wages ;
- (j) may fix prices for cash, delivery, credit, or time payment, and in either case inclusive or exclusive of the cost of packing ;
- (k) may fix prices on a percentage basis on landed or other cost ; and
- (l) may fix prices according to or upon any principle or condition prescribed.

(2) Such notice shall specify a day, being a day not more than fourteen days after the publication thereof in the Gazette, upon which such maximum price shall take effect.

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Commission may fix wholesale, as well as retail, prices.
cf. Imperial Profiteering Bill, 1919, s. 1.

11. The Commission may by notice as aforesaid fix and declare the wholesale, as well as the retail, maximum price of any necessary commodity, and for such purposes may investigate prices, costs, and profits at all stages.

Commission may prohibit increase in price of necessary commodities.
cf. S.A. Prices Regulation Bill, 1919, s. 10.

12. (1) The Commission may by notice as aforesaid declare that the price of any necessary commodity shall not be increased on or after a date to be fixed by such notice.

(2) The market price of such commodity on such date shall be deemed to be the fixed price therefor, and shall be deemed to have been fixed under section eleven.

Commission may prohibit specific persons from increasing prices.
cf. *Ibid.* s. 9.

13. (1) The Commission may, by notice delivered to any person, require that such person shall not, on or after a date to be fixed by such notice, increase the price charged by such person for any commodity specified in such notice, unless such person first obtains the permission in writing of the Commission.

(2) The price charged by such person for such commodity on the date fixed by such notice shall be deemed to be the fixed price which such person may charge for such commodity, and shall be deemed to have been fixed under section ten.

Failing to supply necessary commodity at fixed price.
cf. *Ibid.* s. 12.

14. (1) If any person, who has in his custody, or under his control, any necessary commodity in which he usually trades, fails, on—

- (a) demand of any quantity of such commodity; and
- (b) tender of payment at the fixed price for the amount demanded,

to supply such commodity in the quantity demanded, he shall, subject to the provisions of this section, be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any term not exceeding six months.

(2) If any person carries on business of any class in connection with which a necessary commodity is usually sold or supplied, or if he has been in the habit of selling or supplying such commodity, he shall for the purposes of this section be deemed usually to trade in such commodity.

(3)

Necessary Commodities Control.

(3) In any prosecution under this section it shall be a sufficient defence to show that, on the occasion in question—

- (a) the defendant supplied a reasonable quantity of such commodity; or
- (b) the defendant was a wholesale trader in such commodity, and the person who demanded to be supplied was not a retail trader therein; or
- (c) the defendant had not a sufficient quantity of such commodity in his custody or under his control to supply the quantity demanded, in addition to the quantity required to satisfy all other contracts then subsisting, under which he was obliged to supply quantities of such commodity, and the ordinary requirements of his business; or
- (d) there existed special circumstances in the particular case which rendered the declared price of a commodity inadequate, and that the action of the defendant was reasonable.

(4) For the purposes of this section the Commission shall, in determining what is a reasonable quantity, have regard to all the circumstances of the case.

(5) Where a retail trader is prosecuted under this section, the defence that he supplied a reasonable quantity of such commodity shall be sufficiently established by proof that he supplied the person making the demand with a sufficient quantity thereof to meet the reasonable needs for one week—

- (a) of himself and the members of his household; and
- (b) if such commodity is of a kind generally used for animals, of all animals kept by him of the kinds for which such commodity is ordinarily used.

(6) For the purposes of this section, all persons who live with and in the same house as a person shall be deemed to be members of his household; and animals shall be deemed to include birds.

15. (1) Any person who sells, offers, or exposes for sale, or has in his possession or under his control for the fixed price, shall be guilty of an offence against this

Charging
prices higher
than fixed
prices.

cf. *Ibid.*, s. 13.

Act

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Act, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

(2) Any purchaser from such person of a necessary commodity at a price in excess of the fixed price may recover from such person in any court of competent jurisdiction the amount of such excess where the same has been actually paid by him to such person.

(3) In any prosecution for an offence under this section an invoice given or account rendered by the defendant, or by some person on his behalf, for the necessary commodity in respect of which the offence is alleged to have been committed, or an offer in writing signed by the defendant or by some person on his behalf, to sell such commodity at a specified price, shall be prima facie evidence of the sale of or the offer to sell such commodity, and of the price charged or to be charged therefor.

Penalty
for second
offence.

16. For a second offence under either of the two preceding sections the defendant shall be liable to a penalty not exceeding two hundred pounds or to imprisonment for any term not exceeding six months, or both; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

Commission
may recom-
mend
forfeiture of
necessary
commodities.
cf. *Ibid.* s. 14.

17. If the Commission is satisfied—

- (a) that a person has in his custody or under his control any necessary commodity and has failed, on demand and tender of the fixed price, to supply any particular person or persons with such commodity; or
- (b) that any necessary commodity which, in its opinion, should be distributed for public use is being withheld from sale,

the Commission may recommend to the Governor that such commodity be forfeited. The Governor may thereupon by notice in the Gazette order that the whole of such commodity, or such quantity thereof as is specified in such notice, be forfeited to the Crown.

Power to
seize and
dispose of
necessary
commodities.
cf. *Ibid.* ss.
15, 17.

18. When any necessary commodity has been so forfeited, it shall be lawful for any inspector or any member of the police force or any person thereunto authorised in writing by the Minister—

- (a) to seize any commodity which he has reasonable cause to believe is forfeited under this Act;
- (b) to store the same in any place provided by the Minister for the purpose; and
- (c)

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- (c) to sell or otherwise dispose of the same at such times and in such manner as the Minister may direct, or as may be prescribed.

19. When any necessary commodity is seized under this Act the person who was the owner thereof prior to the forfeiture shall be entitled to be paid therefor by the Minister at the fixed price, after deducting—

Former owner to be paid fixed price, less certain deductions.
cf. *Ibid.* s. 18.

- (a) the amount of any penalties imposed on such person in any proceedings under this Act, whether in respect of the goods so seized or otherwise, and the amount of any costs awarded against him in such proceedings, or so much of such amounts as have not already been paid; and
- (b) the costs and expenses of any application to the Commission for a forfeiture, whether in respect of the necessary commodity so seized or any other necessary commodity; and
- (c) the costs and expenses of searching for, seizing, storing, and selling or otherwise disposing of such commodity.

20. Any inspector or member of the police force or person thereunto authorised in writing by the Minister may at any time in the day or night enter into and search any premises or vessel or part thereof, where any necessary commodity forfeited or liable to seizure under this Act is, or is supposed to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part, and may break open and search any chests, trunks, packages, or other things in which any such commodity is or is supposed to be.

Power to search for necessary commodities.
Necessary Commodities Control Act, 1914, s. 12.

Fixing rates of carriage.

