

1976/120



**THE PROFESSIONAL CHARGES (PRICE FREEZE)  
REGULATIONS 1976**

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 14th day of May 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

ANALYSIS

1. Title 2. Commencement and expiry 3. Meaning of professional services 4. Limitations on charges for professional services 5. Issuing and application of scales of professional charges 6. Disbursements may be recovered 7. Prohibited transactions		8. Offences and penalties 9. Evidence in prosecutions 10. Remuneration within Wage Adjustment Regulations 1974 not affected 11. Stabilisation of Prices Regulations 1974 excluded 12. Services for overseas persons not affected Schedule
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REGULATIONS

**1. Title**—These regulations may be cited as the Professional Charges (Price Freeze) Regulations 1976.

**2. Commencement and expiry**—(1) These regulations shall come into force on the 15th day of May 1976.

(2) These regulations shall continue in force until the close of the 14th day of May 1977, and shall then expire.

**3. Meaning of professional services**—In these regulations “professional services” means any services of the kind described in the Schedule to these regulations.

**4. Limitations on charges for professional services—**(1) No person shall make, for any professional services rendered while these regulations are in force, a charge that is greater than that which would have been made by him for services of the same kind if they had been rendered and charged for immediately before the commencement of these regulations.

(2) Where, immediately before the commencement of these regulations, any person was not in practice, or was not making charges for any professional services or for any particular kind of professional services, that person shall not make for those professional services, or for that particular kind of professional services, rendered while these regulations are in force, a charge that is other than reasonable having regard to the provisions of subclause (1) of this regulation and to the charges made, immediately before the commencement of these regulations, by other persons who rendered services of the same kind in the same or any similar locality.

(3) For the purposes of this regulation services that are substantially of the same nature as other services shall be deemed to be of the same kind.

**5. Issuing and application of scales of professional charges—**(1) Where it is the practice of any society, institute, or other body, being a society, institute, or other body whose membership is comprised wholly or principally of the members of any profession, to issue any scale of charges to be made by members of that profession for their professional services, whether or not those members are obliged by the rules of that society, institute, or body or by law to observe any such scale,—

(a) The society, institute, or other body shall not issue a new scale while these regulations are in force; and

(b) Where under any such scale applicable immediately before the commencement of these regulations, an actual charge or a maximum charge was specified in respect of any professional service, no person shall make for any such service rendered while these regulations are in force, a charge which is greater than the charge or the maximum charge, as the case may be, so specified or which would contravene regulation 4 (1) of these regulations.

(2) Nothing in these regulations shall prevent any person from making, for any professional service rendered while these regulations are in force, a charge that is not greater than any actual charge or maximum charge specified in respect of that service in any scale of charges applicable for the time being and prescribed or approved in or pursuant to any enactment by the Governor-General by Order in Council or by any Minister of the Crown or by any officer in the service of the Crown.

(3) Where any scale of charges applicable by virtue of subclause (1) or subclause (2) of this regulation does not specify the particular fee that may be charged for any professional services but indicates that a rate per hour or a rate proportionate to the difficulty of the work or to the time taken or to both may be charged, no person shall charge, for any such services rendered while these regulations are in force, a rate that is other than reasonable having regard to the provisions of regulation 4 of these regulations.

**6. Disbursements may be recovered**—Nothing in these regulations shall prevent any person from recovering money disbursed by him on behalf of a client (other than amounts which are disbursed for professional services and which exceed those permitted by these regulations).

**7. Prohibited transactions**—No person shall—

- (a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or
- (b) Enter into any transaction or make any contract or arrangement, whether orally or in writing, or do any thing, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, avoiding, or preventing the operation of these regulations in any respect.

**8. Offences and penalties**—Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence who without lawful justification or excuse acts in contravention of or fails to comply with any provision of these regulations, and is liable accordingly on summary conviction to the penalties specified in subsection (3) of the said section 18, namely:

- (a) In the case of an individual, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$400 and (if the offence is a continuing one) to a further fine not exceeding \$10 for every day during which the offence continues, or to both such imprisonment and such fines:
- (b) In the case of a company or other corporation, to a fine not exceeding \$1,000 (and if the offence is a continuing one) to a further fine not exceeding \$40 for every day during which the offence continues.

**9. Evidence in prosecutions**—In any proceedings for an offence against these regulations, the production by or on behalf of the informant of a verified copy of any entry in any accounts or records kept by or on behalf of the defendant, or of any invoice, receipt, statement of account, or other document issued by or on behalf of the defendant, and purporting to disclose the charge made by the defendant for any professional services, shall, in the absence of proof to the contrary, be sufficient evidence of the charge made for those services.

