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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1941.

A BILL

For the prevention and restraint of monopolies, combinations, discriminations, and unfair dealings in trade or commerce; to foster trade and industry; to repeal the Monopolies Act, 1923-1939, as amended by subsequent Acts; and for purposes connected therewith.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Monopolies Act, 1941." Short title.

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2. This Act is divided into Parts as follows:—

Division into Parts.

PART I.—PRELIMINARY—SS. 1-5.

PART II.—MONOPOLIES AND COMBINATIONS—SS. 6-16.

5. PART III.—PENALTIES AND PROCEDURE—SS. 17-35.

PART IV.—GENERAL—S. 36.

3. (1) (a) The Monopolies Act, 1923-1939, as amended by subsequent Acts, is hereby repealed.

Repeal of Act 1923, No. 54, and amendments thereto.

10 (b) The Monopolies (Amendment) Act, 1939, is hereby repealed.

(c) The Industrial Arbitration Act, 1940, is amended by omitting section one hundred and fifty-five.

15 (2) This Act shall not abrogate or impair the immunities and privileges conferred by the Trade Union Act, 1881-1936.

Saving.

20 4. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

Construction of Act.

25 5. In this Act, unless the context or subject-matter otherwise indicates or requires,—

Interpretation.

30 “Answer questions” means that the person who is required in pursuance of this Act to answer questions shall to the best of his knowledge, information, and belief, truly answer all questions (on oath, if so required) on the subject that the Attorney-General or the person appointed by him in pursuance of this Act shall ask.

35 “Contract” includes any arrangement or understanding between two or more persons, whether creating any legal obligation or not, whereby the conduct of such persons or any of them in relation to trade or commerce is or purports to

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be regulated, controlled, restricted, governed, or guided, or is intended to be regulated, controlled, restricted, governed, or guided.

5 "General trader" includes any person engaged in selling or distributing or controlling the sale or distribution of goods or services to retailers or to retailers and the public, and includes manufacturers and wholesalers.

"Perjury" includes false swearing.

10 "Person" includes any association of persons whether incorporated or unincorporated, and includes a combination of separate and independent persons corporate or unincorporate whose voting power or determinations are controlled by—

- 15 (a) a trust or corporation wherein the trustees or corporation hold the shares or interests of the constituent persons; or
- (b) a contract; or
- 20 (c) a board of management or its equivalent; or
- (d) some similar means,

and includes any part or constituent person or agent of such combination.

25 "Price" means price at which a product or service is ordinarily sold including the price of the package and any service or article rendered or sold with or delivered with the product or service unless the price of such service or

30 article can be ascertained from the circumstances of the transaction.

"Produce documents" means that the person who is required in pursuance of this Act to produce documents shall to the best of his power produce and hand over to the Attorney-General or to the person appointed by him in pursuance of this Act all books, letters, documents, papers, writings, copies and extracts relating to the subject-matter mentioned in the requisition.

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"Product"

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“Product” includes any goods, wares, or merchandise.

PART II.

MONOPOLIES AND COMBINATIONS.

5 6. (1) Any person who monopolises or attempts to monopolise, or makes or enters into a contract calculated to monopolise, or combines or conspires with any other person to monopolise trade or commerce shall be guilty of an indictable offence.

Monopoly of trade.
cf. Australian Industries Preservation Act, 1906 (Cwth.) s. 7.

10 (2) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

cf. U.S. Sherman Act, s. 2.

(3) It shall be a defence to proceedings for an offence under this section and an answer to an allegation that a person has done the matters or any of them forbidden by this section if the person alleged to have contravened this section proves that the monopoly referred to in the proceedings or allegation is of substantial benefit to the public, and is of such a nature that it is not and is not likely to become detrimental to the interests of the public.

7. (1) Any person who, either as principal or as agent, makes or enters into any contract or is or continues to be a member of or engages in any combination in relation to trade or commerce in restraint of or with intent to restrain trade or commerce shall be guilty of an offence.

Restraint of trade.
cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 4.

25 (2) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

cf. U.S. Sherman Act, s. 1.

