



ANNO DECIMO TERTIO

## ELIZABETHAE II REGINAE

A.D. 1964

\*\*\*\*\*

## No. 49 of 1964

An Act to amend the Prices Act, 1948-1963, and for other purposes.

[Assented to 30th October, 1964.]

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, 1964".

(2) The Prices Act, 1948-1963, as amended by this Act, may be cited as the "Prices Act, 1948-1964".

(3) The Prices Act, 1948-1963, 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.

Repeal and  
re-enactment  
of s. 33a of  
principal Act—

3. Section 33a of the principal Act is repealed and the following heading and section are inserted in the principal Act in lieu thereof :—

*Practices Concerning the Sale of Goods Generally.*

Restriction on  
limited offer  
of goods.

33a. (1) A person who has in his custody or under his control any goods (whether such goods are declared goods 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) exhibit or 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.

(2) A person who has in his custody or under his control any goods (whether such goods are declared goods or not) for sale by retail, or who offers exhibits or exposes any goods for sale by retail, shall not refuse or fail, on demand of any quantity or number of goods and tender of payment at the price asked for the quantity or number demanded, to supply such goods in the quantity or number demanded, whether the person demanding such goods and tendering payment therefor requires the goods or any of them for resale by him, or intends to resell the goods or any of them, or requires the same or any of them for his own consumption or use, or otherwise.

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

(a) the defendant had not a sufficient quantity or number of the goods in his custody or under his control to supply such goods in 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) (i) the goods in question were not readily available from his wholesale sources of supply in sufficient quantities or numbers to meet the normal requirements of retailers ; and

(ii) the defendant refused or failed to supply the goods in the quantity or number demanded solely for the purpose of retaining a sufficient quantity or number thereof to satisfy the estimated reasonable requirements of his normal customers.

Amendment of  
principal Act,  
s. 33c.

4. Section 33c of the principal Act is amended by striking out the passage "whether declared or not" therein and inserting in lieu thereof the passage "whether such goods are declared goods or not".

Amendment of  
principal Act,  
s. 33d.

5. Section 33d of the principal Act is amended by striking out the passage "whether declared or not" therein and inserting in lieu thereof the passage "(whether such goods are declared goods or not)".

Enactment of  
s. 33e of  
principal Act—

6. The following section is inserted in the principal Act after section 33d thereof :—

Price tickets.

33e. (1) A ticket, label, placard or notice attached to or exhibited or displayed with any goods (whether such goods are declared goods or not) offered exhibited or exposed for sale by retail, containing any reference to the price or prices or terms or conditions of sale (including trade-in allowances) of those goods shall set forth in a prominent position in clear and legible figures in heavy type not smaller in size than the largest type on such ticket, label, placard or notice a cash price or prices at which the goods concerned can be bought by any person, but notwithstanding anything contained in subsection (2) of this section no proceedings for an offence under this section shall be taken without the consent in writing of the Minister.

(2) A person who has in his custody or under his control or who sells supplies or offers exhibits or exposes for sale by retail any goods (whether such goods are declared goods or not) to which is attached or with which is exhibited or displayed a ticket label placard or notice which does not comply with the requirements of subsection (1) of this section shall be guilty of an offence.

Amendment of  
principal Act,  
s. 53.

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

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

EDRIC BASTYAN, Governor.