



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 17 of 1966

An Act to amend the Prices Act, 1948-1965, and to make certain provisions governing the prices of grapes and for other purposes.

[Assented to 7th March, 1966.]

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, 1966".

(2) The Prices Act, 1948-1965, as amended by this Act, may be cited as the "Prices Act, 1948-1966".

(3) The Prices Act, 1948-1965, 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.

Enactment of ss. 22a to 22e of principal Act—

Determination of minimum prices for grapes.

3. The following sections are inserted in the principal Act after section 22 thereof:—

22a. (1) The Minister by order may fix and declare the minimum price at which grapes may be sold or supplied to a wine maker or distiller of brandy.

(2) Without limiting the generality of the preceding subsection the Minister may, by order made in the exercise of his powers under that subsection, fix and declare—

(a) different minimum prices according to difference in quality or description, or in the quantity

sold, or in respect of different forms, modes, conditions, terms or localities of trade, commerce, sale, or supply ;

- (b) different minimum prices for different parts of the State ;
- (c) minimum prices on a sliding scale ;
- (d) minimum prices on a condition ;
- (e) minimum prices for cash, delivery or otherwise, and in any such case, inclusive or exclusive of the cost of packing or delivery ;
- (f) minimum prices based on such standard of measurement, weight, capacity or other principles as are specified in the order.

(3) Every order made in pursuance of this section shall be published in the *Gazette*, or served on the persons bound thereby.

22b. (1) A person shall not sell or supply or offer for sale or to supply to a wine maker or distiller of brandy any grapes at a lower price than the minimum price fixed pursuant to this Act in relation to those grapes.

Sales and supplies at prices below minimum.

Penalty : Not less than Four hundred dollars.

(2) A wine maker or distiller of brandy shall not buy or obtain or offer to buy or obtain any grapes at a lower price than the minimum price fixed pursuant to this Act in relation to those grapes.

Penalty : Not less than Four hundred dollars.

(3) In addition to any other penalty which may be imposed for a breach of subsection (2) of this section the court may order the defendant to pay to the seller the difference between the price at which the grapes were sold and the minimum price fixed pursuant to this Act ; and the like proceedings may be taken upon any such order as if it had been an order of the court in favour of the seller.

(4) A certificate by the Commissioner specifying the difference between the price at which grapes were sold or supplied and the minimum price so fixed in relation to any grapes shall, for the purposes of this section, be *prima facie* evidence of the matters stated therein.

(5) For the purposes of this section any person on whose behalf or at whose place of business any grapes are sold or supplied or offered for sale or supply to a wine maker or distiller of brandy, whether contrary to the instructions of that person or not, shall be deemed to have sold or supplied

or offered to sell or supply those grapes unless the court finds that the sale, supply or offering took place without his knowledge and that he used all due diligence to secure the observance of this section.

(6) For the purposes of this section, a person shall be deemed to offer grapes for sale or supply if he quotes a price for the sale or supply of them or if they are in any way offered for sale or supply.

Variation of agreements.

22c. (1) Where the minimum price fixed pursuant to this Act for any grapes is greater than the price fixed by any agreement for the sale or supply of such grapes that agreement shall be deemed to be varied by the substitution of that minimum price for the price otherwise payable under the agreement.

(2) This section applies to agreements made after the commencement of the Prices Act Amendment Act, 1966.

Offering to pay prices below minimum.

22d. A wine maker or distiller of brandy shall not knowingly—

- (a) pay or offer to pay ; or
- (b) hold himself out as being willing to pay or offer to pay or as being willing or able to obtain another person to pay ; or
- (c) offer to act in connection with paying,

for any grapes a lower price whether by way of allowance or otherwise howsoever than the minimum price fixed pursuant to this Act for the sale of those grapes.

Penalty : Not less than Four hundred dollars.

Preceding sections not to apply in certain cases.

22e. Sections 22a, 22b, 22c and 22d shall not apply to or affect the sale or supply of grapes to a society registered or deemed to be registered under the Industrial and Provident Societies Act, 1923-1958 by a member of that society, or any payment made by such a society to a member of that society for or in respect of grapes supplied to the society by that member.

Amendment of principal Act, s. 50—
Offences.

4. Section 50 of the principal Act is amended—

- (a) by striking out the words “against this Act” in subsection (3) thereof and inserting in lieu thereof the passage “under this Act, except an offence under section 22b or 22d,” ;

and

(b) by inserting at the end thereof the following subsection—

(4) Notwithstanding the provisions of subsection (2) of this section, proceedings for any offence under section 22b or 22d of this Act shall be disposed of summarily.

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

EDRIC BASTYAN, Governor.