

10 GEO. V. No. 33, 1920. *Profiteering Prevention Act.*

MERCANTILE.

An Act to make provision against the Charging of Unfair Prices for certain Commodities, and for other incidental purposes.

10 Geo. V.
No. 33.
THE
PROFITEERING
PREVENTION
ACT OF 1920.

[ASSENTED TO 11TH MARCH, 1920.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.
Short title
and Parts of
Act.

1. This Act may be cited as "*The Profiteering Prevention Act of 1920.*"

It is divided into Parts as follows:—

PART I.—PRELIMINARY;

PART II.—PRICES OF COMMODITIES;

PART III.—COMBINES, ETC.;

PART IV.—MISCELLANEOUS PROVISIONS.

Application of Act.

2. This Act shall have effect notwithstanding any thing to the contrary, whether express or implied, in any Act, rule, or regulation, or in any judgment or order, or in any contract or agreement whether oral or written, or in any deed, document, security, or other writing whatsoever, and nothing contained in any of the aforesaid matters or things shall be construed to prejudice or affect the operation of this Act:

Provided that—

- (i.) This Act shall not restrict or abridge any right, privilege, power, or authority conferred upon any corporation by any Act of the Parliament of Queensland creating such corporation or any amending Act, so long as the right, privilege, power, or authority is exercised in accordance with the provisions of any such Act, and is not inconsistent with this Act. Statutory corporations.
- (ii.) The statute law and the rules of equity and of common law relating to the subject-matter of this Act shall continue in force, except so far as they are inconsistent with the express provisions of this Act. Statute law and rules of equity and common law.

Interpretation.

- 3.** In this Act, unless the context otherwise indicates, the following terms have the meanings respectively set against them, that is to say:—
- Interpretation.** “Answer questions”—That the person on whom the obligation of answering questions is cast shall, to the best of his knowledge, information, and belief, truly answer all questions relevant to the subject-matter mentioned;
- Answer questions.**
- Association.** “Association” includes the union of any number of persons by or under any agreement or trust, whether temporary or permanent, and whether legally valid or not, and whether including any scheme of organisation or common management or control or not;
- Commercial trust.** “Commercial trust”—Any association or combination (whether incorporated or not) of any number of persons established whether before or after the passing of this Act in Queensland or elsewhere, which carries on business in or acts in Queensland, and has as its object or purpose or as one of its objects or purposes—
- (a) Controlling, determining, or influencing the supply or demand or price of any commodity in Queensland or any part thereof;
 - or
 - (b) Creating or maintaining in Queensland or any part thereof a monopoly, whether complete or partial, in the supply or demand of any commodity;
- Commissioner.** “Commissioner”—The Commissioner of Prices appointed under this Act: the term where necessary includes a deputy Commissioner;
- Commodity.** “Commodity”—Any of the following:—
- (a) Any article of food or drink for man or for any domesticated animal;
 - (b) Coal, firewood, coke, kerosene, petrol, or other fuel;
 - (c) Any article of clothing or apparel for man, including hats and footwear;
 - (d) Any article which enters into or is used in the composition or preparation of any of the foregoing commodities;

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- (e) Agricultural implements, fertilisers, and seeds for sowing ;
- (f) Any public utility, and in particular, without limiting the generality of this expression, the supply of light, heat, and power ;
- (g) Freights and transport charges ;
- (h) All goods, wares, or merchandise, or services rendered to the people, or other things, which by a proclamation under this Act have been declared to be commodities to which this Act applies ;
- “Declared price”—The maximum selling price of any commodity as fixed and declared under this Act ; Declared price.
- “Deputy Commissioner”—A person appointed under this Act by the Governor in Council or by the Commissioner, as the case may be, to act as the deputy of the Commissioner either generally or for any particular purpose or in any particular part of the State ; Deputy Commissioner.
- “Directions,” used with respect to any association or commercial trust—includes determinations, directions, orders, regulations, rules, suggestions, and requests ; Directions.
- “Document” includes book, letter, document, paper, or writing, and any entry or memorandum in the same ; Document.
- “Member of a commercial trust”—Any of the constituent persons of or any agent of that trust : where any such constituent person or agent is a corporation, firm, or association the term includes every member or agent of that corporation, firm, or association ; Member of a commercial trust.
- “Minister”—The Attorney-General or other Minister of the Crown for the time being charged with the administration of this Act ; Minister.
- “Owner” includes not only the person owning the commodity in question but also every person having or claiming any mortgage, encumbrance, right, lien, charge, or other interest over or in such commodity ; Owner.
- “Person” includes a body of persons, whether corporate or unincorporate, and a firm of partners ; Person.

