



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 98 of 1980

An Act to amend the Prices Act, 1948-1980.

[Assented to 18 December 1980]

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

Short titles.

1. (1) This Act may be cited as the "Prices Act Amendment Act (No. 3), 1980".
- (2) The Prices Act, 1948-1980, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Prices Act, 1948-1980".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
s. 22a—
Determination
of minimum
prices for
grapes.

3. Section 22a of the principal Act is amended by inserting after subsection (6) the following subsections:

(7) Subject to this section, a wine maker or a distiller of brandy shall not accept delivery of any 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 of brandy 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 of brandy has been granted an exemption under subsection (9).

Penalty: Not less than five hundred dollars nor more than two thousand dollars.

(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 shall be 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 he may specify 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) shall not breach or fail to comply with any condition to which the exemption is subject.

Penalty: Not less than five hundred dollars nor more than two thousand dollars.

(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 Act, 1962-1980;

or

- (b) the same person has a relevant interest in not less than twenty per centum 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 he has a relevant interest in the shares for the purposes of the Company Take-overs Act, 1980;

and

(b) the expression “voting share” has the meaning assigned to it by the Companies Act, 1962-1980.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor