

## PRICES CONTROL.

12° GEO. VI., No. III.

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No. 3 of 1948.

**AN ACT** to provide for the control of prices and rates of certain goods and services and for other purposes.

[Assented to 20th September, 1948.]

**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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Prices Control Act*, Short title.  
1948.

2. This Act shall be read and construed so as not to exceed the legislative power of the State, the intention being that when any enactment herein would, but for this section, have been construed as being in excess of that power, it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power. Severability.

3. In this Act unless the context otherwise requires— Definitions.  
“Commissioner” means the person appointed to the office of Prices Control Commissioner pursuant to and for the purposes of the provisions of this Act;

“Commonwealth Regulations” means the National Security (Prices) Regulations in the form in which they were in force immediately prior to the coming into operation of this Act.

Administra-  
tion.

4. Subject to the general control and direction of the Minister, this Act shall be administered by the Commissioner.

Cost of Ad-  
ministration.

5. The cost of the administration of this Act shall be paid out of moneys appropriated by Parliament for the purpose.

Appointment  
of Commis-  
sioner.

6. (a) For the purposes of this Act there shall be a Prices Control Commissioner.

(b) The Governor may appoint to the office of Prices Control Commissioner a person who shall hold office for such term and subject to such conditions as the Governor determines.

Appointment  
of staff.

7. The Governor may appoint to such other positions as, in the opinion of the Minister, are required to carry out the purposes of this Act, persons who shall be appointed and hold office under and subject to the provisions of the Public Service Act, 1904-1907, and to the provisions of all other Acts which apply to persons who are officers within the meaning of that Act.

Appointment  
of Acting  
Commis-  
sioner.

8. (a) The Governor may, at any time appoint a person to act during the absence of the Commissioner or during any vacancy in the office of the Commissioner and to be called the Acting Commissioner.

(b) If the person appointed to the office of Acting Commissioner is an officer within the meaning of the Public Service Act, 1904-1907, the appointment to that office shall be without prejudice to the provisions of that Act and all other Acts applying to that person as such an officer, immediately prior to being appointed to the office of Acting Commissioner.

Provision  
to co-opt  
services.

9. With the consent of the Minister administering any department of the Public Service of the State, or of any other State of the Commonwealth, or of the Commonwealth, the Minister may, for the purposes of this

Act, co-opt the services of any person employed in that department upon such terms as may be agreed between that Minister and the Minister.

10. (1) The Commissioner shall have and may exercise such powers and functions and be entitled to such immunities as are prescribed by this Act and the regulations in operation from time to time pursuant to the provisions of this Act.

General powers of Commissioner. Cf. C'1th Regn. No. 23, sub-regulation 1A.

(2) In particular but without limiting the generality of the last preceding subsection, the Commissioner in the exercise of his powers under that subsection may fix and declare—

- (a) different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale, or supply;
- (b) different maximum prices for different parts of Western Australia, or in different proclaimed areas;
- (c) maximum prices on a sliding scale;
- (d) maximum prices on a condition or conditions;
- (e) maximum prices for cash, delivery or otherwise, and in any such case inclusive or exclusive of the cost of packing or delivery;
- (f) maximum prices on landed or other cost, together with a percentage thereon or a specified amount, or both;
- (g) maximum prices according to or upon any principle or condition specified by the Commissioner, and
- (h) maximum prices relative to such standards of measurement, weight, capacity, or otherwise, howsoever as he thinks proper, or relative to prices charged by individual traders 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 shall vary in accordance with a standard, or time or other circumstance, or shall vary with profits or wages, or with such costs as are determined by the Commissioner.

Delegation of powers under regulations.

11. (a) The Commissioner may, by writing under his hand, delegate all or any of his powers and functions under any regulation in force by virtue of this Act, except this power of delegation, so that the delegated powers and functions may be exercised by the delegate.

(b) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Commissioner.

Secrecy.

12. (a) (i) A person shall not, except in the course of his duty pursuant to the provisions of this Act, or the regulations in operation from time to time under the provisions of 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.

