

New Zealand.



MONOPOLY PREVENTION.

1908, No. 122.

AN ACT to consolidate certain enactments of the General Assembly relating to the Prevention of certain Monopolies.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Monopoly Prevention Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All appointments, regulations, Orders in Council, orders, reports, recommendations, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Agricultural Implements. (Sections 2 to 13.)

PART II.—Flour and other Products. (Sections 14 to 24.)

PART I.

AGRICULTURAL IMPLEMENTS.

Interpretation.
1905, No. 58, sec. 2

2. In this Part of this Act, if not inconsistent with the context,—
“Implements” means the implements, machines, and appliances specified in the Second Schedule hereto;
“Minister” means the Minister of Customs.

Standard list to be compiled.
Ibid, sec. 3

3. (1.) The Minister shall cause to be compiled a statement showing in the case of each implement its description, the nature and quality of the materials used in its construction, and the price then current.
(2.) Such statement shall be published in the *Gazette*.

Complaint of unfair competition.
Ibid, sec. 4

4. On complaint to the Minister by any two or more manufacturers in New Zealand of any implement that the price of any implement on importation into New Zealand has been materially reduced, and that competition on unfair lines is being carried on by importers of implements from foreign countries, he shall summon the Board hereinafter constituted and refer the matter of such complaint to it for report.

Board constituted.
Ibid, sec. 5

5. (1.) There is hereby constituted a Board called “The Agricultural Implement Inquiry Board,” consisting of—

The Judge of the Court of Arbitration, who shall be Chairman;
The President for the time being of the Farmers’ Union;
The President of the Industrial Association of Canterbury;
Some person appointed by the Governor on the recommendation of the Trades and Labour Councils; and
Some person appointed by the Governor on the recommendation of the Agricultural and Pastoral Associations.

(2.) The members of the Board appointed by the Governor shall be appointed in the same manner as members of the Court of Arbitration (other than the Judge) are appointed.

(3.) The Board and its members as constituted under “The Agricultural Implement Manufacture, Importation, and Sale Act, 1905,” and subsisting on the coming into operation of this Act, shall be deemed to be the Board and its members under this Act.

Inquiry by Board.
Ibid, sec. 6
1907, No. 30, sec. 4

6. (1.) The Board on being summoned by the Minister shall inquire with as little delay as possible into the matter referred to it in such manner as it thinks fit, and for the purposes of such inquiry shall have and may exercise all the powers that the Court of Arbitration has in respect of industrial disputes.

(2.) The Board may exercise its powers and functions at any meeting at which the Judge of the Court of Arbitration and at least three other members of the Board are present.

(3.) The Board shall report in writing to the Minister the result of its inquiry, and shall state whether or not in its opinion the price of any implement imported into New Zealand has been materially reduced below that specified in the statement mentioned in section three hereof, and may recommend that relief be granted in the manner hereinafter appearing.

Duty may be imposed if New Zealand manufacturers reduce prices.
1905, No. 58, sec. 7

7. (1.) If at any time the manufacturers of implements in New Zealand agree to reduce the price of the whole of the implements mentioned in the Second Schedule hereto, or not less than a moiety thereof, to at least twenty per centum below that specified in the statement mentioned in section three hereof, and notify the Minister of such agreement, he shall summon the Board and refer the matter to it for report.

(2.) The Board shall in like manner make inquiry into the matter, and report in writing to the Minister whether or not in its opinion it is advisable for the protection of the industry in New Zealand that relief be granted as hereinafter mentioned.

8. (1.) In any case where the Board recommends that relief be granted it shall be lawful for the Minister to grant to the manufacturers of implements in New Zealand such bonus, not exceeding thirty-three per centum, as he deems necessary to enable manufacturers to compete with importers of such implements.

Power to grant bonus.
1905, No. 58, sec. 8

(2.) The right to such bonus shall be subject to such terms and conditions as the Governor in Council thinks fit to impose.

