

SOUTH AUSTRALIA

PRICES ACT, 1948

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 12 December 1988.

The Commissioner of Statute Revision is authorized by the Acts Republication Act, 1967, to make textual alterations of various kinds to an Act in preparing it for reprint. These alterations do not affect the substantive law. A report has been prepared containing a comprehensive list of textual alterations made under the Acts Republication Act, 1967, in the preparation of this reprint. Copies of the report are available, on request, from the office of the Commissioner of Statute Revision, 11th Floor, S.G.I.C. Building, Victoria Square, Adelaide.

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PRICES ACT, 1948

being

Prices Act, 1948, No. 2 of 1948 [Assented to 5 August 1948]¹

as amended by

Prices Act Amendment Act, 1949, No. 40 of 1949 [Assented to 24 November 1949];
Prices Act Amendment Act, 1950, No. 7 of 1950 [Assented to 12 October 1950];
Prices Act Amendment Act, 1951, No. 23 of 1951 [Assented to 25 October 1951];
Prices Act Amendment Act, 1952, No. 8 of 1952 [Assented to 9 October 1952];
Prices Act Amendment Act, 1953, No. 31 of 1953 [Assented to 10 December 1953];
Prices Act Amendment Act, 1954, No. 15 of 1954 [Assented to 28 October 1954];
Prices Act Amendment Act, 1955, No. 10 of 1955 [Assented to 29 September 1955];
Prices Act Amendment Act, 1956, No. 21 of 1956 [Assented to 8 November 1956];
Prices Act Amendment Act, 1957, No. 32 of 1957 [Assented to 7 November 1957];
Prices Act Amendment Act, 1958, No. 31 of 1958 [Assented to 13 November 1958];
Prices Act Amendment Act, 1959, No. 43 of 1959 [Assented to 17 December 1959];
Prices Act Amendment Act, 1960, No. 38 of 1960 [Assented to 3 November 1960];
Prices Act Amendment Act, 1961, No. 35 of 1961 [Assented to 9 November 1961];
Prices Act Amendment Act, 1962, No. 39 of 1962 [Assented to 8 November 1962];
Prices Act Amendment Act, 1963, No. 45 of 1963 [Assented to 28 November 1963];
Prices Act Amendment Act, 1964, No. 49 of 1964 [Assented to 30 October 1964];
Prices Act Amendment Act, 1965, No. 57 of 1965 [Assented to 23 December 1965];
Prices Act Amendment Act, 1966, No. 17 of 1966 [Assented to 7 March 1966];
Prices Act Amendment Act (No. 2), 1966, No. 36 of 1966 [Assented to 18 August 1966];
Prices Act Amendment Act, 1967, No. 25 of 1967 [Assented to 3 August 1967];
Licensing Act, 1967, No. 41 of 1967 [Assented to 28 September 1967]²;
Prices Act Amendment Act, 1968, No. 25 of 1968 [Assented to 5 December 1968];
Prices Act Amendment Act, 1969, No. 42 of 1969 [Assented to 13 November 1969];
Prices Act Amendment Act, 1970, No. 40 of 1970 [Assented to 3 December 1970];
Prices Act Amendment Act, 1971, No. 87 of 1971 [Assented to 25 November 1971];
Prices Act Amendment Act, 1972, No. 104 of 1972 [Assented to 16 November 1972];
Prices Act Amendment Act, 1973, No. 36 of 1973 [Assented to 11 October 1973];
Urban Land (Price Control) Act, 1973, No. 64 of 1973 [Assented to 29 November 1973]³;
Prices Act Amendment Act, 1974, No. 102 of 1974 [Assented to 5 December 1974];
Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27 March 1975];
Prices Act Amendment Act, 1975, No. 84 of 1975 [Assented to 13 November 1975];
Prices Act Amendment Act, 1976, No. 62 of 1976 [Assented to 18 November 1976];
Prices Act Amendment Act, 1977, No. 49 of 1977 [Assented to 15 December 1977];
Prices Act Amendment Act, 1978, No. 25 of 1978 [Assented to 30 March 1978];
Prices Act Amendment Act (No. 2), 1978, No. 115 of 1978 [Assented to 7 December 1978];
Prices Act Amendment Act, 1980, No. 14 of 1980 [Assented to 17 April 1980];
Prices Act Amendment Act (No. 2), 1980, No. 65 of 1980 [Assented to 13 November 1980]⁴;

¹ Came into operation 20 September 1948: *Gaz.* 16 September 1948, p. 1067.