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PRELIMINARY.*Profiteering Prevention Act.* 10 GEO. V. No. 33,

Place.	“Place”—Any works, factory, warehouse, wharf, building, structure, ship, vessel, barge, punt, boat, room, chamber, railway, tramway, siding, land, station, farm, holding, road, highway, or other place or premises whatsoever ;
Prescribed.	“Prescribed”—Prescribed by this Act or by proclamation or regulations made thereunder ;
Price.	“Price” includes every valuable consideration whatsoever, whether direct or indirect : the term includes any charge, rate, or consideration in respect of any service rendered to the people or any other thing declared by or pursuant to this Act to be a commodity : “indirect consideration” includes every valuable consideration whatsoever which in effect relates to the sale of commodities, although ostensibly relating to any other matter or thing ;
Produce documents.	“Produce documents”—That the person on whom the obligation to produce documents is cast shall, to the best of his power, produce all documents relating to the subject-matter mentioned ;
Sale.	“Sale” with its derivatives includes barter and every other disposition of commodities for valuable consideration : the term also includes contracts of affreightment and any contract or agreement express or implied for valuable consideration in respect of any service rendered to the people or any other thing declared by or pursuant to this Act to be a commodity ;
Trader.	“Trader”—Any person carrying on the business of selling any commodities by any means whatsoever and whether by wholesale or retail : the term includes the agent of any such person : In the case of any service rendered to the people or any other thing declared by or pursuant to this Act to be a commodity, the term includes the person exercising control over such service or thing.
Power to declare commodities.	4. The Governor in Council may from time to time, by proclamation, declare that any goods, wares, or merchandise, or any services rendered to the people, or any

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other things shall be commodities to which this Act applies either generally or in any specified part of the State.

The Commissioner shall give public notice of every proclamation in pursuance of this section, in such newspapers and otherwise in such manner as he thinks sufficient for giving information to all persons interested.

Commissioner of Prices and Officers.

5. (1.) The Governor in Council may from time to time appoint a Commissioner of Prices.

Appointment of Commissioner of Prices
Repealed
16/1/20
16/1/20

(2.) The Commissioner shall hold office at the pleasure of the Minister.

(3.) The Commissioner shall during his continuance in office receive an annual salary to be fixed by the Governor in Council.

Salary.

(4.) The Commissioner shall not be a member of the Executive Council or of either House of Parliament, and shall not act as a director, or auditor, or in any other capacity take part in the management of any bank, joint-stock company, or other financial or business institution, or of any trade or business; and in any such case he shall be disqualified from holding the office of Commissioner.

Disabilities

(5.) In case of illness or other incapacity, or absence from the State, of the Commissioner, or of a vacancy in the office of Commissioner, the Governor in Council may appoint some person to be deputy Commissioner during such illness, incapacity, or absence, or until such vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the *Gazette*, have all the powers and perform all the functions and duties of the Commissioner, and be deemed for the purposes of this Act to be the Commissioner.

6. In the administration of this Act the Commissioner shall be subject to the direction and control of the Minister.

Administration of Act
Ref.
16/1/20

7. (1.) The Minister may appoint a Secretary to the Commissioner, who, subject to the direction of the Commissioner, shall have power to execute documents on his behalf. He shall also have such other powers and perform such other duties as are from time to time appointed by the Minister.

Secretary and other officers.

(2.) The Minister may appoint and employ such inspectors, officers, clerks, and other employees to assist in the execution of this Act as he thinks necessary.

(3.) Unless in any case the Minister otherwise directs, every such employee shall hold office during the pleasure of the Minister.

(4.) The Minister may dismiss any such employee ; and may discontinue the offices of or appoint other persons in the place of employees who are dismissed, or die, or resign, or vacate office.

(5.) The Minister shall pay such salaries, wages, and allowances to such employees respectively as Parliament from time to time appropriates for that purpose.

(6.) No such employee shall, without the permission of the Minister, engage in any employment outside the duties of his office.

(7.) Every such employee shall be bound to secrecy by declaration in the prescribed form.

(8.) The Minister may authorise other persons to do such acts and things as he considers necessary for the proper execution of this Act.

Delegation
by Com-
missioner.

8. (1.) The Commissioner may from time to time, by writing under his hand—

(i.) Delegate to the Secretary or any officer any of the powers, functions, or duties conferred or imposed on the Commissioner by this Act ;

(ii.) Appoint any person to be a deputy Commissioner to exercise and perform in and for any specified part of the State all or any of the powers, functions, or duties conferred or imposed on the Commissioner by this Act, and such deputy Commissioner shall thereupon, for the purpose for which he has been appointed, have and exercise all such powers, functions, and duties, and be deemed for the purposes of this Act to be the Commissioner.

