



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 2 of 1948.

An Act relating to the control of prices.

[Assented to 5th August, 1948.]

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

1. This Act may be cited as the "Prices Act, 1948".

Short title.

2. (1) This Act shall commence on a day or days to be fixed by the Governor by proclamation.

Commencement
of Act.

(2) The Governor may fix different days for the commencement of different provisions of this Act.

3. In this Act, unless the context otherwise requires—

Interpretation.

"approved valuer" means any person who immediately prior to the commencement of this Act was an approved valuer under the National Security (Economic Organisation) Regulations of the Commonwealth, and any other person who is for the time being approved by the Minister as a valuer for the purposes of this Act :

"authorized officer" means the Commissioner and any person appointed by the Minister to be an authorized officer for the purpose of this Act :

"committee" means a Prices Committee appointed under this Act :

"declared goods" means any goods which pursuant to any proclamation for the time being in force under this Act are declared goods :

“declared service” means any service which pursuant to any proclamation for the time being in force under this Act is a declared service :

“landed cost” means the actual cost of the declared goods landed in the store in South Australia of the person to or for whom, or on whose behalf, the declared goods were originally supplied or ordered or at such other point of delivery as is approved by the Minister :

“land transaction” means a transaction affecting land and for which the Minister’s consent is required under this Act :

“price” includes every valuable consideration whatsoever, whether direct or indirect :

“rate” includes every valuable consideration whatsoever, whether direct or indirect :

“retail” in relation to a sale means a sale to a person for the purpose of consumption or use :

“service” means the supply for reward of water, electricity, gas, transport, or other rights, privileges or services (not being services rendered by a servant to a master) by any person (including the Crown and any statutory authority) engaged in an industrial, commercial, business, profit-making or remunerative undertaking, or enterprise :

“the Commissioner” means The South Australian Prices Commissioner appointed under this Act :

“the Minister” means the Minister for the time being administering this Act :

“wholesale” in relation to a sale means the sale to a person for the purpose of re-sale, including but without affecting the generality hereof, the sale by an importer, manufacturer or producer to a manufacturer or a wholesale or retail trader.

Administration.

Appointment
of Prices
Commissioner
and staff.

4. (1) The Governor may appoint an officer to be known as The South Australian Prices Commissioner, and such other officers and employees as he considers necessary for the purpose of the administration of this Act.

(2) The Commissioner and any other officer or employee shall be appointed on such terms and conditions as are fixed by the Governor, and shall not, unless the Governor otherwise deter-

mines, be subject to the Public Service Act, 1936-1947: Provided that any officer who is subject to the Public Service Act, 1936-1947, may be temporarily employed in the administration of this Act and if so employed shall retain his rights and privileges under the Public Service Act, 1936-1947.

5. (1) The Commissioner shall be the principal administrative officer of the Minister for the purpose of the administration of the provisions of this Act relating to prices of goods and rates for services.

Executive officers, authorized officers, and delegates.

(2) The Commissioner of Land Tax or the Deputy Commissioner of Land Tax shall be appointed by the Minister as the principal administrative officer of the Minister for the purpose of the administration of the provisions of this Act relating to land transactions.

(3) The Minister, on the recommendation of the Commissioner, or the Deputy Commissioner of Land Tax, may appoint persons to be authorized persons for the purposes of this Act.

(4) The Minister may, by writing under his hand, delegate to the Commissioner or the Deputy Commissioner of Land Tax or any person recommended by either of those officers any powers, authorities, duties and functions conferred or imposed upon the Minister by this Act, except this power of delegation. Every delegation under this subsection shall be revocable at the will of the Minister and a delegation shall not prevent the exercise of any power, authority, duty or function by the Minister.

(5) A reference in this Act to the Minister shall be deemed to include, in respect of matters as to which any powers, authorities, duties, or functions are exercised by a delegate of the Minister, a reference to that delegate.

6. (1) The Commissioner and all other officers and employees appointed under this Act other than officers and employees who are subject to the Public Service Act, 1936-1947, shall be paid such salaries and allowances as are approved by the Minister on the recommendation of the Public Service Commissioner.

Remuneration and leave of absence.

(2) The Minister may grant to persons appointed under this Act such leave of absence for recreation, sickness or other cause, as is recommended by the Public Service Commissioner.

7. (1) The Commissioner, and every person exercising any power or performing any duty under this Act (including every member of a committee) shall, before entering on his duties under this Act, sign a declaration of secrecy in accordance with the schedule to this Act.

Declaration of secrecy.

(2) All declarations of secrecy under this Act shall be lodged with, and retained by, the Commissioner.

