

PRICES.

No. 33 of 1948.

AN ACT to make provision for the Regulation and Control of Prices and Rates for certain Goods and Services and for matters incidental thereto.
[17 September, 1948.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Prices Act 1948*. Short title and commencement.

(2) This Act shall commence on the twentieth day of September, 1948.

2 The objects of this Act are to secure that— Objects of Act.

- (a) excessive and inflationary rises in the prices of goods sold, and services supplied, to the people of this State, shall be prevented by a system of price control;
- (b) provision shall be made to protect the people of this State against profiteering; and
- (c) so far as is possible, all goods sold, and services supplied, to the people of this State shall be sold and supplied at prices and rates which are just and reasonable.

3—(1) In this Act unless the contrary intention appears— Interpretation.

“Assistant Commissioner” means the Assistant Prices Commissioner appointed under this Act; Cf. C'wealth Regs. r. 3.

“authorised officer” means any person appointed by the Commissioner to be an authorised officer for the purposes of this Act;

“Commissioner” means the Prices Commissioner appointed under this Act;

“declared goods” means any goods declared by the Minister by notice in the *Gazette* to be declared goods for the purposes of this Act;

- “declared service” means any service declared by the Minister by notice in the *Gazette* to be a declared service for the purposes of this Act;
- “landed cost” means the actual cost of landing any declared goods in the store in this State of the person to or for whom or on whose behalf the goods were originally supplied or ordered, or at such other point of delivery as is determined by the Commissioner;
- “licensed premises” means licensed premises within the meaning of the *Licensing Act 1932**;
- “price” includes every valuable consideration whatsoever, whether direct or indirect;
- “rate” includes every valuable consideration whatsoever, whether direct or indirect;
- “retail,” in relation to a sale, means the sale to a person for the purpose of consumption or use;
- “service” includes the supply for reward of lodging or board and lodging (whether in licensed premises or elsewhere), and any rights under a licence or under an agreement (other than a lease) for the hiring of any hall, and any other rights, privileges, or services (not being services rendered by a servant to a master) by any person engaged in an industrial, commercial, business, profit-making, or remunerative undertaking;
- “the Commonwealth Regulations” means the National Security (Prices) Regulations of the Commonwealth as in force on the nineteenth day of September, 1948;
- “wholesale,” in relation to a sale, means the sale to a person for the purpose of re-sale, including but without affecting the generality hereof, the sale by an importer, manufacturer, or producer to a manufacturer or a wholesale or retail trader.

(2) All expressions used in any order, notice, or other instrument made, given, or issued under this Act shall have the meanings respectively assigned to them by this Act.

Transitory provisions.

4—(1) All declarations, orders, requirements, determinations, delegations, authorities, exemptions, notices, notifications, and applications made, published, or given under the Commonwealth Regulations which are in force in or in relation to this State on the nineteenth day of September, 1948, shall, for the purposes of this Act and except so far as they are inconsistent with this Act, be deemed to have been

* 23 Geo. V. No. 55. For this Act, as amended to 1936, see Reprint of Statutes. Vol. IV., p. 843. Subsequently amended by 1 Geo. VI. No. 40, 7 Geo. VI. No. 38, and 11 & 12 Geo. VI. No. 81. See also 1 Geo. VI. Nos. 39 and 55.

made, published, or given under this Act and, subject to this Act, until repealed, amended, revoked, granted, or withdrawn under this Act, shall be deemed to have force and effect accordingly as if made, published, or given under this Act; and any reference in any such declaration, order, requirement, determination, delegation, authority, exemption, notice, notification, or application, to any provision of the Commonwealth Regulations shall, with such adaptations as are necessary, be construed as a reference to the corresponding provision of this Act.

(2) All declarations, orders, requirements, determinations, delegations, authorities, exemptions, notices, notifications, and applications under the Commonwealth Regulations which, by virtue of subsection (1) of this section, are deemed to have force and effect as if made under this Act may be repealed, amended, revoked, or withdrawn by any order, regulation, notice, or other appropriate instrument made, issued, or given under the provisions of this Act.

5—(1) The Governor may appoint a person as and to be the Prices Commissioner under and for the purposes of this Act. Appointment of Prices Commissioner
Ibid., r. 4, 5, 6.

(2) The Commissioner shall have and may exercise such powers, authorities, and functions, and shall perform such duties, as are conferred or imposed upon him by this Act.

6—(1) The Governor may appoint a person as and to be the Assistant Prices Commissioner for the purposes of this Act. Appointment and powers of Assistant Prices Commissioner.
Ibid. r. 7A.

(2) Subject to this section, the Assistant Commissioner shall have and may, subject to any direction of the Commissioner, exercise and perform all the powers, authorities, functions, and duties of the Commissioner under this Act.

(3) Where in this Act the exercise of any power or function by the Commissioner or the operation of any provision of this Act is dependent upon the opinion, belief, or state of mind of the Commissioner in relation to any matter, that power or function may be exercised by the Assistant Commissioner or that provision may operate (as the case may be) upon the opinion, belief, or state of mind of the Assistant Commissioner in relation to that matter.

(4) Nothing in this section shall be deemed to confer on the Assistant Commissioner any power or function of the Commissioner under section forty-four of this Act or to prevent the exercise of any power or function by the Commissioner, and the Commissioner shall have, in relation to any act of the Assistant Commissioner, the same powers as if the act were done by himself.

Terms and conditions of appointment of Commissioner and Assistant Commissioner.

7—(1) The Commissioner and the Assistant Commissioner shall each hold office for such period and on such terms and conditions, and with entitlement to such remuneration and travelling and other expenses, as the Governor may determine.

(2) The provisions of the *Public Service Act 1923**, shall not apply to the Commissioner or the Assistant Commissioner, but if any person appointed under this Act as the Commissioner or the Assistant Commissioner is, at the time of his appointment, an officer of the Public Service, he shall retain all his existing and accruing rights as if his service as Commissioner or Assistant Commissioner were service as an officer of the Public Service.

(3) A person appointed under this section as the Commissioner or the Assistant Commissioner shall not, by reason only of his appointment as Commissioner or Assistant Commissioner, be deemed to be an employee within the meaning of the *Superannuation Act 1938†*, but if such person is, at the time of his appointment, an employee within the meaning of that Act, he shall, subject to that Act, continue to be an employee within the meaning of that Act.

(4) The Commissioner and the Assistant Commissioner shall each be entitled to such leave of absence as may be prescribed.

Appointment, &c., of officers and employees.

