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AUSTRALIAN INDUSTRIES  
PRESERVATION.

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No. 5 of 1908.

An Act to amend the *Australian Industries  
Preservation Act 1906*.

[Assented to 14th April, 1908.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate,  
and the House of Representatives of the Commonwealth of  
Australia, as follows :—

1. This Act may be cited as the *Australian Industries Preservation Act 1907*, and this Act and the *Australian Industries Preservation* Short title.

*Act 1906* (in this Act called the Principal Act) shall be read together and may together be cited as the *Australian Industries Preservation Acts 1906-1907*.

Definition.

2. Section three of the Principal Act is amended by adding at the end thereof the following words :—

“The Comptroller-General” means the Comptroller-General of Customs.

“Answer questions” means that the person on whom the obligation of answering questions is cast shall to the best of his knowledge information and belief truly answer all questions on the subject mentioned that the Comptroller-General or the person named by him shall ask.

“Produce documents” means that the person on whom the obligation to produce documents is cast shall to the best of his power produce to the Comptroller-General or to the person named by him all documents relating to the subject-matter mentioned.

Amendment.

3. Section thirteen of the Principal Act is amended by adding after the words “indictable offence” and within the brackets in sub-section one thereof the words “nor an offence against sections fifteen B, fifteen C, or fifteen E of this Act.”

4. Part II. of the Principal Act is amended by inserting therein after section fifteen the following sections :—

Burden of proof.  
Cf. 1901, No. 6  
s. 255.

“15A. In any prosecution for an offence against sections four, five, seven, eight, or nine of this Act the averments of the prosecutor contained in the information declaration or claim shall be deemed to be proved in the absence of proof to the contrary, but so that—

(a) the averment in the information of intent shall not be deemed sufficient to prove such intent, and

(b) in all proceedings for an indictable offence the guilt of the defendant must be established by evidence.

Power to require persons to answer questions and produce documents.  
Cf. 1901, No. 6  
ss. 38, 231.

“15B. (1.) If the Comptroller-General believes that an offence has been committed against this Part of this Act, or if a complaint has been made in writing to the Comptroller-General that an offence has been committed against this Part of this Act and the Comptroller-General believes that the offence has been committed, he may by writing under his hand require any person whom he believes to be capable of giving any information in relation to the alleged offence to answer questions and to produce documents to him or to some person named by him in relation to the alleged offence.

(2.) No person shall refuse or fail to answer questions or produce documents when required to do so in pursuance of this section.

Penalty : Fifty pounds.

(3.) The Comptroller-General or any person to whom any documents are produced in pursuance of this section may take copies of or extracts from those documents.

(4.) No person shall be excused from answering any questions or producing any documents when required to do so under this section on the ground that the answer to the question or the production of the document might tend to criminate him; but his answer shall not be admissible in evidence against him in any civil or criminal proceeding other than a proceeding for an offence against this Part of this Act.

“15c. (1.) Whenever a complaint on oath has been made in writing to the Comptroller-General that any person or any foreign corporation or any trading or financial corporation formed within the Commonwealth has been guilty of any offence against this Part of this Act, the Comptroller-General, if he believes the complaint to be well founded, may, by writing, require any such person or foreign corporation or trading or financial corporation or any member, officer or agent of any such corporation, to produce and hand over to him or to some person appointed by him in writing all books and documents relating to the subject-matter of the complaint and all books and documents of any kind whatsoever wherein any entry or memorandum appears in any way relating to the subject-matter of the complaint.

Production of documents, &c.  
Cf. 1961, No. 6  
s. 214.

(2.) Every person or foreign corporation, or trading or financial corporation, required by the Comptroller-General as aforesaid to produce to him or to some person appointed by him in writing any books or documents shall forthwith produce and hand over such books or documents accordingly.

Penalty: One hundred pounds.

(3.) The Comptroller-General or any person appointed by him in writing may inspect all books and documents produced in pursuance of this section and may make copies of or extracts from those books or documents.

“15d. The Comptroller-General may impound or retain any book or document produced to him or to any person so appointed by him in pursuance of the preceding section, but the person or corporation otherwise entitled to such book or document shall in lieu thereof be entitled to a copy certified as correct by the Comptroller-General, and such certified copy shall be receivable in all Courts as evidence and of equal validity with the original. And until such certified copy is supplied the Comptroller-General may at such times and places as he shall think proper permit such person, or in the case of a corporation any person appointed for the purpose by the corporation, to inspect and take extracts from the books or documents so impounded or retained.

Comptroller-General may impound documents  
Cf. 1961, No. 6  
s. 215.

“15e. No person shall disclose any information gained by him in the exercise of the powers conferred by the last three preceding sections except—

Information not to be disclosed.

- (a) to the Attorney-General, or some person authorized by him;
- (b) to the Comptroller-General;
- (c) when giving evidence in any proceeding for an offence against this Part of this Act.

Penalty: Fifty pounds.”