30 (3) It shall be a defence to proceedings for an offence under this section and an answer to an allegation that a contract or combination was made or entered into in restraint of or with intent to restrain trade or commerce if the person alleged to have contravened the section proves—

(a) in any case where the contract or combination is ancillary to the sale, lease, or other disposition of

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- of any property, or to an agreement for employment, that such contract or combination is not detrimental to the interests of the public, and is reasonable as between himself and the other person or persons parties to the sale, lease, or other disposition or agreement;
- 5 (b) in any other case that the effect of the contract or combination referred to in the proceedings or allegation is of substantial benefit to the public and that such contract or combination is of such a nature that it is not and is not likely to become detrimental to the interests of the public.
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8. (1) It shall be evidence that a monopoly exists in respect of trade or commerce in or concerned with any product or service or that a contract or combination is in restraint of trade or commerce or with intent to restrain trade or commerce in or concerned with any product or service, and that such monopoly, contract or combination is detrimental to the interests of the public if it is proved that there has been a general rising of the price of such product or service happening shortly after or as a result of the initiation of any combination or the making or entering into any contract or the engaging in any combination in relation to trade or commerce in or concerned with any such product or service.

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Evidence of monopoly and restraint of trade.

(2) It shall be evidence that a monopoly exists in respect of trade or commerce in or concerned with any commodity or that a contract or combination is in restraint of trade or commerce in or concerned with any commodity, and that such monopoly, contract or combination is detrimental to the interests of the public if it is established that the Industrial Commission of New South Wales has, pursuant to Part IV of the Industrial Arbitration Act, 1940, fixed the price of such commodity.

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Production of a copy of the Gazette containing a notice purporting to have been published pursuant to that Part fixing the price of the commodity shall be sufficient evidence that the said Commission has fixed the price of the commodity pursuant to that Part.

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In this subsection "commodity" has the meaning given to that expression in the Industrial Arbitration Act, 1940.

(3) Any report furnished by the Industrial Commission of New South Wales pursuant to paragraph (e) of subsection one of section thirty-five of the Industrial Arbitration Act, 1940, shall be admissible in evidence in any proceedings under this Act.

The findings of the said Commission as set out in any such report shall be deemed to be proved in such proceedings in the absence of proof to the contrary.

(4) This section shall not be construed so as to prejudice the generality of sections six and seven of this Act, or as in any way controlling or limiting the construction of those sections or either of them.

9. It shall not be a defence to a proceeding for an offence under section six or section seven of this Act or an answer to any allegation founded thereon that the monopoly, contract or combination therein referred to has been entered into in the reasonable interests of the parties thereto, and evidence raised against a defendant by and under section eight of this Act shall not be rebutted merely by proving that the cost of production of the product or service has risen in a corresponding degree.

Interest of parties not a defence.

10. (1) Any person who either as principal or as agent makes or enters into any contract or is or continues to be a member of or engages in any combination calculated to secure or which in fact secures that a general trader shall not supply or shall agree expressly or impliedly not to supply at reasonable prices and on fair terms and conditions any product or service which is in competition with products or services distributed or rendered by such person or such general trader shall be guilty of an offence.

Contracts not to supply and refusal to supply.

(2) Any general trader who expressly or impliedly agrees not to supply and any general trader who fails or refuses to supply to a customer at reasonable prices and on fair terms and conditions any product or service which is in competition with products or services ordinarily sold or rendered by him shall be guilty of an offence.

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It shall be a defence to proceedings for an offence under this subsection in respect of a failure or refusal to supply if the general trader proves that he has applied to the persons who ordinarily supply such first mentioned
5 product or service and at the material time has been unable to obtain such product or service at reasonable prices and on fair terms and conditions.

(3) Any person who either as principal or as agent makes or enters into any contract or is or continues
10 to be a member of or engages in any combination calculated to secure or which in fact secures that a general trader shall not supply any product or service to a customer at reasonable prices and on fair terms and conditions if such customer stocks or offers any other
15 product or service which is in competition with the products or services distributed or rendered by that general trader shall be guilty of an offence.