(3) A person shall not, except in the course of his duty under this Act, directly or indirectly communicate or divulge any information relating to any matter which comes to his knowledge in consequence of his official position.

(4) Nothing in this Act shall prohibit—

(a) the Commissioner, whenever he considers it necessary or desirable in the interests of justice so to do—

(i.) from communicating to the Attorney-General any information which has come to his knowledge in consequence of his official position and which makes it appear that any person has committed or is suspected of having committed an offence against any law of the State or Commonwealth relating to secret commissions ;

(ii.) from producing for use in connection with the prosecution of a person for any such offence, any documents, books or papers containing any such information ;

(b) any person exercising any power or performing any duty under this Act from answering any question relating to any such offence which he is required to answer when called as a witness in the prosecution of a person for that offence.

(c) the Minister or the Commissioner from communicating to a Minister or Prices Commissioner of another State any information which that Minister or Prices Commissioner reasonably requires in connection with the control of prices in that other State.

Power to
obtain
information.

8. (1) For purposes of this Act an authorized officer may require any person—

(a) to furnish him with any information which he requires ;
or

(b) to answer any question put to him ; or

(c) to produce at a time and place indicated by the authorized officer any books, papers and documents (including balance-sheets and accounts),

relating to any goods or services, whether declared or not, or to any land or to any other matter arising under this Act.

(2) The authorized officer may require the information to be given, or the question to be answered, on oath or affirmation, and either orally or in writing, and for that purpose may administer an oath or affirmation.

(3) The authorized officer may, by notice in writing, require the information to be given, or the question to be answered, in writing and at the place specified in the notice.

(4) A person shall not, when so required under this section—

(a) refuse or fail to furnish any information or to answer any question or to produce any books, papers and documents (including balance sheets and accounts) :

(b) give any information or make any answer which is false in any particular :

(c) refuse to take an oath or an affirmation in lieu of an oath, when required to do so by an authorized officer.

(5) A person shall not be obliged to answer orally any question unless he has first been informed by the officer asking the question that he is obliged to answer by virtue of this Act.

9. (1) For purposes of this Act an authorized officer may enter upon, inspect, and search any premises and inspect any documents, books and papers, and may inspect and take samples of any stocks of declared goods or of any other goods.

Entry and inspection.

(2) Before entering any premises pursuant to this section, the authorized person shall display to the person if any affording him entry a written document signed by the Commissioner and certifying that that person is an authorized person.

10. For purposes of this Act an authorized officer may impound or retain any books, papers or documents produced to him or inspected by him in pursuance of this Act, and may make copies or abstracts of those documents, books and papers, or of any entries therein, but the person entitled to those documents, books and papers, shall, in lieu thereof, be entitled within a reasonable time to a copy certified as correct by the Commissioner and such certified copy shall be received in all courts as evidence of, and as of equal validity with the original.

Retention of documents.

11. A person shall not prevent or attempt to prevent an authorized officer from entering upon, or inspecting any premises, or inspecting any documents, books or papers, or inspecting or taking samples of any stocks of any declared goods, or any other goods, or from making copies or abstracts of any documents, books or papers, or of any entries therein.

Preventing exercise of powers.

Keeping of
books and
accounts.

12. (1) Every person who in the course of, or for the purposes of, or in connection with, or as incidental to, any business carried on by him—

(a) produces, manufactures, sells or supplies any declared goods ; or

(b) supplies or carries on any declared service,

shall for the purposes of this Act, keep proper books and accounts, and stock and costing records where applicable, and shall preserve those books and accounts and stock and costing records, including all copies of invoices and all vouchers, agreements, correspondence, cables, telegrams, stock sheets and other documents relating to his purchases of stock, costs and sales of any declared goods or relating to any declared service supplied or carried on by him, until their destruction is authorized by the Commissioner.

(2) Without affecting the generality of the last preceding subsection, the Commissioner may, by notice in writing, direct any person to whom that subsection applies to keep such books, accounts and records as are specified in the notice.

(3) Every person to whom any such direction is given shall comply with the direction and shall preserve the books, accounts and records required to be kept by him in accordance with the direction until their destruction is authorized by the Commissioner.

Prices
Committees.

13. (1) The Governor may appoint such prices committees as he deems necessary for purposes of this Act.

(2) The Governor shall by the minute of appointment of a committee specify the classes of goods, or services, or goods and services in respect of which the committee shall have power to make recommendations.

(3) The Governor may, by notice in the *Gazette*, vary the classes of goods, or services, or goods and services in respect of which a committee has power to make recommendations.

Members of
Prices
Committee.

