

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.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney August, 1914.*

New South Wales.



ANNO QUINTO

GEORGII V REGIS.

Act No. , 1914.

An Act to provide for the control of necessary commodities; and for purposes 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:—

- 5 **1.** This Act may be cited as the "Necessary Com-
modities Control Act, 1914," and shall apply only during the continuance of the war now existing between His Majesty and His Majesty's enemies, and during such further time, not exceeding six months, as the
10 Governor may determine by proclamation in the Gazette.

Short title
and period of
application.

Necessary Commodities Control.

2. In this Act, except where inconsistent with the Definitions. context—

- “Commission” means the Commissioners appointed under this Act.
- 5 “Commissioner” means a member of the Commission.
- “Declared price” means the maximum price of any necessary commodity as declared by the Governor pursuant to this Act.
- 10 “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” means any of the following:—
- 15 (a) Coal, firewood, coke, or other fuel.
- (b) Gas for lighting, cooking, or industrial purposes.
- (c) Any article of food or drink for man or for any domesticated animal.
- 20 (d) Any article which enters into or is used in the composition or preparation of any of the foregoing.
- (e) Any article which, after a report of the Commission, has by resolution of both Houses of Parliament been declared to be
- 25 a necessary commodity.

3. (1) The Governor shall, as soon as practicable after ^{The} the passing of this Act, appoint, by letters patent under ^{Commission.} the public seal, a Commission consisting of three persons, 30 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.

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

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

4. It shall be the duty of the Commission to ^{Duty of} inquire into and report as to the prices of necessary ^{Commission.} commodities.

5.

Necessary Commodities Control.

5. (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.
- 5 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.
- 10 6. 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,
- 15 or until such a vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the Gazette, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.
- 20 7. The Commission may—
- (a) from time to time inquire and report to the Governor as to what should be the highest selling prices, having reasonable regard to market conditions, for the State of New South Wales of any necessary commodities, and may vary any such report, or make a new report;
- 25 (b) in any report specify different selling prices for the same kinds of necessary commodities, having regard to—
- 30 (i) the different qualities thereof;
- (ii) the sale or supply thereof, whether wholesale or retail;
- (iii) the sale or supply under differing terms and conditions or in different parts of New South Wales;
- 35 (iv) any other matter which the Commission may think fit to consider;
- (c) report that any commodity should in its opinion be a necessary commodity.
- 40 8. The Governor by notice in the Gazette may from time to time—
- (a) declare the maximum price at which any necessary commodity may be sold for consumption in New South Wales;
- (b)

Chairman
and Deputy-
Chairman.Deputy
member.Inquiry and
report by
Commission.Declaration
of maximum
prices, &c.

Necessary Commodities Control.

- (b) fix and declare different maximum prices according to differences in quality or description or in the quantity sold ;
- 5 (c) declare different maximum prices for different parts of the State ;
- (d) vary any price previously fixed by him ; but so as to apply only to future transactions ;
- 10 (e) in fixing any price, do so relatively to such standards of measurement, weight, capacity, or otherwise, as he thinks proper ; but the declared price of any commodity shall not in any case be lower than that contained in the last report of the Commission dealing with such commodity.

15 The Governor may also annul any such notice.

9. (1) If any person sells or offers for sale any necessary commodity at a price higher than the declared price he shall be liable to a penalty not exceeding one hundred pounds, and in case of sale shall be liable to refund to the purchaser the difference between the declared price and the price at which the commodity was sold.

Penalty for offering for sale at higher than declared price.

25 (2) If any person refuses to sell at the declared or lower prices any necessary commodities in his possession in excess of his family requirement for six months, he shall be liable to a penalty not exceeding one hundred pounds.

30 (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 or offered to supply a reasonable quantity of the necessary commodity at the declared or a lower price ; or
- 35 (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) there existed special circumstances in the particular case which rendered the declared price of the commodity inadequate, and that the action of the defendant was reasonable.
- 40

(4) Evidence may, in any prosecution under this section, be given on affidavit ; but the chairman may require any person who has given evidence on affidavit to attend before him for oral examination or cross-
50 examination.

Necessary Commodities Control.

