



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1414.

An Act to make provision for Controlling and Regulating the Prices Chargeable for the Necessaries of Life, and to make provision for the Control of Monopolies, and for other purposes.

[Assented to, December 4th, 1919.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

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| 1. This Act may be cited as the "Prices Regulation Act, 1919." | Short title. |
| 2. The Prices Regulation Act, 1914, is hereby repealed. | Repeal of Act
No. 1151 of 1914. |
| 3. The provisions of this Act are arranged as follows :— | Arrangement of Act. |
| PART I.—Preliminary. | |
| PART II.—Price Fixing. | |
| PART III.—Control of Monopolies. | |
| PART IV.—General Provisions. | |
| 4. In this Act, except where inconsistent with the context or some other intention is clearly intended,— | Interpretation.
Cf. 1151, 1914.
s. 2. |
| "Commissioner" means a member of the Commission : | |
| "Commission" means the Prices Regulation Commission : | |
| | "Chairman" |

PART I.

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- “Chairman” means the Chairman of the Commission :
- “Commodity” includes public utility, and in particular, and without limiting the generality of the expression, the supply of heat, light, and power :
- “Deputy Chairman” means the Deputy Chairman of the Commission :
- “Fixed price” means price fixed by the Commission under section 11 :
- “Fixed rate” means rate fixed by the Commission under section 24 :
- “Forfeiture certificate” means a certificate made under section 17 :
- “Inspector” means inspector appointed under this Act :
- “Necessary of life” or “necessary” means a commodity which has, by a declaration under section 10, for the time being in force, been declared a necessary of life :
- “The Minister” means the Minister of Industry :
- “The Secretary” means the Secretary to the Commission :
- “Vessel” includes any ship, lighter, barge, boat, raft, or craft of whatever description and however navigated.

PART II.

PART II.

PRICE FIXING.

The Prices Regulation Commission.

Prices Regulation
Commissioner and
Deputy Prices
Regulation
Commissioner.

5. (1) A Commission to be called the “Prices Regulation Commission” is hereby constituted.

(2) The Commission shall consist of three members to be appointed by the Governor.

(3) The Governor may appoint one of such members to be the Chairman of the Commission, and another of such members to be the Deputy Chairman of the Commission.

(4) 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 of the Commission, the Governor 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 *Government Gazette*, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.

Quorum.

6. Any two members of the Commission shall form a quorum thereof.

7. (1) At

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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.

Majority decision to be sufficient.

(2) Whenever the Commissioners are not unanimous as to any matter, such matter shall be decided by the majority of votes, and if made at a full meeting of the Commission the decision so arrived at shall be the decision of the Commission.

8. No act or proceeding of the Commission shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken, or commenced there is a vacancy in the office of any member.

Acts of Commission not invalidated by vacancy.

Officers.

9. (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 their duties and functions.

Secretary, inspectors, and other officers.

Cf. *ibid.*, s. 8.

(2) The Minister may also appoint such inspectors and other officers as he considers necessary for the purposes of this Act; and he may authorise other persons to do such acts and things as he considers necessary for carrying out the purposes of this Act.

(3) 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 One Hundred Pounds or to be imprisoned for any term not exceeding six months.

Fixing of Prices of Necessaries of Life.

10. (1) The Commission may, from time to time, in their absolute discretion—

Commission may declare commodities to be necessaries of life.

Cf. *ibid.*, s. 9.

(a) declare any commodity to be a necessary of life within the meaning of this Act:

(b) revoke, in whole or in part, any declaration previously made under this section, and declare that any commodity specified in such declaration shall cease to be a necessary of life within the meaning of this Act: and

(c) re-declare any commodity to be a necessary of life within the meaning of this Act.

(2) The Commission in making a declaration under this section may limit its application to a specified part or parts of the State. Unless so limited every declaration so made shall apply throughout the State.

(3) The Commission, in declaring commodities to be necessaries of life within the meaning of this Act, shall not be limited to commodities which are generally regarded as necessaries of life, but may include any other commodities the prices of which they consider it desirable to fix under this Act.

11. With

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Commission to fix prices at which necessaries are to be sold.

Cf. *ibid.*, s. 10.