14. Every committee shall consist of—

(a) a chairman nominated by the Minister ;

(b) one or more members nominated by the Minister to represent sellers of goods or providers of services in respect of which the committee has power to make recommendations ;

(c) one or more members nominated by the Minister to represent consumers of the goods or users of the services in respect of which the committee has power to make recommendations.

15. (1) Every member of a committee shall hold office for such period and on such terms and conditions as to remuneration and otherwise as are fixed by the Governor.

Period and conditions of appointment of committee.

(2) The Governor may dismiss a member of a committee for neglect of duty, dishonest conduct, or incapacity.

16. Every committee shall make recommendations to the Minister upon such matters arising under this Act as are referred to the committee by the Minister.

Duty of Committees.

17. (1) A majority of the members of a committee shall form a quorum for the transaction of business.

Quorum and majority decision.

(2) A decision concurred in by a majority of the members present at a properly constituted meeting of a committee shall be deemed to be a decision of the committee.

(3) In the event of equality of votes on any question before a committee the chairman shall have a casting vote, in addition to his deliberative vote.

18. (1) The Governor may appoint such boards of land valuers as he deems necessary for the purposes of this Act.

Appointment of boards of land valuers.

(2) Each board shall consist of three members, one of whom shall be appointed by the Governor as Chairman.

(3) The members of a board shall be appointed on such terms and conditions and shall be entitled to such remuneration as the Governor determines.

(4) Two members of a board shall form a quorum for the transaction of business and a decision concurred in by two members shall be a decision of the board.

(5) Each board shall exercise its functions under this Act in relation to such classes of land as the Minister determines.

(6) A board shall not be bound by rules of procedure and may obtain information in any manner which it deems proper and in making its valuations shall be deemed to be exercising administrative functions.

Declared Goods and Services.

19. The Governor may by proclamation—

Power to declare goods and services.

(a) declare that any goods or services shall be declared goods or declared services :

- (b) declare that any goods or services shall cease to be declared goods or declared services :
- (c) declare that any goods or services which have ceased to be declared goods or declared services shall again be declared goods or declared services.

Fixing of Prices of Goods and Rates for Services.

Existing prices to remain in force until altered.

20. (1) For the purposes of this Act the maximum price of any declared goods shall, unless that price is fixed by order under this Act, be the maximum price of those goods which had been fixed under the National Security (Prices) Regulations of the Commonwealth or any order or instrument thereunder, and was in force immediately before the commencement of this Act.

(2) Where an order or instrument made under the said regulations and in force immediately before the commencement of this Act prescribed a rule, method or formula for calculating the maximum price of any declared goods, that rule, method or formula shall, until altered by order under this Act remain in operation as if it had been prescribed by order under this Act.

Determination of maximum prices.

21. (1) The Minister by order may fix and declare the maximum price at which any declared goods may be sold throughout the State or in any part of the State specified in the order.

(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 maximum 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 maximum prices for different parts of the State :
- (c) maximum prices on a sliding scale :
- (d) maximum prices on a condition :
- (e) maximum prices for cash, delivery or otherwise, and in any such case, inclusive or exclusive of the cost of packing or delivery :

- (f) maximum prices based on landed or other cost, together with a percentage of such cost or a specified amount or both :
- (g) maximum prices based on such standard of measurement, weight, capacity or other principles as are specified in the order, or based on prices charged by industrial traders on any day specified in the order, with such variations as are specified in the order or with variations determined by reference to a standard, or time, profits, wages, costs or other matters specified in the order.

22. Every maximum price fixed by or under this Act shall include the cost of wrapping the goods to which that price applies.

Price to include wrapping.

23. For the purposes of this Act the maximum rate payable for a declared service shall, until that rate is fixed by order under this Act, be—

Existing rate for services to remain in force until altered.

- (a) the maximum rate for that service which had been fixed under the National Security (Prices) Regulations of the Commonwealth or any order or instrument thereunder, and was in force immediately before the commencement of this Act ; or
- (b) if no maximum rate was so fixed and in force, the rate at which the service was supplied immediately before the commencement of this Act.

24. (1) The Minister by order may fix and declare the maximum rate at which any declared service may be supplied throughout the State or in any part of the State specified in the order.

Determination of maximum rates.

(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 maximum rates according to the differences in the quality, description or volume of the service supplied or carried on, or in respect of the different forms, modes, conditions, terms or localities of trade, commerce or supply :
- (b) different maximum rates for different parts of the State :

- (c) maximum rates on a sliding scale :
- (d) maximum rates for cash or on terms :
- (e) maximum rates according to or upon any principle or condition specified in the order :
- (f) maximum rates based on such standards as are specified in the order, or on rates charged by individual suppliers on any day specified in the order with such variations as are specified in the order or are determined by reference to a standard, or time, profits, wages, costs or other matters so specified.