Judicial
notice.

(2.) The signatures of the Commissioner and of every deputy Commissioner and of the Secretary to the Commissioner shall be judicially noticed.

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*Profiteering Prevention Act.*PART I.—
PRELIMINARY.*Investigations.*

9. It shall be the duty of the Commissioner to investigate and from time to time report to the Minister upon all or any of the following matters:—

Duties of the
Commis-
sioner as to
investiga-
tions.

- (i.) The state of the prices of commodities in Queensland or in any part thereof, and at any time or times ;
- (ii.) The quantity, situation, demand, supply, or possession of any commodities in Queensland or in any part thereof ;
- (iii.) The means or sufficiency of the supply or transport of commodities ;
- (iv.) The probable requirements of the people of Queensland or of any part thereof in regard to any commodities ;
- (v.) Any act or attempt by any person to engage in speculative dealings in or to raise or maintain the price of any commodities ;
- (vi.) As to what from time to time should be the maximum selling prices of any commodities, under then existing market conditions and circumstances, for Queensland or any part thereof ;
- (vii.) The necessity or advisability of the exercise by the Minister or the Governor in Council of any of the powers conferred by this Act ;
- (viii.) Any other matter referred to him by the Minister.

PART II.—PRICES OF COMMODITIES.

Declared Prices.

PART II.—
PRICES OF
COMMODITIES.

10. The Commissioner, by notification published in the *Gazette* and in such newspapers as may be prescribed, may from time to time in his absolute discretion—

Declaration
of
maximum
prices, &c.

(i.) Fix and declare—

- (a) The maximum price at which any commodity may be sold ;
- (b) Different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale, or supply ;

- (c) Different maximum prices for different parts of the State ;
 - (d) Maximum prices on a sliding scale ;
 - (e) Maximum prices on a condition or conditions ;
 - (f) Maximum prices for cash or for delivery, and in either case inclusive or exclusive of the cost of packing ;
 - (g) Maximum prices on a percentage basis on landed or other cost ;
 - (h) Maximum prices according to or upon any principle or condition prescribed :
- (ii.) In the case of carriage or transport services, fix and declare different maximum prices according to the nature of the carriage or service :
 - iii.) In fixing and declaring any price, do so relatively to such standards of measurement, weight, capacity, or otherwise howsoever as he thinks proper ; or so that such price shall vary in accordance with a standard, or time, or other circumstance, or shall vary with profits, dividends, or wages :
 - (iv.) Vary any price previously fixed by him, but so as to apply only to future transactions.

The Commissioner may also annul any such notification.

Every such notification shall take effect upon the first day of the publication thereof or upon a later date fixed by such notification.

Any price fixed and declared under this section shall equally with other persons be binding upon the Commissioner of Trade with respect to the sale of any commodity in connection with any State enterprise established under **“The State Enterprises Act of 1918.”*

Commis-
sioner may
prohibit
increase in
price of
commodity

11. The Commissioner may, by notice published in the *Gazette* and in such newspapers as may be prescribed, declare for the whole State or any part thereof that the price of any specified commodity shall not be increased on or after a date to be fixed by such notice.

* Geo. V. No. 20, *supra*, page 8591.

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PRICES OF
COMMODITIES.

The market price of such commodity on such date shall be deemed to be the declared price therefor, and shall be deemed to have been fixed and declared under the last preceding section.

Profiteering.

12. (1.) It is unlawful for any trader, whether as principal or agent or whether by himself or by an agent—

Sale at
higher than
declared
price
unlawful.

(a) To sell or agree to sell or offer for sale any commodity at a price higher than the declared price, or to sell any commodity for which a declared price is fixed and thereafter demand for the same a price higher than the declared price;

(b) To refuse to sell at the declared or a lower price any commodity if he has in possession a quantity of such commodity in excess of the quantity which under any order of the Commissioner made as hereinafter provided such trader is permitted to withhold from sale.

(2.) Any person who offends against any of the foregoing provisions shall be liable in the case of a wholesale trader to a penalty not exceeding one thousand pounds or to imprisonment for any period not exceeding twelve months, or to both such penalty and imprisonment, or in the case of a retail trader to a penalty not exceeding one hundred pounds or to imprisonment for any period not exceeding three months, or to both such penalty and imprisonment.

(3.) In any case of conviction under this section the adjudicating court shall by its decision, in addition to the penalty or other punishment, award to the purchaser of or person offering to purchase the commodity in question such sum as is deemed just by way of compensation for loss and inconvenience.

13 The Commissioner may from time to time, by notification published in the *Gazette* and in such newspapers as may be prescribed—

Returns of
commodities.