² Came into operation 28 September 1967: *Gaz.* 28 September 1967, p. 1485.

³ Came into operation 29 November 1973: *Gaz.* 29 November 1973, p. 3056.

⁴ Came into operation 1 January 1981: *Gaz.* 11 December 1980, p. 2121.

Prices Act Amendment Act (No. 3), 1980, No. 98 of 1980 [Assented to 18 December 1980]¹;
Prices Act Amendment Act (No. 4), 1980, No. 99 of 1980 [Assented to 18 December 1980];
Prices Act Amendment Act, 1981, No. 81 of 1981 [Assented to 26 November 1981];
Companies (Consequential Amendments) Act, 1982, No. 29 of 1982 [Assented to 25 March 1982]²;
Licensing Act Amendment Act, 1982, No. 36 of 1982 [Assented to 15 April 1982]³;
Prices Act Amendment Act, 1982, No. 39 of 1982 [Assented to 22 April 1982];
Prices Act Amendment Act, 1983, No. 86 of 1983 [Assented to 1 December 1983];
Prices Act Amendment Act, 1984, No. 61 of 1984 [Assented to 13 September 1984];
Prices Act Amendment Act (No. 2), 1984, No. 103 of 1984 [Assented to 20 December 1984];
Prices Act Amendment Act, 1985, No. 18 of 1985 [Assented to 14 March 1985];
Statutes Amendment (Fair Trading) Act, 1987, No. 43 of 1987 [Assented to 30 April 1987]⁴.

NOTE: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

¹ Came into operation 31 January 1981: *Gaz.* 29 January 1981, p. 258.

² Came into operation (except ss. 9, 14, 18 and 19) 1 July 1982, being the day on which the Companies (Application of Laws) Act, 1982, came into operation: *Gaz.* 1 July 1982, p. 2: s. 2(1); ss. 9, 14 and 18 came into operation 1 July 1981, being the day on which the National Companies and Securities Commission (State Provisions) Act, 1981, came into operation: *Gaz.* 25 June 1981, p. 1901: s. 2(2); s. 19 came into operation 1 October 1981: s. 2(3).

³ Came into operation 15 April 1982: *Gaz.* 15 April 1982, p. 1299.

⁴ Came into operation 26 October 1987: *Gaz.* 24 September 1987, p. 940.

An Act relating to the control of prices; and for other purposes.

The Parliament of South Australia enacts as follows:

Short title

- 1. This Act may be cited as the *Prices Act, 1948*.

* * * * *

Interpretation

- 3. (1) In this Act, unless the contrary intention appears—

* * * * *

“authorized officer” means a person who is an authorized officer under section 6:

“the Commissioner” means the Commissioner for Prices:

“committee” means a prices committee appointed under this Act:

* * * * *

“declared goods” means any goods, which are, pursuant to a proclamation for the time being in force under this Act, declared goods:

“declared service” means any service which is, pursuant to a proclamation for the time being in force under this Act, a declared service:

“grapes” includes grape crushings:

“land” includes any estate or interest in land:

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“price” includes the value of any non-pecuniary consideration (whether direct or indirect):

“purchase” includes taking on hire or lease; and “purchaser” has a corresponding meaning:

* * * * *

“retail” connotes a sale for the purpose of consumption or use:

“service” means a service supplied on a commercial basis, and includes—

- (a) any such service available from the Crown or a statutory authority (including transport and the supply of water, gas or electricity);

and

- (b) a right to a service:

* * * * *

“to sell” includes to offer for sale:

“to supply” includes to offer to supply:

“wholesale” connotes a sale for the purpose of resale.

- (2) For the purposes of this Act, a person offers goods for sale if that person—
- (a) publishes a price for the goods in a price list;
 - (b) exposes the goods for sale, or apparently for sale, in a shop or elsewhere;
 - (c) quotes a price for the sale of the goods;
- or
- (d) otherwise suggests or implies that the goods are for sale.
- (3) For the purposes of this Act, a price may be expressed as a rate.
- (4) Nothing in this Act authorizes regulation or control of the price for which an employee provides a service for an employer.
- (5) For the purposes of this Act, any arrangement under which grapes are supplied to a wine maker or distiller of brandy for processing and the product derived from the processing is sold on behalf of the supplier will be taken to be a contract for the sale of the grapes to the wine maker or distiller by the supplier for a price equal to the net value of the consideration received or to be received by the supplier under the arrangement.
- (6) For the purposes of this Act, a reference to a wine maker or distiller of brandy includes a reference to—
- (a) an agent of a wine maker or distiller of brandy;
 - (b) a person who purchases grapes for the purpose of selling them or supplying them directly or indirectly to a wine maker or distiller of brandy;
- or
- (c) a person who purchases grapes for processing by a wine maker or distiller of brandy.