- 10.** The Governor may, on the recommendation of the Commission, order returns of all necessary commodities in such State to be made in the manner and within the time prescribed by regulations, which regulations he is hereby empowered to make, and may, by notice in the Gazette, authorise any person to enter any premises or vessel in which the Commission reports that it suspects any necessary commodity is stored, and such person may use such force as may be necessary.
- 10** The abovementioned order may be of a general nature by proclamation in the Gazette, or a particular order directed to any one person or class of persons.
- Any person who fails to comply with any such order shall be liable to a penalty not exceeding one hundred pounds, and in addition to have any necessary commodities in his possession, in respect of which no return is made, forfeited to the use of His Majesty.
- 11.** Where the Commission considers that any necessary commodities which, in its opinion, should be distributed for public use are being stored or withheld from sale, it may so report to the Governor. The Governor may thereupon, by notice in the Gazette, authorise the seizure and distribution of such necessary commodities, paying therefor the declared price less such sum as he thinks reasonable to cover the expenses of seizure and distribution; and any person acting under such authority may enter any premises in which such commodities are stored or withheld from sale, and use such force as may be necessary.
- 12.** Any member of the police force, or any person thereunto authorised in writing by the Minister, may at any time in the day or night enter and search any premises or vessel, or part thereof, where any necessary commodity liable to seizure or forfeiture 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 necessary commodity is or is supposed to be.
- 13.** The Commission shall for the purposes of any inquiry under this Act have all such powers, rights, and privileges

Returns of
necessary
commodities.

Penalty.

Seizure of
necessary
commodities
withheld
from sale.Power to
search for
necessaries
or forfeited
goods.
cf. Com.
Customs Act,
1901, s. 200.Powers of
Commission.

Necessary Commodities Control.

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 :—

- 5 (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.
- 10 (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.
- 15 (e) The directing witnesses to be prosecuted for perjury.

14. 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. Summons to produce.

25 **15.** 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.

30 No proceedings for the recovery of any penalty under this Act shall be taken without the consent of the Attorney-General being first obtained.

16. The publication of a notice in the Gazette shall be conclusive evidence that the declared price of any commodity as therein appearing has been duly and lawfully declared that the commodity is a necessary commodity, and that all steps necessary for the declaration 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 Gazette notice to be evidence.

Necessary Commodities Control.

question the legality or correctness of such declared price or whether any commodity, the price of which is declared in such notice, is a necessary commodity.

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

Officers.

10 **18.** (1) 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, inspectors, and other officers.

15 (2) 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.

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.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 August, 1914.*

New South Wales.



ANNO QUINTO

GEORGI V REGIS.

Act No. 18, 1914.

An Act to provide for the control of necessary commodities; and for purposes incidental thereto. [Assented to, 25th August, 1914.]

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, 1914," and shall apply only during the continuance of the war now existing between His Majesty and His Majesty's enemies, and during such further time, not exceeding six months, as the Governor may determine by proclamation in the Gazette.

Short title
and period of
application.

2.

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

THOS. H. THROWER,
Chairman of Committees of the Legislative Assembly.

Necessary Commodities Control.

Definitions. **2.** In this Act, except where inconsistent with the context—

“Commission” means the Commissioners appointed under this Act.

“Commissioner” means a member of the Commission.

“Declared price” means the maximum price of any necessary commodity as declared by the Governor pursuant to 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” means any of the following:—

- (a) Coal, firewood, coke, or other fuel.
- (b) Gas for lighting, cooking, or industrial purposes.
- (c) Any article of food or drink for man or for any domesticated animal.
- (d) Any article which enters into or is used in the composition or preparation of any of the foregoing.
- (e) Any article which, after a report of the Commission, has by resolution of both Houses of Parliament been declared to be a necessary commodity.

The Commission.

3. (1) The Governor shall, as soon as practicable after the passing of this Act, 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) Any two members of the Commission shall form a quorum thereof.

Duty of Commission.

4. It shall be the duty of the Commission to inquire into and report as to the prices of necessary commodities.

5.

Necessary Commodities Control.

5. (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.

Chairman
and Deputy-
Chairman.

(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.

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

Deputy
member.

7. The Commission may—

- (a) from time to time inquire and report to the Governor as to what should be the highest selling prices, having reasonable regard to market conditions, for the State of New South Wales of any necessary commodities, and may vary any such report, or make a new report;
- (b) in any report specify different selling prices for the same kinds of necessary commodities, having regard to—
- (i) the different qualities thereof;
 - (ii) the sale or supply thereof, whether wholesale or retail;
 - (iii) the sale or supply under differing terms and conditions or in different parts of New South Wales;
 - (iv) any other matter which the Commission may think fit to consider;
- (c) report that any commodity should in its opinion be a necessary commodity.