Sales and
supplies at
prices and
rates above
fixed
maximum.

25. (1) A person shall not—

- (a) sell or offer for sale any declared goods at a greater price than the maximum price fixed by or pursuant to this Act in relation to those goods ;
- (b) supply or offer to supply any declared service at a higher rate than the maximum rate fixed by or pursuant to this Act in relation to that service ;
- (c) after the day on which a maximum price or rate for any goods or services comes into operation by or pursuant to this Act, without the consent of the Minister sell or supply or offer to sell or supply any such goods or service upon terms or conditions different from those upon which similar or substantially similar goods or services were sold or supplied by him immediately before that day, if such sale or supply would result directly or indirectly—
 - (i.) in a greater price or rate than the maximum price or rate for those goods or services being obtained ;
 - (ii.) in any other manner to the advantage of the seller or supplier.

(2) In addition to any other penalty which may be imposed for a breach of subsection (1) of this section the court may order the defendant to refund to the purchaser the difference between the maximum price or rate fixed by or pursuant to this Act and the price or rate at which the goods or services were sold or supplied ; 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 purchaser.

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

(4) For purposes of this section any person on whose behalf or at whose place of business any declared goods or services are sold or supplied, or offered for sale or supply, 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 goods or services 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.

(5) For the purposes of this section, a person shall be deemed to offer goods for sale if he publishes the price of them in a price list, or if he exposes them in a shop or elsewhere in such circumstances as to lead to a reasonable inference that they are for sale, or if he quotes a price for the sale of them, or if they are in any way offered for sale.

26. (1) Where the maximum price or rate fixed by or pursuant to this Act for any goods or services is less than the price or rate fixed by any agreement for the sale or supply of such goods or services, that agreement shall in relation to goods or services sold or supplied while that maximum rate or price is in force be deemed to be varied by the substitution of that maximum price or rate for the rate otherwise payable under the agreement.

Variation of agreements.

(2) This section applies to agreements whether made before or after the commencement of this Act.

27. (1) A wholesaler (in this section referred to as "the buyer") who purchases any declared goods from any other wholesaler (in this section referred to as "the seller") shall not sell those goods or offer them for sale at a price in excess of the cost to the buyer: Provided that the buyer may sell such goods or offer them for sale at a price not greater than the maximum price at which the seller was entitled to sell them in similar quantities at the time of sale.

Inter-wholesale transactions.

(2) A wholesaler who purchases any declared goods from a retailer shall not sell those goods or offer them for sale at a price in excess of the cost to the retailer.

(3) Notwithstanding subsection (1) of this section, the buyer may sell any goods or offer any goods for sale at a price not exceeding the maximum price which, after application by the buyer, the Minister declares to him in writing.

(4) For the purpose of this section the buyer may request the seller of goods to supply him with any information which the buyer reasonably requires to enable him to comply with this section, and the seller shall thereupon furnish such information in writing to the buyer.

(5) The Minister may, by a general notice published in the *Gazette*, or by notice in writing to every trader concerned, exempt any trader or class of trader from all or any of the requirements of this section.

(6) In this section, "wholesaler", in respect of any goods, means a person who purchases those goods and sells or supplies them—

(a) for re-sale or for manufacture for sale ; or

(b) to the Commonwealth or the State where the value of the goods in any one month is twenty-five pounds or over.

(7) Subject to any regulations defining the term "cost" that term means the actual price paid or payable by the wholesaler who purchased the goods (in this definition referred to as "the purchaser") to the wholesaler or retailer from whom he purchased them, plus any expenses which were actually and specifically incurred by the purchaser in placing the goods at the point of delivery by him for the purposes of a sale by him.

(8) For the purposes of this section the Governor may by regulation define the meaning of the term "cost", in relation to—

(a) any class of sale specified in the regulation ;

(b) any class of goods so specified ; or

(c) any class of trader so specified.

**Inter-retail
transactions.**

28. (1) A retailer (in this section referred to as "the retail buyer") who purchases any declared goods from any other retailer (in this regulation referred to as the "retail seller") shall not sell those goods or offer them for sale at a price in excess of the cost to the retail buyer : Provided that the retail

buyer may sell such goods or offer them for sale at a price not greater than the maximum price at which the retail seller was entitled to sell any similar quantities at the time of sale.

(2) Notwithstanding anything contained in the last preceding subsection, the retail buyer may sell any goods or offer any goods for sale at a price not exceeding the maximum price which, after application by the retail buyer, the Minister declares to him in writing.