Administration

Commissioner for Prices

4. (1) The office of Commissioner for Prices is established.
- (2) The Commissioner will be a person employed in the Public Service of the State.

Administration of this Act

5. (1) The Commissioner has the administration of this Act.
- (2) In the administration of this Act, the Commissioner is subject to direction by the Minister.

Authorized officers

6. (1) The following persons are authorized officers for the purposes of this Act:
- (a) the Commissioner;
- and
- (b) any person appointed under subsection (2).
- (2) The Minister may, on the recommendation of the Commissioner, appoint persons employed in the Public Service of the State to be authorized officers for the purposes of this Act.

Delegations

7. (1) The Commissioner may delegate to a person employed in the Public Service of the State or, with the Minister's consent, to a person not so employed any of the Commissioner's powers under this Act or any other Act.
- (2) The Minister may delegate any of the Minister's powers under this Act.

(3) A delegation under this section—

- (a) must be in writing;
 - (b) may be made subject to such conditions as the delegator thinks fit;
 - (c) if made to the holder of a specified office or position, empowers any person for the time being holding or acting in that position to exercise the delegated powers;
 - (d) is revocable at will;
- and
- (e) does not prevent the delegator from acting personally in any matter.

(4) In any proceedings, an apparently genuine certificate purporting to be signed by the Minister or the Commissioner (as the case requires) containing particulars of a delegation under this section will, in the absence of proof to the contrary, be accepted as proof of the particulars.

Secrecy

8. A person must not divulge or communicate information acquired by reason of being, or having been, employed or engaged in, or in connection with, the administration of this Act, except—

- (a) with the consent of the person to whom the information relates;
 - (b) in connection with the administration of this Act;
 - (c) to a member of the police force of this State or of the Commonwealth or another State or a Territory of the Commonwealth;
 - (d) to a person concerned in the administration of another law of the State, or a law of the Commonwealth or another State or a Territory of the Commonwealth relating to the control of prices;
- or
- (e) for the purposes of legal proceedings.

Penalty: \$10 000.

Obtaining of information

9. (1) For the purposes of this Act, an authorized officer may require any person—

- (a) to answer any questions, orally or in writing;
 - (b) to verify the answer to a question by statutory declaration;
- or
- (c) to produce books or documents.

(2) A person must not—

- (a) refuse or fail to comply with a reasonable requirement made under this section;
- or
- (b) give, in response to a question put under this section, an answer that is false in a material particular.

Penalty: \$10 000.

(3) A person is not required to answer a question or to produce a book or document if the answer or the production of the book or document would result in or tend towards self-incrimination.

Entry and inspection

10. (1) For the purposes of this Act, an authorized officer may at any reasonable time—

- (a) enter and search any premises or land;
 - (b) make any inspection, conduct any test and take any samples;
- and
- (c) take any books or documents.

(2) Where an authorized officer takes any book or document under this section, the officer—

- (a) may retain the book or document—
 - (i) for so long as is necessary to enable it to be inspected and copies of, or extracts from, it to be made or taken;
- and
- (ii) if the book or document is required for legal proceedings, until the conclusion of those proceedings;

and

- (b) while any such book or document is in the officer's possession, must permit the person entitled to it to inspect it at any reasonable time and must, on request, furnish to that person a copy of the book or document certified as a true copy by the Commissioner.

(3) In any proceedings an apparently genuine copy of any book or document, taken by an authorized officer pursuant to this Act, certified by the Commissioner to be a true copy of the original is proof of the existence of the original and its contents.

(4) The powers conferred by subsection (1) must be exercised so as to avoid any unnecessary disruption of, or interference with, the conduct of business or performance of work.

(5) An authorized officer must produce to the person (if any) affording the officer entry to premises or land under this section a certificate of authority issued to the authorized officer by the Commissioner.

Hindering authorized officer

11. A person must not hinder an authorized officer who is acting in the exercise of powers conferred by this Act or any other Act.

Personating authorized officer

11a. A person must not falsely represent, by words or conduct, that he or she is an authorized officer.