11. With regard to any necessary of life, the Commission—

- (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 them ; but only so as to apply to future transactions ;
- (e) in fixing any price, may do so relatively to such standards of measurement, weight, capacity, or otherwise, as they think proper ;
- (f) may fix maximum prices on a sliding scale ;
- (g) may fix maximum prices which shall vary in accordance with a standard, time, or other circumstance ;
- (h) may fix maximum prices on a condition or conditions ;
- (i) may fix maximum prices which shall vary with profits, dividends, or wages ;
- (j) may fix maximum prices for cash or credit, or for delivery, and in any such case inclusive or exclusive of the cost of packing ;
- (k) may fix maximum prices on a percentage basis on landed or other cost ; and
- (l) may fix maximum prices according to or upon any principle or condition prescribed.

Commission may prohibit specific persons from increasing prices without permission.

12. (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 therefor, and shall be deemed to have been fixed under section 11.

Commission may prohibit increase in price of necessary of life.

13. (1) The Commission may, by notice published once at least in the daily newspapers known as *The Register*, *The Advertiser*, and *The Daily Herald*, declare that the price of any commodity, concerning which a declaration has been made under section 10, shall not be increased on or after a date to be fixed by such notice. Such notice may also be published in the *Government Gazette*.

(2) The

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(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 11.

14. Every declaration made by the Commission shall be published once at least in the daily newspapers known as *The Register*, *The Advertiser*, and *The Daily Herald*, and may also be published in the *Government Gazette*, and shall take effect upon the first day of such publication or upon a later date fixed by the declaration.

Publication and date of operation of declarations.
Cf. 1151, 1914, s. 11.

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

Penalty for failing to supply necessary of life on tender of fixed price.
Cf. *ibid.*, s. 12.

(a) demand of any quantity of such necessary, and

(b) tender of payment at the fixed price for the amount demanded,

to supply such necessary 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 of life is usually sold or supplied, or if he has been in the habit of selling or supplying such necessary of life, he shall, for the purpose of this section, be deemed usually to trade in such necessary of life.

(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 the necessary of life; or

(b) the defendant was a wholesale trader in such necessary, 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 necessary 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 necessary and the ordinary requirements of his business.

(4) For the purposes of this section, in determining what is a reasonable quantity, regard shall be had to all the circumstances of the case, including the question whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a retail trader in the necessary of life demanded, either alone or with other commodities.

(5) Where a retail trader is prosecuted under this section, the defence that he supplied a reasonable quantity of the necessary of life

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life shall be sufficiently established by proving 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 the necessary is of a kind generally used for animals, of all animals kept by him of the kinds for which such necessary might reasonably be expected to be used.

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

(7) In this section—

“ Wholesale trader ” means a trader who usually sells the necessary of life in question to retail traders only; and

“ Animals ” includes birds.

Penalty for charging prices higher than fixed prices.

16. (1) Any person who sells, offers, or exposes for sale, or has in his possession, control, or disposition for sale, any necessary of life at a price greater than the fixed price shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding One Hundred Pounds or to imprisonment for any term not exceeding six months, for a first offence, and to a penalty not exceeding Two Hundred Pounds or to imprisonment for any term not exceeding twelve months for a second or any subsequent offence.

(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 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 necessary at a specified price, shall be *prima facie* evidence of the sale of or offer to sell such necessary, and of the price charged or to be charged therefor.

Forfeiture on Withholding Necessaries.

Commission may issue forfeiture certificate.

Cf. 1151, 1914, s. 13.

17. (1) If the Commission are satisfied, on such evidence as they deem sufficient, that a person—

(a) has in his custody, or under his control, any commodity which is a necessary of life; and

(b) has failed, on demand and tender of the fixed price, to supply, or intends, on such demand and tender, not to supply, any particular person, or persons generally, with such necessary,

the Commission may issue a certificate, to be called a “ forfeiture certificate,” concerning such first mentioned person.

(2) The provisions of subsection (2) of section 15 shall apply for the purposes of this section also.

18. (1) When

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18. (1) When a forfeiture certificate, as to any necessary of life, has been granted concerning any person, the Minister may, by writing signed by him, order that the whole, or such quantity as is stated in such writing, of such necessary in the custody or under the control of such person, be forfeited to the Crown; and thereupon the same shall be absolutely forfeited to and become the property of the Crown.

