

Price Order No. 188 (Phosphatic Fertilisers)

PURSUANT to the Commerce Act 1975, I, John Patrick Egan, 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. 188 and shall come into force on the 1st day of January 1981.
2. (1) Price Orders 170* and 173* are hereby revoked.
- (2) The revocation of the said orders 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 to purchasers 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 are sold for delivery "ex works" or "free on rail", the maximum price that may be charged or received for any such fertilisers shall be the price specified in the appropriate schedule to this order in relation to the class of purchaser to whom the fertilisers are sold.

(2) Where any phosphatic fertilisers are sold on delivery terms other than "ex works" or "ex rail" the maximum price that may be charged or received shall be the price specified in the schedule hereto, in relation to the class of purchaser, 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.

(3) 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

Class of Purchaser	Maximum Price per Tonne for Cash or on Monthly Account for Sales in Bulk		
	Superphosphate	Serpentine Superphosphate	Reverted Superphosphate
	\$	\$	\$
(a) To a user	95.80	92.90	93.40
(b) To a storekeeper	95.40	92.50	93.00
(c) To a merchant	92.10	89.35	89.80
(d) To a dairy company			
(e) To a farmers' organisation			

For sales in sacks and bags the above prices plus \$14.50 per tonne.