Accounts and records in relation to declared goods and services

12. (1) A person who sells declared goods in the course of a business must keep—

- (a) proper accounts of—
 - (i) the costs of producing or acquiring the goods for sale;
- and
- (ii) the price at which the goods are sold;
- (b) any accounts or records required by the regulations;

and

(c) such other accounts and records as the Commissioner may require.

(2) A person who supplies declared services in the course of a business must keep—

(a) proper accounts of—

(i) the costs incurred in providing the services;

and

(ii) the price at which the services are supplied;

(b) any accounts or records required by the regulations;

and

(c) such other accounts and records as the Commissioner may require.

(3) The Commissioner may, by notice in writing, require a person, who sells declared goods or supplies declared services in the course of a business, to keep such accounts and records as are specified in the notice.

(4) Accounts and records required to be kept under this section must be kept until the Commissioner authorizes their destruction.

Prices committees

13. (1) The Governor may appoint prices committees for purposes of this Act.

(2) The Governor must by the minute of appointment of a committee specify the classes of goods or services, or goods and services, in respect of which the committee has power to make recommendations.

(3) The Governor may, by notice in the *Gazette*, vary the classes of goods or services, or goods and services, in respect of which a committee has power to make recommendations.

Members of price committee

14. A committee consists of—

(a) a chairman nominated by the Minister;

(b) one or more members nominated by the Minister to represent sellers of goods or providers of services in respect of which the committee has power to make recommendations;

and

(c) one or more members nominated by the Minister to represent consumers of the goods or users of the services in respect of which the committee has power to make recommendations.

Period and conditions of appointment of committee

15. (1) A member of a committee holds office for such term of office, and on such conditions, as are determined by the Governor.

(2) The Governor may dismiss a member of a committee for—

(a) neglect of duty;

(b) dishonesty;

or

(c) incapacity to perform official duties satisfactorily.

Duty of committees

16. A committee must make recommendations to the Minister upon such matters arising under this Act as are referred to the committee by the Minister.

Quorum and majority decision

17. (1) A majority of the members of a committee constitutes a quorum for the transaction of business.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of a committee is a decision of the committee.

(3) Each member present at a meeting of a committee is entitled to one vote on a question before the committee and in the event of an equality of votes the chairman has an additional casting vote.

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Declared Goods and Services

Power to declare goods and services

19. The Governor may, by proclamation—

- (a) declare goods of a specified kind to be declared goods;
- (b) declare services of a specified kind to be declared services;
- (c) vary or revoke a declaration previously made under this section.

Fixing of Prices of Goods and Services

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Determination of maximum prices

21. (1) The Minister may, by order, fix and declare maximum prices in relation to the sale of declared goods.

(2) An order under this section—

- (a) may fix differential maximum prices that vary according to factors specified in the order;
 - (b) may apply to sales generally or to specified classes of sales;
- and
- (c) may apply throughout the State or in specified parts of the State.

(3) The Minister may, in an order under this section, declare that the order is subject to conditions specified in the order, and any such declaration has effect in accordance with its terms.

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Price to include wrapping

22. Every maximum price fixed by or under this Act includes the cost of wrapping the goods to which that price applies.

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Determination of minimum prices for grapes

22a. (1) The Minister may, by order, fix and declare the minimum price at which grapes may be sold or supplied to a wine maker or distiller of brandy.

(2) An order under this section—

(a) may fix differential minimum prices that vary according to factors specified in the order;

(b) may apply to transactions generally or to specified classes of transactions;
and

(c) may apply throughout the State or in specified parts of the State.

(2a) The Minister may, in an order under this section, declare that the order is subject to conditions specified in the order, and any such declaration has effect in accordance with its terms.

(3) An order made in pursuance of this section must be published in the *Gazette* or served on the persons bound by it.

(4) The following terms and conditions are implied in every contract for the sale or supply of grapes to which a person bound by an order under this section is, in that capacity, a party:

(a) a condition that the vendor is entitled in respect of the sale or supply of the grapes—

(i) to a consideration equal to the consideration stipulated in the relevant order;

or

(ii) to the consideration fixed in the contract,

whichever is the greater;

and

(b) such terms and conditions as are determined by the Minister relating to the time within which the consideration must be paid and to payments to be made by the purchaser to the vendor in default of payment within that time.

(5) In determining the terms and conditions referred to in subsection (4)(b) the Minister must not differentiate between purchasers.

(6) A person cannot waive the rights conferred by subsection (4).