(3) For the purpose of this section, the retail buyer may request the retail seller of goods to supply him with any information which the buyer reasonably requires to enable him to comply with this section, and the retail seller shall thereupon furnish such information in writing to the retail buyer.

(4) The Minister may by a general notice published in the *Gazette*, or by notice in writing to every trader concerned, exempt any trader or class of trader from all or any of the requirements of this section.

(5) In this section subject to any regulations defining the term "cost" that term means the actual price paid or payable by the retail buyer to the retail seller, plus any expenses which were actually and specifically incurred by the retail buyer in placing the goods at the point of delivery by him for a sale by him.

(6) For the purpose of this section the Governor may, by regulation define the meaning of the term "cost" in relation to—

- (a) any class of sale specified in the regulation ;
- (b) any class of goods so specified ; or
- (c) any class of trader so specified.

29. (1) A person who has in custody or under his control any declared goods for sale in respect of which a maximum price has been fixed under this Act, shall not refuse or fail on—

Refusal, etc.,
to sell at
fixed prices.

- (a) demand of any quantity of the declared goods ; and
- (b) tender of payment at the price so fixed for the quantity demanded,

to supply any such declared 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 supplied a reasonable quantity of the declared goods ; or
- (b) after making reasonable provision for private consumption or use, and for satisfying all contracts, then subsisting, under which he was obliged to supply quantities of the declared goods for use or consumption within Australia, and for the ordinary requirements of his business, the defendant had not a sufficient quantity of the declared goods in his custody or under his control to supply the quantity demanded ; or
- (c) the defendant was a wholesale trader in the declared goods and the person who demanded to be supplied was not a manufacturer or a retail trader therein, or in any declared goods made or partly made therefrom ; or
- (d) the defendant was acting in accordance with a practice for the time being approved by the Minister.

(3) For the purpose of determining what is a reasonable quantity of any declared goods within the meaning of this section, regard shall be had to all the circumstances of the case, including the question whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a retail trader in the declared goods demanded, either alone or with other goods.

Alteration of
size of
containers.

30. (1) A person shall not, without the written consent of the Minister—

- (a) pack or put up any declared goods in a container of a size smaller than the container ordinarily used by him at the commencement of this Act :
- (b) pack or put up in a container a quantity of declared goods smaller than the quantity ordinarily packed or put up by him in a container of that size at the commencement of this Act.

(2) For the purposes of this section, proof that at the commencement of this Act any person, dealing in the ordinary course of trade in any declared goods in respect of which any proceedings have been instituted, sold or kept for sale in any container any declared goods purporting to have been packed or put up by the defendant shall be evidence that at the time of the commencement of this Act the defendant—

- (a) used a container of the size of the first-mentioned container for the packing or putting up of the declared goods ; and
- (b) ordinarily packed or put up in a container of the size of the first-mentioned container the quantity of the declared goods so sold or kept for sale.

31. A person 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,

Offering to pay prices or rates above the maximum.

for any declared goods or declared services a greater price or rate, whether by way of premium or otherwise howsoever, than the maximum price or rate fixed by or under this Act for the sale of those goods or the supply of that service.

32. A person shall not, without the consent of the Minister, deliver or offer to deliver or knowingly accept or offer to accept delivery of—

- (a) a quantity of any declared goods less than the quantity agreed to be sold ; or
- (b) goods inferior in quality to the goods agreed to be sold :

Delivery of goods less in quantity or inferior in quality to those sold.

Provided that where an agreement provides for delivery of the goods by instalments over a period the goods may be so delivered if the whole of the goods are delivered within the time specified in the agreement.

33. (1) Where the Minister, after receipt of a report from the Commissioner, is satisfied that it is necessary or expedient so to do in order to ensure the fair distribution of goods amongst all members of the community, he may, by notice published in the *Gazette* or given to any person or persons, direct all or any persons, who, whether as owners or otherwise, have in their possession or under their control any specified goods, to retain and hold the goods, or a specified quantity thereof, for and on behalf of His Majesty.

Power to requisition goods.

(2) Upon the publication or giving of the notice, the title to and property in the goods or the specified quantity thereof shall be divested from the owners thereof and become vested in His Majesty freed from any charge thereon and from any

claim, contractual or otherwise, and the holders or owners of the goods shall thereupon be discharged from any other contractual engagements whatsoever in respect thereof, and the title and property of the owners shall be converted into a right to receive payment of the value of the goods or the quantity thereof as hereinafter provided.