On forfeiture certificate the Minister may forfeit goods.

Ibid., s. 14.

(2) When any commodity has been forfeited as aforesaid, it shall be lawful for any inspector or any member of the Police Force, or any person thereunto authorised in writing by the Minister, with such (if any) assistants as he thinks necessary, to enter into and search any premises or any vessel in which he believes such commodity or any part thereof to be, and to seize and take away the same.

19. Any inspector or any member of the Police Force, or any person thereunto authorised in writing by the Minister, may seize any commodity upon land or water which he has reasonable cause to believe is forfeited under this Act.

Power to seize goods.

Ibid., s. 15.

20. Any commodity seized under this Act may be taken to and be stored in any place provided by the Minister for the purpose, and may be sold or otherwise disposed of as the Minister directs, or as is prescribed.

Storing and disposal of forfeited goods.

Cf. *ibid.*, s. 16.

21. When any commodity is seized under this Act, the person who was the owner thereof immediately 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 for goods seized.

Cf. *ibid.*, s. 17.

(a) the amount of any penalties imposed on such person in 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 forfeiture certificates, whether in respect of the commodity so seized or any other commodity; and

(c) the costs and expenses of the search for and seizure and taking away of such commodity.

22. Any inspector, 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 into and search any premises or vessel, or part thereof, where any necessary of life, or any commodity forfeited 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 or any such commodity is or is supposed to be.

Power to search for necessities or forfeited goods.

Cf. *ibid.*, s. 18.

23. Where

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Persons who usually sell subject to conditions may insist upon observance of conditions.

23. Where any person, in the usual course of his business, sells any necessary of life subject to the observance or performance by the purchaser thereof of certain conditions, and such conditions—

- (a) are fair and reasonable, and
- (b) do not operate, or tend to operate to the detriment of the public, and
- (c) do not restrain, or tend to restrain trade or commerce, to the detriment of the public,

nothing contained in this Act shall be construed—

I. to compel such person to sell any quantity of such necessary, or

II. to render such person liable to forfeit such necessary for refusing to sell any quantity of such necessary

to a person who refuses or neglects to observe or perform such conditions.

Fixing Rates of Carriage.

Commission may fix rates of carriage for commodities.

24. 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 commodity, and in particular, and without limiting the generality of the power hereby conferred—

- (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) 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 them :
- (e) in fixing any rate, may do so relatively to such standards of measurement, weight, capacity, or otherwise as they think proper :
- (f) may fix rates according to or upon any principle or condition prescribed.

Penalty for failure to carry commodity on tender of fixed rate.

25. If any carrier, who, in the usual course of his business, carries any commodity, fails, without reasonable excuse, on tender of payment at the 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 be imprisoned for any term not exceeding six months.

Power

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Power to Take Census.

26. (1) The Commission may, by notice, require every person having in his possession or control any commodity, or exercising control over any service, specified in such notice to furnish to the Commission, within the time fixed by such notice, a return in the prescribed form, containing such particulars as are prescribed with respect to such commodity or service.

Commission may require returns to be furnished.

(2) A requisition by the Commission to furnish returns under this section shall be made by general notice published twice at least in the daily newspapers known as *The Register*, *The Advertiser*, and *The Daily Herald*. Such notice may also be published in the *Government Gazette*.

(3) Any person who—

(a) fails to furnish any return required by the Commission to be furnished under this section; or

(b) wilfully furnishes any false or incomplete return,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding One Hundred Pounds or to imprisonment for any term not exceeding six months.

PART III.

PART III.

CONTROL OF MONOPOLIES.

27. In this Part the expression "Commercial Trust" means—

"Commercial Trust."

I. a combination, whether wholly or partly within or beyond the State, of separate and independent persons (corporate or unincorporated) whose voting power or determinations are controlled or controllable by—

Cf. Commonwealth, Australian Industries Preservation Act, 1906-1909.

(a) the creation of a trust as understood in equity, or of a corporation, wherein the trustees or corporation hold the interests, shares, or stock of the constituent persons; or

(b) an agreement; or

(c) the creation of a board of management or its equivalent; or

(d) some similar means;

II. any person or combination of persons (corporate or unincorporated) exercising with regard to any commodity or service such a degree of control as would enable him or them to determine or control the market price or supply of such commodity or service; or

III. any person or combination of persons (corporate or unincorporated) who or which is declared by the Commission under this Part to be a Commercial Trust,

and includes any division, part, constituent person, or agent of a commercial trust.