**10. Remuneration within Wage Adjustment Regulations 1974 not affected**—Nothing in these regulations shall limit the remuneration paid to any person for any professional services if his remuneration for those services is governed by an instrument within the meaning of the Wage Adjustment Regulations 1974\*.

\*S.R. 1974/143

Amendment No. 1: S.R. 1974/252

Amendment No. 2: (Revoked by S.R. 1976/124)

Amendment No. 3: (Revoked by S.R. 1976/124)

Amendment No. 4: S.R. 1975/126

Amendment No. 5: (Revoked by S.R. 1976/3)

Amendment No. 6: S.R. 1976/5

Amendment No. 7: (Revoked by S.R. 1976/124)

Amendment No. 8: S.R. 1976/96

Amendment No. 9: S.R. 1976/124

**11. Stabilisation of Prices Regulations 1974 excluded**—Nothing in the Stabilisation of Prices Regulations 1974† shall apply in respect of charges made for professional services rendered while these regulations are in force.

**12. Services for overseas persons not affected**—Nothing in these regulations shall apply in respect of professional services rendered,—

- (a) Outside New Zealand; or
- (b) Within New Zealand for any person (other than a New Zealand citizen) who has no fixed and permanent place of business or abode in New Zealand.

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SCHEDULE

Reg. 3

PROFESSIONAL SERVICES

1. Accounting and auditing services, being the making or preparation of accounts or accounting records and the examination, verification and auditing of financial statements, performed by chartered accountants or chartered accountants in public practice within the meaning of the New Zealand Society of Accountants Act 1958.

2. Services of architects registered under the Architects Act 1963 in their capacity as such.

3. Services performed by chiropodists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

4. Chiropractic services, being services performed by chiropractors registered under the Chiropractors Act 1960 in their capacity as such.

5. Dental services, being services performed by registered dentists within the meaning of the Dental Act 1963 in their capacity as such.

6. Services performed by dental technicians registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

7. Services performed by dietitians registered under the Dietitians Act 1950 in their capacity as such.

8. Services of insurance brokers in their capacity as such.

9. Legal services, being services performed by practitioners within the meaning of the Law Practitioners Act 1955 in their capacity as such.

10. Medical services, being the provision of medical or surgical advice or attendance and the performance of surgical operations, performed by registered medical practitioners within the meaning of the Medical Practitioners Act 1968.

11. Services performed by medical technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

12. Nursing services, being services performed by nurses registered under the Nurses Act 1971 in their capacity as such.

13. Services performed by occupational therapists registered under the Occupational Therapy Act 1949 in their capacity as such.

14. Services of opticians registered under the Opticians Act 1928 in their capacity as such and of optical dispensers in their capacity as such.

†S.R. 1974/175

Amendment No. 1: S.R. 1974/321

Amendment No. 2: S.R. 1975/185

Amendment No. 3: S.R. 1975/252

Amendment No. 4: S.R. 1976/25

SCHEDULE—*continued*

15. Services of professional engineers or technologists, being persons practising as consultants in the field of—

(a) Civil engineering:

(b) Mechanical, aeronautical, marine, electrical, or electronic engineering:

(c) Mining, quarrying, soil analysis, or other forms of minerology or geology:

(d) Agronomy, forestry, livestock rearing, or ecology:

(e) Metallurgy, chemistry, biochemistry, or physics; or

(f) Any other form of engineering or technology of a kind similar to those referred to in the preceding paragraphs of this clause.

16. Services of patent attorneys in their capacity as such.

17. Services of physiotherapists registered under the Physiotherapy Act 1949 in their capacity as such.

18. Services performed by radiographers in their capacity as such.

19. Services performed by real estate agents within the meaning of the Real Estate Agents Act 1963 in their capacity as such.

20. Services of sharebrokers licensed under the Sharebrokers Act 1908 in their capacity as such.

21. Services of ship brokers in their capacity as such.

22. Services of surveyors of land (including surveyors registered under the Surveyors Act 1966), quantity surveyors, surveyors of buildings or other structures, and surveyors of ships, in their capacity as such.

23. Services performed by valuers of land or of chattels in their capacity as such.

24. Veterinary services performed by veterinary surgeons registered under the Veterinary Surgeons Act 1956 in their capacity as such.

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 restrict the charges that may be made for professional services rendered during the period beginning with the 15th day of May 1976 and ending with the close of the 14th day of May 1977. It is an offence against section 18 of the Economic Stabilisation Act 1948 to act in contravention of these regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 May 1976.

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