21. The Commission may fix and declare maximum rates which shall be charged by any carrier for any service rendered in respect of the carriage of any necessary commodity, and in particular, and without limiting the generality of the power hereby conferred—

Commission may fix rates of carriage for commodities.
cf. S.A. Prices Regulation Bill, 1919, s. 20.

- (a) may fix and declare different maximum rates according to differences in the quality or description, or in the quantity of the commodity carried;

(b)

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- (b) may fix and declare different maximum rates for different parts of the State ;
- (c) may fix and declare different maximum rates according to the nature of the carriage ;
- (d) may, from time to time, make a declaration varying or revoking any rate previously fixed by it ;
- (e) in fixing any rate, may do so relatively to such standards of measurement, weight, capacity, distance, or otherwise as it thinks proper ;
- (f) may fix rates according to or upon any principle or condition prescribed :

Provided that nothing in this section shall affect the Railway Commissioners for New South Wales.

Penalty for failure to carry commodity on tender of fixed rate.
cf. *Ibid.* s. 21.

22. If any carrier, who, in the usual course of his business, carries any necessary commodity, fails, without reasonable excuse, on tender of payment at a fixed rate, to carry such commodity, or charges for the carriage of such commodity at a rate higher than the fixed rate he shall be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

Penalty for second offence.

23. For a second offence such carrier shall be liable to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both ; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

Offences in connection with inquiries by the Commission.

Bribing of witness.
cf. *Ibid.* s. 44.

24. Any person who—

- (a) gives, confers, or procures, or promises, or offers to give, confer, or procure any property, or benefit of any kind to, upon, or for any person upon any agreement or understanding that any person called, or to be called, as a witness before the Commission shall give false testimony or withhold true testimony ; or
- (b) by any means induces a person called or to be called, as a witness before the Commission to give false testimony or to withhold true testimony ; or
- (c)

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(c) asks for, receives, or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall, as a witness before the Commission, give false testimony or withhold true testimony, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.

25. Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness before the Commission, with intent to affect the testimony of that person as a witness, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.

Fraud on witness.
cf. *Ibid.* s. 45.

26. Any person who, knowing that any book, document, or writing is or may be required in evidence before the Commission, wilfully destroys it, or renders it illegible or undecipherable, or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.

Destroying books or documents.
cf. *Ibid.* s. 46.

27. Any person who wilfully prevents any person who has been summoned to attend as a witness before the Commission from attending as a witness, or from producing any evidence pursuant to the summons to attend, shall be guilty of a misdemeanour, and shall be imprisoned for any term not exceeding two years.

Preventing witness from attending.
cf. *Ibid.* s. 47.

28. Any person who uses, causes, inflicts, or procures any violence, punishment, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Commission, or for or on account of any evidence given by him before the Commission, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.

Injury to witness.
cf. *Ibid.* s. 48.

29. (1) Any employer who dismisses any employee from his employment, or prejudices any employee in his employment, for or on account of such employee's having

Dismissal by employers of witness.
cf. *Ibid.* s. 49.

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having appeared as a witness or given evidence before the Commission shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.

(2) In any proceeding for an offence against this section it shall lie upon the employer to prove that any employee shown to have been dismissed from or prejudiced in his employment was so dismissed or prejudiced for some reason other than a reason mentioned in subsection one of this section.

PART III.

GENERAL PROVISIONS.

Powers of
Commission.
Necessary
Commodities
Control Act,
1914, s. 13.

30. The Commission shall for the purposes of any inquiry under this Act have all such powers, rights, and privileges as are vested in the Supreme Court, or in any judge thereof, on the occasion of any action or trial in respect of the following matters:—

- (a) The compelling the attendance of witnesses, and examining them on oath, affirmation, or declaration.
- (b) The compelling the production of books, documents, and writings.
- (c) The compelling witnesses to answer questions which the Commission deems to be relevant to the inquiry.
- (d) The punishing persons guilty of contempt or of disobedience of any order or summons made or issued by the Commission.
- (e) The directing witnesses to be prosecuted for perjury.

Summons to
produce.
Ibid. s. 14.

31. A summons signed by the chairman of the Commission may be issued for enforcing the attendance of witnesses or compelling the production of books, documents, and writings. If any person having been served with such summons fails to appear, the said chairman may issue a warrant authorising such person to be apprehended and brought before the Commission.

32.

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32. Any inspector or party aggrieved may institute proceedings before the chairman of the Commission for the recovery in a summary way under the Justices Act, 1902, of any penalty imposed by this Act or by any regulation thereunder.

Recovery of penalties.
cf. *Ibid.* s. 15.

33. The publication of a notice in the Gazette shall be conclusive evidence that the fixed price of any commodity as therein appearing has been duly and lawfully fixed, that the commodity is a necessary commodity, and that all steps necessary for the fixing of such price have been duly taken in accordance with the provisions of this Act. It shall not be competent for any person or court by any means whatever to question the legality or correctness of such fixed price or whether any commodity, the fixed price of which is declared in such notice, is a necessary commodity.

Gazette notice to be evidence.
Ibid. s. 16.

34. No action shall lie against any person for any act or thing done by him under any authority conferred or purporting to be conferred upon him by the Governor in pursuance of this Act.

Freedom from liability.
cf. *Ibid.* s. 17.

35. Any person who in any way resists, interferes with, hinders, or obstructs any inspector or other officer or person in the exercise or discharge of any power or duty under this Act shall be guilty of an offence and be liable to a penalty not exceeding fifty pounds.

Resisting or obstructing inspectors, &c.
Ibid. s. 18.

36. Every offence against this Act or any regulation thereunder committed by a corporation shall be deemed to have been also committed by each director and managing officer thereof, unless it is proved that such offence was committed without his knowledge or consent.

Offence by corporation to be deemed an offence, prima facie, by each director and managing officer.
cf. W.A. Prices Regulation Bill, 1915, s. 15.

37. (1) If any question of law arises in the course of any proceeding under this Act the chairman shall, if any party to such proceeding so desire, state a case for the determination of that question of law by the Supreme Court.

Proceedings at law under this Act.

(2) The determination of the Supreme Court shall be binding upon the Commission.

38. (1) The Governor may from time to time make regulations for carrying out the provisions of this Act.

Power to make regulations.

(2)

Necessary Commodities Control.

(2) Any such regulation may impose any penalty not exceeding twenty pounds for each breach of the same, or, where the breach is a continuing one, any penalty not exceeding five pounds for every day during which such breach continues.

(3) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

In the name and on behalf of His Majesty I assent to this Act.

W. E. DAVIDSON,
Governor.

*Government House,
Sutton Forest, 22nd December, 1919.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 December, 1919, A.M.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

NECESSARY COMMODITIES CONTROL BILL.

SCHEDULE of the Amendments referred to in Message of 18th December, 1919.