(a) Order that all traders in any specified part of the State having in their possession or control a quantity of a commodity greater than is prescribed in such notification shall furnish to the Commissioner returns of such commodity, within such time and at such intervals as may be prescribed;

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COMMODITIES.*Profiteering Prevention Act.* 10 GEO. V. No. 33,

- (b) Order all or any traders having within a specified part of the State any commodity owned by them, or in their disposal or under their control, to make returns of such commodity ;
- (c) Order that any commodity shall not be withheld from sale in excess of a quantity fixed by such order.

Any such order may be of a general nature or a particular order directed to any one trader or class of traders and may relate to different commodities.

Such returns shall be in the form, shall contain the particulars, and shall be made to the persons prescribed.

Any trader who fails to so furnish any such return or wilfully furnishes a false return, or keeps, stores, or has in possession any commodity which has not been duly included in any prescribed return, shall be liable to a penalty not exceeding one thousand pounds or to imprisonment for any period not exceeding twelve months, or to both such penalty and imprisonment.

Seizure of
commodities
withheld
from sale.

14. Where the Commissioner considers that any commodity which in his opinion should be distributed for public use is being withheld from sale, he may so report to the Minister.

The Minister may thereupon, by notice in the *Gazette*, authorise the seizure and distribution of such commodity, 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 place in which such commodity is or is suspected to be, and use such force as may be necessary.

PART III.—
COMBINES,
ETC.

Illegal
concessions.

PART III.—COMBINES, ETC.

15. Every person commits an offence who, either as principal or agent, in respect of dealings in any commodity gives, or offers promises or agrees to give, to any other person any rebate, refund, discount, concession, allowance, reward, or other valuable consideration, for the reason, or upon the express or implied condition, that the latter person—

- (a) Deals or has dealt, or will deal or intends or undertakes or has undertaken or will undertake to deal, exclusively or principally or to such an extent as amounts to exclusive or principal dealing with any person or class of

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- persons, or with a commercial trust or the members or any member thereof, either in relation to any particular commodity or generally, if such dealing is or is calculated to be contrary to the public interest ; or
- (b) Does not deal or has not dealt, or will not deal or intends or undertakes or has undertaken or will undertake not to deal, with any person or class of persons either in relation to any particular commodity or generally, if such refraining from dealing is or is calculated to be contrary to the public interest ; or
- (c) Restricts or has restricted, or will restrict or intends or undertakes or has undertaken or will undertake to restrict, his dealings with any person or class of persons either in relation to any particular commodity or generally, if such restriction in dealing is or is calculated to be contrary to the public interest ; or
- (d) Is or becomes, or has been or has undertaken or will undertake to become, a member of a commercial trust ; or
- (e) Acts or has acted, or will act or intends or undertakes or has undertaken or will undertake to act, in obedience to or in conformity with the directions of a commercial trust with respect to the sale, purchase, or supply of any particular commodity or generally.

16. Every person commits an offence who either as principal or agent refuses, either absolutely or except upon disadvantageous or relatively disadvantageous conditions, to sell or supply to any other person or to purchase from any other person any commodity—

(i.) For the reason that the latter person—

- (a) Deals or has dealt, or will deal or intends to deal, or has not undertaken or will not undertake not to deal, with any person or class of persons or with a commercial trust or the members or any member thereof, either in relation to any particular commodity or generally, if such conditions or if such dealing or refraining from dealing are or is or are or is calculated to be contrary to the public interest ; or

- (b) Is not or has not been, or will not become or undertake to become or has not undertaken to become, a member of a commercial trust ; or
 - (c) Does not act or has not acted, or will not act or does not intend to act or has not undertaken or will not undertake to act, in obedience to or in conformity with the directions of a commercial trust with respect to the sale, purchase, or supply of any particular commodity or generally :
- (ii.) In obedience to or in consequence of or in conformity with the directions of a commercial trust or of an association.

Illegal monopolies.

17. Every person commits an offence who—

- (a) Monopolises or attempts to monopolise, or combines or conspires with any other person to monopolise, wholly or partially, the demand or supply in Queensland or any part thereof of any commodity ; or
- (b) Combines or conspires with any other person to control, wholly or partially, the demand or supply or price in Queensland or any part thereof of any commodity ;

if such monopoly or control is of such a nature as to be contrary to the public interest.

Sales at price fixed by a commercial trust.

18. (1.) Every person commits an offence who either as principal or agent sells or supplies or offers for sale or supply any commodity—

- (a) If the price of such commodity has been in any manner directly or indirectly determined, controlled, or influenced by any commercial trust of which that person or his principal (if any) is or has been a member ; or
- (b) In obedience to or in consequence of or in conformity with any directions of a commercial trust or of an association, whether he or his principal (if any) is a member of that trust or not.