28. (1) The

PART III.

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Commission may inquire as to existence of Commercial Trust.

28. (1) The Commission may make such inquiries as they think fit for the purpose of determining whether a Commercial Trust exists with respect to any commodity.

(2) If the Commission are of opinion after inquiry that any particular person or combination of persons is a Commercial Trust, they shall publish a certificate to that effect in the *Government Gazette*, and such certificate shall be *prima facie* evidence that the person or combination of persons named therein is a Commercial Trust within the meaning of this Part.

Restraint of trade and destruction of industries.
Cf. *ibid.*, s. 4.

29. (1) Any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of or engages in any combination, in relation to trade or commerce—

(a) with intent to restrain trade or commerce to the detriment of the public ; or

(b) with intent to destroy or injure by means of unfair competition any industry the preservation of which is advantageous to the State, having due regard to the interests of producers, workers, and consumers,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Five Hundred Pounds or to imprisonment for any term not exceeding six months.

(2) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

Unfair competition.
Cf. *ibid.*, s. 6.

30. (1) For the purposes of section 29 of this Act, “unfair competition” means competition which is unfair in the circumstances ; and in the following cases the competition shall be deemed to be unfair unless the contrary is proved :—

(a) If the defendant is a Commercial Trust ;

(b) If the competition would probably, or does in fact, result in an inadequate remuneration for labor in the industry ;

(c) If the competition would probably, or does in fact, result in creating substantial disorganization in industry, or throwing workers out of employment ; or

(d) If the defendant, with respect to any commodity or service which is the subject of the competition, gives, offers, or promises to any person any rebate, refund, discount, or reward upon condition that that person deals, or in consideration of that person having dealt, with the defendant to the exclusion of other persons dealing in a similar commodity or engaged in a similar service.

(2) In determining whether the competition is unfair, regard shall be had to the industry, as a whole, the relative interests in the industry of wholesale and retail traders, and to the management, the processes, the plant, and the machinery employed or adopted in the industry affected by the competition being reasonably efficient, effective, and up-to-date.

31. (1) Any

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PART III.

31. (1) Any person who monopolizes; or combines or conspires with any other person to monopolize, any part of any trade or commerce, with intent to control, to the detriment of the public, the supply or price of any commodity or service, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Five Hundred Pounds, or to imprisonment for any term not exceeding six months, for a first offence, and for a second or any subsequent offence to imprisonment for a term of not less than twelve months.

Monopoly of trade.
Cf. *ibid.*, s. 7.

(2) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

32. (1) Any person who, in relation to trade or commerce, either as principal or agent, in respect of dealings in any commodity or service, gives, offers, or promises to any other person any rebate, refund, discount, concession, or reward, for the reason, or upon the condition, expressed or implied, that the latter person—

Unfair concessions
by persons.
Cf. *ibid.*, s. 7A.

- (a) deals, or has dealt, or will deal, or intends to deal, exclusively with any person, either in relation to any particular commodity or service, or generally; or
- (b) deals, or has dealt, or will deal, or intends to deal, exclusively with members of a Commercial Trust, either in relation to any particular commodity or service, or generally; or
- (c) does not deal, or has not dealt, or will not deal, or does not intend to deal, with certain persons, either in relation to any particular commodity or service, or generally; or
- (d) is or becomes a member of a Commercial Trust,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Five Hundred Pounds, or to imprisonment for any term not exceeding six months.

(2) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

(3) It shall be a defence to a prosecution under this section, and an answer to an allegation that a contract was made or entered into in contravention of this section, if the party alleged to have contravened this section proves that the matter or thing alleged to have been done in contravention of this section was not to the detriment of the public, and did not constitute competition which was unfair in the circumstances.

33. Any person who, in relation to trade and commerce, either as principal or agent, refuses, either absolutely or except upon disadvantageous conditions, to sell or supply to any other person any commodity or service for the reason that the latter person—

Improper refusals to
sell by persons.
Cf. *ibid.*, s. 7B.