(ii) For the purposes of this paragraph, the expression "course of his duty" includes communicating or divulging, when considered expedient, any such information to any person or body, who or which on behalf of the Commonwealth or any other State of the Commonwealth, discharges any duties under the provisions of any Act or regulation having purposes or provisions, wholly or in part, similar to those of this Act or the regulations in operation pursuant to those provisions.

(b) All declarations of secrecy so made and signed under the provisions of this Act shall be lodged with, and retained by, the Minister.

Declarations of Secrecy.  
Cf. C'1th.  
Regn. No. 11.

(c) Each person exercising any power or performing any duty pursuant to the provisions of this Act or the regulations in operation from time to time under the provisions of this Act shall, before entering on his duties under those provisions make and sign a declaration of secrecy in accordance with the form in the Schedule to this Act.

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

(i) the Commissioner, whenever he considers it necessary or desirable to do so—

(I) from communicating to the Attorney General and the Minister any information which has, whether before or after the commencement of this Act, come 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 and the Minister, for use in connection with the prosecution of a person for any such offence, any documents, books or papers containing any such information;

(ii) any person exercising any power or performing any duty under the provisions of this Act or the regulations in operation from time to time under the provisions of 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; and

(iii) the Commissioner, or any person so authorised by the Commissioner, from communicating to the Commissioner of Taxation, or a Deputy Commissioner of Taxation, any information for the purpose of the administration of any law relating to taxation.

13. (a) No matter or thing done in good faith by the Minister or any person exercising any power or performing any duty or function pursuant to the provisions of this Act or the regulations in operation from time to time pursuant to the provisions of this Act, shall subject him to any liability in respect thereof.

Protection  
of Adminis-  
trative  
authority.

(b) Subject to the provisions of the last preceding paragraph, no action shall be brought against the Minister or any person therein referred to—

(i) until after the expiration of one month's notice in writing specifying the name of the person intending to bring the action or proceeding, the name of the person against whom it is intended to bring the action or proceeding, and particulars of the cause or grounds of the action or proceeding;

- (ii) after the expiration of twelve months from the time when the cause or grounds of the action or proceeding arose.

## Regulations.

14. (1) Subject to the provisions of this Act, the Governor may make regulations prescribing all matters and things, which by the provisions of this Act are required or permitted to be prescribed, or are convenient for carrying into operation or for facilitating the operation of the provisions and purposes of this Act, and in particular but without prejudice to the foregoing power, may make regulations with respect to—

- (a) the control of prices and rates for goods and services, particularly in relation to food, clothing and housing;
- (b) the regulation, so far as is necessary, of prices and rates for goods and services which are essential to the life of the community, and of goods and services in general use which are in short supply;
- (c) the progressive removal of the control of prices and rates;
- (d) co-operation between the State and the Commonwealth and any other State of the Commonwealth in carrying into operation or facilitating the operation of the provisions and purposes of this Act.

(2) (a) Until regulations relating to any matter—

- (i) are made pursuant to the provisions of the last preceding subsection; and
- (ii) are published in the *Gazette*; and
- (iii) are laid before both Houses of Parliament as required by section thirty-six of the Interpretation Act, 1918-1938; and

(iv) are no longer liable to be disallowed, the Commonwealth Regulations with appropriate adaptations shall, subject to the provisions of and by force of this Act take effect and have the force of law relating to that matter from and after the commencement of this Act as if they were regulations made under the provisions of the last preceding subsection and validly promulgated and not disallowed.

C'1th.  
Regulations  
to apply until  
regulations  
made under  
this Act.

(b) No regulation made under the provisions of the last preceding subsection shall take effect and have the force of law until validly promulgated and no longer liable to be disallowed:

Provided that, for the purposes of evidence in proceedings before any Court or person acting judicially, any regulation made under those provisions and published and laid before both Houses of Parliament as aforesaid shall be regarded as having effect and the force of law at all material times unless the contrary is proved.

(3) Subject to, and in so far as not inconsistent with the provisions of this Act—

Transitional  
and saving  
provisions.  
Cf. No. 30 of  
1918, ss. 15  
and 16.

