

SANCTIONS.

No. 48 of 1935.

An Act relating to the application of Sanctions against Italy.

[Assented to 15th November, 1935.]

BE 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 *Sanctions Act 1935*. Short title.

2. In this Act, unless the contrary intention appears— Definitions.
 - “authorized officer” means an officer appointed by the Minister as an authorized officer for the purposes of this Act ;
 - “during the present war” means during the period commencing on the second day of October, One thousand nine hundred and thirty-five and terminating on a date to be fixed by Proclamation as being the date of the cessation of hostilities between the King of Italy and the Emperor of Abyssinia ;
 - “Italy” includes, in addition to the Kingdom of Italy, the Colonies of Eritrea, Italian Somaliland and Libya, the Italian Concession of Tientsin in China, and the following Dependencies in the Aegean Sea, namely, the Islands of Rhodes (Rhodos), Stampalia (Astrapalia), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), and Cos (Kos) and the islets dependent on those Islands and the Island of Castellorizzo ;
 - “licence” means a licence granted under this Act ;
 - “the Minister” means the Treasurer and includes any Minister or Member of the Executive Council authorized by the Governor-General to exercise or perform any power or function under this Act.

3. The application of this Act, with the exception of so much thereof as relates to the importation and exportation of goods, shall extend to the Territories of Papua, New Guinea and Norfolk Island. Application of Act.

- 4.—(1.) A person, firm or company shall not, during the continuance of this Act, directly or indirectly, except under licence (the proof whereof shall lie upon him or it)— Acts prohibited.
 - (a) lend any sum of money to the government of Italy, or to any public authority, person or corporation in Italy, or to any

public authority, person or corporation in any country for or on behalf of the government of Italy or for or on behalf of any public authority, person or corporation in Italy ;

- (b) pay any sum of money to or for the benefit of the government of Italy or any public authority, person or corporation in Italy ;
- (c) compromise or give security for the payment of any debt or other sum of money with or for the benefit of the government of Italy or any public authority, person or corporation in Italy ;
- (d) act on behalf of the government of Italy or any public authority, person or corporation in Italy in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument ;
- (e) accept, pay, or otherwise deal with, any negotiable instrument which is held by or on behalf of the government of Italy, or any public authority, person or corporation in Italy, unless he has no reasonable ground for believing that the instrument is so held ;
- (f) enter into any new transaction, or complete any transaction already entered into, with the government of Italy or any public authority, person or corporation in Italy, in any stocks, shares, or other securities ; or
- (g) do any other act on behalf or in the interests of the government of Italy, or any public authority, person or corporation in Italy, which is declared, by regulation made under this Act, to be a prohibited act.

Penalty—

- (h) if the offence is prosecuted summarily—a fine not exceeding Two hundred pounds, or imprisonment for any term not exceeding six months, or both ; and
- (i) if the offence is prosecuted upon indictment—a fine of any amount or imprisonment for any term not exceeding three years, or both.

(2.) A licence may be granted by the Minister or an authorized officer for the doing of any act the doing of which would, in the absence of such licence, be a contravention of this Act.

(3.) Any goods or money in relation to which an offence against this section has been committed or which has been used in connexion with any such offence shall be forfeited to the King, and may be seized by any officer of police or person thereto authorized in writing by an authorized officer.

(4.) A corporation guilty of an offence against this section shall be liable to the pecuniary penalties thereby provided, and any director, officer, servant, or agent of a corporation who is knowingly

concerned in the commission of an offence against this section by the corporation shall be deemed to be guilty of the offence and punishable accordingly by fine or imprisonment or both.

(5.) A prosecution for an offence against this section shall not be instituted without the written consent of the Attorney-General.

(6.) This section shall not commence on the date on which this Act receives the Royal assent, but shall commence on such later date as is fixed by Proclamation.

5.—(1.) Where it appears to a Justice of the Peace that an offence has been, or is likely to be, committed by any person, firm or company against the last preceding section, he may, upon information on oath made by an authorized officer, by warrant empower any person named in the warrant—

Power to inspect books, &c.

