

ESSENTIAL FOODSTUFFS AND COMMODITIES.

No. 1 of 1979.

AN ACT to make provision to ensure the supply of essential foodstuffs and essential commodities.

[Assented to 4th April, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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 *Essential Foodstuffs and Commodities Act, 1979.* Short title.

2. In this Act—
“essential commodities” include any commodity declared to be an essential commodity by a proclamation that is in force under section 3 of this Act;

Inter-pretation.

“essential foodstuffs” include bread, eggs, and milk and any other foodstuff declared to be an essential foodstuff by a proclamation that is in force under section 3 of this Act.

Proclama-
tions of
essential
foodstuffs
and
commodities.

3. (1) The Governor may from time to time by proclamation declare any foodstuff to be an essential foodstuff for the purposes of this Act.

(2) The Governor may from time to time by proclamation declare any commodity to be an essential commodity for the purposes of this Act.

(3) Any proclamation made under this section—

(a) may be amended or revoked by a subsequent proclamation; and

(b) where it is so amended, shall remain in force and have effect as so amended.

Adminis-
tration.

4. The administration of this Act shall be vested in a Minister of the Crown and, subject to the Minister, shall be carried out by such authorities, departments, instrumentalities, persons, or bodies as the Minister in writing directs.

Powers.

5. (1) During the operation of this Act, where it appears to the Minister that the supply or provision of any essential foodstuffs or essential commodities is or is likely to be interrupted or dislocated or become less than is sufficient for the reasonable requirements of the community the Minister may from time to time exercise all or any of the powers conferred on him by or under this Act and do and perform all such acts, matters, and things as are necessary or expedient for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section but for the purposes of this Act and not otherwise the Minister may do any one or more of the following things—

- (a) buy, sell, supply, transport, store, market and distribute any essential foodstuffs or essential commodities;
- (b) enter into any contract, and undertake and carry on business transactions;
- (c) establish, maintain, or use premises, vehicles, machinery, plant, or other equipment for the purposes of this Act;
- (d) by a direction given in writing—
 - (i) authorise the taking of possession or control and the disposal or use of any essential foodstuffs or essential commodities and the packaging of any essential foodstuffs or essential commodities and require any person to place any such essential foodstuffs or essential commodities and packaging in his possession or control at the disposal of the Minister;
 - (ii) authorise the taking possession or control, and use, of premises, vehicles, machinery, plant or other equipment ordinarily used for the manufacture, preparation, treatment, packaging, transportation, storage, marketing or distribution of any essential foodstuffs or essential commodities and require any person to place any of such premises, vehicles, machinery, plant, or other equipment in his possession or control at the disposal of the Minister;
 - (iii) require persons to disclose information as to any relevant matter,as may appear to be necessary or expedient.

(3) Where any direction is given under paragraph (d) of subsection (2) of this section to any person or body, a person or body who fails to comply with the direction commits an offence against this Act, but it shall be a sufficient defence to a prosecution

for an offence under this subsection in respect of a failure to comply with a direction if the defendant satisfies the court that he so failed with reasonable excuse.

(4) If, in furnishing any information for the purposes of this Act or of any direction made under this Act, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against this Act.

Delegation.

6. The powers of the Minister under this Act may be exercised on his behalf by any person for the time being so authorised by the Minister.

Compensation.

7. (1) A person who, as the result of compliance with any direction given under this Act or while complying with or being engaged in the carrying into effect of any such direction, suffers loss, damage or injury shall be entitled to compensation under this Act from the Minister.

(2) Every claim for compensation under this Act shall be made in the prescribed manner, or if no manner is prescribed in relation thereto in a form and within a time approved by the Governor.

(3) In default of agreement as to the amount of compensation between the Minister and the claimant, the Minister shall direct that the claim shall be referred to arbitration before a single arbitrator who shall be appointed by the Minister from amongst the Judges of the Supreme Court and of The District Court of Western Australia.

(4) The procedure to be followed at the arbitration shall be as determined by the arbitrator, but, subject to any such determination, the procedure shall be as nearly as possible the same as the procedure in the trial of a civil action in the Supreme Court.

(5) No account shall be taken, in assessing the extent of any loss, damage or injury in respect of which compensation is sought, of any such loss, damage or injury which was sustained in like manner by the community at large or by any substantial portion of the community.

8. (1) A person who without lawful authority and with intent—

Special
offence re
coercion,
obstruction,
intimidation,
etc.

(a) to coerce or compel any other person to abstain from carrying on any activity which pursuant to this Act that other person is authorised, permitted, or required to do;

(b) to prevent such an activity being carried on; or

(c) to obstruct such an activity,

manifests that intention by doing or threatening any act in relation to that other person, the family, household, property, or employment of that other person or the activity so authorised, permitted, or required, or by failing or omitting to do any act in relation thereto which he is lawfully required to do, shall be guilty of an offence against this Act.

(2) A person who does, or omits to do, or threatens any thing, at any time or in any manner, by way of retaliation, discrimination, coercion, or intimidation against any other person by reason of, or as a result of, the carrying on by that other person of any activity which pursuant to this Act that other person is or was authorised, permitted, or required to do shall be guilty of an offence against this Act.

(3) For the purposes of subsection (2) of this section, a thing shall be taken to have been done, omitted, or threatened against a person if it was done, omitted, or threatened against a member of his family or household.

Penalties
for
offences.

9. (1) A person who is guilty of an offence against this Act is liable—

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

(2) 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.

Consent to
prosecutions.

10. (1) A prosecution for a contravention of this Act shall not be commenced without the consent of the Attorney General.

(2) In any prosecution for a contravention of this Act a writing purporting to show the consent of the Attorney General for the purposes of subsection (1) of this section shall, in the absence of proof to the contrary, be deemed to be such a consent.

Proceedings
to be taken
summarily.

11. (1) Proceedings for offences against this Act shall be heard before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

(2) Subject to subsection (1) of this section, the provisions of the Justices Act, 1902, shall apply to proceedings for offences against this Act.

12. The Governor may make regulations for the purposes of this Act. Regulations.

13. (1) This Act shall continue in operation until the twenty-first sitting day of the Legislative Assembly of the First Session of the thirtieth Parliament, and no longer. Duration
of Act.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder or any penalty, forfeiture, or punishment incurred in respect of any contravention of or failure to comply with this Act or any proceedings or remedy in respect of such penalty, forfeiture, or punishment.
