

[Hon A Member]

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## Control of Prices Amendment Act 2019

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**An Act to—**

- (a) **modernise the offences and penalties provisions of the Control of Prices Act 1966; and**
- (b) **enable the conversion of imperial measurements in that Act into metric measurements; and**
- (c) **enable the making of regulations and make other minor reforms to that Act:**

**The Parliament of the Cook Islands therefore enacts as follows:**

- 1 Title**  
This Act is Control of Prices Amendment Act 2019.
- 2 Commencement**
  - (1) This Act comes into force on the day after the date on which it is assented to by the Queen’s Representative.

**3 Principal Act**

This Act amends the Control of Prices Act 1966 (the **principal Act**).

**4 Section 2 amended (Interpretation)**

(1) In section 2, repeal the definitions of **Financial Secretary** and **Minister**.

(2) In section 2, insert in their appropriate alphabetical order:

“**head** means, subject to any enactment, the head of the responsible department.

“**responsible department** means the department that is, with the authority of the Prime Minister, for the time being, responsible for the administration of this Act.

“**responsible Minister** or **Minister** means, subject to any enactment, the Minister who is, with the authority of the Prime Minister, for the time being, responsible for the administration of this Act.”

**5 Section 3 replaced (Financial Secretary to Administer Act)**

Replace section 3 with:

**“3 Head of responsible department to administer Act**

The head of the responsible department is, subject to the directions and control of the responsible Minister, responsible for the administration of this Act.”

**6 Section 13 amended (Registers and secretarial services)**

In section 13, replace “Financial Secretary” with “head of the responsible department”.

**7 Section 22I amended (Inspection of scales and measure instruments)**

(1) In section 22I(2), replace “a fee of \$5 shall be paid” with “a fee calculated in accordance with subsection (2A) must be paid”.

(2) In section 22, after subsection (2), insert:

“(2A) The fee payable under subsection (2) is—

“(a) \$10 per instrument or scale or other article measured:

“(b) in a place or for a business where more than 5 instruments, scales, or articles are measured a flat fee of \$50.”

**8 Section 22J amended (Verified weights and measures)**

In section 22J(4)(a), replace “\$5.00” with “\$50”.

**9 Section 23 amended (Profiteering, black marketing, etc)**

Replace section 23(2) with:

“(2) A person who commits an offence against subsection (1) is liable on conviction to,—

“(a) in the case of an individual, any or all of the following:

“(i) a fine not exceeding the prescribed amount:

“(ii) imprisonment for a term not exceeding 3 years:

“(iii) if the offence is a continuing offence, a fine not exceeding the prescribed amount for every day on which the offence continues:

“(b) in any other case, either or both of the following:

“(i) a fine not exceeding the prescribed amount:

- “(ii) if the offence is a continuing offence, a fine not exceeding the prescribed amount for every day on which the offence continues.”

**10 Section 24 amended (Breach of Price orders)**

Replace section 24(1) with:

- “(1) A person commits an offence if, while a price order is in force, the person—
  - “(a) sells or agrees or offers to sell goods to which that price order relates for a price that is in breach of that order; or
  - “(b) commits a breach of or fails to comply with any obligations imposed on the person by any terms and conditions included in the price order under section 16(3).
- “(1A) A person who commits an offence against subsection (1) is liable on conviction to,—
  - “(a) in the case of an individual, any or all of the following:
    - “(i) a fine not exceeding the prescribed amount:
    - “(ii) imprisonment for a term not exceeding 3 years:
    - “(iii) if the offence is a continuing offence, to a fine not exceeding the prescribed amount for each day on which the offence continues:
  - “(b) in any other case, either or both of the following:
    - “(i) to a fine not exceeding the prescribed amount:
    - “(ii) if the offence is a continuing offence, to a fine not exceeding the prescribed amount for each day on which the offence continues.”

**11 Section 24A replaced (Breach of trade practice restriction order)**

Replace section 24A with:

**“24A Breach of trade practice restriction order**

- “(1) A person who acts or does anything else that contravenes a trade practice restriction order issued by the Tribunal under section 22B commits an offence.
- “(2) A person who commits an offence against subsection (1) is liable on conviction to,—
  - “(a) in the case of an individual, any or all of the following:
    - “(i) a fine not exceeding the prescribed amount:
    - “(ii) imprisonment for a term not exceeding 3 years:
    - “(iii) if the offence is a continuing offence, to a fine not exceeding the prescribed amount for each day on which the offence continues:
  - “(b) in any other case, either or both of the following:
    - “(i) a fine not exceeding the prescribed amount:
    - “(ii) if the offence is a continuing offence, a fine not exceeding the prescribed amount for each day on which the offence continues.”