- (a) all declarations, authorisations, orders, suspensions, approvals, consents, directions, notices and documents, made, published, or given;
- (b) any duty, obligation, liability and burden of proof, imposed, created, or incurred;
- (c) any investigation, legal proceeding and remedy, available, competent, commenced, or being conducted or applied; and
- (d) all other acts, matters and things whatsoever, in existence, or in force or operation,

pursuant to the provisions of the Commonwealth Regulations, shall, with such adaptations as are appropriate and subject to any amendment and any revocation, which may be made pursuant to the provisions of the next succeeding subsection, subsist and inure for the purposes of this Act.

(4) Power to amend and to revoke, from time to time, is hereby conferred—

Power of  
amendment  
and  
revocation of  
regulations,  
etc.

- (a) in the case of regulations made or in force in pursuance of the provisions of this Act—upon the Governor;
- (b) in the case of declarations, authorisations, orders, suspensions, approvals, consents, directions, notices and documents, in operation for the purposes of this Act—upon the Minister or the Commissioner, as the case may be, according to the provisions of the regulations in force in pursuance of the provisions of this Act—and where no provision to that end is contained in those regulations—upon the Minister or with the authority, either generally or in any specific instance, of the Minister—upon the Commissioner.

(5) The manner of promulgating amendments or revocations of declarations, authorisations, orders, suspensions, approvals, consents, directions, notices and documents referred to in the last preceding paragraph, shall be as prescribed and until prescribed, in similar manner to that in which they were respectively made, given, or published.

(6) Regulations in operation pursuant to the provisions of this Act shall have effect notwithstanding the provisions of any other Act.

Advisors. Cf.  
C'1th Rgns.  
No. 8.

15. For the purposes of this Act the Minister shall appoint to advise him an Advisory Committee of persons possessing expert or business knowledge among whom shall be a representative of consumers who shall be nominated by the President of the Arbitration Court of the State and all of whom shall hold office during the pleasure of the Minister.

Trial of  
Offences.  
Cf. C'1th. Act,  
No. 77 of  
1946, s. 15.

16. (1) Any person who contravenes, or fails to comply with any provision of any regulation in force pursuant to the provisions of this Act, or of any order, direction, notice, document, matter, or thing in force pursuant to the provisions of this Act given or published, or made pursuant to the provisions of any such regulation, shall be guilty of an offence against this Act.

(2) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3) The punishment for an offence against this Act shall be—

(a) if the offence is prosecuted summarily—a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months; or

(b) if the offence is prosecuted upon indictment—a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years.

(4) An offence against this Act shall not be prosecuted summarily without the written consent of the Attorney General, or a person thereto authorised in writing by the Attorney General, and an offence against this Act shall not be prosecuted upon indictment except in the name of the Attorney General.



(5) For the purpose of the trial of a person summarily or upon indictment for an offence against this Act, the offence shall be deemed to have been committed either at the place in which it was actually committed or at any place in which the person may be.

(6) In addition to any other punishment, a court may if it thinks fit, order the forfeiture of any money or goods in respect of which an offence against this Act has been committed.

17. (1) When any person is convicted of an offence against this Act, the court before which he is convicted may, either in addition to or in lieu of any punishment provided for the offence, require him to enter into recognisances with or without sureties to comply with the provisions of the regulations, orders, directions, notices, documents, matters or things in relation to which the offence was committed

Power to order recognisances. Cf. O'ith. Act, No. 77 of 1946, s. 17.

(2) If any person fails to comply with an order of the court requiring him to enter into recognisances, the court may order him to be imprisoned for any term not exceeding six months.

18. This Act shall continue in operation until the thirty-first day of December, one thousand nine hundred and forty-nine and no longer.

Duration.

THE SCHEDULE.

S. 12.

Western Australia.

Prices Control Regulations made Pursuant to the Provisions of the Prices Control Act, 1948.

DECLARATION OF SECRECY.

I, \_\_\_\_\_ of \_\_\_\_\_ in the State of Western Australia, do solemnly undertake and sincerely declare that, except in the course of my duty under the above regulations, 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 these regulations.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of, 19 \_\_\_\_  
Before me—

.....  
Witness.