

LEGISLATIVE ASSEMBLY

Read 1° 17 March 1987

(Brought in by Mr Crabb and Mr Fordham)

A BILL

to make provision for the regulation of grocery prices and for other purposes.

Grocery Prices Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to make provision for the regulation of certain grocery prices.

5 **Commencement.**

2. This Act comes into operation on a day or days to be proclaimed.

Definitions.

3. (1) In this Act—

10 “**Basic grocery item**” means a grocery item declared under section 4.

“**Grocery item**” means an item that is commonly sold in shops for the sale of foodstuffs or groceries.

15 “**Occupier**” in relation to a shop, includes a person who is the employer of persons who work in business carried on in the shop.

“**Price**” includes a charge of any description.

“Shop” means a place in or at which goods are sold or exposed for sale by retail on one or more occasions.

“Sell” includes offer for sale.

(2) For the purposes of this Act, a shop is a shop to which this Act applies at a particular time, if, at any time during the period of seven days immediately before that time, the sum of— 5

- (a) the number of persons employed in the shop; and
- (b) the number of persons employed in shops of any kind in Victoria by the occupier or manager of the first-mentioned shop; and 10
- (c) if the occupier or manager of the shop is a body corporate, the sum of the number of persons employed in shops of any kind in Victoria by the body corporate and the number of persons so employed by a related body corporate— 15

was 20 or more.

(3) For the purposes of sub-section (2), a body corporate is a related body corporate in relation to another body corporate if the body corporate is, by reason of section 7 (5) of the *Companies (Victoria) Code*, deemed to be related to the other body corporate.

Declaration of basic grocery items. 20

4. The Governor in Council may, by Order published in the *Government Gazette*, declare a grocery item to be a basic grocery item for the purposes of this Act.

Declaration of maximum prices.

5. (1) If the Minister is satisfied that the price of a basic grocery item sold in a shop to which this Act applies has, during a period, been increased by an amount that, having regard to economic circumstances and the public interest, the Minister considers excessive, the Minister may recommend to the Governor in Council that a declaration be made under this section. 25 30

(2) If the Minister makes a recommendation under sub-section (1), in relation to a basic grocery item, the Governor in Council may, by Order in Council published in the *Government Gazette*, declare—

- (a) the price of that item to be a regulated price; and
 - (b) the maximum prices for which that item may be sold— 35
 - (i) by manufacturers in Victoria;
 - (ii) by producers in Victoria;
 - (iii) by persons carrying on a wholesale business in Victoria; and
 - (iv) in shops in Victoria to which this Act applies— 40
- during a specified period, not exceeding 6 months, after the declaration is made.

(3) The Minister shall cause a copy of a declaration under sub-section (2) to be laid before each House of the Parliament within 7 sitting days of that House after the making of the declaration.

- 5 (4) If either House of the Parliament, within 14 sitting days of that House after a declaration under sub-section (2) is made, passes a resolution disallowing the declaration, the declaration ceases to have effect.

Offence.

6. If a basic grocery item is sold—
- 10 (a) for a price exceeding a maximum price declared under section 5 in respect of the item; and
- (b) by a person to whom, or in a shop to which, that maximum price applies—
- that person, or the occupier of that shop, is guilty of an offence.
- 15 Penalty: for a first offence, 50 penalty units;
for a second or subsequent offence, 100 penalty units.

Notification of prices and changes in prices.

7. An occupier of a shop to which this Act applies must, in accordance with the regulations, notify the Minister of the price, or a
- 20 change in the price, of a basic grocery item sold in the shop in relation to which a regulated price has been declared under section 5.

Penalty: 5 penalty units.

Offences by bodies corporate.

8. (1) If a body corporate is guilty of an offence against this Act, a
- 25 person who was an officer of the body corporate when the offence was committed is also guilty of that offence and liable to the penalty for that offence unless he or she proves that the act or omission constituting the offence took place without his or her knowledge or consent and that he or she did not know and could not reasonably have known of the
- 30 act or omission.

(2) When in any proceedings under this Act it is necessary to establish the intention of a body corporate it is sufficient to show that an officer of the body corporate had that intention.

- (3) In this section “**officer**” in relation to a body corporate means—
- 35 (a) a director, secretary or executive officer of the body corporate;
- (b) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act;

- (c) a person concerned in the management of the body corporate; or
- (d) in relation to the commission by the body corporate of an offence relating to a shop, a person concerned in the management of the shop.

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Regulations.

9. (1) The Governor in Council may make regulations for or with respect to prescribing any matter which is authorised or required to be prescribed for carrying out or giving effect to this Act.

(2) Regulations under this Act may be of general or of specially limited application and may differ according to differences in time, place or circumstance.

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Cessation of operation of Act.

10. This Act ceases to have effect at the expiration of one year after the day on which this Act receives the Royal Assent.

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