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[1950.]

PRICES CONTROL ACT, 1948-1949.

Prices Control Order No. 226.

Footwear.

IN pursuance of the powers conferred upon me by the Prices Control Regulations, 1949, I, Constantin Paul Mathea, Prices Control Commissioner, hereby make the following Order:—

Citation.

1. This Order may be cited as Prices Control Order No. 226.

Revocation.

2. Prices Control Order No. 115 is hereby revoked.

Definitions and Interpretation.

3. In this Order, unless the contrary intention appears—

“freight, packing and insurance” means, in relation to the sale of any footwear by a retail trader, freight charges actually incurred (provided that where more than one freight service operates, the lowest freight rate only shall be allowed) and actual cost of packing and insurance;

“cost” means, in relation to any footwear which has been purchased by a retail trader from a wholesaler or a manufacturer within the Commonwealth of Australia, the purchase price paid or payable by the retail trader for such footwear after the deduction of any trade discount, but before the deduction of any cash discount;

“landed cost” means, in relation to any footwear the aggregate of the purchase price paid or payable for those goods to the overseas supplier after deduction of trade discount, but before deduction of cash discount, together with inland carriage, outside packing, overseas office or forwarding agents’ commission actually incurred (but not in excess of 3¼ per centum of the invoice price of the goods after deduction of trade discount, but before the deduction of cash discount), bill of lading and shipping charges, insurance, freight (but not in excess of current standard sea freight rates), exchange and bank fees actually incurred (but not in excess of mail steamer sight draft rate and ⅓ of one per centum, respectively), duty

and primage, wharfage, stacking, harbour dues and Stevedoring Industry Commission levy, Customs entry and Customs agents’ charges (but not including any charges for costing or any percentage surcharge on cost), cartage actually incurred in transporting goods from wharf to store or from wharf to bond only (but not in excess of the maximum rate fixed to the Western Australian Road Transport Association (Inc.) for the cartage from wharf to store or from wharf to bond of such goods);

“point of delivery” means, in relation to the sale of any footwear which has been purchased by a wholesale trader within the Commonwealth of Australia, the place at which liability for payment of transport charges in conveying that footwear to his store passed to that wholesale trader from the person from whom the wholesale trader purchased such footwear;

the expression “nearest G.P.O.” where used in relation to any point of delivery shall be deemed to refer to the General Post Office, Sydney, Melbourne or Adelaide, whichever is the nearest in a straight line to such point of delivery;

“wholesale trader” means, any person who purchases or imports any footwear in a manufactured state and re-sells such footwear by wholesale;

“retail trader” means any person who purchases or imports any footwear in manufactured state and re-sells or offers for sale such footwear by retail;

“working boots” means working boots, bluchers, cossacks, shearers’ moccasins, or any unlined boots other than rubber knee or rubber ankle boots.

Sales by Wholesale Traders.

4. I fix and declare the maximum price at which any footwear specified in the first column of the First Schedule to this Order may be sold by a wholesale trader to be—

(1) in respect of footwear manufactured within the Commonwealth of Australia, and purchased by such wholesale trader from the manufacturer or his agent, the sum of—

(a) the cost, as defined in this Order, thereof;

- (b) 10 per centum of (a);
 (c) allowance for freight, packing and insurance specified in the Second Schedule to this Order;
- (2) in respect of footwear imported from a source outside the Commonwealth of Australia, the sum of—
 (a) the landed cost, as defined in this Order, thereof; and
 (b) 10 per centum of (a).

Provided that where any wholesale trader has purchased within the Commonwealth of Australia any footwear from any person other than a manufacturer or his agent, that wholesale trader shall not sell that footwear unless and until he has made a written request to the Commissioner to fix a maximum price at which such footwear may be sold and the Commissioner has fixed the maximum price accordingly.

Sales by Retail Traders.

5. I fix and declare the maximum price at which any footwear specified in the first column of the First Schedule to this Order may be sold by a retail trader to be—

- (a) in respect of footwear purchased by that retail trader from a manufacturer or wholesaler within the Commonwealth of Australia, the sum of—
 (i) the cost, as defined in this Order, thereof;
 (ii) the percentage margin specified in the second column of the First Schedule; and
 (iii) freight, packing and insurance as defined in this Order;
- (b) in respect of any footwear imported by that retail trader from a source outside the Commonwealth of Australia, the sum of—
 (i) the landed cost thereof;
 (ii) the percentage margin specified in the second column of the First Schedule.

