

293. We note here that there is evidence which we accept, that 12 oz. handles speedily disappeared for the most part from the hotel bars in the main cities. One exception was the Britomart, in Customs Street, Auckland, which dealt only in 12 oz. handles for the maximum price and made large profits. If the 12 oz. handles substantially disappeared from city bars, then the basis of the fixation of price also disappeared at an early stage in the control. At no time did the Tribunal make any attempt to fix the prices on the basis, say, of a 10 oz. handle.

294. Prior to May, 1942, the Tribunal had authorized increases in the bottle prices for whisky, rum, and gin (R. 6152), and also 1d. per nip on the 1939 prices for brandy (R. 2126).

295. In May, 1942, the Price Tribunal authorized an increase in the bar prices for whisky, rum, and gin from 9d. to 10d. per nip. The Tribunal states that this increase provided only for the recovery of the additional taxation and did not take into account any previous increases in taxation or overseas costs and shipping charges (R. 2125). The wholesale price of a case of whisky to the retailer had increased between 1939 and 1942 by approximately 60 per cent., so that the price per bottle bought in case was to the retailer 16s. 1½d. (R. 6163).

296. The Tribunal did not include this increase in the price of spirits in May, 1942, in any Price Order. It left the matter to an authorization privately communicated to the wholesalers and retailers. It is important to note that the authorization did not specify the number of nips to the bottle. This left the hotelkeeper free to extract as many nips as he could from the bottle, charging 10d. for each.

297. The Control of Prices Emergency Regulations 1939, Amendment No. 3 (1942/336), were made on the 15th December, 1942. Regulation 15 of these regulations provided—

(1) That in any Price Order the Tribunal might include such provisions, not inconsistent with the regulations, as it thought necessary or desirable for the proper administration of the Price Order or to ensure compliance with the terms thereof; and

(2) That any authority given by the Minister or the Tribunal under clause 11 of the regulations of 1939 (1939/122) might be given subject to such conditions as the Minister or the Tribunal thought fit.

Regulation 16 of these regulations of the 15th December, 1942 (1942/336), then repealed Regulation 2 of the regulations 1942/12, and provided that every retailer selling any goods of which the retail price had been fixed by a Price Order was required to keep a copy of the Price Order, or a statement of the prices fixed thereby, prominently displayed in his shop so that customers could freely consult the Price Order or statement without having to obtain permission to do so.

298. As already stated, the Tribunal states that it was advised that a bar was not a shop. If that was correct, the regulation was not amended to include a bar and to enable any conditions to be inserted in the authorizations for the purpose of making them effective. No Price Order was made at that time. The Tribunal informs us that it was satisfied that the trade was co-operating fully with it in observing the prices fixed.

299. The Control of Prices Emergency Regulations, 1939, Amendment No. 4 (1944/3), were made on the 12th January, 1944. Regulation 4 of these regulations provided that the approval of prices under Regulation 13 (3) of the regulations of 1939 (1939/275), which comprised the approval of prices under Regulation 11 of the regulations of 1939/122, should operate as though the approval were a Price Order fixing the approved prices or charges as the maximum prices or charges for the goods or services to which it related.

300. Regulation 6 of these regulations (1944/3) provided that any notice or approval given by the Tribunal under either the Price Stabilization Emergency Regulations 1939 (1939/122) or the Control of Prices Emergency Regulations 1939 (1939/275), whether