



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 49 of 1977

An Act to amend the Prices Act, 1948-1976,

[Assented to 15th December, 1977]

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, 1977". Short title.

(2) The Prices Act, 1948-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Prices Act, 1948-1977".

2. Section 3 of the principal Act is amended by striking out from subsection (1) the definition of "consumer" and inserting in lieu thereof the following definition:— Amendment of principal Act, s. 3— Interpretation.

"consumer" means any person in his capacity as—

(a) a purchaser or hirer, or a prospective purchaser or hirer, of goods otherwise than for the purpose of resale or letting on hire or for the purpose of, or in the course of, trading or carrying on a business;

(b) a user, or prospective user, otherwise than for the purpose of, or in the course of, trading or carrying on a business, of any service rendered for fee or reward;

or

(c) a borrower, or a prospective borrower of money under a credit contract within the meaning of the Consumer Credit Act, 1972-1973, not being any such credit contract—

(i) under which money is borrowed on the security of land for the purpose of the purchase of land;

or

(ii) to which Part IV of that Act does not apply.

Amendment of
principal Act,
s. 5—
Executive
officers,
authorized
officers, and
delegates.

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

(6) A document purporting to be signed by the Minister stating—

(a) that he has appointed a person to be an authorized officer on the recommendation of the Commissioner;

or

(b) that he has delegated to the Commissioner, or, on the recommendation of the Commissioner, to any person, any powers, authorities, duties or functions conferred or imposed upon him by this Act,

shall, in any legal proceedings, in the absence of proof to the contrary, be accepted as proof of the matters stated in the document.

Enactment of
s. 11a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 11 thereof:—

Personating
authorized
officer.

11a. A person shall not falsely represent, by words or conduct, that he is an authorized officer.

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

5. Section 18a of the principal Act is amended—

(a) by striking out from paragraph (d) of subsection (1) the passage “the receipt and” and inserting in lieu thereof the passage “subject to subsection (1a) of this section, the”;

(b) by inserting in paragraph (d) of subsection (1) after the word “negotiation” the passage “, prosecution of any offence against this or any other Act”;

(c) by striking out from paragraph (d) of subsection (1) the passage “in relation to any such complaint”;

(d) by inserting after subsection (1) the following subsections:—

(1a) The Commissioner shall not conduct an investigation under paragraph (d) of subsection (1) of this section except—

(a) upon the complaint of a consumer;

(b) at the request of any person appointed or constituted under a law of the Commonwealth or a State or Territory of the Commonwealth having some functions similar to the functions of the Commissioner under the laws of this State;

or

(c) where the Commissioner suspects on reasonable grounds that excessive charges for goods or services have been made or that an unlawful or unfair trade or commercial practice has been or is being carried on or that an infringement of a consumer's rights arising out of any transaction entered into by him as a consumer has occurred.

(1b) Where the Commissioner conducts an investigation pursuant to paragraph (c) of subsection (1a) of this section, he shall as soon as practicable after he commences to conduct the investigation notify the Minister of the substance of the investigation.;

(e) by inserting in subsection (2) after the passage "defend any proceedings brought against the consumer" the passage "or assume the conduct of proceedings already commenced by or against the consumer";

(f) by striking out from subsection (2) the word "either" and inserting in lieu thereof the word "any";

(g) by inserting in subsection (3) after the word "defend" the passage "or assume the conduct of";

(h) by inserting in subsection (4) after paragraph (b) the following paragraph:—

(b1) in the case of proceedings already commenced by or against the consumer, the court hearing the proceedings shall, on the application of the Commissioner, order that the Commissioner be substituted for the consumer as a party to the proceedings and may make such other orders or give such other directions in that behalf as it thinks fit;;

and

(i) by inserting after subsection (4) the following subsection:—

(4a) In any proceeding referred to in subsection (3) of this section—

(a) a document purporting to be signed by the Commissioner stating in respect of the proceedings that he is satisfied that there is a cause of action and that it is in the public interest or proper to institute, defend or assume the conduct of the proceedings, as the case may be, on behalf of the consumer;

(b) a document purporting to be the consumer's consent to the Commissioner instituting, defending or assuming the conduct of the proceedings, as the case may be;

or

(c) a document purporting to be the Minister's consent to the Commissioner instituting, defending or assuming the conduct of the proceedings, as the case may be,

shall, in the absence of proof to the contrary, be accepted as proof of the matters or matter referred to in the document.

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

6. Section 53 of the principal Act is amended by striking out the passage "1977" and inserting in lieu thereof the passage "1978".

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

K. SEAMAN, Governor