- Page 6 clause 12, line 6. Omit ' concerning which a declaration has been made under " section ten '
Page 6, clause 13, line 23. Omit " nine " insert " ten "
Page 7, clause 14. Insert new paragraph (d).
Page 8, clause 15. Insert new subsection (2).
Page 10, clause 21. At end of clause add new proviso.
Page 13, clause 32. Omit clause, insert new clause 32.
Page 14. Insert new clause 37.
Page 14, clause 38, line 25. After " resolution " insert " of which notice has been " given "

ACT NO. ,

An Act to provide for the control of necessary commodities and the prevention of profiteering; to repeal the Necessary Commodities Control Act, 1914; and for purposes consequent thereon and incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Necessary Commodities Control Act, 1919," and is divided into Parts as follows:—

PART I.—PRELIMINARY.

74153

142—

PART

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 13 December, 1919, A.M.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 18th December, 1919.*

New South Wales.



ANNO DECIMO

GEORGII V REGIS.

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PART I.—PRELIMINARY.

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Necessary Commodities Control.

PART II.—CONTROL OF NECESSARY COMMODITIES
AND REGULATION OF PRICES.

PART III.—GENERAL PROVISIONS.

PART I.

5

PRELIMINARY.

2. This Act shall be in force until the thirty-first ^{Duration.}
day of December, one thousand nine hundred and
twenty.

3. This Act shall apply to the Crown and to any ^{Act to apply}
10 department of His Majesty's Government. ^{to Crown.}

4. (1) The Necessary Commodities Control Act, ^{Repeal and}
1914, is hereby repealed, except as to things done or ^{savings.}
commenced and offences committed before the passing
of this Act, which shall be continued and dealt with,
15 and in respect of which every right and liability shall
remain, as if this Act had not been passed.

(2) All persons appointed under the said Act,
and holding office at the time of the passing of this
Act, shall be deemed to have been appointed under this
20 Act.

(3) All rules, regulations, orders, directions,
appointments, and notices made or given under the
authority of the said Act, and in force at the time of
the passing of this Act, shall be deemed to have been
25 made or given under the authority of this Act.

5. In this Act, except where the context or subject- ^{Interpreta-}
matter otherwise indicates or requires, — ^{tion.}

“Commission” means the Commissioners appointed
under this Act.

30 “Commissioner” means a member of the Com-
mission.

“Fixed price” means the maximum price of any
necessary commodity as fixed and declared by
the Commission. “Fixed

Necessary Commodities Control.

- “Fixed rate” means the maximum rate of carriage as fixed and declared by the Commission.
- “Inspector” means an inspector appointed under this Act.
- 5 “Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.
- “Necessary commodity” or “commodity” means any of the following :—
- 10 (a) Coal, firewood, coke, kerosene, petrol, or other fuel.
- (b) Gas or electricity for lighting, heating, cooking, or industrial purposes.
- (c) Any article of food or drink for man or for 15 any domesticated animal.
- (d) Any article of clothing or apparel for man, including hats, footwear, and haberdashery.
- (e) Fertilisers.
- (f) Any article which enters into or is used in 20 the composition or preparation of any of the foregoing commodities.
- (g) Agricultural implements.
- (h) Tools of trade.
- (i) Seeds for sowing.
- 25 (j) Any article of furniture.
- (k) Any building material.
- (l) Carriage of necessary commodities by land or sea.
- (m) Drugs, proprietary medicines, medical in- 30 struments, chemicals, disinfectants, soaps and toilet requisites.
- (n) Oils.
- (o) Any commodity which the Governor, upon the recommendation of the Commission, 35 declares in the Gazette to be a necessary commodity.
- “Prescribed” means prescribed by this Act or by proclamation or regulation made thereunder.
- 40 “Retail” shall be deemed to refer to a sale to a person for the purpose of consumption or use.
- “Wholesale” shall be deemed to refer to a sale to a person for the purpose of resale.

Necessary Commodities Control.

PART II.

CONTROL OF NECESSARY COMMODITIES AND REGULATION OF PRICES.

Appointment and constitution of Commission.

- 5 **6.** (1) The Governor shall appoint, by letters patent under the public seal, a Commission consisting of three persons, one of whom shall be a judge of the Industrial Arbitration Court, and shall be the chairman of the Commission. The Commission. Necessary Commodities Control Act, 1914, s. 3.
- 10 (2) The Governor may appoint one of the other two members to be deputy-chairman of the Commission.
- (3) Any vacancies in the Commission, however caused, shall be filled by appointment by the Governor.
- (4) The Commission appointed under the Necessary
15 Commodities Control Act, 1914, shall be the first Commission appointed under this Act.
- 7.** (1) At all meetings of the Commission the chairman shall preside, if present; and in his absence the deputy-chairman shall preside. The Commissioner
20 presiding shall have a casting as well as a deliberative vote. The Commission may in its discretion sit in camera. Chairman and Deputy-Chairman. Ibid. s. 5.
- (2) Whenever the Commission is not unanimous as to any matter, such matter shall be decided by
25 the majority of votes, and the decision so arrived at shall be the decision of the Commission.
- (3) Any two members of the Commission shall form a quorum thereof.
- 8.** In case of illness or other incapacity, or absence
30 from the State, of any member of the Commission, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Commission during such illness, incapacity, or absence, or until such a vacancy is filled. Every person so
35 appointed shall, until his appointment is terminated by notice Deputy member. Ibid. s. 6.

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notice in the Gazette, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.

- 5 **9.** The Minister may appoint a secretary to the Commission and any other officers whom he considers necessary to enable the Commission to carry out its duties and functions.

Secretary and other officers.
Ibid. s. 18.

Declaring and fixing the prices of necessary commodities.

- 10 **10.** (1) With regard to any necessary commodity the Commission, by notice in the Gazette and in prescribed newspapers (if any)—

Commission to fix prices of necessary commodities.

- (a) may fix and declare the maximum price at which the same shall be sold ;
- 15 (b) may fix and declare different maximum prices according to differences in quality or description, or in the quantity sold ;
- (c) may fix and declare different maximum prices for different parts of the State ;
- 20 (d) may from time to time make a declaration varying or revoking any price previously fixed by the Commission ; but only so as to apply to future transactions ;
- (e) may, in fixing any price, do so relatively to such standards of measurement, weight, capacity or otherwise, as it thinks proper ;
- 25 (f) may fix prices on a sliding scale ;
- (g) may fix prices which vary in accordance with a standard, time, or other circumstance ;
- 30 (h) may fix prices on a condition or conditions ;
- (i) may fix prices which vary with profits, dividends, or wages ;
- (j) may fix prices for cash, delivery, credit, or time payment, and in either case inclusive or exclusive of the cost of packing ;
- 35 (k) may fix prices on a percentage basis on landed or other cost ; and
- (l) may fix prices according to or upon any principle or condition prescribed.

cf. *Ibid.* s. 1.