8—(1) The Governor may appoint such officers and employees as he considers necessary for the purposes of this Act.

(2) The Minister may arrange with the appropriate Minister of State for the Commonwealth for the employment by the State of Commonwealth officers and employees for the purposes of this Act.

(3) Any arrangement under subsection (2) of this section may make provision for any matter necessary or expedient to be provided in relation to the administration of this Act and the employment of such officers and employees.

(4) No officer or employee appointed or employed under the authority of this section shall, while holding office under this Act, be subject to the provisions of the *Public Service Act 1923**, but if any officer appointed by the Governor under subsection (1) of this section is, at the time of his appointment, an officer of the Public Service, he shall retain all his existing and accruing rights as if his service under this Act were service as an officer of the Public Service.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 104, 8 & 9 Geo. VI. No. 30, 9 & 10 Geo. VI. No. 60, 11 Geo. VI. No. 22, and 11 & 12 Geo. VI. No. 84.

† 2 Geo. VI. No. 41, as amended by 3 Geo. VI. Nos. 5 and 18, 4 Geo. VI. Nos. 17 and 43, 6 Geo. VI. Nos. 12 and 71, 7 Geo. VI. No. 35, 8 & 9 Geo. VI. No. 39, 10 Geo. VI. No. 7, 11 Geo. VI. No. 65, and No. 24 of 1948.

(5) Every officer and employee appointed or employed under the authority of this section shall be entitled to such leave of absence as may be prescribed.

9—(1) The Commissioner, and every person exercising any power or performing any duty under this Act, shall, before entering on his duties under this Act, sign a declaration of secrecy in accordance with the form in the schedule. Declaration
of secrecy.
Ibid. r. 12.

(2) Every declaration of secrecy signed in pursuance of subsection (1) of this section shall be lodged with and retained by the Commissioner.

(3) No person shall, except in the course of his duty under this Act, directly or indirectly communicate or divulge any information relating to any matter which comes to his knowledge in consequence of his official position.

(4) Nothing in this section shall be deemed to prohibit—

(a) the Commissioner, whenever he considers it necessary or desirable in the interests of justice so to do—

(i) from communicating to the Attorney-General any information which comes to his knowledge in consequence of his official position and which makes it appear that any person has committed, or is suspected of having committed, or is about to commit, an offence against any law relating to secret commissions;

(ii) from producing to the Attorney-General for use in connection with the prosecution of a person for any such offence any documents, books, or papers containing any such information;

(b) any person exercising any power or performing any duty under this Act from answering any question relating to any such offence which he is required to answer when called as a witness in the prosecution of a person for that offence; or

(c) the Commissioner or any officer or employee thereto authorised, in writing, by the Commissioner from communicating to the proper officer in any other State any information for the purposes of the administration of any law of that State relating to the regulation of prices in force in that State.

(5) For the purposes of paragraph (c) of subsection (4) of this section, "proper officer" in relation to any State, means any person appointed, in writing, by the Minister in that State charged with the administration of the law relating to the regulation of prices in force in that State.

Powers of
Commissioner
as to
obtaining
information,
&c.
Ibid. r. 13, 14,
15, 16, 17.

10—(1) For the purposes of this Act the Commissioner or an authorised officer may require any person to—

- (a) furnish him with any information which he requires;
- (b) answer any question put to him by the Commissioner or by any authorised officer acting in the execution of his duties under this Act; or
- (c) produce at any time and place indicated by the Commissioner any books, papers, and documents (including balance-sheets and accounts),

relating to any goods or services, whether declared goods or services or not, or to any other matter arising under this Act.

(2) The Commissioner may require any such information to be given, or any such question to be answered on oath or affirmation, and either orally or in writing, and for that purpose may administer an oath or affirmation.

(3) For the purposes of this Act, the Commissioner may, by notice in writing, require any person specified in the notice to appear before the Commissioner, or any authorised officer, at the time and place specified in the notice, to give evidence, either orally or in writing, as may be directed in the notice, touching and concerning the matters specified in the notice.

(4) No person shall, when so required under this section—

- (a) refuse or fail to attend before the Commissioner, or an authorised officer, as the case may be, in pursuance of any notice under subsection (3) of this section, or to give evidence in pursuance of any such notice, or to furnish any information or to answer any question or to produce any books, papers, and documents (including balance-sheets and accounts);
- (b) give any information or make any answer which is false or misleading in any material particular; or
- (c) refuse to take an oath or an affirmation in lieu of an oath, when required to do so by the Commissioner.

(5) No person shall be obliged to answer orally any question unless he has first been informed by the officer asking the question that he is obliged to answer by virtue of this Act.

11—(1) The Commissioner or any authorised officer may—

- (a) enter upon and search any premises and inspect any documents, books, and papers;

Power to
enter
premises
and inspect
documents, &c.
Ibid. r. 18.

- (b) inspect, and take samples of, any stocks of declared goods, or of any other goods;
- (c) impound or retain any documents, books, and papers so inspected, and make copies thereof or take extracts therefrom.

(2) The person entitled to any documents, books, and papers impounded or retained by the Commissioner or an authorised officer under the authority of this section shall, in lieu thereof, be entitled, within a reasonable time, to receive a copy, certified as correct by the Commissioner, and such certified copy shall be received in all courts as evidence and as of equal validity to the original.

12—(1) The Commissioner may, by notice in writing, require any person to furnish to him or to an authorised officer, within a specified time and in a specified form, a return setting forth, to the best of that person's knowledge and ability, the following particulars, or such of them as are specified in the notice, namely:—

Power of Commissioner to require returns to be furnished.
Ibid. r. 20.

- (a) The quantity of any goods in his possession or under his control at a specified date;
- (b) The cost to that person of those goods;
- (c) The methods and principles in accordance with which he arrives at that cost;
- (d) Where the maximum price of the goods has not been fixed by or under this Act, the prices, whether wholesale or retail, at which, and the conditions on which, he has sold, sells, or proposes to sell the goods;
- (e) The price, whether wholesale or retail, charged by that person on the thirteenth day of April, 1942, or on such later date as the Commissioner specifies, for the goods, and the conditions of any such sale; and
- (f) Such further particulars as are specified in the notice.

(2) The Commissioner may, by notice in writing, require any person supplying any service to furnish to him, or to an authorised officer, a return setting forth, to the best of that person's knowledge and ability such particulars relating to such service as are specified in the notice.