(7) Subject to this section, a wine maker or a distiller of brandy must not accept delivery of grapes under a contract referred to in subsection (4) or from a related purchaser who acquired the grapes under any such contract unless—

(a) all amounts that have previously fallen due for payment by the wine maker or distiller or any related purchaser under contracts of the kind referred to in subsection (4) have been paid in full;

or

(b) the wine maker or distiller has been granted an exemption under subsection (9).

Penalty: \$5 000.

(8) Where a wine maker or a distiller of brandy is, by virtue of subsection (7), prohibited from accepting delivery of grapes under a contract referred to in subsection (4), that contract is voidable at the option of the other party to the contract.

(9) The Minister may, by notice in writing, exempt a wine maker or distiller of brandy from compliance with subsection (7) subject to such conditions, if any, as the Minister specifies in the notice.

(10) The Minister may, by notice in writing, revoke an exemption granted under subsection (9) or vary or revoke any conditions to which any such exemption is subject.

(11) A wine maker granted an exemption under subsection (9) must not breach or fail to comply with any condition to which the exemption is subject.

Penalty: \$5 000.

(12) Subsection (7)—

(a) applies in relation to any grapes delivered on or after the commencement of the *Prices Act Amendment Act (No. 3), 1980*, whether the contract referred to in that subsection was entered into before or after that commencement;

(b) does not apply in relation to any amount that has fallen due for payment and has not been paid in full by a wine maker, distiller of brandy or related purchaser by reason of insolvency.

(13) In this section—

“related purchaser”, in relation to a wine maker or distiller of brandy, means a person who purchases grapes under a contract referred to in subsection (4) where—

(a) the person purchases the grapes as the agent of the wine maker or distiller;

(b) the person purchases the grapes for the purpose of selling them or supplying them directly or indirectly to the wine maker or distiller;

(c) the person purchases the grapes for processing by the wine maker or distiller;
or

(d) the person and the wine maker or distiller are bodies corporate that are related for the purposes of this section.

(14) A body corporate is related to another body corporate for the purposes of this section if—

(a) the bodies corporate are related for the purposes of the *Companies (South Australia) Code*;

or

(b) the same person has a relevant interest in not less than 20 per cent of the voting shares in each body corporate.

(15) For the purposes of subsection (14)—

(a) a person has a relevant interest in voting shares in a body corporate if that person has a relevant interest in the shares for the purposes of the *Companies (Acquisition of Shares) (South Australia) Code*;

and

(b) the expression “voting share” has the meaning assigned to it by the *Companies (South Australia) Code*.

Sales and suppliers below minimum price

22b. (1) A person must not sell or supply to a wine maker or distiller of brandy any grapes at a lower price than the minimum price fixed pursuant to this Act in relation to those grapes.

Penalty: \$5 000.

(2) A wine maker or distiller of brandy must not buy or obtain or offer to buy or obtain any grapes at a lower price than the minimum price fixed pursuant to this Act in relation to those grapes.

Penalty: \$5 000.

(3) In addition to any other penalty which may be imposed for a breach of subsection (2), the court may order the defendant to pay to the seller the difference between the price at which the grapes were sold and the minimum price fixed pursuant to this Act.

(4) A certificate by the Commissioner specifying the difference between the price at which grapes were sold or supplied and the minimum price so fixed in relation to grapes is, for the purposes of this section, *prima facie* evidence of the matters stated in the certificate.

(5) For the purposes of this section, a person is vicariously liable for the act of an agent or employee unless it is proved that the person could not, by the exercise of reasonable diligence, have prevented that act.

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Variation of agreements

22c. Where the minimum price fixed pursuant to this Act for grapes is greater than the price fixed by an agreement for the sale or supply of such grapes, that agreement is varied by the substitution of that minimum price for the price otherwise payable under the agreement.

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Offering to pay prices below minimum

22d. A wine maker or distiller of brandy must not knowingly—

- (a) pay or offer to pay;
 - (b) hold himself or herself out as being willing to pay or offer to pay or as being willing or able to get another person to pay;
- or
- (c) offer to act in connection with paying,

for any grapes a lower price, whether by way of allowance or otherwise, than the minimum price fixed pursuant to this Act for the sale of those grapes.

Penalty: \$5 000.

Minimum price provisions do not apply to certain sales

22e. Sections 22a, 22b, 22c and 22d do not apply in relation to the sale of grapes by a member of a registered co-operative to the co-operative.