(2.) If the person committing such offence is a commercial trust, then every person who is then a member of that trust is also deemed to have committed the offence.

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Moreover, if in any such case the commercial trust is a corporation, the liability of the trust does not exclude or affect the liability of its members.

19. Any person who commits an offence against any of the provisions of this Part of this Act shall be liable to a penalty not exceeding one thousand pounds or to imprisonment for any period not exceeding twelve months, or to both such penalty and imprisonment. Penalty for offences.

PART IV.—MISCELLANEOUS PROVISIONS.

PART IV.—
MISCELLA-
NEOUS
PROVISIONS.
Powers of
Commis-
sioner.*Ancillary Powers of Commissioner.*

20. (1.) The Commissioner and every deputy Commissioner, when holding any inquiry or investigation for any of the purposes of this Act, shall be deemed to be a Commission within the meaning of **"The Official Inquiries Evidence Act of 1910,"* and shall accordingly have all the powers, rights, and privileges of such a Commission, and in addition may direct witnesses before him to be prosecuted for perjury, and shall have and may exercise the powers and authorities conferred by this Act.

(2.) He may, by summons signed by himself or by the Secretary acting under his direction, require the attendance of all such persons as he thinks fit to call before him, and may require any person to answer questions or produce documents or make returns as he thinks fit, or require the attendance before him of all such persons as he thinks fit for the purpose of conferring with him, or with each other, for the purpose of assisting him in the exercise of any of his functions.

(3.) He may inspect any documents produced to him, and retain them for such reasonable periods as he thinks fit, and may make copies thereof or extracts therefrom.

(4.) He may by himself, or by any person appointed by him in that behalf, enter and inspect any place and any commodities and other things, the entry or inspection of which appears to him to be requisite.

(5.) He may receive evidence on affidavit; but he may require any person who has given evidence on affidavit to attend before him for oral examination or cross-examination.

* 1 Geo. V. No. 26, *supra*, page 748.

(6.) He may, if he thinks proper, take evidence in public or private.

(7.) In the exercise of any of his functions or powers, he shall not be bound by the rules or practice of any court or tribunal as to procedure or evidence, but may conduct his proceedings and inform his mind on any matter in such manner as he thinks proper; and, without limiting in any way the operation of this section, he may refer any technical matter to an expert and may accept his report as evidence.

For obtaining any special or expert advice or information based on facts or figures which he may desire, he may call in the services of an assessor or assessors or authorise such assessor or assessors to prepare schedules compiled from returns obtained from traders (which returns they shall be compelled to furnish under penalty of contempt of court). Such assessor or assessors shall not divulge the name or private business of any individual trader; but, without limiting the scope of the inquiry or investigation, such schedules may show details of the minimum or maximum and average costs of production, sale, or distribution with respect to the business or commodities concerned, the average net return on capital invested in any business, estimates of allowances for depreciation or reserves to equalise profits, and other like information.

(8.) No person whatsoever shall be excused from answering any question put to him, or from producing any document, on the ground that the answer to the question or the production of the document would tend to criminate him in respect of any offence against this Act.

Power to
issue orders
to take
evidence.

(9.) The Commissioner or deputy Commissioner may issue an order to any person to take evidence on his behalf in relation to any matter, and that person shall have all the powers of the Commissioner in relation to the summoning of witnesses, the production of documents, and the taking of evidence.

Acts and
proceedings
of Commis-
sioner not
liable to be
reviewed or
restrained.

(10.) No decision, declaration, demand, or other act or proceeding of the Commissioner or deputy Commissioner shall, in any manner whatsoever, be questioned or reviewed, or be restrained or removed by prohibition, injunction, *certiorari*, or otherwise howsoever.

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MISCELLANEOUS
PROVISIONS.**21. (1.)** If any person—

- (a) Who has been duly served with a summons to attend before the Commissioner or deputy Commissioner and whose expenses provided for in subsection four hereof have been paid or tendered to him fails to attend in obedience to such summons ;
- (b) Wilfully insults the Commissioner or deputy Commissioner ;
- (c) Misbehaves himself before the Commissioner or deputy Commissioner ;
- (d) Interrupts the proceedings of the Commissioner or deputy Commissioner ;
- (e) Being called or examined as a witness in any inquiry or any matter pending before the Commissioner or deputy Commissioner, refuses to be sworn or to affirm or declare, or to answer questions, or to produce documents, or prevaricates in his evidence ;

Powers of
Commissioner in
respect of
witnesses.

the Commissioner or deputy Commissioner may commit such person to prison for any period not exceeding one month, or may impose on him a fine not exceeding fifty pounds, and in default of immediate payment of such fine may commit the offender to prison for any period not exceeding one month unless the fine is sooner paid.