(3) All such persons, and their agents and servants, shall, without delay, obstruction or objection, give immediate and peaceable possession of the goods or the specified quantity thereof to the Minister or to any authorized officer.

(4) The production of any document or telegram purporting to be a demand or an authority to demand such goods, or quantity thereof, and to be signed or sent by the Minister or the Commissioner shall be sufficient authority for the delivery of the goods, or the specified quantity thereof, to which the document or telegram relates.

(5) The owner of the goods, or the specified quantity thereof, shall be entitled to be paid therefor by the Minister—

(a) at such price as is mutually agreed upon ; or

(b) in default of such agreement, at such price as is determined by the Commissioner after hearing the parties concerned.

(6) In the event of any doubt or dispute arising as to the person legally entitled to receive any money payable under this section or as to any charge thereon or claim in respect thereof, the Minister may, in default of agreement between the parties concerned, pay the money into the Supreme Court, to abide such order as may be made by that Court.

(7) A person shall not, after the publication or giving of any notice—

(a) attempt to dispose of or in any way deal with any goods to the prejudice of His Majesty's rights and powers under this section ; or

(b) refuse to deliver, or delay, or obstruct the delivery of any goods, as required by this section.

(8) Where any goods have been acquired under this section, the Minister may store, sell or otherwise dispose of the goods to such persons or bodies, and at such times, and in such manner, and upon such terms and conditions, as he thinks fit.

Land Transactions.

34. (1) Except as provided by this Act a person shall not without the consent in writing of the Minister—

Certain land transactions forbidden without consent of Minister.

- (a) purchase any land ;
- (b) take an option for the purchase of any land ;
- (c) take any lease of land ;
- (d) take a transfer or assignment of any lease of land ; or
- (e) otherwise acquire any land.

(2) Where a transaction prohibited by subsection (1) of this section has been entered into subject to the consent of the Minister thereto being obtained, the transaction shall not be a contravention of that subsection if an application for the consent of the Minister is made within three months after the date of the transaction; but the transaction shall not have any effect unless the Minister gives his consent thereto within six months after the date of the transaction or within such other period as is agreed in writing by all the parties to the transaction.

35. (1) The preceding section shall not apply to—

Exemptions.

- (a) any transaction affecting premises used solely as a factory, workshop, office, warehouse, or shop, or used solely for any other industrial or commercial purpose, not being a farm, grazing area, orchard, market garden, dairy farm, poultry farm, pig farm or apiary ;
- (b) any transaction affecting licensed premises (including registered clubs) within the meaning of the Licensing Act, 1932-1945 ;
- (c) any transaction affecting vacant land exceeding one acre in area and not being a farm, grazing area, orchard, market garden, dairy farm, poultry farm, pig farm or apiary ;
- (d) the taking of a lease of land to be used by the lessee where the term of the lease does not exceed three years and is to commence not more than three months after the date of the lease ;
- (e) the taking of a transfer or assignment of a lease of land to be used by the transferee or assignee where the unexpired portion of the term of the lease does not exceed three years :

- (f) the taking of an option for the purchase of any land where the period within which the option may be exercised is limited to one month after the taking of the option ;
- (g) the acquisition of land by way of gift ;
- (h) any transaction to which the State or the Commonwealth or any authority of the State or the Commonwealth or a person acting on behalf of the State or the Commonwealth (other than the Public Trustee) or a municipal or district council is a party : Provided that the State or the Commonwealth or any authority or person shall not be deemed to be a party to a transaction solely because its or his consent is necessary to or is given in connection with that transaction;
- (i) the acquisition of land on sale under a writ or warrant of execution issued out of any court ;
- (j) any transaction by way of renewal or extension of a lease which was in existence before the twentieth day of February, one thousand nine hundred and forty-two, where the rent under the lease as renewed or extended does not exceed the rent payable under the lease prior to the renewal or extension ;
- (k) any transaction to give effect to a contract or agreement in writing entered into prior to the twentieth day of February one thousand nine hundred and forty-two ;
- (l) the exercise of any option in writing given before the twentieth day of February, one thousand nine hundred and forty-two ;
- (m) any transaction—
 - (i.) by way of mortgage or sub-mortgage ;
 - (ii.) by way of discharge of a mortgage or sub-mortgage ;
 - (iii.) by way of transfer or assignment of a mortgage to a guarantor who, in pursuance of the terms of his guarantee, has repaid the whole or part of the moneys due under the mortgage ;
- (n) the vesting in the personal representative of a deceased person, in his capacity as such, of any property or any interest in any property ;

- (o) any transaction which vests any property, or any interest in property, in a trustee of the estate of a deceased person, in a trustee in bankruptcy, or in a new trustee under any instrument, in his capacity as trustee ;
- (p) any transaction which is without consideration in money or money's worth and the purpose of which is to vest any property, or any interest in property, in any person beneficially entitled thereto under or by virtue of any will or intestacy ; or
- (q) the execution of any deed of assignment under Part XI. of the Commonwealth Act known as the Bankruptcy Act, 1924-1946, or of any deed of arrangement under Part XII. of that Act.