9. For the purposes of this Act implements manufactured in the United Kingdom shall be deemed to be manufactured in New Zealand, and the importers of such implements shall be deemed to be manufacturers thereof in New Zealand.

Implements manufactured in United Kingdom.
Ibid, sec. 9
1907, No. 30, sec. 3

10. (1.) Whenever it is proved to the satisfaction of the Collector that duty-paid materials have been used in the construction of any implement, he shall refund to the manufacturer of such implement the amount of duty paid on the materials so used.

Power to refund duty on certain materials.
1905, No. 58, sec. 10

(2.) For the purposes of this section "materials" includes such parts of implements as cannot advantageously be manufactured in New Zealand.

11. Every report of the Board shall be laid before Parliament within ten days after its presentation to the Minister of Customs if Parliament is then sitting, and if not, then within ten days after the commencement of the next ensuing session.

Report of Board to be presented to Parliament.
1907, No. 30, sec. 5

12. (1.) This Part of this Act shall be deemed to be incorporated with "The Customs Law Act, 1908."

Act incorporated.
1905, No. 58, sec. 11

(2.) The Governor may from time to time, by Order in Council gazetted, make regulations necessary for the carrying-out of this Part of this Act.

Regulations.
Ibid, sec. 12

13. This Part of this Act shall continue in operation till the thirty-first day of December, one thousand nine hundred and eight, on which day it shall be deemed to be repealed.

Duration of this Part of Act.
1906, No. 21, sec. 2
1907, No. 30, sec. 2

PART II.

FLOUR AND OTHER PRODUCTS.

14. In this Part of this Act "the Court" means the Court of Arbitration under "The Industrial Conciliation and Arbitration Act, 1908."

Interpretation.
1907, No. 34, sec. 2

15. Notwithstanding anything in "The Customs Duties Act, 1908," it shall be lawful for the Governor, at any time and from time to time, on the recommendation of the Court made in accordance with this Part of this Act, to declare, by Order in Council gazetted, that on and after a date to be specified in such Order in Council flour imported into New Zealand shall be admitted free of all duties of Customs, and so long as any such Order in Council remains in force flour shall be exempt from such duties accordingly.

Flour may be exempted from Customs duty.
Ibid, sec. 3

16. Any such Order in Council may be revoked by the Governor at any time as from a day to be specified in the Order in Council revoking

Order in Council remitting duty may be revoked.
Ibid, sec. 4

the same, not being earlier than three months from the gazetting of the last-mentioned Order in Council.

Court may inquire
as to price of flour.
1907, No. 34, sec. 5

17. The Court may from time to time, at the direction of the Governor, make an inquiry as to whether the wholesale market price of flour in New Zealand is unreasonably high, and if on such inquiry the Court finds that such price is, or has at any time since the receipt of such direction from the Governor been, unreasonably high, the Court shall recommend the Governor to exercise the powers conferred on him by section fifteen hereof.

Unreasonable price
of flour.
Ibid, sec. 6

18. For the purposes of such inquiry the price of flour shall be deemed to be unreasonably high—

- (a.) If the average price of flour in New Zealand is, relatively to the price of wheat in New Zealand, higher than the average price of flour in Australia relatively to the average price of wheat in Australia, unless in the opinion of the Court the additional price in New Zealand is justified by additional cost of production; or
- (b.) If the average price of wheat in New Zealand has, by reason of any combination among the holders of stocks of wheat, or by reason of any complete or partial monopoly established by any such holder, been raised above the price which would be determined by unrestricted competition.

Sections 15 to 17
to apply to wheat.
Ibid, sec. 7

19. (1.) The provisions of sections fifteen to seventeen hereof shall also apply to wheat in the same manner as to flour.

(2.) For the purpose of any inquiry by the Court under the authority of this Part of this Act, the price of wheat shall be deemed to be unreasonably high if the average wholesale price in New Zealand has, by reason of any combination among the holders of stocks, or by reason of any complete or partial monopoly established by any such holder, been raised above the price which would be determined by unrestricted competition.