(2.) In any of the cases aforesaid a warrant in the prescribed form may be issued by the Commissioner or deputy Commissioner, and such warrant shall be good and valid in law without any other warrant, order, or process whatsoever ; and the Commissioner of Police and all members of the police force, and the sheriff, and all gaolers, may and shall obey the same.

(3.) When any person who has been duly served with a summons to attend as a witness before the Commissioner or deputy Commissioner, and whose expenses provided for in subsection four hereof have been paid or tendered to him, fails to attend in obedience to such summons, the Commissioner or deputy Commissioner, upon proof that such person has been duly served with such summons and that such expenses have been paid or tendered to him, and that his non-appearance was without just cause or reasonable excuse, may issue a warrant in the prescribed form to bring such person

before the Commissioner or deputy Commissioner to give evidence. The provisions of subsection two of this section shall apply to any such warrant.

(4.) Every person required by the Commissioner or deputy Commissioner to attend shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court, and in case of dispute as to the amount to be allowed the same shall be referred to the Taxing Officer of the Supreme Court, who, on request under the hand of the Commissioner or deputy Commissioner, shall ascertain and certify the proper amount of such expenses.

Statements made by witness not admissible in evidence against him.

22. A statement or disclosure made by any witness in answer to any question put to him by the Commissioner or deputy Commissioner shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any court.

Commissioner may act in conjunction with other bodies.

23. The Commissioner or deputy Commissioner may, in the exercise of any of his functions, act in conjunction with any person or body appointed and acting under any Act of the Parliament of any other State of the Commonwealth or of the Parliament of the Commonwealth, having objects similar to the objects of this Act.

Power to publish information.

24. The Commissioner may publish such (if any) information obtained in the exercise of his functions as he thinks fit.

Power of entry and seizure in certain cases.

25. If the Commissioner has at any time reason to suspect that—

(a) Any person has been guilty of any offence against this Act with respect to any commodity; or

(b) Any commodity is kept, stored, or had in possession and has not been duly included in any prescribed return;

he may, by an order, authorise any State officer to seize, take possession of, carry away, and detain any commodity in respect of which such offence has been or is suspected of being committed, and for such purpose, with any necessary assistants, to enter any place, by day or by night, and search for any such commodity and to use such force as may be necessary, and if necessary to break open any chests, packages, or other things in which any commodity is or is supposed to be.

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Any order under this section may be transmitted by means of a telegram, which shall be of equal validity as if it were under the hand of the Commissioner.

26. Any person who—

- (a) Resists, interferes with, hinders, or obstructs the Commissioner or any deputy Commissioner or any officer or person in the performance of any duties or the exercise of any powers under this Act ;
- (b) Wilfully misleads the Commissioner or any deputy Commissioner or any officer or person in any particular likely to affect the discharge of his duty under this Act ;

Obstructing
officers and
similar
offences.

shall be liable to a penalty not exceeding two hundred pounds or to be imprisoned for any period not exceeding six months, or to both such penalty and imprisonment.

27. Any person who, upon oath, affirmation, or declaration taken or made under this Act, gives any evidence, which in any material particular is to his knowledge false, before the Commissioner or deputy Commissioner shall be guilty of perjury and be punishable accordingly.

Punishment
for false
evidence.

28. (1.) 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 Commissioner or any deputy Commissioner 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 Commissioner or any deputy Commissioner to give false testimony, or to withhold true testimony ; or
- (c) Asks, 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 Commissioner or any deputy Commissioner, give false testimony, or withhold true testimony ; or

Bribery of
witness.

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- Fraud on witness
- (d) 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 Commissioner or any deputy Commissioner, with intent to affect the testimony of that person as a witness ; or
- Destroying documents.
- (e) Knowing that any document is or may be required in evidence before the Commissioner or any deputy Commissioner, wilfully destroys it, or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence ; or
- Preventing witness from attending.
- (f) Wilfully prevents any person who has been summoned to attend as a witness before the Commissioner or any deputy Commissioner from attending as a witness, or from producing any evidence pursuant to the summons to attend ; or
- Injury to witness.
- (g) Uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Commissioner or any deputy Commissioner, or for or on account of any evidence given by him before the Commissioner or any deputy Commissioner ; or
- Dismissal by employers of witness.
- (h) Being an employer, dismisses any employee from his employment, or prejudices any employee in his employment, for or on account of such employee's having appeared as a witness before the Commissioner or any deputy Commissioner, or for or on account of such employee's having given evidence before the Commissioner or any deputy Commissioner,

shall be liable to a penalty not exceeding one thousand pounds or to imprisonment for any period not exceeding twelve months, or to both such penalty and imprisonment.

