

AUSTRALIAN CAPITAL TERRITORY

PRICES REGULATION ORDINANCE 1974

EXPLANATORY MEMORANDUM

The Senate Standing Committee on Regulations and Ordinances objected to certain provisions of the Prices Regulation Ordinance 1949-1973 essentially on the ground that they infringed the civil rights and liberties of persons in the Territory. The proposed Prices Regulation Ordinance 1974 will amend the Prices Regulation Ordinance 1949-1973 to overcome these objections.

The proposed new Ordinance will:

- . repeal sub-section 8(4) which empowers the Price Controller to communicate information to the Attorney-General, the Commissioner of Taxation and the Tariff Board;
- . repeal section 9 which provides that the Price Controller and others are not compellable witnesses in any proceedings;
- . insert new section 16 whereby entry into premises can only be obtained on a warrant, if the Controller has reasonable grounds for believing there has been a breach of the Ordinance, and any books and documents taken from the premises will have to be returned within a reasonable time;
- . amend section 18 to include a defence for not complying with a notice under that section if the information required is irrelevant to the purpose of the Ordinance;
- . repeal sub-section 20(13) which provides, inter alia, that a copy of an order is evidence that that order was made;
- . insert a new section to provide that where a person has been directed not to enter into a transaction (under section 23 of the existing Ordinance) that person may appeal to the Court of Petty Sessions;
- . amend section 25 to provide for a time limit of 3 months to an order prohibiting the sale of goods and services;
- . repeal section 36 which provides for a power of averment of a matter of fact in a prosecution for a breach of the Ordinance;
- . insert new section 49 to provide for entry onto premises only with a warrant and if there are reasonable grounds for believing that goods liable to seizure are there;
- . amend section 58 to provide that prosecutions for a breach of the Ordinance can only be done summarily. Section 58 is also amended to provide for an increased monetary penalty of one thousand dollars for a breach of the Ordinance;
- . repeal section 61 which provides for a power to certify that a copy of a notice is a true copy and was received by a defendant.