- 40 (2) Such notice shall specify a day, being a day not more than fourteen days after the publication thereof in the Gazette, upon which such maximum price shall take effect.

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- 11.** The Commission may by notice as aforesaid fix and declare the wholesale, as well as the retail, maximum price of any necessary commodity, and for such purposes may investigate prices, costs, and profits at all stages.
- Commission may fix wholesale, as well as retail, prices.
cf. Imperial Profiteering Bill, 1919, s. 1.
- 5 **12.** (1) The Commission may by notice as aforesaid declare that the price of any necessary commodity, ~~concerning which a declaration has been made under section ten,~~ shall not be increased on or after a date to be fixed by such notice.
- Commission may prohibit increase in price of necessary commodities.
cf. S.A. Prices Regulation Bill, 1919, s. 10.
- 10 (2) The market price of such commodity on such date shall be deemed to be the fixed price therefor, and shall be deemed to have been fixed under section eleven.
- 13.** (1) The Commission may, by notice delivered to any person, require that such person shall not, on or
- 15 after a date to be fixed by such notice, increase the price charged by such person for any commodity specified in such notice, unless such person first obtains the permission in writing of the Commission.
- Commission may prohibit specific persons from increasing prices.
cf. *Ibid.* s. 9.
- (2) The price charged by such person for such
- 20 commodity on the date fixed by such notice shall be deemed to be the fixed price which such person may charge for such commodity, and shall be deemed to have been fixed under section ~~nine~~ ten.
- 14.** (1) If any person, who has in his custody, or
- 25 under his control, any necessary commodity in which he usually trades, fails, on—
- (a) demand of any quantity of such commodity; and
- (b) tender of payment at the fixed price for the amount demanded,
- 30 to supply such commodity in the quantity demanded, he shall, subject to the provisions of this section, be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any term not exceeding six months.
- 35 (2) If any person carries on business of any class in connection with which a necessary commodity is usually sold or supplied, or if he has been in the habit of selling or supplying such commodity, he shall for the purposes of this section be deemed usually to trade
- 40 in such commodity,

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(3) In any prosecution under this section it shall be a sufficient defence to show that, on the occasion in question—

- 5 (a) the defendant supplied a reasonable quantity of such commodity ; or
- (b) the defendant was a wholesale trader in such commodity, and the person who demanded to be supplied was not a retail trader therein ; or
- 10 (c) the defendant had not a sufficient quantity of such commodity in his custody or under his control to supply the quantity demanded, in addition to the quantity required to satisfy all other contracts then subsisting, under which he was obliged to supply quantities of such
- 15 commodity, and the ordinary requirements of his business ; or
- (d) there existed special circumstances in the particular case which rendered the declared price of a commodity inadequate, and that the
- 20 action of the defendant was reasonable.

(4) For the purposes of this section the Commission shall, in determining what is a reasonable quantity, have regard to all the circumstances of the case.

25 (5) Where a retail trader is prosecuted under this section, the defence that he supplied a reasonable quantity of such commodity shall be sufficiently established by proof that he supplied the person making the demand with a sufficient quantity thereof to meet the

30 reasonable needs for one week—

- (a) of himself and the members of his household ; and
- (b) if such commodity is of a kind generally used for animals, of all animals kept by him of the kinds for which such commodity is ordinarily
- 35 used.

(6) For the purposes of this section, all persons who live with and in the same house as a person shall be deemed to be members of his household ; and animals

40 shall be deemed to include birds.

15. (1) Any person who sells, offers, or exposes for sale, or has in his possession or under his control for sale, any necessary commodity at a price greater than the fixed price, shall be guilty of an offence against this

Act,

Charging prices higher than fixed prices.

cf. *Ibid.* s. 13.

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Act, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

(2) Any purchaser from such person of a necessary commodity at a price in excess of the fixed price may recover from such person in any court of competent jurisdiction the amount of such excess where the same has been actually paid by him to such person.

(2 3) In any prosecution for an offence under this section an invoice given or account rendered by the defendant, or by some person on his behalf, for the necessary commodity in respect of which the offence is alleged to have been committed, or an offer in writing signed by the defendant or by some person on his behalf, to sell such commodity at a specified price, shall be prima facie evidence of the sale of or the offer to sell such commodity, and of the price charged or to be charged therefor.

16. For a second offence under either of the two preceding sections the defendant shall be liable to a penalty not exceeding two hundred pounds or to imprisonment for any term not exceeding six months, or both; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

Penalty for second offence.

17. If the Commission is satisfied—

(a) that a person has in his custody or under his control any necessary commodity and has failed, on demand and tender of the fixed price, to supply any particular person or persons with such commodity; or

Commission may recommend forfeiture of necessary commodities. cf. *Ibid.* s. 14.

(b) that any necessary commodity which, in its opinion, should be distributed for public use is being withheld from sale,

the Commission may recommend to the Governor that such commodity be forfeited. The Governor may thereupon by notice in the Gazette order that the whole of such commodity, or such quantity thereof as is specified in such notice, be forfeited to the Crown.

18. When any necessary commodity has been so forfeited, it shall be lawful for any inspector or any member of the police force or any person thereunto authorised in writing by the Minister—

Power to seize and dispose of necessary commodities. cf. *Ibid.* ss. 15, 17.

(a) to seize any commodity which he has reasonable cause to believe is forfeited under this Act;

(b) to store the same in any place provided by the Minister for the purpose; and

(c)

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(c) to sell or otherwise dispose of the same at such times and in such manner as the Minister may direct, or as may be prescribed.

5 **19.** When any necessary commodity is seized under this Act the person who was the owner thereof prior to the forfeiture shall be entitled to be paid therefor by the Minister at the fixed price, after deducting—

Former owner to be paid fixed price, less certain deductions. of. *Ibid.* s. 18.

10 (a) the amount of any penalties imposed on such person in any proceedings under this Act, whether in respect of the goods so seized or otherwise, and the amount of any costs awarded against him in such proceedings, or so much of such amounts as have not already been paid; and

15 (b) the costs and expenses of any application to the Commission for a forfeiture, whether in respect of the necessary commodity so seized or any other necessary commodity; and

20 (c) the costs and expenses of searching for, seizing, storing, and selling or otherwise disposing of such commodity.

25 **20.** Any inspector or member of the police force or person thereunto authorised in writing by the Minister may at any time in the day or night enter into and search any premises or vessel or part thereof, where any necessary commodity forfeited or liable to seizure under this Act is, or is supposed to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part, and may break open and search any chests, trunks, packages, or other things in which any such commodity is or is supposed to be.

Power to search for necessary commodities.

Necessary Commodities Control Act, 1914, s. 12.

Fixing rates of carriage.

