

1973/74



THE STABILISATION OF PRICES REGULATIONS 1972,  
AMENDMENT NO. 2

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of March 1973

Present:

THE HON. H. WATT PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Stabilisation of Prices Regulations 1972, Amendment No. 2, and shall be read together with and deemed part of the Stabilisation of Prices Regulations 1972\* (hereinafter referred to as the principal regulations).

(2) Regulation 11 of these regulations shall come into force on a date fixed by the Minister, by notice in the *Gazette*.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the 23rd day of March 1973.

**2. Meaning of “appropriate pricing authority”**—Regulation 2 of the principal regulations is hereby amended by inserting in the definition of the expression “appropriate pricing authority” in subclause (1), after paragraph (b), the following paragraph:

“(ba) In relation to the prices at which and the margins within which milk to which the Milk Act 1967 applies may be bought and sold, to the rate of allowances to be made in respect of the collection, treatment, storage, distribution, delivery, and sale of such milk, and to the conditions subject to which such milk may be sold, means the person or authority authorised by that Act to fix such prices, margins, allowances, and conditions.”.

\*S.R. 1972/60  
Amendment No. 1: S. R. 1973/70

**3. Meaning of "base price"**—Regulation 2 of the principal regulations is hereby further amended by adding to the definition of the expression "base price" in subclause (1), as defined in relation to goods, the following additional proviso:

"Provided also that, notwithstanding anything in paragraph (c) or paragraph (d) of the first proviso to this definition, a manufacturer or packer of goods to which either of those paragraphs applies which are Category A items shall not sell any such goods until the base price of those goods has been approved by the appropriate pricing authority:".

**4. Exempted goods and services**—Regulation 3 of the principal regulations is hereby amended by adding to the proviso the following paragraph:

"(c) The provisions of regulations 11 and 12 shall apply with respect to every person to whom paragraph (a) or paragraph (b) of this proviso applies."

**5. Alteration in base price by importers, wholesalers, and retailers**—The principal regulations are hereby further amended by revoking regulation 6, and substituting the following regulation:

"6. Any importer, wholesaler, retailer, or other trader or seller (not being a manufacturer or packer) may sell any goods of Category A (not being goods the prices of which have been specifically authorised to importers, wholesalers, or retailers, as the case may be, by the appropriate pricing authority) or of Category B at such price other than the base price as will enable him to recover an amount not exceeding the into-store cost to him of the goods, together with a mark-up at the rate which he could lawfully add to the amount of the into-store costs to him of goods of the same kind as at the 31st day of March 1972, or, in the case of any importer, wholesaler, retailer, or other trader or seller who was not engaged in the business of selling goods of the same kind on that date, as at the date on which he commenced to sell such goods, or such other mark-up as is approved by the appropriate pricing authority."

**6. Increase in base price of Category B services**—Regulation 7 of the principal regulations is hereby amended by inserting, after subclause (2), the following subclause:

"(2A) Except with the approval of the appropriate pricing authority and subject to such conditions as that authority thinks fit, no increases in charges authorised by subclause (2) of this regulation shall be made on an industry or a group basis."

**7. Price Tribunal may review prices**—(1) Regulation 9 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

"(1) Notwithstanding anything in these regulations, the Price Tribunal may at any time of its own motion hold an inquiry into the prices being charged for any goods or services, and may fix such maximum prices for those goods or services as it thinks fit."

“(1A) On any such inquiry the Price Tribunal may fix—

“(a) The maximum price that may be charged for any goods or classes of goods by manufacturers, packers, importers, wholesalers, retailers, or other traders or sellers or suppliers, or any of them; or

“(b) The maximum mark-up that may be incorporated in the price of any goods or classes of goods sold by manufacturers, packers, importers, wholesalers, retailers, or other traders or sellers or suppliers, or any of them.

“(1B) The powers conferred by this regulation shall include power to fix a price that is lower than the base price or, as the case may be, the price calculated in accordance with the base pricing formula.”

(2) Regulation 9 of the principal regulations is hereby further amended—

(a) By omitting from the heading the words “of Category B items”:

(b) By inserting in subclause (4), after the words “maximum prices”, the words “or maximum mark-ups”:

(c) By adding to subclause (4) the words “or, as the case may be, incorporates a mark-up that exceeds the maximum mark-up so fixed”.

**8. Accounts and records to be kept**—Regulation 12 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) The appropriate pricing authority may require any specified manufacturer or packer, or, by notice in the *Gazette*, all manufacturers or packers or manufacturers or packers of any specified class, to set out the information required to be supplied under subclause (1) of this regulation in a form prescribed by the appropriate pricing authority.”

**9. Returns to be made**—Regulation 13 of the principal regulations is hereby amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) Unless the appropriate pricing authority at any time otherwise decides and notifies the manufacturer or packer or supplier of its decision, a manufacturer or packer or supplier shall not be required to comply with the requirements of paragraph (b) of subclause (1) of this regulation if he supplies to the appropriate pricing authority, as soon as practicable after the close of his financial year, a certificate, in a form approved for the purpose by that authority, that he has not increased the prices of any goods or services sold or supplied by him during that financial year or since the commencement of these regulations.