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Determination of maximum rates in relation to supply of services

24. (1) The Minister may, by order, fix and declare the maximum price at which any declared service may be supplied.

(2) An order under this section—

- (a) may fix differential maximum prices that vary according to factors specified in the order;

(b) may apply to transactions generally or to specified classes of transactions;

and

(c) may apply throughout the State or in specified parts of the State.

(3) The Minister may, in an order under this section, declare that the order is subject to conditions specified in the order, and any such declaration has effect in accordance with its terms.

Sales and supplies at prices above fixed maximum

25. (1) A person must not sell any declared goods or supply any declared services at a price greater than the maximum price fixed under this Act in relation to those goods or services.

(2) Where a court finds a defendant guilty of an offence against subsection (1), it may (in addition to any penalty imposed by the court) order the defendant to repay the difference between the price actually received, and the maximum price that could lawfully have been charged, for the goods or services.

(3) For the purposes of this section, a person is vicariously liable for the act of an agent or employee unless it is proved that the person could not, by the exercise of reasonable diligence, have prevented that act.

Variation of agreements

26. Where the maximum price fixed pursuant to this Act for any goods or services is less than the price fixed by any agreement for the sale or supply of such goods or services, that agreement is, in relation to goods or services sold or supplied while that maximum price is in force, varied by the substitution of that maximum price for the price otherwise payable under the agreement.

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Maximum prices not to be evaded by use of intermediaries

27. (1) Where the maximum wholesale price of goods of a particular class is fixed by an order under this Act, a wholesaler who is not subject to the order but who purchases goods of that class from a wholesaler who is subject to the order must not, without the consent of the Minister, re-sell the goods by wholesale at a price greater than the maximum permitted by the order.

(2) Where the maximum retail price of goods of a particular class is fixed by an order under this Act, a person who is not subject to the order but who purchases goods of that class from a person who is subject to the order must not, without the consent of the Minister, re-sell the goods by retail at a price greater than the maximum permitted by the order.

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Refusal, etc., to sell at fixed prices

29. (1) A person who has declared goods for sale in respect of which a maximum price has been fixed under this Act, must not refuse or fail on—

(a) demand for any quantity of the declared goods;

and

(b) tender of payment at the price so fixed for the quantity demanded,

to supply the declared goods in the quantity demanded.

(2) In any prosecution under this section, it is a sufficient defence to show that, on the occasion in question—

- (a) the defendant supplied a reasonable quantity of the declared goods;
- (b) after making reasonable provision for private consumption or use, for satisfying subsisting contractual obligations and for ordinary business requirements, the defendant did not have a sufficient quantity of the declared goods to supply the quantity demanded;
- (c) the defendant was a wholesale trader in the declared goods and the person who demanded the goods was not a person who would normally be entitled to the supply of the goods on a wholesale basis;

or

- (d) the defendant was acting in accordance with a practice for the time being approved by the Minister.

(3) For the purpose of determining what is a reasonable quantity of declared goods within the meaning of this section, all the circumstances of the case will be taken into consideration, including the question whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a retail trader in the declared goods demanded (either alone or with other goods).

Alteration of container size

30. Where declared goods are to be offered for sale in a package or container, a person must not, without the written consent of the Minister, alter the size of the package or container prior to the retail sale of the goods.

Offering to pay prices or rates above the maximum

31. A person must not knowingly—

- (a) pay or offer to pay;
- (b) hold himself or herself out as being willing to pay or offer to pay or as being willing or able to get another person to pay;

or

- (c) offer to act in connection with paying,

for any declared goods or declared services a greater price than the maximum price fixed by or under this Act for the sale of those goods or the supply of that service.

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General

Application of proclamations and notices

43. (1) Any proclamation, order or notice authorized to be made or given under this Act may be made or given so as to apply, to—

- (a) persons generally;
- (b) all or any persons of a particular class;

- (c) in the case of a proclamation or order, any person to whom a notice is given in pursuance of the proclamation or order;
 - (d) all or any persons in any area;
 - (e) any particular person;
 - (f) the sale of goods or supply of services to a particular person by a particular person;
 - (g) goods or services generally;
 - (h) any class of goods or any class of services;
 - (i) all or any goods or services in any area;
- or
- (j) specific goods or a specific service.

(2) Every order fixing maximum or minimum prices must be published in the *Gazette* or served on the persons bound by it.

Commencement of proclamations and orders

44. A proclamation or order under this Act comes into operation on the date of its publication in the *Gazette* or on a later date specified in the proclamation or order.