- (a) deals, or has dealt, or will deal, or intends to deal with any person; or

(b) deals,

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(b) deals, or has dealt, or will deal, or intends to deal, with persons who are not members of a Commercial Trust ; or

(c) is not a member of a Commercial Trust,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Five Hundred Pounds, or to imprisonment for any term not exceeding six months.

Aiding and abetting.
Cf. *ibid.*, s. 9.

34. Whoever aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly concerned in or privy to—

(a) the commission of any offence against this Act ; or

(b) the doing of any act outside the State, which would, if done within the State, be an offence against this Act,

shall be deemed to have committed the offence.

Burden of proof.
Cf. *ibid.*, s. 15A.

35. In any prosecution for an offence against any provision of this Part the averments of the informant contained in the information shall be deemed to be proved in the absence of proof to the contrary.

PART IV.

PART IV.

GENERAL PROVISIONS.

Powers of and Proceedings before the Commission.

Power to publish information.
Cf. 1151, 1914, s. 19.

36. The Commission may publish such (if any) information obtained in the exercise of their functions as they think fit.

Evidence may be taken in public or in private.
Cf. *ibid.*, s. 20.

37. The Commission may, in connection with the exercise of their functions, take evidence in public or in private.

Commission not to be bound by rules as to procedure or evidence.
Cf. *ibid.*, s. 21.

38. The Commission, in the exercise of any of their functions or powers, shall not be bound by the rules or practice of any court or tribunal as to procedure or evidence, but may conduct their proceedings and inform their minds on any matter in such manner as they think proper ; and, without limiting in any way the operation of this section, the Commission may refer any technical matter to an expert and may accept his report as evidence.

May sit at any time and place, and adjourn.
Cf. *ibid.*, s. 22.

39. The Commission may sit at any time and in any place for the purpose of exercising any of their powers or functions, and may adjourn their sittings from time to time and from place to place.

Commission may report to Minister.

40. The Commission may make reports to the Minister concerning any matters arising in the exercise of any of their functions, and may recommend such legislative, executive or administrative action as they may deem desirable for the purpose of giving effect to the objects of this Act.

41. No

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PART IV.

41. No decision, determination, certificate, or other act or proceeding of the Commission shall, in any manner whatsoever, be questioned or reviewed, or be restrained or removed by prohibition, injunction, *certiorari*, or otherwise howsoever.

Acts and proceedings of Commission not liable to be reviewed or restrained.

Cf. *ibid.*, s. 23.

42. For the purposes of this Act the Commission shall have the following powers, that is to say:—

Powers of Commission.

Cf. *ibid.*, s. 24.

- (1) They may by themselves, or by any person appointed by them to prosecute an inquiry, enter and inspect any premises or vessel and any commodities and other things, the entry or inspection of which appears to them to be requisite:
- (2) They may require, by summons signed by any Commissioner, or by the Secretary acting under the direction of any Commissioner, the attendance of all such persons as the Commission think fit to call before them, and may require answers or returns to such inquiries as they think fit to make:
- (3) They may by notice in writing, signed as aforesaid, require and compel the production of all books, papers, and documents:
- (4) They may inspect any books, papers, and documents produced before them, and retain them for such reasonable periods as they think fit, and may make copies of such matters therein as are relevant to the inquiry or take extracts of such matters:
- (5) They may examine witnesses on oath, affirmation, or declaration, which may be administered by any Commissioner:
- (6) They may by summons, signed by any Commissioner, or by the Secretary acting under the direction of any Commissioner, require the attendance before them of all such persons as they think fit for the purpose of conferring with them, or with each other, for the purpose of assisting them in the exercise of any of their functions.

43. (1) If any person—

- (a) who has been duly served with a summons to attend before the Commission neglects to attend in obedience to such summons; or
- (b) wilfully insults the Commission or any Commissioner; or
- (c) misbehaves himself before the Commission; or
- (d) interrupts the proceedings of the Commission; or
- (e) being called or examined as a witness in any inquiry or any matter pending before the Commission, refuses to be sworn or to affirm or declare, or to produce the documents mentioned in the summons served upon him, or any of them, or prevaricates in his evidence, or refuses to answer any lawful question;

Powers of Commission in respect of witnesses.