11. (1) Any person who either as principal or as agent makes or enters into any contract or is or continues
20 to be a member of or engages in any combination calculated to secure or which in fact secures that a general trader shall not supply or shall agree expressly or impliedly not to supply any product or service at his usual prices and on his usual terms and conditions to any
25 person except upon terms and conditions express or implied that such person shall not sell or supply such product or service or any other product or service below a price fixed otherwise than by such last-mentioned person shall be guilty of an offence and shall be liable
30 to a penalty not exceeding one hundred pounds.

General trader not supplying goods or services except upon certain terms.

(2) Any general trader who supplies any product or service to any person upon the terms and conditions express or implied, or who refuses to supply any product or service to any person except upon the terms and
35 conditions express or implied that such person shall not sell or supply such product or service or any other product or service below a price fixed otherwise than by such person shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

(3) Any general trader who refuses to sell or
40 supply any product or service to any person for the reason

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reason express or implied that such person has sold, supplied or bought any similar product or service or any other product or service below a price fixed otherwise than by such person shall be guilty of an offence and
5 shall be liable to a penalty not exceeding one hundred pounds.

It shall be evidence of such a refusal by a general trader if he has failed or refused to supply for cash at his usual price and on his usual terms and conditions any product
10 or service to a person who has in fact sold, supplied, or bought any such similar product or service or any such other product or service below a price fixed otherwise than by such person.

12. (1) Any person who either as principal or as
15 agent makes or enters into any contract or is or continues to be a member of or engages in any combination calculated to secure or which in fact secures that any general trader shall not supply or shall agree expressly or impliedly not to supply any product or service to any
20 person except upon terms and conditions that he shall stock or supply other products or services shall be guilty of an offence.

Contract or combination controlling supply of products or services.

(2) Any general trader who refuses to supply any product or service to any person except upon terms
25 and conditions that he shall stock or supply other products or services is guilty of an offence.

13. Any general trader who fails or refuses to supply for cash at his usual wholesale prices and on his usual terms and conditions any products or services to a
30 retailer of such products or services shall be guilty of an offence.

General trader not supplying products or services.

It shall be a sufficient defence to proceedings for an offence under this section if the general trader shows that on the occasion in question there existed special circumstances which justified or excused his failure to comply
35 with the provisions of this section.

14. (1) Any general trader who, either directly or indirectly, discriminates in price between different retailers to whom he supplies any product or service shall be guilty of an offence.

Discrimination in price to retailers. cf. U.S. Clayton Act, s. 2.

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(2) It shall be a sufficient defence to proceedings for an offence under this section if the general trader proves that—

- 5 (a) the discrimination did not have the effect of substantially lessening competition in the sale or supply to the public of such product or service; or
- 10 (b) that the discrimination in price was attributable solely to differences in grade, quality or quantity of the products or services so supplied; or
- (c) that the discrimination in price was attributable solely to differences in the cost of sale or transportation of the products or services so supplied; or
- 15 (d) that the discrimination in price was made in good faith to meet competition.

15. (1) Any person who in relation to trade or commerce either as principal or agent in respect of dealings in any product or service gives, offers, or

20 promises to any other person any rebate, refund, discount, concession, or reward for the reason or upon the term or condition express or implied that the latter person—

- (a) deals or has dealt or will deal or intends to deal exclusively with any person either in relation to any particular product or service or generally; or
- 25 (b) deals or has dealt or will deal or intends to deal exclusively with the parties to any contract either in relation to any particular product or service or generally; or
- 30 (c) does not deal or has not dealt or does not intend to deal with any person either in relation to any particular product or service or generally,
- 35 shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

(2) Proof that a rebate, refund, discount, concession, or reward has been given or allowed in circumstances in which the same would not ordinarily

40 be given or allowed shall be prima facie evidence of an offence under subsection one of this section.

Unfair concessions by persons. cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 7A. cf. U.S. Clayton Act, s. 3.

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(3) Every contract made or entered into in contravention of this section shall be absolutely illegal and void.

(4) It shall be a defence to a prosecution under this section and an answer to an allegation that a contract was made or entered into in contravention of this section if the party alleged to have contravened this section proves that the matter or thing alleged to have been done in contravention of this section was of substantial benefit to the public and constituted competition which was fair in the circumstances.