Variation of proclamations

45. The Governor may vary or revoke any proclamation for the time being in force under this Act.

Knowledge of offences

46. In a charge for an offence of selling goods at a price greater than that fixed by or under this Act, it is not necessary for the prosecution to prove that the defendant knew the price so fixed and it is not a defence to prove that the defendant did not know that price.

Proof of fixing of prices

47. A certificate signed by the Commissioner stating—

- (a) that a particular price was fixed under this Act in relation to declared goods or declared services;
- and
- (b) that the price was in force on a specified day,

is proof, in the absence of proof to the contrary, of the facts stated.

Service of notices

47a. A notice required or permitted to be given or served under this Act may be given or served personally or by post.

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Destroying and hiding documents, etc.

49. A person who, with intent to evade any provision of this Act, destroys, mutilates, defaces, hides or removes any book, document or other paper is guilty of an offence against this Act.

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Offences

50. (1) A person who contravenes, or fails to comply with, a provision of this Act is guilty of a summary offence.

(2) A person who is guilty of an offence against this Act is, where no other penalty is prescribed, liable to a penalty not exceeding \$2 000 or imprisonment for 6 months.

Commencement of prosecutions

50a. (1) Proceedings for an offence against this Act must be commenced within 12 months after the date on which the offence is alleged to have been committed.

(2) Proceedings for an offence against this Act cannot be commenced except by—

(a) an authorized officer;

or

(b) a person authorized by the Minister to commence the proceedings.

(3) An apparently genuine document purporting to be a certificate of the Minister certifying that he or she has authorized a person named in the certificate to commence proceedings for an offence against this Act will be accepted, in the absence of proof to the contrary, as proof of that authorization.

Regulations

51. (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

(a) require the prices of specified declared goods to be marked or otherwise displayed;

(b) prohibit any transaction or arrangement under which financial relief or compensation is directly or indirectly given or received in respect of bread that, having been supplied for sale by retail, is not sold by retail;

and

(c) provide for and prescribe penalties not exceeding \$500 for breach of any regulation.

(3) A regulation may be of general or limited application.

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APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of The Public General Acts of South Australia 1837-1975 at page 569.