Cf. *ibid.*, s. 25.

the

the Chairman or Deputy Chairman may commit such person to gaol for any time not exceeding one month, or may impose on him a penalty not exceeding Fifty Pounds, and in default of immediate payment of such penalty the Chairman or Deputy Chairman may commit the offender to gaol for any time not exceeding one month unless the fine is sooner paid.

(2) In any of the cases aforesaid a warrant in the form or to the effect of the First Schedule may be issued by the Chairman or Deputy Chairman, 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 Commission, and whose expenses provided for in subsection (4) hereof have been paid or tendered to him, fails to attend in obedience to such summons, the Chairman or Deputy Chairman 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 form or to the effect of the Second Schedule to bring such person before the Commission to give evidence. The provisions of subsection (2) of this section shall apply to any such warrant.

(4) Every person required by the Commission 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 Master of the Supreme Court, who, on request under the hand of the Chairman or Deputy Chairman shall ascertain and certify the proper amount of such expenses.

Punishment for
false evidence.

Cf. *ibid.*, s. 26.

44. Any person who, upon oath, affirmation, or declaration taken or made under this Act, wilfully and corruptly gives any false evidence before the Commission shall be guilty of perjury and may be imprisoned, with or without hard labor, for any term not exceeding four years.

Statements made by
witness not
admissible in
evidence against
him.

Cf. *ibid.*, s. 27.

45. A statement or disclosure made by any witness in answer to any question put to him by the Commission or any 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.

Commission may
act in conjunction
with other bodies.
New.

46. The Commission may, in the exercise of any of their 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.

Indictable

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PART IV.

Indictable Offences in connection with Inquiries by the Commission.

47. 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) 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 Commission, give false testimony, or withhold true testimony,

Bribery of witness.
Cf. 1151, 1914, s. 28.

shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

48. Any person who practices 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 misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

Fraud on witness.
Cf. *ibid.*, s. 29.

49. 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 misdemeanor, and shall be liable to be imprisoned for any term not exceeding four years.

Destroying books or documents.
Cf. *ibid.*, s. 30.

50. 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 misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Preventing witness from attending.
Cf. *ibid.*, s. 31.

51. Any person who 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 Commission, or for or on account of any evidence given by him before the Commission, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year.

Injury to witness.
Cf. *ibid.*, s. 32.

52. (1) Any employer who dismisses any employé from his employment, or prejudices any employé in his employment, for or on account of such employé's having appeared as a witness before

Dismissal by employers of witness.
Cf. *ibid.*, s. 33.

the

PART IV.

Prices Regulation Act.—1919.

the Commission, or for or on account of such employé's having given evidence before the Commission, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year.

(2) In any proceedings for any offence against this section it shall lie upon the employer to prove that any employé shown to have been dismissed or prejudiced in his employment was so dismissed or prejudiced for some reason other than a reason mentioned in subsection (1).

Information obtained under Act not to be divulged.
Cf. Taxation Act, 1915, s. 49.

53. (1) Every Commissioner, Magistrate, and officer executing any power or duty conferred or imposed by or under this Act shall maintain the secrecy of all matters that come to his knowledge in the course of his duty, and shall not communicate any such matter to any person or reveal the same in any way, except under the authority of section 36 of this Act for the purpose of carrying into effect the provisions of this Act.

(2) Any person who is guilty of any contravention of subsection (1) hereof shall be guilty of a misdemeanor and shall be liable to a penalty not exceeding Twenty-five Pounds, for a first offence, and for any subsequent offence to a term of imprisonment not exceeding six months.

(3) Nothing in this section shall prevent a member of the Commission from making a minority report on any matter dealt with by the Commission.

Miscellaneous Provisions.

Governor may make regulations.
Cf. *ibid.*, s. 34.

54. The Governor may make all such regulations as he deems necessary or convenient for the purposes of this Act, or for more effectually carrying out its objects, and may by any regulation prescribe a penalty not exceeding Fifty Pounds for any breach of that or any other regulation.

Gazette to be conclusive evidence of appointments, declarations, &c.
Cf. *ibid.*, s. 35.

55. A copy of the *Government Gazette* or daily newspaper purporting to contain—

(a) a notice of the appointment of any Commissioner, or Secretary, or of any inspector or other officer or person under this Act; or

(b) a copy of any declaration, certificate, or other act made, given, or done by the Commission under this Act,

shall, for all purposes and on all occasions, be conclusive evidence of the fact, tenor, and validity of such appointment, declaration, certificate, or act, and of the facts stated, recited, or assumed therein; and no such appointment, declaration, certificate, or act shall be invalid by reason of any thing required as preliminary or incidental thereto not having been duly done.