Provided that where any maximum price calculated in accordance with this paragraph—

- (i) does not exceed 10s., and is not an exact number of pence, such price shall be computed to the nearest upward penny;
 (ii) exceeds 10s., and is not an exact multiple of 3d., such price shall be computed to the nearest upward 3d.;
 (iii) exceeds 20s., and is not an exact multiple of 6d., such price shall be computed to the nearest upward 6d.

Discounts.

6. Notwithstanding anything contained in the foregoing provisions of this Order, where any person who sells footwear has customarily allowed any difference in price—

- (a) to any person or to persons included in any class of persons;
 (b) in respect of sales of certain quantities of footwear; or
 (c) in respect of sales of footwear under certain conditions of sale, or upon certain terms of payment, the maximum price fixed by or under this Order in respect of those goods shall, in the case of sales to any such person or persons, or of such quantities, or under such conditions, or upon such terms of payment, be reduced by the allowance of that difference.

Attachment or Display of Price Tickets.

7. (1) Any person who sells by retail or has for sale by retail any footwear to which this Order applies, shall attach to such footwear, or display in relation to such footwear, a ticket or label setting forth his retail selling price for that footwear.

(2) Any ticket or label required by this Order to be attached to or displayed in relation to any footwear shall be in such form as to be easily legible to any person inspecting or viewing such footwear, and as to be properly associated with such footwear.

Records to be Kept of Purchases.

8. Every person who sells or offers for sale footwear shall keep, in respect of such goods, and in addition to proper books and accounts required to be kept by him by law or for his own purposes, a book or books containing the following particulars:—

- (a) A full description of the footwear;

- (b) the date of the delivery of that footwear into his store;
- (c) the name and address of the person from whom he purchased that footwear;
- (d) (i) in respect of footwear purchased from a wholesaler or manufacturer, as the case may be, within the Commonwealth of Australia—the point of delivery and the cost of that footwear; or
 (ii) in respect of footwear imported from a source outside the Commonwealth of Australia, the landed cost thereof.

Provided that it shall be deemed to be sufficient compliance with the foregoing provisions of this paragraph if, at the time of such sale or offer for sale, the trader has in his possession or control an invoice or docket delivered to him in relation to such footwear containing the particulars specified in paragraphs (a), (c) and (d) of this paragraph.

Sales Dockets or Invoices.

9. Every wholesale trader who sells any footwear shall deliver with those goods a docket or invoice containing the following particulars:—

- (a) His name and place of business;
 (b) name and address of purchaser of the footwear;
 (c) date of sale of the footwear;
 (d) the quantity, description and price of each item of footwear sold, and the total amount charged.

Variation of Maximum Prices by Notice.

10. Notwithstanding the foregoing provisions of this Order, I declare the maximum price at which any footwear specified in a notice in pursuance of this paragraph may be sold by any person to whom such notice is given to be such price as is fixed by the Commissioner by notice in writing to that person.

The First Schedule.

First Column	Second Column.
Type of Footwear.	Maximum Retail Margin.
Category—	Per centum.
(1) Working Boots	25
(2) Rubber knee or rubber ankle boots	25
(3) Sandshoes with rubber soles	25
(4) Slippers	35
(5) Footwear (other than specified in categories Nos (1), (2), (3) or (4):—	
(a) Children's and Infants' up to and including size 13	37½
(b) Maids'—sizes 1 to 2 inclusive	37½
(c) Women's sizes over 2	42½
(d) Youths' sizes 1 to 4 inclusive	35
(e) Men's—sizes over 4	35

The Second Schedule.

Allowance for Freight, Packing and Insurance— Wholesale Traders.

Type of Footwear.	Where the nearest G.P.O. to the point of delivery is:—		
	G.P.O. Sydney.	G.P.O. Melbourne.	G.P.O. Adelaide.
	s. d.	s. d.	s. d.
(1) Children's Footwear up to and including size 13	0 6	0 6	0 1
(2) Boys' Footwear other than that included in (1); Youths' and Men's Footwear	1 3	1 1	0 10
(3) Girls' Footwear other than that included in (1); Maids' and Women's Footwear	1 0	0 10	0 8

Dated this 17th day of March, 1950.

C. P. MATHEA,
Prices Control Commissioner.