“(3) In this regulation the term ‘goods’ means goods sold for use or consumption in New Zealand.”

**10. Quantities and retail prices to be shown on packages**—The principal regulations are hereby further amended by inserting, after regulation 13, the following regulation:

“13A. (1) The Minister may from time to time, by notice in the *Gazette*, require manufacturers and packers of such goods or class or classes of goods as may be specified in the notice to cause the packages to bear a label showing in such manner as is specified in the notice—

- “(a) The minimum quantity of the goods in the package, expressed in such manner as may be specified in the notice; and
- “(b) The maximum retail price of the goods.
- “(2) Any notice given under subclause (1) of this regulation may at any time in like manner be revoked in whole or in part or amended.
- “(3) Every notice given under subclause (1) of this regulation shall specify the date on which it shall come into force, being a date not earlier than 3 months after the date of its publication in the *Gazette*, except in the case of a notice revoking a previous notice either in whole or in respect of some of the goods to which the previous notice relates.
- “(4) No person shall—
- “(a) Sell by retail, or offer or expose for sale by retail, any goods the package containing which is labelled in accordance with a notice given under this regulation at a price exceeding that marked on the package; or
- “(b) Sell by retail, or offer or expose for sale by retail, any goods the package containing which is required to be labelled pursuant to a notice given under this regulation, if the package is not so labelled, or if any particulars as to quantity or retail price shown on the label have been removed or obliterated or concealed or altered (not being an alteration reducing the retail price shown on the label); or
- “(c) Remove or obliterate or conceal or alter any particulars as to quantity or retail price (not being an alteration reducing the retail price shown on the label) shown on any label pursuant to any notice given under this regulation; or
- “(d) Being a manufacturer or packer of goods to which any notice given under this regulation applies, fails to comply with the notice.
- “(5) In this regulation—
- “‘Label’ means any written or printed matter that is attached to, or forms part of, or appears on the exterior of, any goods or any package containing goods, or that is visible through any transparent outer cover or wrapper enclosing such a package:
- “‘Package’ means—
- “(a) The outermost receptacle, container, or wrapper in which any goods are encased, covered, enclosed, contained, or packed for the purpose of sale by retail; or
- “(b) If for that purpose there is a transparent outer cover or wrapper enclosing or covering a receptacle or container or wrapper, the receptacle, container, or wrapper that is so enclosed or covered;—
- and ‘packer’ has a corresponding meaning.”

**11. Auctioneer not to bid at auction sale of fruit or vegetables—**  
The principal regulations are hereby further amended by inserting, after regulation 13A (as inserted by regulation 10 of these regulations), the following regulation:

“13B. No auctioneer who is engaged in the business of selling by auction fresh or frozen fruit or vegetables shall, whether by himself or by any person acting on his behalf, bid at any sale by auction of fresh or frozen fruit or vegetables (not being potatoes or onions), whether the sale is conducted by that auctioneer or by any other auctioneer:

“Provided that nothing in this regulation shall apply with respect to any bidding by or on behalf of an auctioneer made on behalf of any other person (not being a person engaged in the business of selling by auction fresh or frozen fruit or vegetables or a person acting on behalf of any such person) pursuant to an order received by the auctioneer and disclosed by him to the persons present before the commencement of the auction.”

**12. Bidding by agent at auction of fruit or vegetables**—The principal regulations are hereby further amended by inserting, after regulation 13B (as inserted by regulation 11 of these regulations), the following regulation:

“13C. (1) No person (not being an employee bidding on behalf of his employer) shall bid on behalf of any other person at any sale by auction of fresh or frozen fruit or vegetables, except in compliance with such conditions as the Minister may from time to time prescribe, by notice in the *Gazette*.

“(2) Any notice given under subclause (1) of this regulation may in like manner be revoked in whole or in part or amended.”

**13. Category A items**—(1) The First Schedule to the principal regulations is hereby amended by inserting in clause 1, in the part thereof headed “*Chemicals and Chemical Substances*”, before the item relating to drugs and related commodities, the following item:

“Anthelmintic drenches.”

(2) The First Schedule to the principal regulations is hereby further amended by inserting in clause 1, in the part thereof headed “*Foodstuffs and Related Commodities*”, after the item “Aerated waters”, the following item:

“Apples and pears sold by retailers.”

(3) The First Schedule to the principal regulations is hereby further amended by inserting in clause 1, in the part thereof headed “*Foodstuffs and Related Commodities*”, after the item “Rice, including ground rice”, the following item:

“Sheep meat, being fresh or frozen meat intended for human consumption in New Zealand which is or contains lamb, hogget, or mutton, including liver and kidneys from such meat.”

**14. Exempted goods and services**—(1) The Second Schedule to the principal regulations is hereby amended by adding the following clauses:

“9. Fees charged by primary schools or secondary schools.

“10. Fees charged by charitable or religious institutions for the care of the aged or infirm.

“11. Membership fees charged by social or recreational clubs or sporting bodies.