35 **21.** The Commission may fix and declare maximum rates which shall be charged by any carrier for any service rendered in respect of the carriage of any necessary commodity, and in particular, and without limiting the generality of the power hereby conferred—

Commission may fix rates of carriage for commodities.

cf. S.A. Prices Regulation Bill, 1919, s. 20.

40 (a) may fix and declare different maximum rates according to differences in the quality or description, or in the quantity of the commodity carried;

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(b)

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- (b) may fix and declare different maximum rates for different parts of the State ;
- (c) may fix and declare different maximum rates according to the nature of the carriage ;
- 5 (d) may, from time to time, make a declaration varying or revoking any rate previously fixed by it ;
- (e) in fixing any rate, may do so relatively to such standards of measurement, weight, capacity, distance, or otherwise as it thinks proper ;
- 10 (f) may fix rates according to or upon any principle or condition prescribed :

Provided that nothing in this section shall affect the Railway Commissioners for New South Wales.

- 15 **22.** If any carrier, who, in the usual course of his business, carries any necessary commodity, fails, without reasonable excuse, on tender of payment at a fixed rate, to carry such commodity, or charges for the carriage of such commodity at a rate higher than
- 20 the fixed rate he shall be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

Penalty for failure to carry commodity on tender of fixed rate.
cf. *Ibid.* s. 21.

- 23.** For a second offence such carrier shall be liable
- 25 to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both ; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

Penalty for second offence.

Offences in connection with inquiries by the Commission.

- 30 **24.** Any person who—
- (a) gives, confers, or procures, or promises, or offers to give, confer, or procure any property, or benefit of any kind to, upon, or for any person upon any agreement or understanding that any person called, or to be called, as a witness before the Commission shall give false testimony or withhold true testimony ; or
- 35 (b) by any means induces a person called or to be called, as a witness before the Commission to give false testimony or to withhold true
- 40 testimony ; or
- (c)

Bribing of witness.
cf. *Ibid.* s. 41.

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- (c) asks for, receives, or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall, as a witness before the Commission, give false testimony or withhold true testimony, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.
- 5
- 10 **25.** Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness before the Commission, with intent to affect the testimony of that person as a witness, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.
- 15
- 26.** Any person who, knowing that any book, document, or writing is or may be required in evidence before the Commission, wilfully destroys it, or renders it illegible or undecipherable, or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.
- 20
- 27.** Any person who wilfully prevents any person who has been summoned to attend as a witness before the Commission from attending as a witness, or from producing any evidence pursuant to the summons to attend, shall be guilty of a misdemeanour, and shall be imprisoned for any term not exceeding two years.
- 25
- 28.** Any person who uses, causes, inflicts, or procures any violence, punishment, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Commission, or for or on account of any evidence given by him before the Commission, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.
- 30
- 29.** (1) Any employer who dismisses any employee from his employment, or prejudices any employee in his employment, for or on account of such employee's having
- 35
- 40
- Fraud on witness.
cf. *Ibid.* s. 45.
- Destroying books or documents.
cf. *Ibid.* s. 46.
- Preventing witness from attending.
cf. *Ibid.* s. 47.
- Injury to witness.
cf. *Ibid.* s. 48.
- Dismissal by employers of witness.
cf. *Ibid.* s. 49.

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having appeared as a witness or given evidence before the Commission shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.

- 5 (2) In any proceeding for an offence against this section it shall lie upon the employer to prove that any employee shown to have been dismissed from or prejudiced in his employment was so dismissed or prejudiced for some reason other than a reason mentioned
10 in subsection one of this section.

PART III.

GENERAL PROVISIONS.

30. The Commission shall for the purposes of any inquiry under this Act have all such powers, rights, and
15 privileges as are vested in the Supreme Court, or in any judge thereof, on the occasion of any action or trial in
respect of the following matters:—

Powers of Commission.
Necessary Commodities Control Act, 1914, s. 13.

- (a) The compelling the attendance of witnesses, and examining them on oath, affirmation, or
20 declaration.
(b) The compelling the production of books, documents, and writings.
(c) The compelling witnesses to answer questions which the Commission deems to be relevant
25 to the inquiry.
(d) The punishing persons guilty of contempt or of disobedience of any order or summons made or issued by the Commission.
(e) The directing witnesses to be prosecuted for
30 perjury.

31. A summons signed by the chairman of the Commission may be issued for enforcing the attendance
of witnesses or compelling the production of books,
documents, and writings. If any person having been
35 served with such summons fails to appear, the said chairman may issue a warrant authorising such person to be apprehended and brought before the Commission.

Summons to produce.
Ibid. s. 14.

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- 32.** Any penalty imposed by or under this Act may be recovered before the chairman of the Commission in a summary way under the Justices Act, 1902. For that purpose the said chairman shall have the powers of a stipendiary magistrate.
- No proceedings for the recovery of any such penalty (other than penalties imposed by regulations under this Act) shall be taken without the consent of the Attorney-General being first obtained.
- 32.** Any inspector or party aggrieved may institute proceedings before the chairman of the Commission for the recovery in a summary way under the Justices Act, 1902, of any penalty imposed by this Act or by any regulation thereunder. Recovery of penalties. cf. *Ibid.* s. 15.
- 33.** The publication of a notice in the Gazette shall be conclusive evidence that the fixed price of any commodity as therein appearing has been duly and lawfully fixed, that the commodity is a necessary commodity, and that all steps necessary for the fixing of such price have been duly taken in accordance with the provisions of this Act. It shall not be competent for any person or court by any means whatever to question the legality or correctness of such fixed price or whether any commodity, the fixed price of which is declared in such notice, is a necessary commodity. Gazette notice to be evidence. *Ibid.* s. 16.
- 34.** No action shall lie against any person for any act or thing done by him under any authority conferred or purporting to be conferred upon him by the Governor in pursuance of this Act. Freedom from liability. cf. *Ibid.* s. 17.
- 35.** Any person who in any way resists, interferes with, hinders, or obstructs any inspector or other officer or person in the exercise or discharge of any power or duty under this Act shall be guilty of an offence and be liable to a penalty not exceeding fifty pounds. Resisting or obstructing inspectors, &c. *Ibid.* s. 18.
- 36.** Every offence against this Act or any regulation thereunder committed by a corporation shall be deemed to have been also committed by each director and managing officer thereof, unless it is proved that such offence was committed without his knowledge or consent. Offence by corporation to be deemed an offence, *prima facie*, by each director and managing officer. cf. W.A. Prices Regulation Bill, 1919, s. 15.

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37. (1) If any question of law arises in the course of any proceeding under this Act the chairman shall, if any party to such proceeding so desire, state a case for the determination of that question of law by the Supreme Court.

(2) The determination of the Supreme Court shall be binding upon the Commission.

38. (1) The Governor may from time to time make regulations for carrying out the provisions of this Act. Power to make regulations.

