Price Order No. 305 (Flour and Wheatmeal)

Pursuant to the Commerce Act 1975, I, Wayne Eric Scanlan, pursuant to a delegation from the Secretary of Trade and Industry, hereby make the following price order:

1. Title and commencement—This order may be cited as Price Order No. 305 and shall come into force on the 13th day of March 1985.

2. Revocations—(1) Price Order No. 290* 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.

3. Application of order—This order applies to flour and wheatmeal.

4. Interpretation—In this price order—
   "Agent" means an agent appointed by the New Zealand Wheat Board to effect sales of flour and wheatmeal on its behalf:
   "Wholesaler" in relation to the sale of flour and wheatmeal means any person who sells those goods to any manufacturer or retailer:
   "Retailer" means any reseller other than a wholesaler:
   "Flour levy" means the amount payable to the Wheat Research Institute:
   "Excess railage" means the difference between the amount actually charged and the amount calculated at Class E rate according to the Railways Standard Schedules:
   "Minimum quantity lots" means the minimum quantities of flour and wheatmeal which will be supplied at the New Zealand Wheat Board's list prices, but in no case exceeding 250 kilogrammes:
   "Wheatmeal" includes wholemeal.

5. New Zealand Wheat Board's and Agents' Selling Prices—Subject to the following provisions of this order, the maximum prices that may be charged or received by the New Zealand Wheat Board or its agents at the approved points of sale for any flour or wheatmeal to which this order applies, which is sold in not less than minimum quantity lots, shall not exceed the sum of the following amounts (provided that the prices charged shall include only that part of the following amounts which relates to the quantity sold):
   (a) The price for the pack concerned calculated at the following rates:
      | Flour (other than wheatmeal) | Wheatmeal (other than stoneground) |
      | Per Tonne | Per Tonne |
      | $        | $        |
      | Sacks or bulk | 590.00 | 531.00 |
      | 40 kg or 36 kg bags | 616.00 | 557.00 |
      | 20 kg bags | 630.00 | 570.00 |
      | 10 kg bags | 654.00 | 595.00 |
      | 5 kg bags | 691.00 | 632.00 |

      (These prices are for net weights, when packed, of flour or wheatmeal and, for payment within 14 days of delivery, are subject to 1 1/4 percent discount of the above prices.)

      NOTE—Prices of stoneground wheatmeal are subject to special approvals under clause 8 of this order.
   (b) The flour levy.
   (c) The cost (if applicable) of sacks.
   (d) For areas where the terms of sale are “on rail”:
      (i) The amount (if incurred) of “excess railage”;
      (ii) Sorting, unloading, or tallying (if incurred) at the rate for the station concerned.
(e) For areas where the terms of sale are "on wharf":
   (i) Railage (if incurred) where the buyer is situated within
       35 kilometres of the port:
   (ii) Sorting or tallying (if incurred) at the rate for the port
       concerned.

(f) Where the flour or wheatmeal is sold "ex New Zealand Wheat
   Board's or its agent's store":
   (i) The amount of any cartage incurred for delivery from
       mill, wharf, or rail to a store of the New Zealand Wheat
       Board or its agent, provided the amount so included shall
       not exceed the amount of the charges that would have been
       incurred had delivery been effected at current transport
       rates:
   (ii) Storage or through store charges at the approved rate
       for the area concerned.

(g) Any transport charges beyond the New Zealand Wheat Board's
   point of sale, which are paid by the Board or its agent on
   behalf of the buyer:
   Provided that if the maximum price so calculated is not
   an exact number of cents, the maximum price shall be
   calculated to the nearest whole cent.

6. Wholesalers' Prices in Respect of Sales to Manufacturers and
   Retailers—Subject to the following provisions of this order, the
   maximum prices that may be charged or received by any wholesaler
   for any flour or wheatmeal to which this order applies, shall not
   exceed the sum of the following amounts (provided that the prices
   charged shall include only that part of the following amounts which
   relates to the quantity sold):
   (a) The cost to the wholesaler that would have been incurred had
       the wholesaler purchased the flour or wheatmeal from the
       New Zealand Wheat Board or its agents, less the 1 1/4 percent
       early payment discount allowable by the New Zealand
       Wheat Board whether or not the discount is obtained.
   (b) The flour levy.
   (c) The cost (if applicable) of sacks.
   (d) Charges actually incurred in obtaining delivery to wholesale
       store.
   (e) An amount calculated as follows:
      (i) for flour and wheatmeal which is delivered to
          manufacturing or retail premises without charge for
          delivery—
          8 percent of the sum of the foregoing items (a) to (d):
      (ii) for flour and wheatmeal which is sold "ex wholesaler's
          store"—
          5 percent of the sum of the foregoing items (a) to (d)
          plus any amount for transport charges which are paid by
          the wholesaler on behalf of the buyer:
   Provided also that if the maximum price calculated in
   accordance with this clause is not an exact number of cents,
   the maximum price shall be calculated to the nearest whole
   cent:
   Provided further that an additional sum may be added
   to the total so calculated to provide for any discount which
   is customarily deducted for payment within a specified
   time.

7. Retailers' Prices for Flour and Wheatmeal—Subject to the
   following provisions of this order, the maximum prices that may
   be charged or received by any retailer for any flour or wheatmeal
   to which this order applies shall not exceed—
   (i) In the case of flour or wheatmeal sold by a retailer in the
       package in which it was purchased, the sum of an amount
       not exceeding the into-store cost of the goods and a mark-
       up of 12 1/2 percent applied to that cost.
   (ii) In the case of flour or wheatmeal sold by a retailer other
       than in the same package in which it was purchased, the
       sum of the into-store cost of these goods and a mark-
       up of 33 1/3 percent applied to that cost.

8. Special Prices—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 the New Zealand Wheat
   Board or by any agent, wholesaler or retailer, may authorise
   alterations in prices or percentage margins in respect of any flour
   or wheatmeal to which this order applies.
   Any authority given by the Secretary under this clause may apply
   with respect to a specified lot, type, or consignment of flour or
   wheatmeal, or may relate generally to all flour or wheatmeal to
   which this order applies that is sold while the order remains in
   force.

Dated at Wellington this 11th day of March 1985.

W. E. SCANLAN,
Director, Commerce Division.

*New Zealand Gazette, 17 September 1984, No. 162, p. 3754
and corrigendum, 27 September 1984, No. 172, p. 4061
(T. and I.)