

# MONOPOLIES (AMENDMENT) ACT.

## Act No. 6, 1939.

An Act to amend the Monopolies Act, 1923, in certain respects; and for purposes connected therewith. [Assented to, 4th July, 1939.]

George VI.  
No. 6, 1939.

**B**E 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.** (1) This Act may be cited as the “Monopolies (Amendment) Act, 1939.”

Short title  
and  
citation.

(2) The Monopolies Act, 1923, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Monopolies Act, 1923-1939.

**2.** The Principal Act is amended by inserting next after section seventeen the following new sections:—

Amendment of  
Act No 54,  
1923.

17A. No person shall, in any proceeding for an offence (other than an indictable offence) be excused from answering any question, put either viva voce or by interrogatory, or from making any discovery of, or producing, documents on the ground that the answer, discovery or production may criminate or tend to criminate him or make him liable to a penalty; but his answer shall not be admissible in evidence against him in any civil or criminal proceeding other than a proceeding for an offence against this Act (not being an indictable offence) or a prosecution for perjury.

Persons to  
answer  
questions  
and produce  
documents.  
cf. Australian  
Industries  
Preservation  
Act, 1906-1930  
(Common-  
wealth),  
s. 14b.

In so far as this section relates to answering any question put by interrogatory or to the discovery or production of documents the word “person” includes a corporation.

17B.

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Minutes,  
records, etc.,  
to be  
evidence.

cf. Aus-  
tralian  
Industries  
Preservation  
Act, 1906-  
1930  
(Common-  
wealth),  
s. 14c.

17B. In any proceeding for an offence or in any action brought under section eighteen of this Act wherein a combination in contravention of this Act is alleged, any book, document, paper or writing containing—

- (a) any minute, note, record or memorandum of any proceeding at any meeting of the persons (or in cases where such persons are bodies corporate, of the agents of such persons) or of any of the persons (or their said agents) alleged to have been parties or privy to the combination; or
- (b) any entry purporting to be a copy of or extract from any such book, document, paper or writing,

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 of any of them—

- (i) be admissible in evidence against those persons; and
- (ii) be 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.

Books,  
letters,  
documents,  
etc., to be  
evidence.  
cf. *Ibid.*  
s. 14d.

17c. In any proceeding for an offence or in any action brought under section eighteen of this Act any book, letter, document, paper or writing, or anything purporting to be a copy of or extract from any book, letter, document, paper or writing, 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 representative of that person—

- (a) be admissible in evidence against that person; and
- (b) be evidence of the matters and things thereby appearing, and that the book, letter, document, paper or writing (or in the case of

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.

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17D. Sections 17A, 17B, and 17C of this Act shall apply to all proceedings to which such sections are respectively made applicable instituted after the commencement of the Monopolies (Amendment) Act, 1939.

Application  
of secs. 17A,  
17B and 17C.