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

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29. (1.) All offences against this Act may be prosecuted and punished by complaint under **“The Justices Acts, 1886 to 1909.”* Recovery of penalties.

(2.) In case of any conviction the adjudicating court may, in its discretion, order the forfeiture of all or any part of any commodity with respect to which the offence was committed or the value thereof, which value shall be determined by such court. Forfeiture.

(3.) In any such complaint—

(a) Several offences may be charged, whether of the same or of different kinds ; Joinder of parties, &c.

(b) Several persons may be joined as defendants, whether in respect of the same or of different offences, and whether those offences are committed by the same or by different persons ; and in such case separate decisions may be given in respect of each defendant so joined :

Provided that in any such case the adjudicating court may give such directions as it thinks fit for the separate hearing of any charge against any defendant.

(4.) Any person who commits such offence for which no other penalty or punishment is expressly provided shall be liable to a penalty not exceeding three hundred pounds or to be imprisoned for any period not exceeding six months, or to both such penalty and imprisonment. General penalty.

(5.) If any person committing an offence against this Act is a company, the individual person guilty of the offence, and also the managing director or other manager in Queensland of the company, shall each of them be liable to the like punishment. Companies.

(6.) If two or more persons are responsible for the same offence, each of those persons shall be guilty of the offence, and the liability of each of them shall be independent of the liability of the others. Joint offenders.

(7.) Every person who in Queensland aids, abets, counsels, or procures, or is in any way knowingly concerned in— Aiding and abetting offences.

(a) The commission of an offence against this Act ;
or

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

(b) The doing of any act outside Queensland which if done in Queensland would be such offence;

shall be deemed to have committed that offence, and be punishable accordingly.

Liability of
employers
and
principals.

(8.) The liability of an employer or principal to any penalty or punishment under this Act for any offence committed by his servant or agent in the course of his employment shall be determined by the same principles as those which determine his liability for civil injuries done by that servant or agent, and such offence shall be deemed to have been committed by the employer or principal accordingly.

Power to
require
persons to
answer
questions
and produce
documents.

30. (1.) The adjudicating court, upon a complaint on oath that an offence has been committed against this Act, may, by writing under its hand, require any person whom it believes to be capable of giving any information in relation to the alleged offence to answer questions and to produce documents to the court or to any officer appointed by the court in that behalf in relation to the alleged offence; and the court of its own motion may take evidence if it thinks fit.

(2.) Every person who refuses or fails to answer questions or produce documents when required to do so in pursuance of this section shall be liable to a fine to be imposed by the court not exceeding two hundred pounds or to be imprisoned for any period not exceeding two months.

(3.) The court may take or cause to be taken copies of or extracts from any documents produced in pursuance of this section.

Impounding
documents.

(4.) The court may retain any document produced to it or to such officer, but the person otherwise entitled to such document shall in lieu thereof be entitled to a copy certified as correct by the court or such officer, and such certified copy shall be receivable in all courts as evidence and of equal validity with the original. And until such certified copy is supplied the court may, at such times and places as it thinks proper, permit such person, or, in the case of a corporation, any person appointed for the purpose by the corporation, to inspect and take extracts from the documents so retained.

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(5.) Every person who discloses any information gained by him in the exercise of the powers or duties conferred or imposed by this section, except to the court or when giving evidence in any proceeding under this Act, shall be liable to a fine to be imposed by the court not exceeding two hundred pounds or to be imprisoned for any period not exceeding two months.

Information
not to be
disclosed.

31. In any proceedings for any offence against this Act— Evidence.

- (1) The adjudicating court may, in proof of any fact in issue, admit and accept as sufficient such evidence as it thinks fit, whether such evidence is legally admissible in other proceedings or not.
- (2) If a combination or conspiracy or attempted combination or conspiracy is an element of the offence charged, any document containing any minute, note, record, or memorandum of any proceeding at any meeting of the persons or any of the persons alleged to have been parties or privy to the combination, conspiracy, or attempt, or any entry purporting to be a copy of or extract from any such document, shall, upon proof that it was produced by or came from the custody of those persons or any of them, or of a responsible officer or a representative of those persons or any of them, be admissible in evidence against those persons and evidence that the matter and things thereby appearing to have been done by those persons or any of them were so done, and that any person thereby appearing to have been present at the meeting was so present. Minutes, records, &c.
- (3) Any notification, requisition, direction, demand, order, or other document in writing, purporting to be signed or made or sent by the Minister or the Under Secretary to the Minister, or by or on behalf of the Commissioner or any deputy Commissioner, or the Secretary to the Commissioner, shall be judicially noticed.
- (4) The production of a copy of the *Gazette* purporting to contain any notification, requisition,

direction, demand, or order made by the Minister or Commissioner shall be conclusive evidence of the matters contained therein, and that all steps necessary to be taken prior to the making of such notification, requisition, direction, demand, or order have been duly taken in accordance with this Act.