(3) Any notice given under this section may be either a notice given to a person individually or a notice to any persons generally; and, if it is a notice given to any persons generally, it shall be published in the *Gazette*, and in such newspapers (if any) as the Commissioner directs.

(4) Every return furnished in pursuance of a notice under this section shall be verified by statutory declaration.

(5) Any return furnished by any person under this section shall, in any proceedings under this Act, be admissible in evidence against that person.

(6) No person shall—

- (a) fail to comply with any of the requirements of any notice under this section; or
- (b) in any return furnished by him in pursuance of a notice under this section, wilfully furnish any information which is false or misleading in any material particular.

Power to declare goods and services.
Ibid. r. 22.

13—(1) The Minister may, by notice published in the *Gazette*, either generally or in respect of any specified part of this State—

- (a) declare that any goods or services shall be declared goods or declared services for the purposes of this Act;
- (b) declare that any declared goods or declared services shall cease to be declared goods or declared services;
- (c) declare that any goods or services which have ceased to be declared goods or declared services shall again be declared goods or declared services.

(2) Any notice under this section may be revoked or amended by a subsequent notice published in the *Gazette*.

Determination of maximum prices, rates, &c.
Ibid. r. 23.

14—(1) The Commissioner, in his absolute discretion, may, by order published in the *Gazette*—

- (a) fix and declare the maximum price or rate at which any declared goods may be sold, or any declared service may be supplied, either generally or in any specified part of this State;
- (b) subject to subsection (3), declare that the maximum price or rate at which any such goods or service may be sold or supplied—

(i) by any person, shall be such price or rate as is fixed by the Commissioner by notice in writing to that person; or

(ii) by any body or association of persons or any member of any such body or association, shall be such price or rate as is fixed by the Commissioner by notice in writing served upon or forwarded by registered post to the secretary or other proper officer of that body or association.

(2) In particular, but without limiting the generality of the provisions of subsection (1) of this section, the Commissioner, in the exercise of his powers under that subsection, may fix and declare maximum prices or rates—

- (a) differentially, according to differences in the quality or description of goods, or in the quantity sold, or in the quality, description, or volume of the

service supplied, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale, or supply;

- (b) for the whole or different parts of this State;
- (c) on a sliding scale;
- (d) on and subject to any condition or conditions;
- (e) for cash, delivery, or otherwise, or on terms, and in any such case inclusive or exclusive of the cost of packing or delivery;
- (f) on landed cost or other cost, together with a percentage thereon, or a specified amount, or both;
- (g) according to, or upon, any principle or condition specified by the Commissioner;
- (h) relative to such standards of measurement, weight, capacity, or otherwise howsoever as he thinks proper, or relative to prices or rates charged by individual traders or suppliers on any date specified by the Commissioner, with such variations (if any) as in the special circumstances of the case the Commissioner thinks fit, or so that such prices or rates will vary in accordance with a standard, or time, or other circumstance, or will vary with profits or wages, or with such costs as are determined by the Commissioner;
- (i) by reference to a list of prices or rates approved by the Commissioner and issued by a body or association of persons which is recognised by the Commissioner—

- (i) in the case of sales by a producer or manufacturer of goods, to be representative of the producers or manufacturers (as the case may be) of the goods in relation to the sale of which the price is so fixed;
- (ii) in the case of sales by a trader in goods, to be representative of the traders in the goods, in relation to the sale of which the price is so fixed;
- (iii) in the case of supplies of services, to be representative of the persons who supply the service to which the order relates.

(3) The power conferred on the Commissioner by subparagraph (ii) of paragraph (b) of subsection (1) shall be exercised only—

- (a) in respect of a body or association which is recognised by the Commissioner as representative of the producers or manufacturers of, or traders in, the goods concerned or of the persons who supply the service concerned; and

(b) where the body or association has requested the Commissioner, in writing, to exercise such power.

(4) Where the Commissioner makes an order fixing maximum prices or rates in the manner authorised by paragraph (i) of subsection (2) of this section, the Commissioner shall, on application by a seller of the goods, or a supplier of the service, to which the order relates, furnish him with a copy of the list of prices referred to in the order.

(5) Where the Commissioner fixes, by notice in writing to a body or association of persons, the maximum prices or rates at which the members of that body or association may sell any goods or supply any service—

(a) the secretary or other proper officer of the body or association shall—

(i) upon receipt of the notice, forthwith acknowledge its receipt by telegram addressed to the Commissioner and communicate to the members, by letter or telegram, its contents and the date upon which he received it;

(ii) make a record of the time at which, and the manner in which, he communicates to each member the matters specified in subparagraph (i) of this paragraph; and

(iii) produce the record for inspection, on demand, by the Commissioner;

(b) the contents of the notice, if communicated by letter, shall be presumed, unless the contrary is proved, to have been communicated to a member at the time at which the letter would be delivered to him in the ordinary course of post; and

(c) the notice shall take effect, in respect of any member, upon communication to him of its contents or upon the expiration of seven days from its receipt by the secretary or other proper officer of the body or association, whichever is the earlier.

(6) An order under this section may contain such incidental and supplementary provisions as are necessary or expedient for the purposes of the order.

(7) The mere production of a copy of the *Gazette* containing an order published under this section fixing and declaring—

(a) by reference to a list of prices, the maximum price at which any declared goods may be sold; or

(b) by reference to a list of rates, the maximum rate at which any declared service may be supplied,

or of a paper purporting to be a copy of any such order and purporting to be printed by the Government Printer, shall,

in all courts, be evidence that the list was, at the date of publication of the order in the *Gazette*, approved by the Commissioner and issued by a body or association of persons recognised by the Commissioner to be—

- (i) representative of the producers or manufacturers of the goods;
- (ii) representative of the traders in the goods; or
- (iii) representative of the persons who supply the service, as the case may be.

(8) The Commissioner may, at any time, by order published in the *Gazette*, amend, vary, or revoke any order made under this section.

(9) Every order made under this section shall take effect upon the date specified in the order, or, if no date is so specified, upon the date of its publication in the *Gazette*.

15 Every maximum price fixed by or under this Act shall include the cost of wrapping the goods to which that price applies. Price to include wrapping.

16—(1) For the purposes of this Act, the maximum price at which any declared goods may be sold shall, unless and until that price is fixed and declared in accordance with section fourteen of this Act, or until the order or instrument under the Commonwealth Regulations fixing and declaring the maximum price of those goods is revoked in pursuance of this Act, be the maximum price of those goods which had been fixed under the said Regulations or any order or instrument thereunder and was in force on the nineteenth day of September, 1948. Existing prices to remain in force until altered.