56. (1) The

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PART IV.

56. (1) The Special Magistrate or Justices hearing any information for an offence against this Act—

Power to order inspection, and production of documents

- (a) may order the defendant to permit the inspection by the informant of any books, documents, or papers in his custody or control ; or
- (b) may, by summons under his or their hand, require and compel the production of any books, documents, or papers in the custody or control of the defendant.

(2) If any person—

- (a) refuses to permit the inspection of any books, documents, or papers in his custody or control in respect to which an order has been made under this section ; or
- (b) who has been served personally with a summons requiring the production of any books, documents, or papers in his custody or control, and whose expenses have been paid or tendered to him, neglects to produce any such books, documents, or papers, and fails to give a reasonable excuse for such neglect,

he shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Five Hundred Pounds, or to imprisonment for any term not exceeding six months, for a first offence, and for a second or any subsequent offence, to imprisonment for any term not exceeding twelve months.

57. All proceedings in respect of offences against this Act, not being indictable offences, shall be disposed of summarily.

Summary proceedings for offences.
Cf. *ibid.*, s. 36.

58. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Appeal.
Cf. *ibid.*, s. 37.

59. In the event of an appeal in respect of proceedings in respect of offences against this Act a special case may be stated.

Special case.
Cf. *ibid.*, s. 38.

60. Any moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

Moneys for purposes of this Act.
Cf. *ibid.*, s. 39.

61. This Act shall expire on the thirtieth day of November, nineteen hundred and twenty-one.

Duration of Act.

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

H. L. GALWAY, Governor.

Prices Regulation Act.—1919.

THE SCHEDULES.

THE FIRST SCHEDULE.

FORM OF WARRANT.

Prices Regulation Act, 1919.

Sec. 43 (2).

To the Commissioner of Police and all Members of the Police Force of South Australia, and to the Keeper of the Gaol at

These are to command you the Commissioner of Police and all members of the Police Force of South Australia to apprehend A.B. and to convey him to the above-mentioned gaol, and to deliver him to the keeper thereof, together with this warrant; and you the said keeper are hereby required to receive the said A.B. into your custody in the said gaol, and him there safely to keep for the term of (unless the sum of _____ is sooner paid) I, the undersigned, the Chairman (or Deputy Chairman) of the Prices Regulation Commission, having adjudged the said A.B. to be imprisoned (or to pay a penalty of _____, and having further adjudged him to be imprisoned on the ground that he has made default in the immediate payment thereof), for the said term, for that he the said A.B. [*here state the offence to the following effect, as the case may require*].

That A.B. having been duly served with a summons to attend before the said Commission, and having had his expenses paid or tendered, neglected to attend before the said Commission (or that A.B. wilfully insulted the said Commission, or that A.B. misbehaved himself before the said Commission or that A.B. interrupted the proceedings before the said Commission, or that A.B., having been called or being examined as a witness in a certain inquiry or matter pending before the said Commission, refused to be sworn or affirm or declare or to produce a certain document mentioned in the summons served on him, or was guilty of prevarications in his evidence or refused to answer a certain lawful question).

Given under my hand at _____ this _____ day of _____ in the year of our Lord nineteen hundred and _____

[Signature]
Chairman (or Deputy Chairman)
of the Prices Regulation Commission.

THE SECOND SCHEDULE.

FORM OF WARRANT.

Prices Regulation Act, 1919.

Sec. 43 (3).

To the Commissioner of Police and all Members of the Police Force in South Australia.

Whereas, pursuant to the provisions of the above-mentioned Act, it has this day been proved that _____ of _____ has been duly served with a summons to attend and give evidence before the Prices Regulation Commission, pursuant to the said Act, but has failed to attend in obedience to such summons:

This is to require you forthwith to apprehend the said _____ and to detain him in custody and bring him before the said Commission, to give evidence.

Given under my hand at _____ this _____ day of _____ in the year of our Lord nineteen hundred and _____

[Signature]
Chairman (or Deputy Chairman)
of the Prices Regulation Commission.