- (5) The averment on behalf of the Commissioner in any complaint or other process that anything was or is a commodity subject to this Act, or was or is a commodity mentioned or included in any notification, requisition, direction, demand, or order, made under this Act, or that any place is a place in Queensland, or that any person is a trader, shall be sufficient evidence of that fact.
- (6) Any document, or anything purporting to be a copy of or extract from any document, containing any reference to any matter or thing alleged to be done in contravention of this Act, shall, upon proof that it was produced by or came from the custody of a person charged with the offence, or a responsible officer or a representative of that person, be admissible in evidence against that person and evidence of the matters and things thereby appearing and that the document (or, in the case of a copy, that the original thereof) was written, signed, despatched, and received by the persons by whom it purports to have been written, signed, despatched, and received, and that any such copy or extract is a true copy of or extract from the original of or from which it purports to be a copy or extract.
- (7.) An invoice given or account rendered by the defendant, or by some person on his behalf, for the commodity in respect of which an 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 offer to sell such commodity, and of the price charged or to be charged therefor.

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32. Any notice under this Act may be served personally or by post, addressed to the last known place of residence or business of the person to be served.

Service of
notices.*General.*

33. No action, claim, or demand whatsoever shall lie, or be made or allowed by or in favour of any person whomsoever, against His Majesty or the Minister or the Commissioner, or any deputy Commissioner, or any officer or person acting in the execution of this Act, for or in respect of any damage or loss or injury sustained or alleged to be sustained by reason of the passing of this Act, or of its operation, or of anything done or purporting to be done thereunder.

Protection
of the
Crown and
its officers.

34. In addition to and without in any way limiting the powers of the Governor in Council or the Minister under this Act, the Governor in Council is hereby empowered from time to time, by proclamation published in the *Gazette*, to issue such orders in pursuance of any report of the Commissioner as will, in his judgment, be calculated to safeguard the requirements and well-being of the people of Queensland and more effectually carry into execution the provisions and objects of this Act, and every such order shall be obeyed.

General
powers of
Govern-
ment.

Any person who acts in contravention of any such order shall be guilty of an offence against this Act.

35. (1.) The Governor in Council may from time to time make and publish in the *Gazette* all such regulations as he thinks fit for giving full effect to this Act, and, without limiting the generality of the foregoing provision, for all or any of the following purposes:—

Regulations.

- (a) Prescribing the duties of persons appointed by the Minister to exercise powers conferred by this Act;
- (b) Prescribing the method of compilation of panels of assessors representing producers, manufacturers, retail traders, and consumers, and the summoning and attendance of any assessor or assessors to advise or inform the Commissioner or any deputy Commissioner with respect to any matter relating to commodities or the sale or supply thereof at any time when his or their attendance may be required;

(c) Prescribing forms which may be used under this Act.

The Governor in Council may in such regulations impose a penalty not exceeding two hundred pounds for any breach thereof.

(2.) All regulations and proclamations purporting to be made by the Governor in Council under and for the purposes of this Act and published in the *Gazette*, shall be read as one with this Act and construed as being of equal validity, and shall be judicially noticed.

(3.) All such regulations and proclamations shall be laid before both Houses of Parliament within fourteen days after such publication, or, if Parliament is not then sitting, within fourteen days after the next meeting of Parliament.

If either House of Parliament passes a resolution disallowing any such regulation or proclamation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation or proclamation has been laid before it, such regulation or proclamation shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime.

For the purposes of this Act, the term "sitting days" shall mean days on which the House actually sits for the despatch of business :

Provided always that if such regulations or proclamations are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever.

Appropriation.

36. All moneys that may be required for carrying this Act into full execution shall be paid out of the Consolidated Revenue Fund, which is hereby appropriated for the purpose.

Annual Report.

37. The Commissioner shall prepare an Annual Report with respect to the administration of this Act for each year ending on the thirtieth day of June.

The report shall be transmitted to the Minister before the first day of September next ensuing, and shall be by him forthwith laid before both Houses of Parliament if Parliament is then sitting; otherwise within fourteen days after the commencement of the session next ensuing.