Long title:	amended by 43, 1987, s. 4
Section 2:	repealed by 43, 1987, Sched.
Section 3(1):	amended by 43, 1987, Sched. definition of "authorized officer" substituted by 43, 1987, s. 5(a) definition of "consumer" amended by 62, 1976, s. 2(a); substituted by 49, 1977, s. 2; 115, 1978, s. 2(a); repealed by 43, 1987, s. 5(b) definition of "the Commissioner" amended by 62, 1976, s. 2(b); substituted by 43, 1987, s. 5(c) definition of "grapes" transferred from s. 22aa(1) by 43, 1987, Sched. definition of "land" inserted by 115, 1978, s. 2(b) definition of "landed cost" repealed by 43, 1987, Sched. definition of "price" substituted by 43, 1987, Sched. definition of "purchase" inserted by 115, 1978, s. 2(c) definition of "rate" repealed by 43, 1987, Sched. definition of "retail" substituted by 43, 1987, Sched. definition of "service" substituted by 43, 1987, Sched. definition of "the Minister" repealed by 43, 1987, Sched. definition of "to sell" inserted by 43, 1987, Sched. definition of "to supply" inserted by 43, 1987, Sched. definition of "wholesale" substituted by 43, 1987, Sched. substituted by 62, 1976, s. 2(c); repealed by 43, 1987, s. 5(d); inserted by 43, 1987, Sched. substituted by 43, 1987, Sched.
Section 3(2):	inserted by 43, 1987, Sched.
Section 3(3):	transferred from s. 22aa by 43, 1987, Sched.
Section 3(4):	amended by 62, 1976, s. 3; 39, 1982, s. 2; substituted by 43, 1987, s. 6
Section 3(5) and (6):	amended by 49, 1977, s. 3; 39, 1982, s. 3; substituted by 43, 1987, s. 6
Section 4:	inserted by 43, 1987, s. 6
Section 5:	amended by 103, 1984, s. 2; substituted by 43, 1987, s. 6
Section 6:	substituted by 43, 1987, s. 6
Section 7:	substituted by 115, 1978, s. 3
Sections 8 - 10:	inserted by 49, 1977, s. 4; amended by 43, 1987, Sched.
Section 11:	substituted by 43, 1987, Sched.
Section 11a:	amended by 43, 1987, Sched.
Section 12:	substituted by 43, 1987, Sched.
Section 13(1) and (2):	amended by 43, 1987, Sched.
Section 15:	substituted by 43, 1987, Sched.
Section 17(2) and (3):	substituted by 43, 1987, Sched.
Heading preceding section 18a:	repealed by 43, 1987, s. 7
Section 18a:	amended by 62, 1976, s. 4; 49, 1977, s. 5; 25, 1978, s. 2; 115, 1978, s. 4; 103, 1984, s. 3; repealed by 43, 1987, s. 7
Section 18b:	amended by 115, 1978, s. 5; 65, 1980, s. 3; repealed by 43, 1987, s. 7
Section 19:	substituted by 43, 1987, Sched.
Section 21:	substituted by 99, 1980, s. 2
Section 21a:	repealed by 43, 1987, Sched.
Section 22:	amended by 43, 1987, Sched.
Section 22aa:	inserted by 14, 1980, s. 2
Section 22aa(1):	repealed by 43, 1987, Sched.
Section 22aa(2) and (3):	transferred to s. 3 to read as subsections (5) and (6) of that section by 43, 1987, Sched.
Section 22a(2):	substituted by 39, 1982, s. 4
Section 22a(2a):	inserted by 39, 1982, s. 4
Section 22a(4):	inserted by 62, 1976, s. 5; amended by 43, 1987, Sched.
Section 22a(5) and (6):	inserted by 62, 1976, s. 5
Section 22a(7):	inserted by 98, 1980, s. 3; amended by 86, 1983, s. 2
Section 22a(8) - (10):	inserted by 98, 1980, s. 3
Section 22a(11):	inserted by 98, 1980, s. 3; amended by 86, 1983, s. 2
Section 22a(12) and (13):	inserted by 98, 1980, s. 3
Section 22a(14) and (15):	inserted by 98, 1980, s. 3; amended by 29, 1982, s. 25 (1st Sched.)
Section 22b(1) and (2):	amended by 62, 1976, s. 6; 86, 1983, s. 3
Section 22b(3):	amended by 43, 1987, Sched.
Section 22b(5):	substituted by 43, 1987, Sched.
Section 22b(6):	repealed by 43, 1987, Sched.
Section 22c(2):	repealed by 43, 1987, Sched.
Section 22d:	amended by 62, 1976, s. 7; 86, 1983, s. 4
Section 22e:	substituted by 43, 1987, Sched.
Section 22f:	repealed by 36, 1982, s. 34(1)
Section 24(1):	amended by 39, 1982, s. 5(a); 43, 1987, Sched.
Section 24(2):	substituted by 39, 1982, s. 5(b); amended by 43, 1987, Sched.
Section 24(3):	inserted by 39, 1982, s. 5(b)
Section 25:	substituted by 43, 1987, Sched.
Section 26(1):	amended by 43, 1987, Sched.
Section 26(2):	repealed by 43, 1987, Sched.
Section 27:	substituted by 43, 1987, Sched.
Section 28:	repealed by 43, 1987, Sched.
Section 29(1) and (2):	amended by 43, 1987, Sched.
Section 30:	substituted by 43, 1987, Sched.
Section 31:	amended by 43, 1987, Sched.
Section 32:	repealed by 43, 1987, s. 8
Section 33:	repealed by 43, 1987, Sched.

Heading preceding	
section 33a:	repealed by 43, 1987, s. 9
Sections 33a - 33e:	repealed by 43, 1987, s. 9
Section 43(1) and (2):	amended by 43, 1987, Sched.
Section 44:	substituted by 43, 1987, Sched.
Section 46:	amended by 43, 1987, Sched.
Sections 47 and 47a:	substituted by 43, 1987, Sched.
Section 48:	repealed by 43, 1987, Sched.
Section 49a:	amended by 115, 1978, s. 6; repealed by 43, 1987, s. 10
Section 50:	amended by 86, 1983, s. 5; 18, 1985, s. 2; substituted by 43, 1987, Sched.
Section 50a:	inserted by 86, 1983, s. 6
Section 51:	substituted by 18, 1985, s. 3
Section 51(3):	inserted by 43, 1987, Sched.
Section 52:	repealed by 43, 1987, Sched.
Section 53:	amended by 62, 1976, s. 8; 49, 1977, s. 6; 115, 1978, s. 7; 81, 1981, s. 2; repealed by 61, 1984, s. 2
Schedule:	repealed by 43, 1987, s. 11