**12 Section 25 replaced (Default of witnesses)**

Replace section 25 with:

**“25 Default of witnesses**

- “(1) Every person who is summoned to appear before the Tribunal as a witness commits an offence if the person, without reasonable excuse,—
- “(a) fails to appear before the tribunal as required by the summons; or
  - “(b) fails to take the oath or make an affirmation as a witness; or
  - “(c) fails or refuses to give evidence; or
  - “(d) fails or refuses to produce to the Tribunal any books or documents that he or she is required to produce.
- “(2) A person who commits an offence against subsection (1) is liable on conviction to any or all of the following:
- “(a) a fine not exceeding the prescribed amount;
  - “(b) imprisonment for a term not exceeding 1 year.”

**13 Section 25A amended (Offences under Part 11A – Weights and measures)**

- (1) Replace section 25A(1) with:

“(1) A person commits an offence if the person wilfully obstructs, hinders, or resists any inspector in the exercise or performance of any power or function conferred by this Act.

“(1A) A person who commits an offence under subsection (1) is liable on conviction to,—

- “(a) in the case of an individual, any or all of the following:
  - “(i) a fine not exceeding the prescribed amount;
  - “(ii) imprisonment for a term not exceeding 3 years;
  - “(iii) if the offence is a continuing one, a fine not exceeding the prescribed amount for each day on which the offence continues;
- “(b) in any other case, either or both of the following:
  - “(i) a fine not exceeding the prescribed amount;
  - “(ii) if the offence is a continuing one, a fine not exceeding the prescribed amount for each day on which the offence continues.”

- (2) Replace section 25A(2)(b) with:

- “(b) a person who commits or attempts to commit an offence against paragraph (a) is liable on conviction to,—
  - “(i) in the case of an individual, either or both of the following:
    - “(A) a fine not exceeding the prescribed amount;
    - “(B) if the offence is a continuing one, to a fine not exceeding the prescribed amount for each day on which the offence continues;
  - “(ii) in any other case, either or both of the following:
    - “(A) a fine not exceeding the prescribed amount;
    - “(B) if the offence is a continuing one, a fine not exceeding the prescribed amount for each day on which the offence continues.”

**14 Section 26 amended (Other offences)**

Replace section 26(2) with:

- “(2) A person who commits or attempts to commit an offence against subsection (1) is liable on conviction to,—
- “(a) in the case of an individual, either or both of the following:
    - “(i) a fine not exceeding the prescribed amount:
    - “(ii) if the offence is a continuing one, a fine not exceeding the prescribed amount for each day on which the offence continues:
  - “(b) in any other case, to either or both of the following:
    - “(i) a fine not exceeding the prescribed amount:
    - “(ii) if the offence is a continuing one, a fine not exceeding the prescribed amount for each day on which the offence continues.”

**15 Section 30 amended (Delegation of powers of Tribunal)**

In section 30(1), (2), (3), (5) and (7), replace “Financial Secretary” with “head of the responsible department” in each place.

**16 New section 32A inserted (Regulations)**

After section 32, insert:

**“32A Regulations**

- “(1) The Queen’s Representative may, by Executive Order in Council, make regulations—
- “(a) prescribing any thing required or authorised to be prescribed under this Act; and
  - “(b) prescribing any matter that is necessary or desirable for carrying this Act into effect.
- “(2) Without limiting subsection (1), regulations made under that subsection may include—
- “(a) regulations prescribing—
    - “(i) maximum fines not exceeding \$15,000 for individuals convicted of any offence against section 23(1), 24(1), 24A(1), 25(1), 25A(1) and (2)(a), or 26(1):
    - “(ii) maximum fines not exceeding \$60,000 for other persons convicted of any offence against section 23(1), 24(1), 24A(1), 25(1), 25A(1) and (2)(a), or 26(1):
    - “(iii) maximum fines not exceeding \$500 per day for continuing offences against section 23(1), 24(1), 24A(1), 25A(1) and (2)(a), or 26(1):
  - “(b) regulations—
    - “(i) amending the provisions of the Act setting out fees, weights, and measures in imperial measurements and substituting the corresponding amounts in decimal currency and metric measurements; and
    - “(ii) setting out those fees, measures, and weights in a schedule in the regulations or in some other convenient form:
  - “(c) regulations prescribing fees for things done under this Act:

- “(d) regulations providing for inspections and inquiries on behalf of the Tribunal, including—
  - “(i) the making of requests in the prescribed manner for documents to be supplied within a specified period:
  - “(ii) the making of follow-up requests within a specified period:
  - “(iii) provision for the entry and search of premises, vehicles, or other things for documents and for the seizure of those documents if a request for documents is not complied with:
  - “(iv) providing for ancillary matters relating to entry, search and seizure of premises, vehicles, or other things (for example, notice requirements (if any)):
- “(e) regulating the timing of the publication of notices about orders:
- “(f) setting out procedures for the calculations incorporated into, or set out in, price orders, weight orders, and measurement orders.”

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This Act is administered by the Ministry of Finance and Economic Management.

Printed under the authority of the Cook Islands Parliament—2019.

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