(2) The Minister may, either unconditionally or subject to such conditions as are specified in the order, by order published in the *Gazette* exempt from the application of any provision of this Act any person or class of persons or any transaction or class of transactions or any land or class of land.

(3) Where the only residential premises on any land used as a factory, workshop, office, shop, warehouse, or for any industrial or commercial purpose are occupied by a caretaker of the land or buildings thereon the existence on the land of those premises shall not exclude the land from the category of land used solely as a factory, workshop, office, shop or warehouse or solely for any other industrial or commercial purpose as the case may be.

36. (1) Every application for the consent of the Minister to any land transaction—

Application
for consent and
valuations.

- (a) shall be in writing ;
- (b) shall contain such particulars of the proposed transaction as the Minister requires, including full particulars of any option granted to or by the applicant or the wife or husband of the applicant in relation to the land ;
- (c) shall be accompanied by a valuation of the land by an independent approved valuer unless, in special circumstances, the Minister dispenses with such a valuation.

(2) Every such valuation—

- (a) if the proposed transaction is the purchase of any land, shall specify the amount which would have been a fair and reasonable price for the land as at the tenth day of February, one thousand nine hundred and forty-two ;

(b) in any other case shall specify the value of the subject-matter of the transaction as at a date specified by the Minister.

(3) Where the Minister is not satisfied with any valuation furnished under this section he may—

(a) require the valuer to furnish such information concerning the valuation as the Minister specifies ; and

(b) require a further valuation to be furnished to him by an approved valuer nominated by the Minister.

(4) If the Minister is not prepared to consent to a proposed transaction on the ground that he does not approve of the price or consideration agreed on between the parties, he shall notify the applicant of that fact and of the price or consideration of which he is prepared to approve.

(5) If an applicant is not satisfied with the price or consideration so notified by the Minister he may request that the transaction be referred to a board of valuers and the transaction shall be referred accordingly by the Minister. Thereupon the board shall determine the value of the land or subject matter of the transaction as at the tenth day of February, nineteen hundred and forty-two.

(6) In deciding whether to consent to a transaction the Minister shall assume that the value determined by the board of valuers was the correct value as at the tenth day of February, one thousand nine hundred and forty-two.

(7) Where before the day of the commencement of this Act an application for consent to a transaction affecting land was made under the National Security (Economic Organization) Regulations of the Commonwealth, but no decision on the application was given before that day, the Minister may deal with the application as if this Act had been in force when it was made and the application had been made under this Act.

Consent.

37. (1) Where application is made for the consent to any land transaction the Minister may in his discretion—

(a) grant the consent either unconditionally or subject to such conditions as he thinks fit ; or

(b) refuse to grant the consent.

(2) The Minister shall not refuse to grant his consent to any land transaction or give his consent subject to any condition except for the purpose of giving effect to a policy of preventing or limiting increases in prices of land.

Duty to
comply with
conditions.

38. Where any consent or exemption is granted subject to conditions, a person shall comply with all such conditions as are applicable to him.

39. (1) Where any land transaction is entered into in contravention of this Act or where any condition to which the transaction is subject is not complied with, the transaction shall not thereby be invalidated and the rights powers and remedies of any person thereunder shall be the same as if this Act had not been passed.

Validation of transactions.

(2) Nothing in this section shall affect the liability of any person to any penalty in respect of any contravention of this Act.

40. When any instrument relating to a land transaction is submitted to the Registrar-General for registration, he may require such evidence as he deems necessary that the transaction to which the instrument relates is not in contravention of any provision of this Act and may refuse to register the instrument until such evidence is submitted to him.

Registrar of Titles, may require evidence that transactions are not in contravention of Act.

41. (1) Where consent has been given under this Act to any land transaction or proposed land transaction and the person from whom the land option or lease is to be or has been purchased taken or otherwise acquired accepts or has accepted in respect of the transaction or proposed transaction any consideration in excess of the consideration provided for in the terms of the transaction or proposed transaction as so consented to, the person who has paid or given the excess consideration may, notwithstanding that he is or may be concerned in a contravention of this Act in relation to the transaction, but subject to the next succeeding subsection, recover the amount or value of the excess consideration as a debt from the person to whom it was so paid or given, by action in any court of competent jurisdiction.