16. (1) Any person who in relation to trade or commerce either as principal or agent fails or refuses to sell or supply, or threatens not to sell or supply, to any other person any product or service either at all or except at a price or on terms and conditions less advantageous than his price, terms and conditions usual in the circumstances for the reason express or implied that the person secondly mentioned—

Improper refusal to sell or supply.
cf. Australian Industries Preservation Act (Cwth.), s. 7B.

- 20 (a) deals or has dealt or will deal or intends to deal with any person either in relation to any particular product or service or generally; or
- (b) deals or has dealt or will deal or intends to deal with a person who is not a party to any
- 25 contract; or
- (c) does not deal or has not dealt or does not intend to deal with any person either in relation to any particular product or service or generally,

30 shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

(2) Proof that a person has failed or refused to supply for cash at his usual price and on his usual terms and conditions any goods or services to a person who in fact—

- 35 (a) deals or has dealt or will deal or intends to deal with any person either in relation to any particular product or service or generally; or
- (b)

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- (b) deals or has dealt or will deal or intends to deal with a person who is not a party to any contract; or
- 5 (c) does not deal or has not dealt or does not intend to deal with any person either in relation to any particular product or service or generally,
- shall be prima facie evidence of an offence under subsection one of this section.

PART III.

10 PENALTIES AND PROCEDURE.

17. Every person who aids, abets, counsels, or procures, or in any way is knowingly concerned in the commission of an offence, shall be deemed to have committed the offence. Aiders and abettors. cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 9.
- 15 18. Every person who commits an offence after having been previously found guilty of an offence shall be guilty of an indictable offence. Second offences.
19. (1) Every person who commits an offence shall except where this Act otherwise provides be liable to a 20 penalty not exceeding five hundred pounds. General penalty.
- (2) Every person who commits an indictable offence shall be liable to a penalty not exceeding five hundred pounds or to imprisonment for a period not exceeding twelve months or to both. Punishment for indictable offences.
- 25 (3) Every person who commits an offence against section six or section seven of this Act shall in addition to other penalties and punishment provided be liable to a penalty not exceeding one hundred pounds for each day during which the offence continues. Additional daily penalty.
- 30 20. (1) Except where proceedings by indictment are instituted for an indictable offence proceedings for the recovery of a pecuniary penalty for an offence other than an offence against section twenty-nine, section thirty-one, or section thirty-two of this Act, shall be insti- 35 tuted by way of civil action. Civil action for penalties. cf. *Ibid.* ss. 13, 14.

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(2) Instead of proceeding by indictment for an indictable offence the Attorney-General may elect to institute proceedings by way of civil action for the recovery of pecuniary penalties.

5 (3) Proceedings under this Act for the recovery of a pecuniary penalty by way of civil action may be instituted by any person whomsoever.

21. Any person who is injured in his person or property by any other person by reason of any act or thing done by that other person in contravention of this Act or by reason of any act or thing done in contravention of any injunction granted in pursuance of this Act may sue for and recover treble damages for the injury in the Supreme Court of New South Wales in its common law jurisdiction.

Treble damages recoverable by person injured.
cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 11 (1).

22. In any proceeding for an offence against this Act or for an injunction or for damages no person shall be excused from answering any question put either viva voce or by interrogatory or from making any discovery of documents on the ground that the answer or discovery may incriminate or tend to incriminate him or render him liable to a penalty, and his answers shall be admissible in evidence against him or any other person in any proceeding under this Act, but not in any criminal proceeding (other than proceedings for an indictable offence under this Act) except a prosecution for perjury.

Interrogatories, discovery, &c.
cf. Act No. 54, 1923, s. 17A.

23. (1) A civil action under this Act for the recovery of a pecuniary penalty may be instituted in the Supreme Court either at common law or in equity, and shall be tried before a judge without a jury.

Trial of civil action for penalty.

(2) The judge before whom the action is tried may exercise any power or jurisdiction of the Supreme Court at common law or in equity.

35 (3) Any judge of the Supreme Court may upon application by or on behalf of the Attorney-General grant an injunction restraining any person, his servants or agents from the commission, repetition, or continuance of any offence under this Act.

cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 10.