- (a) to inspect any books or documents belonging to or in the possession or control of the person, firm, or company ; and
- (b) to require any person whom the authorized officer believes to be able to give information or produce books or documents respecting the business or trade of the person, firm, or company to give such information or produce such books or documents ; and
- (c) if accompanied by an officer of police or prescribed officer, to search any premises used or believed by the authorized officer to be used in connexion with such business or trade.

(2.) Where an authorized officer certifies in writing that in relation to any person, firm, or company it is desirable on account of urgency that any or all of the powers contained in paragraphs (a), (b) and (c) of sub-section (1.) of this section should be exercised without prior application to a Justice of the Peace for the issue of a warrant, the authorized officer may, by writing under his hand, empower any person named in the writing to exercise all or any of the powers contained in those paragraphs.

(3.) Any person who obstructs or interferes with any person empowered under sub-section (1.) or sub-section (2.) of this section in the exercise of any power conferred upon him in pursuance of this section, or who refuses or fails to produce any book or document or give any information when required to do so in pursuance of this section, shall be guilty of an offence.

Penalty : Five hundred pounds or imprisonment for one year, or both.

6.—(1.) The Governor-General may, by regulation, during the present war, prohibit the importation or exportation of any goods.

Importation and exportation of goods.

(2.) The power contained in the last preceding sub-section shall extend to authorize the prohibition of the importation or exportation of goods generally, or from or to any specified place, and either absolutely or so as to allow of the importation or exportation of the goods subject to any condition or restriction.

(3.) All goods the importation or exportation of which is prohibited shall be prohibited imports or prohibited exports, as the case may be, within the meaning of the *Customs Act* 1901–1935, to the extent to which the prohibition extends.

(4.) The provisions of the *Customs Act* 1901–1935 relating to the taking of security for compliance with any condition upon which the importation or exportation of any goods is allowed under that Act shall, *mutatis mutandis*, apply in relation to the importation or exportation of any goods allowed under this Act to be imported or exported, as the case may be.

Incriminating
answer or
production of
document.

7. A person shall not, in any proceeding for an offence against this Act, be excused from answering any question or producing any book or document on the ground that the answer or production may criminate or tend to criminate him, but his answer shall not be admissible in evidence against him in any criminal proceeding other than a prosecution for perjury or proceedings under this Act.

Aiding and
abetting.

8. Whoever aids, abets, counsels or procures, or by act or omission is in any way, directly or indirectly, knowingly concerned in or privy to—

- (a) the commission of any offence against this Act ; or
- (b) the doing of any act outside Australia which would, if done within Australia, be an offence against this Act,

shall be deemed to have committed the offence and shall be punishable accordingly.

Suspension of
section 4.

9. The Governor-General may, at any time during the continuance of this Act, declare by Proclamation that it is desirable that, as from and after a date to be specified in the Proclamation, the provisions of section four of this Act should be suspended, and thereupon the provisions of that section shall be suspended until the Proclamation is revoked by the Governor-General, but without prejudice to any liability incurred prior to such suspension or to any penalty imposed for a contravention of the provisions of that section.

Termination
of Act.

10. The Governor-General may at any time, by Proclamation, declare that, in his opinion, the necessity for the continuance of this Act no longer exists, and thereupon this Act shall cease to have any force or effect, but without prejudice to any liability incurred during the operation of the Act or to any penalty imposed under the Act or the regulations.

Regulations.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which 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, and in particular for—

- (a) providing for the establishment of a clearing office for the receipt, custody and payment, in such manner as is specified

in the regulations, of moneys due by persons in Australia or its Territories to persons in Italy, in such cases or classes of cases as are so specified ;

- (b) requiring, in such cases or classes of cases as are specified in the regulations, persons in Australia or its Territories owing moneys to persons in Italy to pay those moneys to the account of a clearing office established in accordance with this Act ;
 - (c) providing for the prohibition or avoidance of contracts for the assignment of debts due by persons in Australia or its Territories to persons in Italy ; and
 - (d) prescribing penalties not exceeding a fine of One hundred pounds or imprisonment for a period not exceeding six months for any offence against the regulations.
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