

## An Act for the prohibition of secret commissions

### 1 Short Title and commencement

This Act may be cited as the Secret Commissions Act 1910, and shall come into operation on 1 January 1911.

### 2 Interpretation

In this Act, unless a contrary intention appears,—

**agent** includes any person who is or has been, or desires or intends to be, employed by or acting for any other person, whether as agent, servant, broker, auctioneer, architect, solicitor, director, or in any other capacity whatever, either alone or jointly with any other person

**child of any agent** includes a child of a spouse or a civil union partner or a de facto partner of an agent and in section 5(2) **child** has a corresponding meaning

**principal** includes any person by whom an agent is or has been, or intends or desires to be, employed, or for whom an agent acts or has acted, or intends or desires to act

**consideration** means valuable consideration of any kind; and particularly includes discounts, commissions, rebates, bonuses, deductions, percentages, employment, payment of money (whether by way of loan, gift, or otherwise howsoever), and forbearance to demand any money or valuable thing.

Section 2 **child of any agent**: inserted, on 7 November 2015, by section 4 of the Secret Commissions Amendment Act 2015 (2015 No 109).



### 3 Gifts to agent without consent of principal an offence

(1) Every person is guilty of an offence who corruptly gives, or agrees or offers to give, to any agent any gift or other consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the principal's affairs or business (whether such act is within the scope of the agent's authority or the course of his employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal's affairs or business.

(2) Any gift or other consideration given or offered or agreed to be given to any parent, husband, wife, civil union partner, de facto partner, or child of any agent, or to his partner, clerk, or servant, or (at the agent's request or suggestion) to any other person, shall be deemed for the purposes of this section to have been given or offered or agreed to be given to the agent.

Section 3(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).