

## NECESSARY COMMODITIES CONTROL ACT.

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Act No. 18, 1914.

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

George V,  
No. 18.

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

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

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

"Commission" means the Commissioners appointed under this Act.

"Commissioner" means a member of the Commission.

"Declared price" means the maximum price of any necessary commodity as declared by the Governor pursuant to this Act.

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

"Necessary commodity" means any of the following:—

(a) Coal, firewood, coke, or other fuel.

(b) Gas for lighting, cooking, or industrial purposes.

(c)

Short title  
and period of  
application.

Definition.

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

**The  
Commission.**

**3.** (1) The Governor shall, as soon as practicable after the passing of this Act, appoint, by letters patent under the public seal, a Commission consisting of three persons, one of whom shall be a judge of the Industrial Arbitration Court, and shall be the chairman of the Commission.

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

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

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

**Duty of  
Commission.**

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

**Chairman  
and Deputy  
Chairman.**

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

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

**Deputy  
member.**

**6.** In case of illness or other incapacity, or absence from the State, of any member of the Commission, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Commission during such illness, incapacity, or absence, or until such a vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the Gazette, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission.

**7. The Commission may—**

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(a) from time to time inquire and report to the Governor as to what should be the highest selling prices, having reasonable regard to market conditions, for the State of New South Wales of any necessary commodities, and may vary any such report, or make a new report ;

(b) in any report specify different selling prices for the same kinds of necessary commodities, having regard to—

- (i) the different qualities thereof ;
- (ii) the sale or supply thereof, whether wholesale or retail ;
- (iii) the sale or supply under differing terms and conditions or in different parts of New South Wales ;
- (iv) any other matter which the Commission may think fit to consider ;

(c) report that any commodity should in its opinion be a necessary commodity.

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

Declaration of maximum prices, &amp;c.

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

(b) fix and declare different maximum prices according to differences in quality or description or in the quantity sold ;

(c) declare different maximum prices for different parts of the State ;

(d) vary any price previously fixed by him ; but so as to apply only to future transactions ;

(e) in fixing any price, do so relatively to such standards of measurement, weight, capacity, or otherwise, as he thinks proper ; but the declared price of any commodity shall not in any case be lower than that contained in the last report of the Commission dealing with such commodity.

The Governor may also annul any such notice.

**9. (1) If any person sells or offers for sale any necessary commodity at a price higher than the declared price he shall be liable to a penalty not exceeding one hundred pounds,**

Penalty for offering for sale at higher than declared price.

**George V, pounds, and in case of sale shall be liable to refund to No. 18.** the purchaser the difference between the declared price and the price at which the commodity was sold.

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

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

- (a) the defendant supplied or offered to supply a reasonable quantity of the necessary commodity at the declared or a lower price; or
- (b) the defendant was a wholesale trader in such commodity, and the person who demanded to be supplied was not a retail trader therein; or
- (c) there existed special circumstances in the particular case which rendered the declared price of the commodity inadequate, and that the action of the defendant was reasonable.

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

Returns of necessary commodities.

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

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

Penalty.

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

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

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

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

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

**14.** A summons signed by the chairman of the Commission may be issued for enforcing the attendance of witnesses or compelling the production of books, documents,

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

Powers of Commission.

Summons to produce.

**George V, No. 18.** documents, and writings. If any person having been served with such summons fails to appear, the said chairman may issue a warrant authorising such person to be apprehended and brought before the Commission.

**Recovery of penalties.**

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

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

**Gazette notice to be evidence.**

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

**Freedom from liability.**

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

*Officers.*

**Secretary, inspectors, and other officers.**

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

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