

Price Order No. 37 (Phosphatic Fertilisers)

PURSUANT to the Commerce Act 1975, I, Peter Edward Donovan, pursuant to a delegation from the Secretary of Trade and Industry, hereby make the following price order:

1. This order may be cited as Price Order No. 37 and shall come into force on the 1st January 1977.

2. (1) Price Order No. 26* is hereby revoked.

(2) The revocation of the said order shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this order.

APPLICATION OF THIS ORDER

3. (1) Subject to the next succeeding subclause, this order applies with respect to phosphatic fertilisers of the following kinds manufactured or prepared in New Zealand and sold for use in New Zealand:

- (a) Superphosphate, including granular.
- (b) Serpentine superphosphate.
- (c) Reverted superphosphate.
- (d) Aerial superphosphate.

(2) Nothing in this order shall apply with respect to any phosphatic fertilisers sold in a quantity of less than one tonne.

FIXING MAXIMUM PRICES OF PHOSPHATIC FERTILISERS TO WHICH THIS ORDER APPLIES

4. (1) The prices for phosphatic fertilisers fixed by this order are fixed in respect of sales of the following classes, namely:

- (a) Sales to a user—that is to say, to a person purchasing for his own use and not for the purpose of resale.
- (b) Sales to a storekeeper—that is to say, to a person (not being a merchant, dairy company, or farmers' organisation as hereinafter mentioned) purchasing solely for resale to users.
- (c) Sales to a merchant—that is to say, to a person purchasing for resale to storekeepers or to users.
- (d) Sales to a dairy company, as defined in section 2 of the Dairy Industry Act 1952, purchasing solely for resale to persons being suppliers of milk or cream to the company.
- (e) Sales to an incorporated farmers' organisation, having a retail department conducted on a co-operative basis, and purchasing phosphatic fertilisers solely for the purpose of resale to its members.

(2) The prices for phosphatic fertilisers fixed by this order are fixed in respect of sales for cash or for credit until a date not later than the 20th day of the month next following the month of delivery.

(3) Where any sale is made on terms allowing credit for a longer period than that mentioned in the last preceding subclause, the purchaser shall be entitled, notwithstanding anything to the contrary in the contract of sale, to the benefit of the prices fixed by this order if in fact payment is made not later than the 20th day of the month next following the month of delivery.

5. (1) Where any phosphatic fertilisers manufactured at Otahuhu, Smart Road (New Plymouth), Te Papapa, or Whangarei, are sold for delivery "ex works" or "free on rail" at those places, the maximum price that may be charged or received shall be the appropriate price specified in the First Schedule hereto.

(2) Where any phosphatic fertilisers manufactured at Morrinsville are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Second Schedule hereto.

(3) Where any phosphatic fertilisers manufactured at Mount Maunganui are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Third Schedule hereto.

(4) Where any phosphatic fertilisers manufactured at Awatoto are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Fourth Schedule hereto.

(5) Where any phosphatic fertilisers manufactured at Aramoho are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Fifth Schedule hereto.

(6) Where any phosphatic fertilisers manufactured at Hornby are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Sixth Schedule hereto.

(7) Where any phosphatic fertilisers manufactured at Seadown are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Seventh Schedule hereto.

(8) Where any phosphatic fertilisers manufactured at Ravensbourne are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Eighth Schedule hereto.

(9) Where any phosphatic fertilisers manufactured at Awarua are sold for delivery "ex works" or "free on rail" at that place, the maximum price that may be charged or received shall be the appropriate price specified in the Ninth Schedule hereto.

(10) Where any phosphatic fertilisers are sold for delivery elsewhere than at one of the places mentioned in subclauses (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this clause, the maximum price that may be charged or received shall be the appropriate price fixed in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, or Ninth Schedules hereto, whichever is appropriate, increased by the amount of the freight charges between the place of manufacture and the place of delivery: Provided that the amount added to the price in respect of freight charges shall not in any case exceed the amount that would have been incurred had delivery been effected by the holder of a goods-service licence under the Transport Act 1962 at authorised rates.

(11) In every invoice, debit note, or similar document issued by the vendor to a user in respect of the sale of any phosphatic fertiliser, there shall be shown separately:

- (a) The price of the phosphatic fertilisers fixed in accordance with this order; and
- (b) The additional amount (if any) payable by the purchaser in respect of freight charges.

SPECIAL PRICES WHERE EXTRAORDINARY CHARGES INCURRED

6. Notwithstanding anything in the foregoing provisions of this order and subject to such conditions, if any, as he thinks fit, the Secretary, on application by any vendor of phosphatic fertiliser to whom this order applies, may authorise special prices in respect of any phosphatic fertiliser to which this order applies where special circumstances exist or for any reason extraordinary charges (freight or otherwise) are incurred by such vendor. Any authority given by the Secretary under this clause may apply with respect to a specified lot or consignment of phosphatic fertiliser or may relate generally to all phosphatic fertiliser to which this order applies sold by such vendor while the approval remains in force.

FIRST SCHEDULE

FIXING MAXIMUM PRICES FOR PHOSPHATIC FERTILISERS MANUFACTURED AND SOLD AT WHANGAREI, OTAHUHU, TE PAPAPA, OR SMART ROAD (NEW PLYMOUTH)

Class of Sale	Maximum Price per Tonne for Cash or on Monthly Account for Sales in Bulk		
	Superphosphate	Serpentine Superphosphate	Reverted Superphosphate
(a) To a user	\$ 36.75	\$ 36.10	\$ 34.90
(b) To a storekeeper	36.35	35.70	34.50
(c) To a merchant	35.35	34.70	33.55
(d) To a dairy company			
(e) To a farmers' organisation			

For sales in sacks and bags the above prices plus \$7.00 per tonne.