(2) Where an order or instrument made under the Commonwealth Regulations and in force on the nineteenth day of September, 1948, prescribed a rule, method, or formula for calculating the maximum price of any declared goods, that rule, method, or formula shall, until altered under and in accordance with this Act, remain in operation as if it had been prescribed under this Act.

17 For the purposes of this Act, the maximum rate at which a declared service may be supplied shall, unless and until that rate is fixed and determined in accordance with section fourteen of this Act, or until the order or instrument under the Commonwealth Regulations fixing and declaring the maximum rate for that service is revoked in pursuance of this Act, be the maximum rate for that service which had been fixed under the said Regulations or any order or instrument thereunder and was in force on the nineteenth day of September, 1948. Existing rates for services to remain in force until altered.

Sale of goods
and supply
of service in
one
transaction.
Ibid. r. 23A.

18—(1) The powers of the Commissioner of or in relation to fixing and declaring—

- (a) the maximum price at which any declared goods may be sold; and
- (b) the maximum rate at which any declared service may be supplied,

shall be deemed to extend to and in relation to the fixing and declaring of the maximum remuneration for the sale of any declared goods and the supply of any declared service for an undivided remuneration, and the provisions of this Act (whether relating to the powers of the Commissioner or to any other matter) shall, with such adaptations as are necessary, apply accordingly.

(2) For the purposes of this Act, a transaction in respect of which a maximum remuneration has been fixed under subsection (1) of this section shall be deemed to be the supply of a declared service at a rate equal to the undivided remuneration charged, and the maximum remuneration so fixed shall be deemed to be the maximum rate fixed under this Act for the supply of that service.

(3) For the purposes of this Act, and of any order or notice under this Act, unless the contrary intention appears—

- (a) the sale of any goods shall be deemed to include the supply in connection with the sale (whether or not for a separate remuneration) of any service customarily supplied by vendors in connection with such a sale without any separate remuneration; and
- (b) the supply of any service shall be deemed to include the sale or supply in connection with the service (whether or not for a separate price or remuneration) of any goods customarily sold or supplied by persons supplying such a service without any separate price or remuneration.

(4) For the purposes of this Act, and of any order or notice under this Act, the sale of any declared goods and the supply of any declared service for an undivided remuneration, if—

- (a) no maximum remuneration applicable to the transaction as a whole has been fixed under this Act; and
- (b) the transaction as a whole is not one which is, by reason of the provisions of subsection (3) of this section, deemed to be either a sale of goods or the supply of a service,

shall be deemed to be—

- (i) a sale of the declared goods at a price equal to so much of the undivided remuneration as bears to the whole of the undivided remuneration the same proportion as the maximum price fixed under this

Act for the sale of the goods bears to the sum of that fixed price and the maximum rate fixed under this Act for the supply of the service; and

- (ii) a supply of the service at a rate equal to the remaining part of the undivided remuneration.

19—(1) Where the Commissioner is of opinion that it is necessary so to do in order to prevent a person (in this section referred to as “the vendor”) who carries on the business of selling declared goods or supplying declared services from continuing to operate a scheme which, in the opinion of the Commissioner—

Power to prohibit certain transactions.
Ibid. r. 23c.

- (a) involves a departure from his normal course of trading;
- (b) would not be operated but for the provisions of this Act or of the Commonwealth Regulations or of any order thereunder; and
- (c) has the effect that the real cost (taking into account losses involved in transactions connected with the scheme) to any purchaser of goods from the vendor, of any declared goods so purchased, or to any person to whom services are supplied by the vendor, of any declared services so supplied, is more than the maximum price or rate fixed under this Act for the sale of those goods or the supply of those services,

he may, by notice in writing directed to the vendor and published in the *Gazette* or served on the vendor, specify a class of transactions (being in the opinion of the Commissioner a class of transactions which is being used for the purposes of the scheme) to be a class of transactions to which this section shall apply.

(2) Except with the consent of the Commissioner, no person to whom a notice under this section (published or served in accordance with subsection (1) of this section) is directed shall, while the notice remains unrevoked, enter into a transaction included in a class of transactions specified in the notice.

(3) A notice under this section shall specify the class of declared goods or declared services in relation to which, in the opinion of the Commissioner, the scheme is being operated, but shall have full force and effect notwithstanding that it does not specify or describe the scheme which in the opinion of the Commissioner makes the notice necessary.

(4) Any reference in this section to a person shall be deemed to include a reference to persons included in a class of persons, and this section shall, with such adaptations as are necessary, apply accordingly.

20—(1) Notwithstanding anything contained elsewhere in this Act, the Minister may request the Commissioner to consider further any matter dealt with by any order made

Power of Minister to suspend order, &c.
Ibid. r. 24.

under section fourteen of this Act or any part of any such order, and the Commissioner shall, within twenty-eight days from the date of any request so made, report thereon to the Minister.

(2) Notwithstanding anything contained elsewhere in this Act, the Minister may, by notice published in the *Gazette*, suspend the operation of any order made under section fourteen of this Act or any part of any such order for a period not exceeding twenty-eight days from the date of his request.

(3) Upon the publication in the *Gazette* of a notice under subsection (2) of this section, the maximum price or rate (if any) which prevailed prior to the making of the order the operation of which is suspended by such notice shall apply during the period of the suspension.

(4) The Commissioner shall—

(a) within the period specified in any notice under subsection (2) of this section, submit to the Minister a report, as required by subsection (1) of this section; and

(b) within that period, by order published in the *Gazette*, confirm, amend, vary, or revoke the order (or part thereof) so suspended in conformity with his report to the Minister,

and, on receipt of the report of the Commissioner, the Minister shall, by notice published in the *Gazette*, cancel the notice suspending the operation of such order or part thereof.

21—(1) The Commissioner may, by order, provide that a person specified in the order shall not sell any declared goods or supply any declared service so specified unless—

(a) that person has made a written request to the Commissioner to fix the maximum price at which the goods may be sold or the maximum rate at which the service may be supplied; and

(b) the Commissioner has fixed the maximum price or the maximum rate accordingly.

(2) Where the Commissioner makes any order under the authority of subsection (1) of this section, he shall, within a period of fourteen days after the date of the order, fix and declare the maximum price or maximum rate at which the goods to which the notice relates may be sold, or the service to which the notice relates may be supplied, as the case may be, and if the Commissioner fails to fix and declare the maximum price or maximum rate within the period prescribed by this subsection, the order under subsection (1) of this section shall cease to have any force or effect after the expiration of that period.

