

No. 8 of 1974

AN ORDINANCE

To amend the *Prices Regulation Ordinance 1949-1973*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-sixth day of March, 1974.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

PRICES REGULATION ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Prices Regulation Ordinance 1974*.* Short title and citation.

(2) The *Prices Regulation Ordinance 1949-1973*† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Prices Regulation Ordinance 1949-1974*.

2. Section 8 of the Principal Ordinance is amended by omitting sub-section (4). Secrecy.

3. Section 9 of the Principal Ordinance is repealed. Repeal.

4. Section 16 of the Principal Ordinance is repealed and the following section substituted:—

“ 16. (1) Where a magistrate is satisfied by information on oath that there are reasonable grounds for believing that there are in or on any premises— Power to enter premises, inspect documents, &c.

(a) goods with respect to which an offence against this Ordinance has been committed or with respect to which there are reasonable grounds for believing such an offence to have been committed;

* Notified in the *Australian Government Gazette* on 28 March 1974.

† Ordinance No. 12, 1949, as amended by Ordinance No. 19, 1966; and No. 14, 1973.

(b) any books, documents or papers relating to goods referred to in paragraph (a); or

(c) any books, documents or papers likely to afford evidence as to the commission of an offence against this Ordinance,

the magistrate may issue a warrant authorizing the Controller, the Deputy Controller or an authorized officer named in the warrant to enter and search the premises.

“(2) A warrant under sub-section (1) shall be in writing signed by the magistrate issuing it and shall state shortly the matters of the information upon which it is founded.

“(3) A warrant under sub-section (1) may be issued on a Sunday as on any other day.

“(4) A person authorized by a warrant under sub-section (1) to enter and search premises is authorized—

(a) to enter the premises, by force if necessary, at any hour of the day or night;

(b) to search the premises and inspect any goods, books, documents or papers in or upon the premises;

(c) to remove any books, documents or papers from the premises; and

(d) to take samples of any goods in or upon the premises.

“(5) The Controller, the Deputy Controller or an authorized officer may retain books, documents or papers removed by him from premises in pursuance of sub-section (4) for so long as is reasonably necessary to enable copies of the books, documents or papers to be made.”.

Controller or Deputy Controller may require returns to be furnished.

5. Section 18 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“(6) It is a defence to a prosecution for an offence of refusing or failing to comply with the requirements of a notice under sub-section (1) that the particulars required by the notice were not reasonably required for the purposes of this Ordinance.”.

Determination of maximum prices, rates, &c.

6. Section 20 of the Principal Ordinance is amended—

(a) by adding at the end of paragraph (10) (a) the word “and”;

(b) by omitting from paragraph (10) (b) the word “and”;

(c) by omitting paragraph (10) (c); and

(d) by omitting sub-section (13).

Power to prohibit certain transactions.

7. Section 23 of the Principal Ordinance is amended by inserting after sub-section (2) the following sub-section:—

“(2A) A reference in sub-section (2) to a notice under this section includes a reference to a notice under this section as varied by an order under section 23A.”.

8. After section 23 of the Principal Ordinance the following section is inserted:—

“23A. (1) A person to whom notice is directed under section 23 may, within twenty-eight days after the date on which he receives the notice, make an application to the Court of Petty Sessions for an order under this section. Appeal against notice under section 23.

“(2) Where, on an application under sub-section (1), the Court is satisfied that the notice to which the application relates is unreasonable, the Court may, by order—

- (a) set aside the notice; or
- (b) vary the notice in such a manner as will, in the opinion of the Court, make the notice reasonable.”.

9. Section 25 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:— Prohibition of sale of goods, &c., before maximum price or rate fixed.

“(2) An order under this section ceases to have effect—

- (a) where the order relates to goods—on the day on which the maximum price at which the goods may be sold is fixed or at the expiration of a period of three months after the date on which the order is made, whichever is the earlier; and
- (b) where the order relates to a service—on the day on which the maximum rate at which the service may be supplied is fixed or at the expiration of a period of three months after the date on which the order is made, whichever is the earlier.

“(3) Where the Controller or a Deputy Controller has made an order under this section and the order has ceased to have effect, the Controller or Deputy Controller shall not again make an order under this section in relation to the same person and in respect of the same goods or service.”.

10. Section 36 of the Principal Ordinance is repealed. Repeal.

11. Section 49 of the Principal Ordinance is repealed and the following section substituted:—

“49. (1) Where a magistrate is satisfied by information on oath that there are reasonable grounds for believing that there are in any premises goods that are forfeited or liable to seizure under this Ordinance, the magistrate may issue a warrant authorizing the Controller, the Deputy Controller or an authorized officer named in the warrant to enter and search the premises. Seizure of goods.

“(2) A warrant under sub-section (1) shall be in writing signed by the magistrate issuing it and shall state shortly the matters of the information upon which it is founded.

“(3) A warrant under sub-section (1) may be issued on Sunday as on any other day.

“ (4) A person to whom a warrant has been issued under subsection (1) may, if it is reasonably necessary so to do, break open the premises to which the warrant relates and may break open any rooms, chests, trunks, cupboards or packages in the premises.”.

Offences.

12. Section 58 of the Principal Ordinance is amended by omitting sub-sections (2), (3), (4) and (5) and substituting the following sub-sections:—

“ (2) An offence against this Ordinance shall be prosecuted summarily.

“ (3) An offence against this Ordinance is punishable by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding two years, or both.

“ (4) Proceedings in respect of an offence against this Ordinance shall not be instituted except with the consent in writing of the Minister.”.

Repeal.

13. Section 61 is repealed.