Excess consideration may be recovered.

(2) The court in which any such action is brought may, if in its discretion it considers that the circumstances of the case so warrant, refuse to give judgment for the plaintiff, or give judgment for the plaintiff in respect of part only of the amount or value of the excess consideration.

42. Any person who—

- (a) enters into any contract or agreement purporting to do, whether presently or at some future time or upon the happening of any contingency, anything forbidden by section 34 or section 38 of this Act :
- (b) enters into any transaction or makes any contract or arrangement, whether orally or in writing, for the purpose of or which has the effect of in any way

Offences relating to land transactions.

whether directly or indirectly defeating or evading or preventing the operation of section 34 or section 38 of this Act in any respect,

shall be guilty of an offence against this Act.

General.

Application of
proclamations
and notices.

43. (1) Any proclamation order or notice authorized to be made or given under this Act may be made or given so as to apply according to its tenor, to—

- (a) persons generally ;
- (b) all or any persons included in a class of person ;
- (c) in the case of a proclamation or order, any person to whom a notice is given in pursuance of the proclamation or order ;
- (d) all or any persons in any area ;
- (e) any particular person ;
- (f) the sale of goods or supply of services to a particular person by a particular person ;
- (g) goods or services generally ;
- (h) any class of goods or any class of services ;
- (i) all or any goods or services in any area ; or
- (j) specific goods or a specific service.

(2) Every order fixing maximum prices of goods or rates for services shall be published in the *Gazette*, or served on the persons bound thereby.

Commence-
ment of
proclamations.

44. Every proclamation or order under this Act shall come into operation on the day specified therein, and if a proclamation or order does not specify the day on which it shall come into operation it shall come into operation on the day on which it is published in the *Gazette*.

Variation of
proclamations.

45. The Governor may vary or revoke any proclamation for the time being in force under this Act.

Knowledge of
offences.

46. In a charge for any offence of selling goods at a price greater than that fixed by or under this Act it shall not be necessary for the prosecution to prove that the defendant knew the price so fixed and it shall not be a defence for the defendant to prove that he did not know that price.

47. A certificate signed by the Commissioner stating the price fixed by or under this Act for any declared goods and in force on any named day, shall be *prima facie* evidence of the fact so certified.

Evidence of prices.

48. Where in a defence to a prosecution under this Act it is alleged that the price at which any goods were sold was justified by the cost at which such goods or the raw materials used in the manufacture of such goods were purchased, evidence as to the cost of such goods or raw materials, as the case may be, shall be supported by genuine invoices showing full particulars of the cost, including the date of purchase, and the name and place of business of the supplier. The onus of proof of the genuineness of such invoices shall be on the defendant.

Production of genuine invoices as evidence.

49. Any person who, with intent to evade any provision of this Act, destroys, mutilates, defaces, hides, or removes any book, document or other paper shall be guilty of an offence against this Act.

Destroying and hiding documents, etc.

50. (1) A person who commits any breach of this Act or fails to observe any provision of this Act shall be guilty of an offence.

Offences.

(2) An offence against this Act may be prosecuted either summarily, or upon information in the Supreme Court, but a person shall not be liable to be punished more than once in respect of the same offence.

(3) The punishment for an offence against this Act shall be—

- (a) if the offence is prosecuted summarily a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both ; or
- (b) if the offence is prosecuted upon information a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding two years, or both.

51. The Governor may make any regulations necessary or convenient for the administration and enforcement of this Act and for preventing evasions of this Act, and for requiring the prices of any specified declared goods to be marked or otherwise displayed, and may by any regulations prescribe fines recoverable summarily and not exceeding one hundred pounds for breach of any regulation.

Regulations.

**Financial
provision.**

52. The money required for the purposes of the administration of this Act shall be paid out of money provided by Parliament for those purposes.

**Duration of
Act.**

53. This Act shall apply only to transactions taking place before the first day of January, nineteen hundred and fifty.

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

C. W. M. NORRIE, Governor.

THE SCHEDULE.

SOUTH AUSTRALIA.

PRICES ACT, 1948.

Declaration of Secrecy.

I, _____ of _____ in the Commonwealth of Australia, do solemnly and sincerely declare that, except in the course of my duty under the Prices Act, 1948, I will not directly or indirectly communicate or divulge any information relating to any matter which comes to my knowledge in consequence of my employment for the purposes of that Act.

Declared at _____ day of _____ 19____
this _____ Before me

.....
Justice of the Peace.
Commissioner for taking Affidavits.