Power to prohibit sale of goods or supply of services before maximum price or rate fixed.

Ibid. r. 24A.

22—(1) Subject to subsection (3), a wholesaler (in this section referred to as “the buyer”) who purchases any declared goods from any other wholesaler (in this section referred to as “the seller”) shall not sell or offer for sale those goods at a price in excess of the cost to the buyer.

Inter-
wholesale
transactions.
Ibid. r. 26.

(2) A wholesaler who purchases any declared goods from a retailer shall not sell or offer for sale those goods at a price in excess of the cost to the retailer, and the onus of ascertaining such cost shall be upon the wholesaler.

(3) Notwithstanding anything contained in subsection (1) of this section, the buyer may sell or offer for sale goods referred to in that subsection at a price not greater than the maximum price at which the seller was entitled to sell them in similar quantities at the time of sale, and the onus of ascertaining such maximum price shall be upon the buyer.

(4) Notwithstanding anything contained in subsections (1) and (2) of this section, the buyer may sell or offer for sale any goods at a price not exceeding the maximum price which, after application by the buyer, the Commissioner declares to him in writing.

(5) For the purposes of this section, the buyer may request the Commissioner to supply him with such information as may be necessary to enable him to comply with the provisions of this section.

(6) Upon receipt of a request under subsection (5), the Commissioner may, by notice in writing, require the seller to furnish the Commissioner with such information as the Commissioner may require and as may be specified in the notice, and, on receipt of that information, the Commissioner shall forthwith furnish the buyer with such information as may be necessary to enable the buyer to comply with the provisions of this section.

(7) The Commissioner may generally by order published in the *Gazette*, or specifically by notice in writing, exempt any trader or class of trader from the requirements of this section, either wholly or to such extent as the Commissioner may determine and as may be specified in the order or notice.

(8) In this section “wholesaler”, in respect of any goods means any person who purchases those goods and sells or supplies them for re-sale or for manufacture for sale.

(9) Subject to any order under subsection (10) of this section defining the term “cost” that term, for the purposes of this section, means the actual price paid or payable by the wholesaler who purchased the goods (in this subsection referred to as “the purchaser”) + the wholesaler or retailer from whom he purchased them, plus any expense which—

- (a) were actually and specifically incurred by the purchaser in placing the goods at the point of delivery by him for the purposes of sale by him; and

(b) at the time of the sale or offer for sale by the purchaser were recorded—

- (i) on a copy of an invoice for the goods which is held by the purchaser; or
- (ii) in the books and accounts of the purchaser, in such a manner that they can be readily identified and clearly associated with the goods.

(10) For the purposes of this section, the Commissioner may, by order published in the *Gazette*, define the meaning of the term “cost” in relation to—

- (a) any class of sale specified in the order;
- (b) any class of goods so specified; or
- (c) any class of trader so specified.

Inter-retail
transactions.
Ibid. r. 26A.

23—(1) A retailer (in this section referred to as the “retail buyer”) who purchases any declared goods from any other retailer (in this section referred to as the “retail seller”) shall not sell or offer for sale those goods at a price in excess of the cost to the retail buyer:

Provided that the retail buyer may sell or offer for sale such goods at a price not greater than the maximum price at which the retail seller was entitled to sell them in similar quantities at the time of sale, and the onus of ascertaining such maximum price shall be upon the retail buyer.

(2) Notwithstanding anything contained in subsection (1) of this section, the retail buyer may sell or offer for sale any goods at a price not exceeding the maximum price which, after application by the retail buyer, the Commissioner declares to him in writing.

(3) For the purposes of this section, the retail buyer may request the retail seller of goods to supply him with such information as he deems necessary to enable him to comply with the provisions of this section, and the retail seller shall thereupon furnish such information, in writing, to the retail buyer.

(4) The Commissioner may generally by order published in the *Gazette*, or specifically by notice in writing, exempt any trader or class of trader from the requirements of this section, either wholly or to such extent as the Commissioner may determine and as may be specified in the order or notice.

(5) Subject to any order under subsection (6) of this section defining the term “cost”, that term, for the purposes of this section, means the actual price paid or payable by the retail buyer to the retail seller, plus any expenses which—

- (a) were actually and specifically incurred by the retail buyer in placing the goods at the point of delivery by him for the purposes of a sale by him; and
- (b) at the time of the sale or offer for sale by the retail buyer were recorded—

- (i) in a copy of an invoice for the goods held by the retail buyer; or

(ii) in the books and accounts of the retail buyer, in such a manner that they can be readily identified and clearly associated with the goods.

(6) For the purposes of this section the Commissioner may, by order published in the *Gazette*, define the meaning of the term "cost" in relation to—

- (a) any class of sale specified in the order;
- (b) any class of goods so specified; or
- (c) any class of trader so specified.

24—(1) The Commissioner may, by order, provide that any person who sells any declared goods shall deliver with the goods, or within such time after the delivery of the goods as is specified in the order, an invoice or docket containing such particulars as are specified in the order.

Delivery of invoice or docket with declared goods, and receipts for payments in respect of declared services.

Ibid. r. 42A.

(2) The Commissioner may, by order, provide that any person supplying any declared service shall give to any person making to such firstmentioned person any payment in respect of the supply of that service a receipt containing such particulars as are specified in the order.

25—(1) The Commissioner may, by order, require any trader or class of trader who sells or has for sale any declared goods, or who supplies any declared service, the maximum price of which or the maximum rate for which, is fixed by or under this Act, to exhibit, in such position and in such manner as are specified in the order, such particulars relating to any such declared goods or declared service as are so specified.

Particulars with respect to declared goods and declared services to be exhibited.

Ibid. r. 45.

(2) The Commissioner, or an authorised officer, may, at any time, by notice in writing, require the owner or person in charge of any trader's place of business to furnish him with details of any particulars which the trader purports to exhibit in pursuance of any order made under this section.

(3) No person shall refuse or fail to comply with any requirement or direction made or given under this section or by any order made in pursuance of this section.

26 The Commissioner may, by order, require any person who sells or has for sale any declared goods the maximum price of which is fixed by or under this Act to attach to or display with such of those goods as the Commissioner specifies a ticket or label in such form as the Commissioner determines, setting forth such particulars relating to those goods as the Commissioner specifies, or otherwise to mark them with those particulars in such manner as the Commissioner determines.

Tickets, &c., to be attached to declared goods.