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(4) Any person who does any act or thing in disobedience of such injunction shall be guilty of an offence and shall be liable to a penalty not exceeding five hundred pounds for each day during which the offence continues.

(5) This section shall not be deemed to derogate from the power of the Supreme Court apart from the section to enforce obedience to the injunction.

24. An indictment for an offence against this Act shall be tried before the Supreme Court of New South Wales by a judge of the Supreme Court with a jury. Trial of indictment.

25. In any proceeding for an offence against this Act or for an injunction under this Act any indictment, summons, information, declaration, statement of claim, conviction, warrant, or other process shall suffice if the offence or act complained of is set out as nearly as may be in the words of this Act. Indictment, &c., may follow the Act.

26. In any proceeding for an offence against this Act or for an injunction under this Act or for the recovery of damages for anything done by any person in contravention of this Act or of any injunction granted under this Act wherein a contract, combination, or conspiracy or attempted combination or conspiracy in contravention of this Act is alleged or concerned, any book, letter, document, paper, or writing containing or purporting to contain— Certain books, &c., to be evidence. cf. Act No. 54, 1923, s. 17B.

(a) any minute, note, record, or memorandum of any proceedings at any meeting of the persons or any one of the persons alleged to have been parties or privy to the contract, combination, conspiracy, or attempt; or

(b) any entry purporting to be a copy of or extract from any such book, letter, document, paper, or writing,

shall, upon proof that it came from the custody of those persons or any one of them or of a responsible officer or representative of those persons or any of them—

(i) be admissible in evidence against those persons; and

(ii)

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(ii) be evidence that the matter and things thereby appearing to have been done by those persons or any of them were so done, and that any persons thereby appearing to have been present at the meeting were so present.

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27. In any proceeding for an offence against this Act or for an injunction under this Act or for the recovery of damages for anything done by any person in contravention of this Act or of any injunction granted under this Act any book, letter, document, paper, or writing or anything purporting to be a copy or extract from any book, letter, document, paper, or writing containing any reference to any matter alleged to have been done or omitted in contravention of this Act or to anything concerned therewith shall upon proof that it was produced by or came from the custody of a person charged with the offence or against whom the claim for damages is made or a responsible officer or representative of that person—

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- (a) be admissible in evidence against that person; and
- (b) be evidence of the matters and things thereby appearing and that the book, letter, document, paper, or writing (or in the case of a copy that the original thereof) was written, signed, despatched and received by the persons by whom it purports to have been written, signed, despatched and received and that any such copy or extract is a true copy of or extract from the original of or from which it purports to be a copy or extract.

28. In any proceeding for an offence against this Act or for an injunction under this Act, the averments contained in the information, declaration, or statement of claim shall be deemed to be proved in the absence of proof to the contrary: Provided that—

- (a) subject to this Act, an averment of intent shall not be deemed sufficient to prove the intent averred; and
- (b) in all proceedings for an indictable offence the guilt of the defendant must be established by evidence.

Certain books, &c., to be evidence. cf. Act No. 54, 1923, s. 17c.

Certain averments deemed proved. cf. Australian Industries Preservation Act, 1906 (Cwth.), s. 15A.

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29. (1) The Attorney-General may, by writing under his hand, require any person whom he believes to be capable of giving any information in relation to any breach or alleged breach of this Act to answer questions
 5 and to produce documents of any kind in relation to the subject-matter of the breach or alleged breach of this Act, and any person who refuses or fails to answer questions or produce documents when required to do so
 10 in pursuance of this section shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds.

Attorney-General may require a person to answer questions and produce documents.

(2) The Attorney-General or any person appointed by him may inspect all books, letters, documents, papers, writings, copies and extracts produced in
 15 pursuance of this section and may take copies thereof or extracts therefrom.

(3) The Attorney-General or any person appointed by him may impound or retain any book, letter, document, paper, writing, copy or extract produced to
 20 him or to such person in pursuance of this section, but the person entitled to such book, letter, document, paper, writing, copy or extract shall in lieu thereof be entitled to a copy certified as correct by the Attorney-General or the person named by him, and such certified copy shall
 25 be received in all courts as evidence of equal validity with the original. Any person who obstructs the Attorney-General or person appointed by him in the exercise of any power conferred by this section shall be guilty of an offence and shall be liable on conviction to a penalty not
 30 exceeding two hundred pounds.