(2) Any such regulation may impose any penalty not exceeding twenty pounds for each breach of the same, or, where the breach is a continuing one, any penalty not exceeding five pounds for every day during which such breach continues.

(3) Such regulations shall—

(i) be published in the Gazette;

(ii) take effect from the date of publication, or from a later date to be specified in such regulations; and

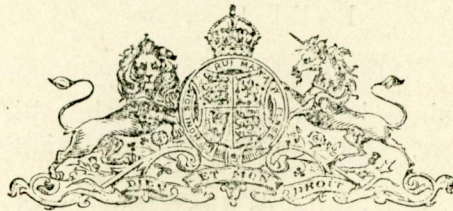
(iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 December, 1919, A.M.*

New South Wales.



ANNO DECIMO

GEORGII V REGIS.

Act No. , 1919.

An Act to provide for the control of necessary commodities and the prevention of profiteering; to repeal the Necessary Commodities Control Act, 1914; and for purposes consequent thereon and incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Necessary Com-
modities Control Act, 1919," and is divided into Parts
as follows:—

Short title
and division
into Parts.

PART I.—PRELIMINARY.

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PART

Necessary Commodities Control.

PART II.—CONTROL OF NECESSARY COMMODITIES
AND REGULATION OF PRICES.

PART III.—GENERAL PROVISIONS.

PART I.

5

PRELIMINARY.

2. This Act shall be in force until the thirty-first Duration
day of December, one thousand nine hundred and
twenty.

3. This Act shall apply to the Crown and to any Act to apply
10 department of His Majesty's Government. to Crown.

4. (1) The Necessary Commodities Control Act, Repeal and
1914, is hereby repealed, except as to things done or savings.
15 commenced and offences committed before the passing
of this Act, which shall be continued and dealt with,
and in respect of which every right and liability shall
remain, as if this Act had not been passed.

(2) All persons appointed under the said Act,
and holding office at the time of the passing of this
Act, shall be deemed to have been appointed under this
20 Act.

(3) All rules, regulations, orders, directions,
appointments, and notices made or given under the
authority of the said Act, and in force at the time of
the passing of this Act, shall be deemed to have been
25 made or given under the authority of this Act.

5. In this Act, except where the context or subject- Interpreta-
matter otherwise indicates or requires,— tion.

“Commission” means the Commissioners appointed
under this Act.

30 “Commissioner” means a member of the Com-
mission.

“Fixed price” means the maximum price of any
necessary commodity as fixed and declared by
the Commission. “Fixed

Necessary Commodities Control.

- “Fixed rate” means the maximum rate of carriage as fixed and declared by the Commission.
- “Inspector” means an inspector appointed under this Act.
- 5 “Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.
- “Necessary commodity” or “commodity” means any of the following:—
- 10 (a) Coal, firewood, coke, kerosene, petrol, or other fuel.
- (b) Gas or electricity for lighting, heating, cooking, or industrial purposes.
- (c) Any article of food or drink for man or for 15 any domesticated animal.
- (d) Any article of clothing or apparel for man, including hats, footwear, and haberdashery.
- (e) Fertilisers.
- (f) Any article which enters into or is used in 20 the composition or preparation of any of the foregoing commodities.
- (g) Agricultural implements.
- (h) Tools of trade.
- (i) Seeds for sowing.
- 25 (j) Any article of furniture.
- (k) Any building material.
- (l) Carriage of necessary commodities by land or sea.
- (m) Drugs, proprietary medicines, medical in- 30 struments, chemicals, disinfectants, soaps and toilet requisites.
- (n) Oils.
- (o) Any commodity which the Governor, upon the recommendation of the Commission, 35 declares in the Gazette to be a necessary commodity.
- “Prescribed” means prescribed by this Act or by proclamation or regulation made thereunder.
- 40 “Retail” shall be deemed to refer to a sale to a person for the purpose of consumption or use.
- “Wholesale” shall be deemed to refer to a sale to a person for the purpose of resale.

PART

Necessary Commodities Control.

PART II.

CONTROL OF NECESSARY COMMODITIES AND REGULATION
OF PRICES.

Appointment and constitution of Commission.

- 5 **6.** (1) The Governor shall appoint, by letters patent The
under the public seal, a Commission consisting of three Commission.
persons, one of whom shall be a judge of the Industrial Necessary
Arbitration Court, and shall be the chairman of the Commodities
Commission. Control Act,
1914, s. 3.
- 10 (2) The Governor may appoint one of the other
two members to be deputy-chairman of the Commission.
- (3) Any vacancies in the Commission, however
caused, shall be filled by appointment by the Governor.
- (4) The Commission appointed under the Necessary
15 Commodities Control Act, 1914, shall be the first
Commission appointed under this Act.
- 7.** (1) At all meetings of the Commission the Chairman
chairman shall preside, if present; and in his absence and Deputy-
the deputy-chairman shall preside. The Commissioner Chairman.
20 presiding shall have a casting as well as a deliberative *Ibid.* s. 5.
vote. The Commission may in its discretion sit in
camera.
- (2) Whenever the Commission is not unanimous
as to any matter, such matter shall be decided by
25 the majority of votes, and the decision so arrived at
shall be the decision of the Commission.
- (3) Any two members of the Commission shall
form a quorum thereof.
- 8.** In case of illness or other incapacity, or absence Deputy
30 from the State, of any member of the Commission, or of member.
a vacancy in the office of any member, the Governor *Ibid.* s. 6.
may appoint some person to be a deputy member of the
Commission during such illness, incapacity, or absence,
or until such a vacancy is filled. Every person so
35 appointed shall, until his appointment is terminated by
notice

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notice in the Gazette, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.

9. The Minister may appoint a secretary to the Commission and any other officers whom he considers necessary to enable the Commission to carry out its duties and functions.

Secretary and other officers.

Ibid. s. 18.

Declaring and fixing the prices of necessary commodities.

10. (1) With regard to any necessary commodity the Commission, by notice in the Gazette and in prescribed newspapers (if any) —

Commission to fix prices of necessary commodities.

cf. Ibid. s. 1.

- (a) may fix and declare the maximum price at which the same shall be sold ;
- 15 (b) may fix and declare different maximum prices according to differences in quality or description, or in the quantity sold ;
- (c) may fix and declare different maximum prices for different parts of the State ;
- 20 (d) may from time to time make a declaration varying or revoking any price previously fixed by the Commission ; but only so as to apply to future transactions ;
- (e) may, in fixing any price, do so relatively to such standards of measurement, weight, capacity or otherwise, as it thinks proper ;
- 25 (f) may fix prices on a sliding scale ;
- (g) may fix prices which vary in accordance with a standard, time, or other circumstance ;
- 30 (h) may fix prices on a condition or conditions ;
- (i) may fix prices which vary with profits, dividends, or wages ;
- (j) may fix prices for cash, delivery, credit, or time payment, and in either case inclusive or exclusive of the cost of packing ;
- 35 (k) may fix prices on a percentage basis on landed or other cost ; and
- (l) may fix prices according to or upon any principle or condition prescribed.