Ibid. r. 45A.

27 Any order, declaration, or notice authorised to be made or given under this Act may be made or given so as to apply, according to its tenor, to—

Application of orders, &c.

Ibid. r. 45B.

- (a) persons generally;
- (b) all or any persons included in a class of persons;

- (c) in the case of an order, any person to whom a notice is given in pursuance of the order;
- (d) all or any persons in any area;
- (e) any particular person;
- (f) the sale of goods or supply of a service or services to a particular person by a particular person;
- (g) goods or services generally;
- (h) any class of goods or any class of services;
- (i) all or any goods or services in any area; or
- (j) specified goods or a specified service.

Books, accounts, &c., to be kept and preserved and produced when required. *Ibid.* rr. 17A, 49.

28—(1) Every person who, in the course of, or for the purposes of, or in connection with, or as incidental to, any business carried on by him—

- (a) sells or supplies any goods; or
- (b) supplies any service,

shall for the purposes of this Act, in relation thereto, keep proper books and accounts, and stock and costing records, where applicable, and shall preserve those books and accounts and stock and costing records (including all copies of invoices and all vouchers, agreements, correspondence, cables, telegrams, stock sheets, and other documents) relating to his purchases of stock, or costs and sales of, any goods, or relating to any service supplied by him for a period of six years or until their earlier destruction is authorised by the Commissioner.

(2) Without affecting the generality of subsection (1) of this section, the Commissioner may, by notice in writing, direct any person to whom that subsection applies to keep such books, accounts, and records as are specified in the notice, and every person to whom any such direction is given shall comply with the direction and shall preserve the books, accounts, and records required to be kept by him in accordance with the direction until their destruction is authorised by the Commissioner.

(3) Any person who sells or has for sale any goods or supplies any service shall, upon being required or directed by the Commissioner, by notice in writing, so to do, produce to the Commissioner—

- (a) all balance-sheets, manufacturing, trading, profit and loss, production, and revenue accounts, and all production, financial, and statistical statements, and other like statements, prepared by that person or on his behalf in relation to his business of selling goods or supplying a service; and
- (b) all other documents of any kind (including documents of the kind referred to in subsection (1) of this section) which relate to the conduct of such business,

which are specified in the notice, and shall leave those balance-sheets, accounts, statements, and documents with the Commissioner or furnish him with certified copies thereof.

(4) Where any balance-sheet, account, statement, or document required under the authority of this section to be produced to the Commissioner is in the possession or control of any person other than the person to whose business it relates, the person in whose possession or control such balance-sheet, account, statement, or document is shall, upon being required or directed by the Commissioner, by notice in writing so to do, produce to, and leave with, the Commissioner that balance-sheet, account, statement, or document.

(5) Any person who has been required or directed by the Commissioner under this section to produce to the Commissioner any balance-sheet, account, statement, or document shall, if the Commissioner so requires, permit the Commissioner to make a copy thereof or to take an extract therefrom.

29—(1) Except as provided by subsection (2) of this section, no person shall—

Statements that prices have been approved by the Commissioner prohibited without his approval.
Ibid. r. 27.

(a) publish, print, circulate, announce (by way of broadcast by wireless transmission) or make public in any other manner whatsoever, or cause to be published, printed, circulated, announced (by way of broadcast by wireless transmission) or made public in any other manner whatsoever, any notification relating to any goods or service; or

(b) sell, or offer for sale, any goods having affixed thereto or associated therewith any label, brand, or other mark,

containing words stating or implying that any price or rate specified in any such notification with respect to any such goods or service has been approved by the Commissioner.

(2) A person may, with the approval of the Commissioner, include in any such notification a statement in such form as is approved by the Commissioner (including an approval number allotted by the Commissioner to the particular approval) stating that any price or rate specified therein has been approved by the Commissioner.

30 No person shall, unless the consent in writing of the Commissioner has first been obtained—

Sale of goods subject to condition to refund excess price prohibited.
Ibid. r. 28.

(a) sell, or offer for sale, any declared goods, or supply, or offer to supply, any declared service, subject to a condition to the effect that if the price or rate at which the goods are sold or the service supplied is not approved at a later date by the Commissioner, a refund or adjustment will be made; or

(b) sell, or offer for sale, any declared goods, or supply, or offer to supply, any declared service, subject to a condition requiring the buying of any other goods or the supply of any other services, whether declared goods or services or not.

Offence to sell
at price
higher than
maximum
price or
supply service
at rate higher
than maxi-
mum rate.

Ibid. rr. 29,
30.

31—(1) No person shall—

- (a) sell, or offer for sale, any declared goods, or supply, or offer to supply, any declared service, at a greater price or rate than the maximum price or rate fixed in relation thereto by or under this Act for the sale of those goods or the supply of that service; or
- (b) after the date on which a maximum price or maximum rate for any declared goods or declared service comes into operation in pursuance of this Act, without the prior approval of the Commissioner, sell, or offer for sale, any such goods, or supply, or offer to supply, any such service, upon terms or conditions different from the terms or conditions upon which substantially identical goods or services were sold or supplied by him on that date, if such sale or offer for sale or supply or offer to supply upon such terms and conditions would result directly or indirectly—
 - (i) in a greater price or rate than the maximum price or rate fixed by or under this Act in relation thereto being obtained: or
 - (ii) in any other manner to the advantage of the seller or supplier.

(2) In addition to any other penalty which may be imposed for a contravention of the provisions of subsection (1) of this section, the court may order the defendant to refund to the person to whom the goods were sold or the service was supplied, the difference between the maximum price or rate fixed in relation thereto by or under this Act and the price or rate at which the goods were sold or the service was supplied, and the like proceedings may be taken upon the order as if the order were an order or judgment given or made in an action by such person against the defendant for the recovery of an amount equal to such difference.

(3) A certificate by the Commissioner specifying the difference between the maximum price or rate fixed in relation to the goods or service the sale or supply of which is the subject of any proceedings under subsection (1) of this section and the price or rate at which the goods were sold or the service supplied, shall, for the purposes of subsection (2) of this section, be *prima facie* evidence of the matters stated therein.

(4) For the purposes of this section, any person on whose behalf, or at whose place of business, any declared goods are sold or offered for sale, or any declared service is supplied or offered, at a greater price or rate than the maximum price or rate fixed in relation thereto by or under this Act for the sale of those goods or the supply of that service, whether the goods are sold or offered for sale or the service is supplied or offered contrary to the instructions of that person or not, shall be deemed to have contravened the provisions of this

section, unless the court is satisfied that the sale, supply, or offering took place without his knowledge and that he has systematically used all due diligence to secure observance of the provisions of this Act.

