

given before or after the commencement of the regulations (1944/3), should, unless otherwise expressly provided in the regulations, be deemed to have been sufficiently given if given in writing signed by a member of the Tribunal or by any one by direction of the Tribunal and delivered or posted to the person or persons primarily concerned therewith or to any person or organization deemed by the Tribunal to represent the person or persons primarily concerned.

This regulation had the retrospective effect of rendering the publication or the display of authorizations increasing prices unnecessary at any time since 1939, but it gave the authorizations, nevertheless, the effect of a Price Order. Having regard to the numbers of price authorizations, this was, no doubt, a necessary provision to be administered according to the discretion of the Price Tribunal.

301. The Control of Prices Emergency Regulations 1939, Amendment No. 5 (1944/174), was made on the 20th December, 1944. They provided for the method of approval of increases in prices by the Minister or the Tribunal. The approval might be given absolutely or conditionally in respect of specified goods or services or of sales or services by specified persons, or might be limited in locality. The approval operated as if it were a Price Order fixing the approved prices as the maximum prices of the goods or services to which they related. Previous approvals were validated as though given under the new regulation.

302. The first Price Order made in respect of alcoholic liquors was made on the 26th April, 1945, more than six weeks after we commenced our sittings. Mr. Wise said that the Price Order was prepared on the 13th April, 1945, in consequence of complaints that the price authorizations was not being observed. Furthermore, early in 1945, a plaintiff, who was an hotelkeeper claiming damages from a brewery company for an alleged breach of contract in respect of the supply of spirits, was reported to have said in the Supreme Court at Napier that it was the universal practice in Hawke's Bay for licensees to charge 1s. per nip for spirits. The Tribunal arranged, through the secretary of the New Zealand Licensed Victuallers' Association, that a circular should be sent to every licensed victualler in New Zealand on the subject of the price for spirits. The Tribunal also arranged for its Inspectors to make an investigation. They reported that in Napier the correct charge of 10d. was being made for nips of whisky, but that in Hastings some licensees were charging 1s. where they supplied aerated water (R. 2126).

303. Mr. Wise explained to us the making of a Price Order at this stage in this way :—

To place the enforcement of the authorization in respect of whisky, gin, and rum in the strongest possible position, the Tribunal caused a price Order to be prepared setting out the maximum price to be charged for nips of these liquors at 10d. and the maximum number of nips to the bottle to be 42 (R. 2126).

This Price Order was, as we have said, gazetted on the 26th April, 1945. Brandy was not included in it, but an increase of 1d. per nip of that spirit had previously been authorized.

304. On the 5th July, 1945, the Price Order of the 26th April, 1945, was revoked and a new Price Order was gazetted comprising brandy as well as whisky, rum, and gin. The new Order provided for the same maximum price and the same maximum number of nips as the revoked Order.

305. The Price Tribunal informs us that though, as we have said, it had been advised that a bar was not a shop within the regulations, the Price Order is exhibited almost universally in hotel bars. It is difficult to understand why, if it ought to be exhibited, the regulation has not been amended to provide that a bar is a shop for the purposes of the regulations and so to ensure the universal exhibition of the Price Order covering spirits.

306. We have had various complaints as to the non-enforcement of the authorizations covering the price of draught beer and of the Price Order affecting spirits. We shall deal with these matters when we consider the submissions made as to the subservience of the Price Tribunal to the interests of the trade.