40 (2) Such notice shall specify a day, being a day not more than fourteen days after the publication thereof in the Gazette, upon which such maximum price shall take effect.

11.

Necessary Commodities Control.

- 11.** The Commission may by notice as aforesaid fix and declare the wholesale, as well as the retail, maximum price of any necessary commodity, and for such purposes may investigate prices, costs, and profits at all stages. Commission may fix wholesale, as well as retail, prices. cf. Imperial Profiteering Bill, 1919, s. 1.
- 5 **12.** (1) The Commission may by notice as aforesaid declare that the price of any necessary commodity, concerning which a declaration has been made under section ten, shall not be increased on or after a date to be fixed by such notice. Commission may prohibit increase in price of necessary commodities. cf. S.A. Prices Regulation Bill, 1919, s. 10.
- 10 (2) The market price of such commodity on such date shall be deemed to be the fixed price therefor, and shall be deemed to have been fixed under section eleven.
- 13.** (1) The Commission may, by notice delivered to any person, require that such person shall not, on or Commission may prohibit specific persons from increasing prices. cf. *Ibid* s. 9.
- 15 after a date to be fixed by such notice, increase the price charged by such person for any commodity specified in such notice, unless such person first obtains the permission in writing of the Commission.
- (2) The price charged by such person for such Commission may prohibit specific persons from increasing prices. cf. *Ibid* s. 9.
- 20 commodity on the date fixed by such notice shall be deemed to be the fixed price which such person may charge for such commodity, and shall be deemed to have been fixed under section nine.
- 14.** (1) If any person, who has in his custody, or Failing to supply necessary commodity at fixed price. cf. *Ibid* s. 12.
- 25 under his control, any necessary commodity in which he usually trades, fails, on—
- (a) demand of any quantity of such commodity; and
- (b) tender of payment at the fixed price for the amount demanded,
- 30 to supply such commodity in the quantity demanded, he shall, subject to the provisions of this section, be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any term not exceeding six months.
- 35 (2) If any person carries on business of any class in connection with which a necessary commodity is usually sold or supplied, or if he has been in the habit of selling or supplying such commodity, he shall for the purposes of this section be deemed usually to trade
- 40 in such commodity.

Necessary Commodities Control.

(3) In any prosecution under this section it shall be a sufficient defence to show that, on the occasion in question—

- 5 (a) the defendant supplied a reasonable quantity of such commodity ; or
- (b) the defendant was a wholesale trader in such commodity, and the person who demanded to be supplied was not a retail trader therein ; or
- 10 (c) the defendant had not a sufficient quantity of such commodity in his custody or under his control to supply the quantity demanded, in addition to the quantity required to satisfy all other contracts then subsisting, under which he was obliged to supply quantities of such
- 15 commodity, and the ordinary requirements of his business.

(4) For the purposes of this section the Commission shall, in determining what is a reasonable quantity, have regard to all the circumstances of the

20 case.

(5) Where a retail trader is prosecuted under this section, the defence that he supplied a reasonable quantity of such commodity shall be sufficiently established by proof that he supplied the person making the

25 demand with a sufficient quantity thereof to meet the reasonable needs for one week—

- (a) of himself and the members of his household ; and
- 30 (b) if such commodity is of a kind generally used for animals, of all animals kept by him of the kinds for which such commodity is ordinarily used.

(6) For the purposes of this section, all persons who live with and in the same house as a person shall

35 be deemed to be members of his household ; and animals shall be deemed to include birds.

15. (1) Any person who sells, offers, or exposes for sale, or has in his possession or under his control for sale, any necessary commodity at a price greater than the fixed price, shall be guilty of an offence against this

40

Act

Charging prices higher than fixed prices.
cf. *Ibid.*, s. 12.

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Act, and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months.

(2) In any prosecution for an offence under this section an invoice given or account rendered by the defendant, or by some person on his behalf, for the necessary commodity in respect of which the offence is alleged to have been committed, or an offer in writing signed by the defendant or by some person on his behalf, to sell such commodity at a specified price, shall be prima facie evidence of the sale of or the offer to sell such commodity, and of the price charged or to be charged therefor.

16. For a second offence under either of the two preceding sections the defendant shall be liable to a penalty not exceeding two hundred pounds or to imprisonment for any term not exceeding six months, or both; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

17. If the Commission is satisfied—

(a) that a person has in his custody or under his control any necessary commodity and has failed, on demand and tender of the fixed price, to supply any particular person or persons with such commodity; or

(b) that any necessary commodity which, in its opinion, should be distributed for public use is being withheld from sale,

the Commission may recommend to the Governor that such commodity be forfeited. The Governor may thereupon by notice in the Gazette order that the whole of such commodity, or such quantity thereof as is specified in such notice, be forfeited to the Crown.

18. When any necessary commodity has been so forfeited, it shall be lawful for any inspector or any member of the police force or any person thereunto authorised in writing by the Minister—

(a) to seize any commodity which he has reasonable cause to believe is forfeited under this Act;

(b) to store the same in any place provided by the Minister for the purpose; and

(c)

Penalty for second offence.

Commission may recommend forfeiture of necessary commodities. cf. *Ibid.* s. 14.

Power to seize and dispose of necessary commodities.

cf. *Ibid.* ss. 15, 17.

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(c) to sell or otherwise dispose of the same at such times and in such manner as the Minister may direct, or as may be prescribed.

5 **19.** When any necessary commodity is seized under this Act the person who was the owner thereof prior to the forfeiture shall be entitled to be paid therefor by the Minister at the fixed price, after deducting—

Former owner to be paid fixed price, less certain deductions.

cf. *Ibid.* s. 18

10 (a) the amount of any penalties imposed on such person in any proceedings under this Act, whether in respect of the goods so seized or otherwise, and the amount of any costs awarded against him in such proceedings, or so much of such amounts as have not already been paid; and

15 (b) the costs and expenses of any application to the Commission for a forfeiture, whether in respect of the necessary commodity so seized or any other necessary commodity; and

20 (c) the costs and expenses of searching for, seizing, storing, and selling or otherwise disposing of such commodity.

25 **20.** Any inspector or member of the police force or person thereunto authorised in writing by the Minister may at any time in the day or night enter into and search any premises or vessel or part thereof, where any necessary commodity forfeited or liable to seizure under this Act is, or is supposed to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part, and may break open and

Power to search for necessary commodities.

Necessary Commodities Control Act, 1914, s. 12.

30 search any chests, trunks, packages, or other things in which any such commodity is or is supposed to be.

Fixing rates of carriage.