(5) For the purposes of this section, a person shall be deemed to offer goods for sale if he notifies the price proposed by him for a sale of the goods by the publication of a price list, by exposing the goods for sale in association with a mark indicating price, by furnishing a quotation, or otherwise howsoever.

32—(1) It shall be a defence to any proceedings for an offence against the provisions of section thirty-one if the person alleged to have committed the offence proves—

Sale of
declared goods
with
undeclared
goods.

Ibid. r. 31.

- (a) that the declared goods or declared service, or both, were supplied with undeclared goods or an undeclared service or both at a total price;
- (b) that the price or rate for that portion of the total transaction represented by the undeclared goods or undeclared service, as the case may be, was reasonable, having regard to the cost or current market value of the undeclared goods or undeclared service; and
- (c) that the resultant price or rate for the transaction represented by the declared goods or declared service, as the case may be, was not greater than that fixed in relation thereto by or under this Act for the sale of those goods or the supply of that service.

(2) In this section—

- “undeclared goods” means goods other than declared goods; and
- “undeclared service” means a service other than a declared service.

33—(1) No person shall knowingly—

- (a) pay for, or offer to pay for;
- (b) hold himself out as being willing to pay for; or to offer to pay for, or as being willing or able to obtain another person to pay for; or
- (c) offer to act in connection with the payment for, any declared goods or declared service at a greater price or rate (whether by way of premium or otherwise howsoever) than the maximum price or rate fixed in relation thereto by or under this Act for the sale of those goods or the supply of that service.

Offering to
pay higher
price for
declared goods,
&c.

Ibid. r. 32.

(2) In any case where the maximum price of any declared goods or the maximum rate for any declared service is a price or rate fixed by the Commissioner by notice in writing to any person or any body or association of persons, it shall be

a defence to any proceedings instituted against any person in respect of any contravention of the provisions of this section for the defendant to prove that he was not aware that the price or rate had been so fixed.

Delivery of goods less in quantity or of inferior quality to those sold.
Ibid. r. 32AA.

34—(1) In relation to a sale of any declared goods the maximum price of which has been fixed by or under this Act no person shall offer to accept or seek an agreement to accept—

- (a) a quantity of the goods less than the quantity purported to be sold; or
- (b) goods inferior in quality to the goods purported to be sold.

(2) In relation to any such sale, no person shall, pursuant to any agreement or understanding with any other person, made or arrived at with intent to evade this Act, deliver or knowingly accept—

- (a) a quantity of goods less than the quantity agreed to be sold; or
- (b) goods inferior in quality to the goods agreed to be sold.

Provided that, where the agreement for the sale of the goods provides for delivery of the goods by instalments over a period, the goods may be so delivered if the whole of the goods is delivered within the time specified in the agreement.

Prosecutions where price fixed is lower or lowest of more than one price.
Ibid. r. 32C.

35 Where a maximum price or rate fixed by or under this Act is expressed to be the lower or lowest of two or more prices or rates, then, for the purposes of any proceedings in respect of any offence against the provisions of this Act, the complainant may, in the complaint, recite as that maximum price or rate any one of those prices or rates, and, for the purposes of those proceedings (including the proof of the maximum price or rate so recited) and for any purpose arising out of those proceedings, the order or notice by which the maximum price or rate was so fixed shall be deemed to have fixed as the relevant maximum price or rate the price or rate so recited.

Production of genuine invoices as evidence.
Ibid. r. 32B.

36 Where, in any proceedings in respect of any alleged offence against the provisions of this Act, the defendant pleads that the price at which any goods were sold was justified by the cost at which such goods or the raw materials used in the manufacture of such goods were purchased, evidence as to the cost of the goods or raw materials, as the case may be, shall be supported by genuine invoices showing full particulars of the cost (including the date of purchase and the name and place of business of the supplier) and the onus of proof of the genuineness of such invoices shall be on the defendant.

Refusal, &c., to sell goods at fixed price or perform service at fixed rate.
Ibid., rr. 34, 35.

37—(1) No person who has in his custody or under his control any declared goods for sale in respect of which a maximum price has been fixed by or under this Act, or who

supplies any declared service in respect of which a maximum rate has been fixed by or under this Act, shall refuse or fail—

- (a) on demand of any quantity of the declared goods or for the supply of the declared service; and
- (b) on tender of payment at the price so fixed for the quantity of the declared goods so demanded or at the rate so fixed for such service,

to supply any such declared goods in the quantity demanded or, as the case may be, any such declared service.

(2) In any proceedings in respect of an offence against 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 declared goods or a reasonable portion of the declared service, demanded, or, after making reasonable provision for private consumption or use, had not a sufficient quantity of the declared goods in his custody or under his control or sufficient capacity for service under his control to supply the quantity or service demanded in addition to the quantity or service required to satisfy—
 - (i) all other contracts then subsisting, under which he was obliged to supply quantities of the declared goods for use or consumption or to supply that service; and
 - (ii) the ordinary requirements of his business;
 - or
- (b) the defendant was a wholesale trader in the declared goods, and the person who demanded to be supplied was not a manufacturer or a retail trader therein or in any declared goods made or partly made therefrom; or
- (c) the defendant was acting in accordance with a practice for the time being approved by the Commissioner.

(3) For the purpose of determining what is a reasonable quantity of any declared goods or a reasonable portion of any declared service within the meaning of this section, 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 declared goods demanded, either alone or with other goods, or whether the portion of the service demanded represented the normal requirements of the person who demanded its supply.

38—(1) No person shall, without the written consent of the Commissioner—

- (a) pack or put up any declared goods in a container of a size smaller than the container ordinarily used by him at the commencement of this Act;

Alteration of size of containers or quantity or ingredients of declared goods.
Ibid. r. 36.

- (b) pack or put up in a container a quantity of declared goods smaller than the quantity ordinarily packed or put up by him in a container of that size at the commencement of this Act;
- (c) alter the formula or recipe ordinarily used by him at the commencement of this Act in the manufacture or production of any declared goods;
- (d) as regards any particular declared goods, manufacture the declared goods inferior in quality to the quality manufactured by him or a predecessor in business on or immediately prior to the date of fixation, by order made under this Act or the Commonwealth Regulations, of the maximum price of those declared goods; or
- (e) sell or offer for sale as declared goods any goods which are adulterated or which are falsely described, packed, or enclosed for sale, or labelled as declared goods.

