

COMMERCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Commerce Act 1976.

Clause 1 relates to the Short Title.

Clause 2 enables certain measures of price restraint (as opposed to price control) to be imposed by regulations made under the principal Act. Such measures may be imposed in respect of particular goods or services or in respect of goods or services sold by individuals.

Clause 3 makes it clear that price restraint regulations may override any provisions which relate to the fixing of prices or charges and which are contained in any Act specified in the First Schedule to the principal Act. The Transport Act 1962 is one of the Acts included in that First Schedule (which is a Schedule of Acts not affected by Part IV of the principal Act).

Clause 4 increases the penalties that may be prescribed for offences against regulations made under the principal Act.

Hon. Mr Adams-Schneider

COMMERCE AMENDMENT

ANALYSIS

Title		3. Prices and charges fixed under other Acts
1. Short Title		
2. Price restraint		4. Regulations

A BILL INTITULED

An Act to amend the Commerce Act 1975

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

1. Short Title—This Act may be cited as the Commerce Amendment Act 1979, and shall be read together with and deemed part of the Commerce Act 1975* (hereinafter referred to as the principal Act).

10 **2. Price restraint**—The principal Act is hereby amended by repealing section 83, and substituting the following section:
“83. (1) Regulations made under this Act may impose or
provide for the imposition of price restraint in respect of
goods and services (not being goods or services subject to
15 price control under section 82 of this Act) which may be
specified in the regulations or notified from time to time by
the Minister by notice published in the *Gazette*.”

*Reprinted 1976, Vol. 3, p. 2445

“(2) Any such regulations or notice may specify circumstances in which any goods or services are or are not to be subject to price restraint.

“(3) Any such regulations may impose, or provide for the imposition of, price restraint, in respect of— 5

“(a) Goods or services or classes of goods or services generally; or

“(b) Particular goods or services or particular classes of goods or services; or

“(c) Goods or services sold by particular classes of persons 10
or by individual persons.

“(4) Price restraint imposed, by or pursuant to regulations made under this Act, may specify the manner in which the prices of any goods or services or any class of goods or services are to be restrained and may, in particular, but without 15
limiting the generality of the foregoing provisions of this section,—

“(a) Limit the margin of profit that may be applied to any goods or services:

“(b) Prescribe the method by which the prices of any 20
goods or services are to be calculated:

“(c) Limit the costs that may be taken into account in calculating the prices of any goods or services:

“(d) Limit the profit of any business:

“(e) Control the frequency with which the prices of any 25
goods or services may be increased:

“(f) Freeze, for such period as is specified in the regulations, the prices of any goods or services:

“(g) Override or supplement any criteria that are required to be taken into consideration under any Act by 30
any body or person charged with fixing the prices of any goods or services:

“(h) Suspend any procedure (including any procedure prescribed by any Act) for the fixing of prices of 35
goods or services.

“(5) Regulations made under this Act shall not affect any right of appeal that has accrued in respect of any decision made before the regulations come into force.”

3. Prices and charges fixed under other Acts—Section 118 of the principal Act is hereby amended by adding the following proviso: 40

“Provided that regulations made under section 83 of this Act shall have effect notwithstanding any provisions which relate to the fixing of prices or charges and which are contained in any Act specified in the First Schedule to this Act.” 45

4. Regulations—Section 132 (g) is hereby amended—

(a) By omitting the expression “\$200”, and substituting the expression “\$1,000”:

5 (b) By omitting the expression “\$10”, and substituting the expression “\$20”.