35 **21.** The Commission may fix and declare maximum rates which shall be charged by any carrier for any service rendered in respect of the carriage of any necessary commodity, and in particular, and without limiting the generality of the power hereby conferred—

Commission may fix rates of carriage for commodities.

cf. S. A. Prices Regulation Bill, 1919, s. 20.

40 (a) may fix and declare different maximum rates according to differences in the quality or description, or in the quantity of the commodity carried;

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(b)

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- (b) may fix and declare different maximum rates for different parts of the State ;
- (c) may fix and declare different maximum rates according to the nature of the carriage ;
- 5 (d) may, from time to time, make a declaration varying or revoking any rate previously fixed by it ;
- (e) in fixing any rate, may do so relatively to such standards of measurement, weight, capacity, distance, or otherwise as it thinks proper ;
- 10 (f) may fix rates according to or upon any principle or condition prescribed.

22. If any carrier, who, in the usual course of his business, carries any necessary commodity, fails, without Penalty for failure to carry commodity on tender of fixed rate. cf. *Ibid.* s. 21.

15 reasonable excuse, on tender of payment at a fixed rate, to carry such commodity, or charges for the carriage of such commodity at a rate higher than the fixed rate he shall be guilty of an offence against this Act and be liable to a penalty not exceeding one

20 hundred pounds or to imprisonment for a term not exceeding six months.

23. For a second offence such carrier shall be liable Penalty for second offence.

to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to

25 both ; and, in the case of a corporation, to a penalty not exceeding five hundred pounds.

Offences in connection with inquiries by the Commission.

- 24.** Any person who—
- 30 (a) gives, confers, or procures, or promises, or offers to give, confer, or procure any property, or benefit of any kind to, upon, or for any person upon any agreement or understanding that any person called, or to be called, as a witness before the Commission shall give false testimony or withhold true testimony ; or
- 35 (b) by any means induces a person called or to be called, as a witness before the Commission to give false testimony or to withhold true testimony ; or

(c)

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- (c) asks for, receives, or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall, as a witness before the Commission, give false testimony or withhold true testimony, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.
- 10 **25.** Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness before the Commission, with intent to affect the testimony of that person as a witness, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years.
- 15 **26.** Any person who, knowing that any book, document, or writing is or may be required in evidence before the Commission, wilfully destroys it, or renders it illegible or undecipherable, or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.
- 20 **27.** Any person who wilfully prevents any person who has been summoned to attend as a witness before the Commission from attending as a witness, or from producing any evidence pursuant to the summons to attend, shall be guilty of a misdemeanour, and shall be imprisoned for any term not exceeding two years.
- 25 **28.** Any person who uses, causes, inflicts, or procures any violence, punishment, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Commission, or for or on account of any evidence given by him before the Commission, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.
- 30 **29.** (1) Any employer who dismisses any employee from his employment, or prejudices any employee in his employment, for or on account of such employee's having
- Fraud on witness.
cf. *Ibid.* s. 45.
- Destroying books or documents.
cf. *Ibid.* s. 46.
- Preventing witness from attending.
cf. *Ibid.* s. 47.
- Injury to witness.
cf. *Ibid.* s. 48.
- Dismissal by employers of witness.
cf. *Ibid.* s. 49.

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having appeared as a witness or given evidence before the Commission shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding one year.

- 5 (2) In any proceeding for an offence against this section it shall lie upon the employer to prove that any employee shown to have been dismissed from or prejudiced in his employment was so dismissed or
10 prejudiced for some reason other than a reason mentioned in subsection one of this section.

PART III.

GENERAL PROVISIONS.

30. The Commission shall for the purposes of any inquiry under this Act have all such powers, rights, and
15 privileges as are vested in the Supreme Court, or in any judge thereof, on the occasion of any action or trial in
respect of the following matters:—

- (a) The compelling the attendance of witnesses, and examining them on oath, affirmation, or
20 declaration.
- (b) The compelling the production of books, documents, and writings.
- (c) The compelling witnesses to answer questions which the Commission deems to be relevant
25 to the inquiry.
- (d) The punishing persons guilty of contempt or of disobedience of any order or summons made or issued by the Commission.
- (e) The directing witnesses to be prosecuted for
30 perjury.

31. A summons signed by the chairman of the Commission may be issued for enforcing the attendance
of witnesses or compelling the production of books, documents, and writings. If any person having been
served

Powers of Commission.
Necessary Commodities Control Act, 1914, s. 13.

Summons to produce.
Ibid. s. 14.

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served with such summons fails to appear, the said chairman may issue a warrant authorising such person to be apprehended and brought before the Commission.

32. Any penalty imposed by or under this Act may be recovered before the chairman of the Commission in a summary way under the Justices Act, 1902. For that purpose the said chairman shall have the powers of a stipendiary magistrate.

Recovery of penalties.
cf. *Ibid.* s. 15.

No proceedings for the recovery of any such penalty (other than penalties imposed by regulations under this Act) shall be taken without the consent of the Attorney-General being first obtained.

33. The publication of a notice in the Gazette shall be conclusive evidence that the fixed price of any commodity as therein appearing has been duly and lawfully fixed, that the commodity is a necessary commodity, and that all steps necessary for the fixing of such price have been duly taken in accordance with the provisions of this Act. It shall not be competent for any person or court by any means whatever to question the legality or correctness of such fixed price or whether any commodity, the fixed price of which is declared in such notice, is a necessary commodity.

Gazette notice to be evidence.
Ibid. s. 16.

34. No action shall lie against any person for any act or thing done by him under any authority conferred or purporting to be conferred upon him by the Governor in pursuance of this Act.

Freedom from liability.
cf. *Ibid.* s. 17.

35. Any person who in any way resists, interferes with, hinders, or obstructs any inspector or other officer or person in the exercise or discharge of any power or duty under this Act shall be guilty of an offence and be liable to a penalty not exceeding fifty pounds.

Resisting or obstructing inspectors, &c.
Ibid. s. 18.

36. Every offence against this Act or any regulation thereunder committed by a corporation shall be deemed to have been also committed by each director and managing officer thereof, unless it is proved that such offence was committed without his knowledge or consent.

Offence by corporation to be deemed an offence, prima facie, by each director and managing officer.
cf. W.A. Prices Regulation Bill, 1919, s. 15.

37. (1) The Governor may from time to time make regulations for carrying out the provisions of this Act.

Power to make regulations.

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(2) Any such regulation may impose any penalty not exceeding twenty pounds for each breach of the same, or, where the breach is a continuing one, any penalty not exceeding five pounds for every day during 5 which such breach continues.

(3) Such regulations shall—

(i) be published in the Gazette;
(ii) take effect from the date of publication, or 10 from a later date to be specified in such regulations; and

(iii) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if not, then 15 within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing 20 any regulation, such regulation shall thereupon cease to have effect.

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[1s 1d.]