

SYDNEY CITY COUNCIL (DISCLOSURE OF ALLEGATIONS) ACT.

Act No. 24, 1953.

Elizabeth II,
No. 24, 1953.

An Act to require persons having information relating to certain offences or suspected offences to disclose or produce such information; and for purposes connected therewith. [Assented to, 2nd December, 1953.]

BE it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the "Sydney City Council (Disclosure of Allegations) Act, 1953".

**Interpreta-
tion.**

2. In this Act, unless the context or subject matter otherwise indicates or requires:—

“Council” means the Council of the City of Sydney.

“Member” means Lord Mayor, Deputy Lord Mayor or alderman.

**Disclosure
of inform-
ation.**

3. (1) Where, before or after the commencement of this Act, any statement, report or matter relating to the Council or any member or servant of the Council in his capacity as such has been made or published and such statement, report or matter alleges, suggests or implies that an offence against the Secret Commissions Prohibition Act, 1919, or section one hundred and one of the Local Government Act, 1919, as amended by subsequent Acts, has been committed either by such member or servant or by any other person, a judge of the Supreme Court may, upon the affidavit of a superintendent or inspector of police showing reasonable grounds for believing that any person or body of persons, corporate or unincorporate, named in the affidavit has in his or its possession

possession any documents upon which such statement, report or matter was based, or has within his knowledge or control any information upon which such statement, report or matter was based, order such person or body of persons to produce such documents or disclose such information to such superintendent or inspector of police.

(2) Any person or body of persons ordered to produce documents as aforesaid shall permit such superintendent or inspector of police to make copies of or take extracts from such documents.

(3) Any person who fails to comply with any requirement of an order made under subsection one of this section or gives any false information shall be guilty of an offence against this Act.

(4) Any person who is guilty of an offence against this Act shall be liable—

- (a) if a body corporate—to a penalty not exceeding one thousand pounds;
- (b) if any other person—to a penalty not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such penalty and imprisonment.

(5) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to have committed the like offence, and be liable to the pecuniary penalty or imprisonment or both provided by this section in the case of such an offence by a person other than a body corporate accordingly, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

(6) All proceedings for offences against this Act shall be disposed of in a summary manner before a court of petty sessions holden before a stipendiary magistrate sitting alone.

No. 24, 1953. **4.** An application for an order under section three of this Act shall be made to the judge taking non-contentious matters in private chambers, upon an affidavit filed in the Prothonotary's Office setting out the grounds.

Where the judge is of the opinion that reasonable grounds have been shown—

- (a) he may make the order immediately and *ex parte* if this seems to him necessary or desirable, or
- (b) if he thinks that an opportunity should be given to any person or body of persons named in the affidavit to oppose the making of the order he may direct such person or body of persons to be served with a copy of the affidavit and to be notified of the day on which the matter will be dealt with, such service and notification to be effected in such manner as may seem to him sufficient: when the matter comes on, the superintendent or inspector of police or counsel or solicitor on his behalf and such person or body of persons or counsel or solicitor on his or its behalf may attend and be heard, and the matter shall be disposed of in public chambers.

**Duration
of Act.**

5. This Act shall cease to have effect upon a day to be appointed by the Governor and notified by proclamation in the Gazette.