



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 62 of 1976

An Act to amend the Prices Act, 1948-1975.

[Assented to 18th November, 1976]

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

1. (1) This Act may be cited as the "Prices Act Amendment Act, 1976". Short titles.
- (2) The Prices Act, 1948-1975, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Prices Act, 1948-1976".

2. Section 3 of the principal Act is amended—

- (a) by inserting in the definition of "consumer" in subsection (1) after the passage "or leasing;" the passage "or otherwise than for the purpose of or in the course of trading or carrying on business";
- (b) by striking out from the definition of "the Commissioner" in subsection (1) the passage "The South Australian Commissioner for Prices and Consumer Affairs" and inserting in lieu thereof the passage "The Commissioner for Consumer Affairs";

Amendment of  
principal Act,  
s. 3—  
Interpretation.

and

- (c) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Any reference in any Act, regulation, rule or other law or in any order of a court, instrument, agreement or document of any kind, enacted, made or executed before or after the commencement of the Prices Act Amendment Act, 1971, to The South Australian Prices Commissioner or The South Australian Commissioner for Prices and Consumer Affairs shall, unless the context otherwise requires be read as a reference to The Commissioner for Consumer Affairs.

Amendment of principal Act, s. 4—  
Appointment of Commissioner for Consumer Affairs and staff.

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “The South Australian Commissioner for Prices and Consumer Affairs” and inserting in lieu thereof the passage “The Commissioner for Consumer Affairs”;

(b) by striking out from subsection (2) the figures “1971” and inserting in lieu thereof the figures “1976”;

and

(c) by striking out from subsection (2) the passage “The South Australian Prices Commissioner shall on the commencement of that Act become The South Australian Commissioner for Prices and Consumer Affairs” and inserting in lieu thereof the passage “The South Australian Commissioner for Prices and Consumer Affairs shall, on the commencement of that Act become the Commissioner for Consumer Affairs”.

Amendment of principal Act, s. 18a—  
Functions and powers of Commissioner.

4. Section 18a of the principal Act is amended by striking out from subsection (2) the passage “two thousand five hundred dollars” and inserting in lieu thereof the passage “five thousand dollars”.

Amendment of principal Act, s. 22a—  
Determination of minimum price for grapes.

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

(4) There shall be implied in every contract for the sale or supply of grapes to which a person bound by an order under this section is, in his capacity as such, a party—

(a) a condition that the vendor shall be 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 shall 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 paragraph (b) of subsection (4) of this section the Minister shall not differentiate as between purchasers.

(6) A person is not competent to waive the rights conferred on him in subsection (4) of this section.

Amendment of principal Act, s. 22b—  
Sales and suppliers below minimum price.

6. Section 22b of the principal Act is amended—

(a) by striking out from the penalty at the foot of subsection (1) the passage “Four hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars nor more than Two thousand dollars”;

(b) by striking out from the penalty at the foot of subsection (2) the passage “Four hundred dollars” and inserting in lieu thereof the passage “Five hundred dollars nor more than Two thousand dollars”.

7. Section 22d of the principal Act is amended by striking out from the penalty at the foot thereof the passage "Four hundred dollars" and inserting in lieu thereof "Five hundred dollars nor more than Two thousand dollars".

Amendment of principal Act, s. 22d—  
Offering to pay prices below the minimum.

8. Section 53 of the principal Act is amended by striking out the passage "1976" and inserting in lieu thereof the passage "1977".

Amendment of principal Act, s. 53—  
Cessation of effect of certain provisions.

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

M. L. OLIPHANT, Governor