(4) No person shall be excused from answering any question or producing any book, letter, document, paper, writing, copy or extract when required to do so
 35 under this section on the ground that such answer or such production may incriminate or tend to incriminate him or make him liable to a penalty, and his answers shall be admissible in evidence against him or any other person in any proceeding under this Act, but not in any criminal proceeding (other than proceedings for an
 40 indictable offence under this Act) except a prosecution for perjury.

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30. (1) Any judge of the Supreme Court or of the District Court or any stipendiary magistrate, barrister-at-law of five years' standing, or permanent officer of the Public Service of ten years' standing, may be appointed by the Attorney-General to make an inquiry into any of the following matters, namely, whether there is or has been—

Inquiry may be directed by Attorney-General into certain matters.

- (a) any breach or attempted breach of any of the provisions of this Act;
- 10 (b) any combination, scheme, arrangement or device for limiting or regulating the output or supply, or for raising, maintaining, or regulating the price of any product or service;
- 15 (c) any combination, scheme, arrangement or device for limiting or excluding competition in trade or commerce;
- (d) any abuse of the power to control, regulate, or direct trade or commerce, and any unfair, harsh or improper dealing by any person towards another for the purpose of enforcing or attempting such control, regulation, or direction;

20 and such person shall report to the Attorney-General the result of the inquiry, and may make such recommendations as he thinks proper.

25 (2) Any such inquiry or any part thereof may be held in public.

30 31. Any person appointed by the Attorney-General to make any inquiry under section thirty of this Act shall for the purposes of such inquiry have the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and shall be deemed to be a sole commissioner within the meaning of that Division.

Powers of person conducting the inquiry.

35 The provisions of the Royal Commissions Acts, 1923-1934, with the exception of section thirteen and of Division 2 of Part II, shall apply to and with respect to the inquiry except that—

- 40 (a) no person shall on the ground that he may be incriminated or on the ground of privilege or on any ground whatsoever fail or refuse to answer questions

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5 questions or produce or hand over to the person making the inquiry any book, letter, document, paper, writing, copy or extract which he is summoned to produce upon such inquiry, and if he does so fail or refuse he is guilty of an offence and shall be liable on conviction to a penalty not exceeding two hundred pounds; and

10 (b) the answers of any witness upon any such inquiry shall be admissible in evidence against him or any other person in any proceeding under this Act, but not in any criminal proceeding (other than proceedings for an indictable offence under this Act) except a prosecution for perjury.

15 **32.** (1) No person appointed by the Attorney-General to make an inquiry under section thirty of this Act shall disclose any information gained by him in the course of such inquiry except—

Certain information not to be disclosed.

20 (a) to the Attorney-General or some person authorised by him; or

(b) when giving evidence in any proceeding or inquiry or taking evidence in any inquiry under this Act.

25 (2) Any person who contravenes or fails to comply with the provisions of subsection one of this section shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding two hundred pounds.

30 **33.** Every director of a company and any officer thereof who is competent to make admissions for or against the company when engaged in the company's business shall be deemed to be engaged in the company's business and competent to make admissions for or against the company when giving any evidence, making
35 any statement, or answering any question in any proceeding or inquiry under this Act.

Admissions by directors and others.

40 **34.** The penalty for an offence against section twenty-nine, section thirty-one, or section thirty-two of this Act may be recovered in a summary manner before a police or stipendiary magistrate or two or more justices in petty sessions.

Penalties: secs. 29, 31 and 32.

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35. In any proceedings for an injunction under this Act or for an offence against this Act, other than proceedings for the commitment for trial of a person charged with an indictable offence, the court may award 5 costs against any party.

PART IV.

GENERAL.

36. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which, by this Act, 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.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof.

(4) Any penalty imposed by the regulations may be recovered in a summary manner in any court of petty sessions holden before a stipendiary or police magistrate or any two or more justices.