

A BILL

i n t i t u l e d

An Act to amend the Price Control and Anti-Profiteering Act 2011.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Price Control and Anti-Profiteering (Amendment) Act 2017.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

New sections 10B and 10c

2. The Price Control and Anti-Profiteering Act 2011 [*Act 723*], which is referred to as the “principal Act” in this Act, is amended by inserting after section 10A the following sections:

“Display of prices or charges to include government taxes, etc.

10B. (1) Where in the course of a trade or business prescribed by the Minister, any person displays, advertises, publishes or quotes or causes to be displayed, advertised, published or

quoted, in any manner, the prices of any goods or charges for any services, such person shall include in such prices or charges—

- (a) except where an approval under subsection 9(7) of the Goods and Services Tax Act 2014 [Act 762] has been obtained, all government taxes, duties and charges; and
- (b) all other charges which are to be imposed by the person on the goods or services.

(2) Any person who contravenes subsection (1) commits an offence.

Power of Controller to obtain information

10c. (1) The Controller may, by notice in writing, direct any person who supplies or offers to supply any goods or services to provide to the Controller, within the period and in the manner and form specified in the notice, any return, document or information containing the prices of any goods or charges for any services imposed by such person and any other information as the Controller deems necessary.

(2) Any person directed to provide any return, document or information under subsection (1) shall provide a true, accurate and complete return, document or information.

(3) Any person who contravenes subsection (1) or (2) commits an offence.”.

Amendment of section 28

3. Subsection 28(1) of the principal Act is amended by inserting after the words “the purpose of” the words “inspecting,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Price Control and Anti-Profiteering Act 2011 (“Act 723”).

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.

3. *Clause 2* seeks to introduce new sections 10B and 10c into Act 723.

The proposed section 10B seeks to require any person who displays, advertises, publishes or quotes or causes to be displayed, advertised, published or quoted the prices of any goods or charges for any services to include in the prices or charges all government taxes, duties and charges and all other charges which are to be imposed by the person on his goods or services.

This is to overcome the display of prices or charges that are subject to multiple additional charges, resulting in higher final prices or charges to be paid by consumers. The proposed section 10B is introduced into Act 723 to promote transparency in the display, advertisement, publication or quotation of prices or charges.

The proposed section 10c seeks to empower the Controller to direct any person who supplies or offers to supply any goods or services to provide to the Controller any return, document or information containing the prices of any goods or charges for any services imposed by such person and any other information as the Controller deems necessary. The return, document or information provided by the person shall be true, accurate and complete.

The information collected under the proposed section 10c will enable the government to obtain data on prices of goods and charges for services for analysis purposes. Prices and charges collected and analyzed will help the government to monitor prices of goods and charges for services in the market.

Any person who contravenes the provisions of the proposed sections 10B and 10c commits an offence and shall be liable to the general penalty under section 57 of Act 723 of a fine not exceeding one hundred thousand ringgit and, for a second or subsequent offence, of a fine not exceeding two hundred and fifty thousand ringgit where the person is a body corporate and of a fine not exceeding fifty thousand ringgit or of imprisonment for a term not exceeding two years or of both fine and imprisonment and, for a second or subsequent offence, of a fine not exceeding one hundred thousand ringgit or of imprisonment for a term not exceeding five years or of both fine and imprisonment where the person is not a body corporate.

4. *Clause 3* seeks to amend subsection 28(1) of Act 723 to allow Assistant Controllers to have access to any places or premises where any business is carried out for the purpose of inspecting the prices of goods or charges for services.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in extra financial expenditure.