Sections 15 to 17
to apply to potatoes.
Ibid, sec. 8

20. (1.) The provisions of sections fifteen to seventeen hereof shall also apply to potatoes in the same manner as to flour.

(2.) For the purpose of any inquiry by the Court under the authority of this Part of this Act, the price of potatoes shall be deemed to be unreasonably high—

- (a.) If the average wholesale price in New Zealand exceeds seven pounds per ton; or
- (b.) If the average wholesale price in New Zealand has, by reason of any combination among the holders of stocks of potatoes, or by reason of any complete or partial monopoly established by any such holder, been raised above the price which would be determined by unrestricted competition.

How average price
determined.
Ibid, sec. 9

21. (1.) The average price in New Zealand of any of the aforesaid articles shall be determined by the Court for the purposes of this Part of this Act by reference to the ordinary market price for the time being in Invercargill, Dunedin, Oamaru, Timaru, Christchurch, Wellington, and Auckland.

(2.) The average price in Australia of any of the aforesaid articles shall be likewise determined by reference to the ordinary market price for the time being in Adelaide, Sydney, and Melbourne.

Court to have powers
of Commission.
Ibid, sec. 10

22. (1.) In making any inquiry under the authority of this Part of this Act the Court shall be deemed to be a Commission within "The

Commissions of Inquiry Act, 1908," and shall have all the powers conferred upon Commissioners by that Act, and shall be subject to all the provisions of that Act accordingly.

(2.) In making any such inquiry the Court may receive and act on any evidence which it thinks fit, whether the same is legally admissible in a Court of law or not.

23. (1.) For the purposes of this Part of this Act there shall be added to the Court one additional member thereof, to be appointed by the Governor from time to time in the case of any inquiry under this Part of this Act, on the recommendation of a majority of the societies incorporated under "The Agricultural and Pastoral Societies Act, 1908."

Representative of agricultural and pastoral societies to be a member of the Court. 1907, No. 34, sec. 11

(2.) The member so appointed shall be deemed to be a member of the Court for the purpose of the inquiry in respect of which he was so appointed, but for no other purpose whatsoever.

(3.) The recommendation of the said societies shall be made in such manner as is prescribed by regulations made by the Governor in Council.

(4.) If the said societies fail to make any recommendation in accordance with such regulations, the Governor may appoint as such additional member of the Court any person whom he thinks fit.

(5.) The additional member (if any) appointed under "The Flour and other Products Monopoly Prevention Act, 1907," and in office on the coming into operation of this Act, shall be deemed to be the additional member under this Act.

24. (1.) In the case of any inquiry under this Part of this Act the Court may exercise its powers and functions at any sitting thereof at which there are present three members, including the Judge of the Court.

Quorum. Ibid, sec. 12

(2.) In the case of any division of opinion, if the members of the Court who are present are equally divided in opinion, the decision of the Judge shall be deemed to be the decision of the Court.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1905, No. 58.—"The Agricultural Implement Manufacture, Importation, and Sale Act, 1905."
- 1906, No. 21.—"The Agricultural Implement Manufacture, Importation, and Sale Act Extension Act, 1906."
- 1907, No. 30.—"The Agricultural Implement Manufacture, Importation, and Sale Act, 1907."
- 1907, No. 34.—"The Flour and other Products Monopoly Prevention Act, 1907."

SECOND SCHEDULE.

IMPLEMENTS TO WHICH PART I OF THIS ACT RELATES.

PLOUGHs of all kinds over 1½ cwt.	Drills, grain.
Tine harrows.	Rollers, land and Cambridge, over 7 cwt.
Dise harrows.	Cultivators and grubbers, over 2 cwt.
Drills, combined grain, seed, and manure, ten coulters and over.	Chaff-cutters, 9 in. mouth and over.
Drills, combined grain, seed, and manure, ten coulters.	Self-bagging chaff-cutters.
	Seed-cleaners.

Sections 2, 7. 1905, No. 58, Schedule.