

Report No. 300—Fish, Crustaceans, Molluscs, and Preparations thereof

Customs Tariff (Composite) Amendment Order (No. 2) 1974.

Report No. 303—Wines, etc.

Customs Tariff (Composite) Amendment Order (No. 2) 1974.

J. A. KEAN, Comptroller of Customs.

Decision No. 35 of the Trade Practices and Prices Commission

IN the matter of the Trade Practices Act 1958, and in the matter of an inquiry for the purpose of determining an application by the New Zealand Vegetable and Produce Growers' Federation Inc., the New Zealand Berryfruit Growers' Federation Inc., the New Zealand Potato Growers' Federation Inc., and the New Zealand Fruitgrowers' Federation Limited for approval of a collective pricing agreement.

WHEREAS an inquiry was undertaken by the Trade Practices Commission, pursuant to section 18 of the Trade Practices Act 1958, for the purpose of determining an application lodged under section 18A of that Act by the New Zealand Vegetable and Produce Growers' Federation Inc., the New Zealand Berryfruit Growers' Federation Inc., the New Zealand Potato Growers' Federation Inc., and the New Zealand Fruitgrowers' Federation Limited (hereinafter referred to as the grower federations) for approval of the trade practice of fixing collectively charges on new and secondhand returnable and non-returnable fruit and vegetable containers used for distributing fruit and vegetables, except pip fruit and imported fruits, from production units to retail stores through wholesale auction markets.

And whereas under subsection (4) of section 18A of the Act the commission is required to grant its approval if, in its opinion, the effect of the trade practice is not and is not likely to be contrary to the public interest in accordance with the provisions of section 20 of the Act. Any approval, however, may be subject to such conditions as the commission thinks fit.

And whereas the commission has decided that the effect of fixing uniform charges for containers at auction sales of fruit and vegetables is not and is not likely to be contrary to the public interest in terms of section 20 of the Act provided that, in the procedure adopted for the assessment of appropriate charges and their adjustment from time to time, conditions are incorporated to ensure that the charges are fair and reasonable from the point of view of both the grower and the retailer and that the interests of the consumer are adequately protected.

Now, therefore, the Trade Practices and Prices Commission hereby orders and directs that, subject to the conditions of approval set out hereunder, the trade practice described in the Collective Pricing Agreement registered as TP1-49 on 29 March 1972, and presently operated by the grower federations is hereby approved.

CONDITIONS OF APPROVAL

- (a) Upon any application for adjustment of charges for containers imposed under the aforesaid Collective Pricing Agreement being made by the grower federations or by the New Zealand Retail Fruiterers' Federation Inc., the applicant federation(s) shall give 2 months notice to the federation(s) representing the other sector of the industry and also to the Department of Trade and Industry.
- (b) Charges for containers shall be adjusted to a figure not exceeding 50 percent of the cost of the container, assessed as hereinafter provided, or 50 percent of the cost, similarly assessed, of some alternative container which is available to growers and which is equally suitable for the purpose for which it is to be used, whichever is the lesser.
- (c) In appraising the cost of containers to be allocated between growers and retailers in equal shares, regard shall be had to the fair average assembled cost of the container to growers at their premises from the normal source of supply relied upon by the industry, provided that where there is more than one significant source of supply the cost of obtaining containers from each shall be weighted for the purpose of arriving at a fair industry average cost.
- (d) Where more than one kind of container is included in a category for which a uniform charge is to be set, the charge shall be calculated on an overall weighted average basis.

- (e) Each sector of the industry (producers and retailers) shall nominate a chartered accountant to whom full and appropriate information supporting an application shall be furnished by the party moving for the adjustment in charges. This information shall also be made available at the same time to the Department of Trade and Industry.
- (f) Any agreement reached between the accountants for the respective sectors of the industry shall be submitted to the Department of Trade and Industry and the new schedule of charges shall not become effective until it has the department's approval.
- (g) If agreement cannot be reached between the accountants for the respective sectors, the department shall arbitrate and its decision shall be accepted as binding by all parties.
- (h) Any adjustment in the scale of charges so approved shall enure for a period not less than one year unless cogent reasons are established to the satisfaction of the department that exceptional circumstances warrant a review of the scale in respect of a specific type or category of container or an addition to the schedule of some new type of container not included in an existing category.

Dated at Wellington this 29th day of August 1974.

The Seal of the Trade Practices and Prices Commission was affixed hereto in the presence of:

J. S. CLENDON, Chairman.
ANN HERCUS, Member.
F. F. SIMMONS, Member.

Division of Amuri Pest Destruction District into Wards (No. 897 Ag. 20891A)

PURSUANT to section 21 of the Agricultural Pests Destruction Act 1967, the Amuri Pest Destruction Board hereby gives notice that the Amuri Pest Destruction District which was constituted by Order in Council on the 18th day of March 1974* is hereby divided into wards, the names and boundaries of which are specified in the Schedule hereto.

SCHEDULE

BOUNDARIES OF THE WARDS OF THE AMURI PEST DESTRUCTION DISTRICT

Pahau Ward

ALL that area in the Canterbury Land District, Amuri County, containing 297,800 acres, more or less, bounded by a line commencing at a point in the middle of Hurunui River in line with the south-western boundary of Lot 2, D.P. 6080, in Block XV, Myholme Survey District, and proceeding north-westerly to and along that boundary and north-easterly along the north-western boundary of the said Lot 2 to a point 5 chains south of the westernmost corner of Lot 1, D.P. 6080; thence south-westerly along a right line to Trig. Station "Ben Cliberick"; thence north-westerly along a right line to a point 3 miles and 20 chains due east of the confluence of Lake Sumner and the Hurunui River; thence due west to that confluence; thence north-westerly along the north-eastern shore of Lake Sumner to the middle of Marion Stream; thence northerly up the middle of that stream to Lake Marion and along the eastern shore of that lake to its northernmost point; thence westerly along a right line to Trig. Station H, "Niggerhead"; thence northerly and westerly along the eastern and northern boundaries of Reserve 4382 to Hope Pass on the summit of the Main Divide in Block X, Marion Survey District; thence north-easterly generally along the said summit to the Lewis Pass; thence southerly down the middle of the Lewis River and the Boyle River and easterly and southerly down the middle of the Hope River and the Waiua River to a point in line with the middle of the road forming the north-western boundary of Lot 1, D.P. 4972, in Block I, Culverden Survey District; thence south-westerly to and along the middle of that road and its production to the southern side of No. 7 State Highway; thence south-easterly along that roadside to the northern boundary of part Section 26, Culverden Settlement; thence westerly along the northern boundaries of part Section 26, Sections 27 and 28, and part Sections 29 and 31, and southerly along the western boundaries of part Sections 29 and 31, Culverden Settlement, and the eastern bank of Black Birch Stream and along a right line across the Pahau River to the north-eastern corner of Lot 16, D.P. 3551; thence westerly generally along the eastern and southern boundaries of that lot to Cascade Road; thence north-westerly along the north-eastern side of that road to