Inquiry and
report by
Commission.

8. The Governor by notice in the Gazette may from time to time—

- (a) declare the maximum price at which any necessary commodity may be sold for consumption in New South Wales;
- (b)

Declaration
of maximum
prices, &c.

Necessary Commodities Control.

- (b) fix and declare different maximum prices according to differences in quality or description or in the quantity sold;
- (c) declare different maximum prices for different parts of the State;
- (d) vary any price previously fixed by him; but so as to apply only to future transactions;
- (e) in fixing any price, do so relatively to such standards of measurement, weight, capacity, or otherwise, as he thinks proper; but the declared price of any commodity shall not in any case be lower than that contained in the last report of the Commission dealing with such commodity.

The Governor may also annul any such notice.

Penalty for offering for sale at higher than declared price.

9. (1) If any person sells or offers for sale any necessary commodity at a price higher than the declared price he shall be liable to a penalty not exceeding one hundred pounds, and in case of sale shall be liable to refund to the purchaser the difference between the declared price and the price at which the commodity was sold.

(2) If any person refuses to sell at the declared or lower prices any necessary commodities in his possession in excess of his family requirement for six months, he shall be liable to a penalty not exceeding one hundred pounds.

(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 or offered to supply a reasonable quantity of the necessary commodity at the declared or a lower price; 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) there existed special circumstances in the particular case which rendered the declared price of the commodity inadequate, and that the action of the defendant was reasonable.

(4) Evidence may, in any prosecution under this section, be given on affidavit; but the chairman may require any person who has given evidence on affidavit to attend before him for oral examination or cross-examination.

Necessary Commodities Control.

10. The Governor may, on the recommendation of the Commission, order returns of all necessary commodities in such State to be made in the manner and within the time prescribed by regulations, which regulations he is hereby empowered to make, and may, by notice in the Gazette, authorise any person to enter any premises or vessel in which the Commission reports that it suspects any necessary commodity is stored, and such person may use such force as may be necessary.

Returns of
necessary
commodities.

The abovementioned order may be of a general nature by proclamation in the Gazette, or a particular order directed to any one person or class of persons.

Any person who fails to comply with any such order shall be liable to a penalty not exceeding one hundred pounds, and in addition to have any necessary commodities in his possession, in respect of which no return is made, forfeited to the use of His Majesty.

Penalty.

11. Where the Commission considers that any necessary commodities which, in its opinion, should be distributed for public use are being stored or withheld from sale, it may so report to the Governor. The Governor may thereupon, by notice in the Gazette, authorise the seizure and distribution of such necessary commodities, paying therefor the declared price less such sum as he thinks reasonable to cover the expenses of seizure and distribution; and any person acting under such authority may enter any premises in which such commodities are stored or withheld from sale, and use such force as may be necessary.

Seizure of
necessary
commodities
withheld
from sale.

12. Any member of the police force, or any person thereunto authorised in writing by the Minister, may at any time in the day or night enter and search any premises or vessel, or part thereof, where any necessary commodity liable to seizure or forfeiture 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 necessary commodity is or is supposed to be.

Power to
search for
necessaries
or forfeited
goods.
cf. Com.
Customs Act,
1901, s. 200.

13. The Commission shall for the purposes of any inquiry under this Act have all such powers, rights, and privileges

Powers of
Commission.

Necessary Commodities Control.

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.

14. 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.

Recovery of penalties.

15. 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 penalty under this Act shall be taken without the consent of the Attorney-General being first obtained.

Gazette notice to be evidence.

16. The publication of a notice in the Gazette shall be conclusive evidence that the declared price of any commodity as therein appearing has been duly and lawfully declared that the commodity is a necessary commodity, and that all steps necessary for the declaration 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

Necessary Commodities Control.

question the legality or correctness of such declared price or whether any commodity, the price of which is declared in such notice, is a necessary commodity.

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

Officers.

18. (1) 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, inspectors, and other officers.

(2) 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.

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

G. STRICKLAND,

Governor.

*State Government House,
Sydney, 25th August, 1914.*

THE STATE OF TEXAS,

COUNTY OF _____

Know all men by these presents, that _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ in hand paid by _____ the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

to have and to hold unto the said _____ heirs and assigns forever.

And the said _____ do hereby certify that the within and foregoing is the true and correct copy of the original of the same as the same appears from the records of the County Clerk of the County of _____ State of Texas.

Given under my hand and seal of office this _____ day of _____ A.D. 19____.

County Clerk