(2) For the purposes of this section, proof that at the commencement of this Act any person dealing in the ordinary course of trade in any declared goods in respect of which any proceedings have been instituted, sold, or had for sale—

- (a) any declared goods purporting to have been packed or put up by the defendant in a container of a certain size, shall be evidence that that was the size of the container ordinarily used by the defendant at the commencement of this Act in the packing or putting up of the declared goods;
- (b) any declared goods purporting to have been packed or put up by the defendant in a container containing a certain quantity of the declared goods, shall be evidence that that was the quantity ordinarily packed or put up by the defendant at the commencement of this Act in a container of that size;
- (c) any declared goods (purporting to have been manufactured or produced by the defendant) which appear by analysis or otherwise to have been manufactured or produced in accordance with a certain formula or recipe, shall be evidence that that formula or recipe was that ordinarily used by the defendant at the commencement of this Act in the manufacture or production of the declared goods.

(3) It shall be a defence to any proceedings in respect of an offence against the provisions of paragraph (c) of subsection (1) of this section if the defendant proves that—

- (a) the alteration in the formula or recipe was not made in anticipation or consequence of any action under this Act in respect of the declared goods the formula or recipe of which was altered; and

- (b) the declared goods manufactured or produced in accordance with the formula or recipe, as altered, were not inferior to those manufactured or produced prior to the alteration.

39—(1) The Commissioner may, by order published in the *Gazette*, or by notice in writing to any person selling or offering for sale by auction any declared goods, prohibit such sale or permit such sale on such terms and conditions as he thinks fit.

Sales by
auction.
Ibid. r. 41.

(2) No person shall sell or offer to sell by auction any declared goods in contravention of any order or notice under this section.

40—(1) No person who is not a *bona fide* wholesale or retail trader in any particular kind of declared goods or a *bona fide* consumer or user of that kind of declared goods, shall purchase or agree to purchase or otherwise acquire (except by way of *bona fide* security only) that kind of declared goods or any right or interest therein, and any goods so purchased or agreed to be purchased or acquired shall be liable to forfeiture as provided by section forty-one.

Speculating
in declared
goods.
Ibid. r. 37.

(2) In any proceedings in respect of an offence against the provisions of subsection (1) of this section, it shall be a sufficient defence to show that the purchase or agreement had not the object or the effect of increasing, directly or indirectly, the price of the goods to the consumer or user.

(3) This section shall not apply in relation to the purchase or acquisition of goods at a sale by auction upon the winding up of a business or a sale made under any execution.

41—(1) No person shall, with intent to corner the market or restrain trade therein, hold or buy up any declared goods and store or retain them in his possession or under his control.

Corners and
restrictions on
circulation of
declared goods.
Ibid. r. 38.

(2) In addition to any other penalty which may be imposed for an offence against the provisions of subsection (1) of this section, the court may order that the whole of such goods, or such quantity thereof as the court may order, shall be forfeited to His Majesty.

42 Where any goods have been forfeited under section forty-one, any authorised officer, or any police officer may—

Seizure and
disposal of
forfeited
goods.
Ibid. r. 40.

- (a) seize any goods which he has reasonable cause to believe are so forfeited;
- (b) store any such goods in any place approved by the Commissioner for the purpose; and
- (c) sell or otherwise dispose of the goods to such persons, and at such times, and in such manner, and upon such terms and conditions, as the Minister directs.

Minister and
Commissioner
not
compellable
witnesses.
Ibid. r. 12.

43 The Minister, the Commissioner, and the Assistant Commissioner shall not be compellable witnesses in any proceedings against any person for contravening or failing to comply with any provision of this Act or of any regulation or order made under this Act without leave of the Court before which the proceedings are taken.

Delegations
by Com-
missioner and
Minister.
Ibid. r. 46.

44—(1) The Minister or the Commissioner may, by writing under his hand, delegate any of his powers and functions under this Act or under any order made under this Act (except this power of delegation) in relation to any matter or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

(2) Any delegation by the Minister or the Commissioner under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any power or function by the Minister or the Commissioner.

Manner in
which notice
in writing
may b given.
Ibid. r. 45A.

45 A notice in writing for the purposes of this Act may be given—

- (a) to any person, by delivering it by hand or by sending it by post in a letter addressed to that person at his last known or usual place of abode or place of business;
- (b) to any body or association of persons, by delivering it by hand to the secretary or other proper officer of the body or association, or by sending it by post in a letter addressed to him at the last known or usual place of business of the body or association;
- (c) to persons generally or to persons included in a class of persons or to persons in any area, by publication of the notice in the *Gazette*.

Offences and
penalties.

46—(1) Any person who contravenes or fails to comply with any provision of this Act or any regulation, order, or direction made or given under this Act, which is applicable to him, shall be guilty of an offence against this Act.

(2) Where by this Act, or by any regulation or order made under this Act, any act is required, directed, or forbidden to be done, or authority is given to any person to require, direct, or forbid any act to be done, any person who offends against any such requirement, direction, or prohibition shall be guilty of an offence against this Act.

(3) Every person who is guilty of an offence against this Act shall be liable to a penalty of five hundred pounds, or to imprisonment for a term of twelve months, or to both such penalty and imprisonment.

(4) If any chairman, member of the governing body, director, manager, secretary, or officer of any corporation knowingly authorises or permits the commission of an offence

against this Act by such corporation he also shall be deemed to have committed such offence, and he shall be punishable by penalty or imprisonment or both accordingly.

47—(1) The Governor may make regulations prescribing ^{Regulations.} all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) prescribing the furnishing and verification of information, accounts, and returns for the purposes of this Act;
- (b) prescribing forms for the purposes of this Act, and
- (c) providing for the payment of fees and allowances, in accordance with the prescribed rates or scales, to persons attending to give evidence before the Commissioner or an authorised officer in pursuance of section ten.

(2) The regulations may require that any such information, accounts, and returns shall be verified by statutory declaration.

48 This Act shall expire on the thirtieth day of June, ^{Expiry of Act.} 1949.

SCHEDULE.

Prices Act, 1948.

DECLARATION OF SECRECY.

I, _____ of _____ do solemnly and sincerely declare that, except in the course of my duty under the above Act, I will not directly or indirectly communicate or divulge any information relating to any matter which comes to my knowledge in consequence of my employment for the purposes of that Act.

Declared at _____
this _____ day of _____, 19 _____.

Before me,

Justice of the Peace.
