

SALE OF FURNITURE ACT, 1904-1975**SUMMARY OF PROVISIONS**

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SALE OF FURNITURE ACT, 1904-1975

being

Sale of Furniture Act, 1904, No. 856 of 1904 [Assented to 24th November, 1904];

as amended by

Statute Law Revision Act, 1935, No. 2246 of 1935 [Assented to 19th December, 1935];

Sale of Furniture Act Amendment Act, 1961, No. 10 of 1961 [Assented to 19th October, 1961];

and

Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27th March, 1975].

An Act relating to the sale of furniture, and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Sale of Furniture Act, 1904-1975".

Short title.
Citation
amended by 24,
1975, s. 3(1)
(2nd Sched.).

2. For the purposes of this Act "furniture" shall mean furniture, together with the manufactured pieces, parts, or portions of furniture, imported, manufactured, or prepared, for the purposes of trade, and of which wood forms a part, and is such as is usually made by cabinetmakers, chairmakers, couchmakers, upholsterers, woodcarvers, or turners.

Definition of
"furniture".

3. No person shall remove, erase from, alter or add to, or attempt to remove, erase from, alter, or add to any stamp, stain, brand, label, or impression being in or upon any furniture made in or imported into South Australia.

Offence of
altering or
effacing stamp
on furniture.
S. 3 amended by
10, 1961, s. 3¹.

4. The Minister may appoint inspectors, who shall have authority to enter at all reasonable times any warehouse or other place in which any furniture is stored or kept for the purpose of trade, and to inspect and examine all such furniture, and to question the owner or importer with respect to matters under this Act.

Powers of
inspectors.
S. 4 amended by
24, 1975, s. 3 (1)
(2nd Sched.).

5. (1) All furniture manufactured or prepared, either wholly or partly for sale, in South Australia, shall, before being sent out of or removed from the building, premises, or place in which it is so manufactured or prepared, be stamped with the name of the manufacturer in an indelible permanent ink or stain or impression or have permanently affixed thereto a label bearing the name of the manufacturer in an indelible permanent ink or stain.

All furniture to
be stamped.
S. 5 amended by
10, 1961,
s. 4 (a)¹;
redesignated
s. 5 (1) by 10,
1961, s. 4 (b)¹.

(2) A person shall not sell any furniture which is either not stamped in an indelible permanent ink or stain or impression with, or does not bear a label

Subsec. (2)
inserted by 10,
1961, s. 4 (b)¹.

¹ S. 10 of Act No. 10 of 1961 provides as follows:—

10. The amendments effected by this Act shall not apply in respect of any furniture imported into the State prior to the commencement of this Act.

permanently affixed thereto bearing in an indelible permanent ink or stain, the name of the manufacturer and the name of the State of the Commonwealth of Australia or of the country of origin thereof (as the case may be): Provided that this subsection shall not apply in respect of any furniture sold otherwise than in the course of trade or in respect of any secondhand furniture.

In this subsection the verb "sell" includes sell, barter, exchange, agree to sell, barter or exchange, offer, expose, send, consign or deliver for or on sale, and cause or suffer or attempt to do any of such acts or things.

Place for stamp.
S. 6 substituted by 10, 1961, s. 5¹.

6. (1) The stamp or label shall be stamped or affixed in a prominent place on each article but not necessarily on the face of the article or in such a way as to disfigure the same.

(2) The particulars prescribed by section 5 of this Act shall be in the English language in clearly legible characters.

Power to seize.
S. 7 amended by 10, 1961, s. 6¹.

7. If on any such inspection the inspector shall have reasonable grounds for suspecting that the provisions of section 3 of this Act have been broken he may seize any such furniture and remove and detain the same for the purpose of any proceedings and until such proceedings are disposed of. Unless such proceedings be taken within seven days of such seizure the furniture so seized shall be returned to the person from whom it was taken.

Production of invoices, &c.

8. The importer or purchaser of any furniture shall, on demand, produce to any inspector appointed as aforesaid every invoice, receipt, paper, or writing having reference in any manner to any furniture imported by such importer or purchaser from any of the States of the Commonwealth of Australia.

Obstructing inspector.
S. 8a enacted by 10, 1961, s. 7¹.

8a. Any person who—

(a) obstructs or hinders any inspector in the exercise of any of the powers conferred or the discharge of any of the duties imposed by this Act upon an inspector; or

(b) without lawful excuse refuses to answer or fails to answer truly any question put to him by an inspector in the exercise of his powers under this Act;

shall be guilty of an offence.

Penalty for breach.
S. 9 amended by 10, 1961, s. 8¹; 24, 1975, s. 3 (1) (2nd Sched.).

9. Any person who commits any breach of this Act shall be liable for each offence to a penalty not exceeding fifty dollars.

Protection to inspector.
S. 9a enacted by 10, 1961, s. 9¹.

9a. No inspector shall be liable, except in respect of any wilful neglect or default, to any legal proceedings for anything done in pursuance of this Act.

Proceedings for penalties.
S. 10 amended by 2246, 1935, s. 4 (2nd Sched.).

10. All proceedings in respect of offences against this Act shall be disposed of summarily.

Ss. 11, 12 repealed by 2246, 1935, s. 4 (2nd Sched.).

* * * * *

¹ S. 10 of Act No. 10 of 1961 provides as follows:—

10. The amendments effected by this Act shall not apply in respect of any furniture imported into the State prior to the commencement of this Act.

13. This Act shall come into force on the first day of January, 1905¹, and shall not apply to furniture made in or imported into this State prior to the passing of this Act.

Date of
operation and
application of
Act.

¹ Reference to the year one thousand nine hundred and five altered to 1905 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.