“12. Periodical subscriptions, fees, or levies paid to any trade or professional union or association which are directly related to the employment of any person.

“13. Prices and fees charged for goods and services by a Borough Council, Town Council, County Council, County Borough Council, County Town Committee (including the Tokoroa County Borough Committee), or Harbour Board, or the Auckland Regional Authority, or by any other public body or class of public body specified by the

Minister by notice in the *Gazette*, other than prices or charges for gas or electricity or appliances or services connected with the supply of gas or electricity, or for other goods or services that are of a kind that are also customarily sold or supplied in competition with the local authority or public body by other persons in the district of or area under the jurisdiction of the local authority or public body.”

(2) The Second Schedule to the principal regulations is hereby further amended by revoking clause 5.

P. G. MILLEN,  
Clerk of the Executive Council.

#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations make miscellaneous amendments to the Stabilisation of Prices Regulations 1972.

The effect of the amendments is as follows:

- (a) Regulation 2 amends the definition of “appropriate pricing authority” in regulation 2 of the principal regulations by including, in relation to milk as defined in the Milk Act 1967, the pricing authorities under that Act.
- (b) Regulation 3 amends the definition of “base price” in regulation 2 of the principal regulations. The effect of the amendment is that a trader who sells Category A goods of a kind that he did not sell at the commencement of the principal regulations must obtain the approval of the appropriate authority to his initial selling price.
- (c) Regulation 4 amends regulation 3 of the principal regulations, which exempts certain classes of goods from those regulations, but provides that a trader in primary produce may not increase his mark-up as at 31 March 1972. This amendment applies regulations 11 and 12 of the principal regulations to such exempted goods, the effect being that a trader in primary produce may take advantage of the relief provisions in regulation 11 and must keep accounts and records in accordance with regulation 12.
- (d) Regulation 5 substitutes in an amended form regulation 6 of the principal regulations, relating to the power of importers, wholesalers, and retailers to increase the base price of Category B goods. The new regulation 6 applies these provisions to Category A goods also (except where the pricing authority specifically authorises wholesale and retail prices for the goods), and also requires selling prices to be reduced if the purchase price to the importer, wholesaler, or retailer is reduced.
- (e) Regulation 6 prohibits an increase on an industry or a group basis in the charge-out or recovery rate or in the cost of materials for Category B services of a kind where the charges are customarily predetermined by the supplier, except with the approval of the pricing authority and subject to any conditions imposed by it.
- (f) Regulation 7 substitutes in an amended form regulation 9 (1) of the principal regulations empowering the Price Tribunal to hold an inquiry into prices charged for Category B goods or services and fix maximum prices for them. The new subclause applies to both Category A and Category B goods and services, and empowers the Price Tribunal to fix prices and mark-ups both at the wholesale and retail levels.
- (g) Regulation 8 provides that the appropriate pricing authority may require that the information as to price increases to be supplied under regulation 12 (b) of the principal regulations be supplied in a form prescribed by that authority. That requirement may be given to a particular packer or supplier, or may be a general requirement given by notice in the *Gazette*.

- (h) Regulation 9 amends regulation 13 of the principal regulations, which includes a provision that traders to whom that regulation applies are to furnish to the appropriate pricing authority copies of their annual accounts. This amendment exempts such traders, unless the pricing authority otherwise directs, from that requirement if they furnish to the pricing authority a certificate, in a form provided or approved by that authority, that they have not increased their prices for goods or services during the financial year, or since the commencement of the principal regulations.
- (i) Regulation 10 provides that the Minister may, by notice in the *Gazette*, require manufacturers and packers of specified goods to cause the packages to bear a label showing the minimum quantity of goods in the package and the maximum retail price of the goods. A retailer may not sell the goods at a price exceeding that shown on the label.  
A notice given by the Minister under this provision is to come into force on a date specified by him, which must not be less than 3 months after the date of gazetting of the notice.
- (j) Regulation 11 provides that an auctioneer of fresh or frozen fruit or vegetables may not bid at any auction sale of fresh or frozen fruit or vegetables (except potatoes and onions) whether conducted by him or another auctioneer.  
This regulation is to come into force on a date fixed by the Minister, by notice in the *Gazette*.
- (k) Regulation 12 provides that no person (except an employee bidding on behalf of his employer) may bid on behalf of any other person at a sale by auction of fresh or frozen fruit or vegetables, except in compliance with any conditions prescribed by the Minister, by notice in the *Gazette*.
- (l) Regulation 13 adds anthelmintic drenches, apples and pears sold by retailers, and sheep meat to the list of Category A items in the First Schedule to the principal regulations. The Price Tribunal will be the appropriate pricing authority in respect of these items.
- (m) Regulation 14 adds additional items to the list of exempted goods and services set out in the Second Schedule to the principal regulations, and removes from that list of goods sold or services performed on the basis of prices submitted by tender.

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Issued under the authority of the Regulations Act 1936.

Date of notification in the *Gazette*: 22 March 1973.

These regulations are administered in the Department of Trade and Industry.