



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 45 of 1963

An Act to amend the Prices Act, 1948-1962 and for other purposes.

[Assented to 28th November, 1963.]

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, 1963".
- (2) The Prices Act, 1948-1962, as amended by this Act, may be cited as the "Prices Act, 1948-1963".
- (3) The Prices Act, 1948-1962, is hereinafter referred to as "the principal Act".
- Incorporation.** **2.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Amendment of long title of principal Act.** **3.** The long title of the principal Act is amended by inserting at the end thereof the words "and to regulate certain practices respecting the sale of goods and supply of services and for other purposes".
- Enactment of new sections 33a, 33b and 33c of principal Act—
Prohibition of limit on purchases.** **4.** The following sections are inserted in the principal Act after section 33 thereof:—
- 33a.** (1) A person who has in his custody or under his control any goods whether declared or not for sale by retail shall not—

- (a) publish, print, circulate, announce (by way of broadcast by wireless transmission or television or otherwise) or make public in any other manner whatsoever or cause to be published, printed, circulated, announced (by way of broadcast by wireless transmission or television or otherwise) or made public in any other manner whatsoever any notification relating to the offer for sale of any goods ; or
- (b) sell or offer for sale any goods ; or
- (c) expose for sale any goods,

upon or subject to any condition that a specified or limited quantity or number of such goods shall be sold to any one purchaser or—

- (d) refuse or fail, on demand of any quantity or number of goods and tender of payment at the price asked for the quantity demanded, to supply such goods in the quantity demanded.

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

- (a) the defendant had not a sufficient quantity of the goods in his custody or under his control to supply the quantity or number demanded ; or
- (b) the defendant was acting in accordance with a practice for the time being approved by the Minister ; or
- (c) the goods in question were in short supply and that the defendant refused or failed to supply the goods in the quantity demanded solely for the purpose of retaining a sufficient quantity or number thereof to satisfy the estimated reasonable requirements of his normal customers.

33b. (1) A person shall not publish, print, circulate, announce (by way of broadcast by wireless transmission or television or otherwise) or make public in any other manner whatsoever or cause to be published, printed, circulated, announced (by way of broadcast by wireless transmission or television or otherwise) or made public in any other manner whatsoever any notification relating to any goods—

Misleading
advertisements.

- (a) containing words setting out or implying—
 - (i) that he has in his custody or under his control any goods for sale by retail

either generally or at a specified price if at the time of the publication printing circulation announcement or making public (as the case may be) he has in his custody or under his control for sale by retail none of the goods concerned or as the case may be none of such goods for sale at the price so specified ; or

- (ii) that he has in his custody or under his control a specified number or quantity of goods for sale by retail either generally or at a specified price if at the time of the publication printing circulation announcement or making public (as the case may be) he has not in his custody or under his control for sale by retail the number or quantity of the goods concerned so specified or as the case may be the number or quantity of such goods for sale at the price so specified ; or

- (b) containing any description, statement, indication or suggestion, direct or indirect, which is to his knowledge false or misleading or which is calculated or likely to lead to a reasonable belief or inference that at the time of the publication printing circulation announcement or making public (as the case may be) he has in his custody or under his control for sale by retail a greater number or quantity of the goods concerned either generally or at a specified price than at the said time he had in custody or under his control for sale by retail either generally or as the case may be at the price so specified.

Attempts to
obtain
differential
terms.

33c. A retail trader shall not by any threat promise or intimidation, induce or procure or attempt to induce or procure a manufacturer or wholesale trader to sell to him for sale by retail any amount number or quantity of goods (whether declared or not) of a particular class grade and quality upon terms or conditions (including conditions as to price and the allowance of discounts) more favourable than those upon which that manufacturer or wholesale trader is selling or offering for sale a like amount, number or quantity of goods of like class grade and quality to other retail traders.

33d. A person who has in his custody or under his control any goods whether declared or not for sale by retail shall not—

Conditional
sales.

- (a) publish, print, circulate, announce (by way of broadcast by wireless transmission or television or otherwise) or make public in any other manner whatsoever or cause to be published, printed, circulated, announced (by way of broadcast by wireless transmission or television or otherwise) or made public in any other manner whatsoever any notification relating to the offer for sale of any goods ; or
- (b) sell or offer for sale any goods ; or
- (c) expose for sale any goods,

upon or subject to any condition that any other goods or a specified quantity or value of any other goods shall be purchased before the goods referred to will be sold at the price specified.

5. Section 53 of the principal Act is amended by striking out the words "sixty-four" and inserting in lieu thereof the words "sixty-five".

Amendment of
principal Act,
s. 53.

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

EDRIC BASTYAN, Governor.