

64

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.

22nd October, 1917.

Mr. Ell.

CHRISTCHURCH MILK-SUPPLY AND MARKETS AMENDMENT.

[LOCAL BILL]

ANALYSIS.

Title.	8. Power of Council to fix retail price of milk.
1. Short Title.	9. Power of Council to appoint Inspectors.
2. Power to grant licenses to retail milk.	10. Powers of Inspectors.
3. Unlawful to sell without a license.	11. Powers of Inspectors.
4. A block of houses may be assigned to applicant for license.	12. Powers of Inspectors.
5. Holder of license not to sell elsewhere in city.	13. Power of Council to refuse, cancel, or suspend license.
6. Sale of milk at shops.	14. Penalty.
7. Power of Council to alter boundaries of blocks.	15. By-laws.
	16. Duration of Act.

A BILL INTITULED

AN ACT to amend the Christchurch Milk-supply and Markets Act, 1914. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Christchurch Milk-supply and Markets Amendment Act, 1917, and shall form part of and be read together with the Christchurch Milk-supply and Markets Act, 1914. Short Title.

2. The Council shall have power to grant licenses (hereinafter referred to as milk licenses) to retail milk within the city. Power to grant licenses to retail milk.

3. No person shall sell (or deliver) milk within the city unless he shall have obtained a milk license: Unlawful to sell without a license.

15 Provided that nothing in this Act shall interfere with the sale or delivery of milk in the ordinary course of wholesale dealing.

4. Before granting a milk license the Council may assign to the applicant a block of houses to the occupiers of which the applicant may sell and deliver milk; the size of a block shall be adjusted to suit the average daily output of milk supplied by the applicant, and a full description of the block shall be endorsed on the license. A block of houses may be assigned to applicant for license.

20 5. The holder of a milk license shall not (except as hereinafter mentioned) sell or deliver milk anywhere within the city except in the block so assigned to him, nor to any persons other than the residents in or occupiers of any house or houses within such block. Holder of license not to sell elsewhere in city.

Sale of milk at shops.

6. Notwithstanding anything in the foregoing provisions of this Act, the Council may grant milk licenses to persons for the sale of milk at shops within the city, properly equipped for the sale of milk and dairy-produce exclusively, and it shall be lawful for all holders of milk licenses to sell milk to the occupiers of any such shop, and for the occupier of any such shop to sell milk to any person at that shop, but not elsewhere. 5

Power of Council to alter boundaries of blocks.

7. The Council may from time to time make alterations in the boundaries of any block, and may from time to time make all such adjustments of boundaries between blocks adjacent to each other as the circumstances may require. 10

Power of Council to fix retail price of milk.

8. (1.) The Council may from time to time, and shall at any time upon the written request of not less than twenty-five milk licensees, call a meeting of all the milk licensees for the time being holding milk licenses under this Act, for the purpose of making an agreement to be submitted to the Council fixing the retail price of milk. 15

(2.) Such meeting shall be called by public notice as defined in the Municipal Corporations Act, 1908, at a place and time (not being less than seven days after the date of the notice) to be stated in such notice. 20

(3.) Such meeting may be adjourned as often as required.

(4.) Every resolution passed by a majority of the milk licensees present thereat shall be deemed to be binding on the minority.

(5.) It shall be lawful for the Council either at or subsequent to such meeting to enter into an agreement with two or more representatives (appointed for the purpose by the meeting) of the milk licensees fixing the retail price. 25

(6.) If no agreement fixing price shall be so arrived at, the Council may by resolution at its next ordinary meeting or at any subsequent meeting fix such retail price : 30

Provided always that if the price fixed by such resolution shall not be a price approved by the majority at the meeting aforesaid, then it shall be lawful for any milk licensee on behalf of the majority of the milk licensees, within seven days after the passing of such resolution, to appeal therefrom to the Magistrate on any such appeal the Court may fix the retail price of milk within the city, and the decision of the Magistrate on such appeal shall take the place of such resolution. 35

(7.) The said appeal shall be made in such manner and subject to such conditions as are prescribed. 40

(8.) The price fixed by such agreement, resolution, or decision (as the case may be) shall remain in force and be deemed to be the fixed price until altered or rescinded after a subsequent meeting of milk licensees by a subsequent agreement, resolution, or decision as aforesaid. 45

(9.) No one shall demand or receive a higher retail price than the price so fixed as aforesaid.

Power of Council to appoint Inspectors.

9. The Council may from time to time appoint one or more Inspectors for the purposes of this Act. 50

Powers of Inspectors.

10. An Inspector in the exercise of his functions under this Act may do the following things :—

(a.) He may at all reasonable times enter and inspect any dairy, building, or place used for the storage of milk within the city, any may inspect any utensil, machinery, apparatus, or works in a dairy, or used in connection with a dairy, or with dairy-produce, and may also inspect any cart, wagon, or other conveyance used for the carriage of such milk :

(b.) He may in a dairy or in any house, street, or elsewhere inspect any milk intended for retail sale, and may take samples thereof for inspection or analysis.

11. If in any case an Inspector is satisfied of the existence of any of the following defects, that is to say,—

Powers of Inspectors.

(a.) That any such dairy or building is in an unclean or unwholesome condition ; or

(b.) That any utensil, machinery, apparatus, cart, wagon, or conveyance in or about such dairy or buildings, or used in connection with milk or the sale or delivery of milk within the city, is in an unclean or unwholesome condition or is otherwise unfit for the purpose ; or

(c.) That any stock in or about a dairy, or used therewith or in the delivery of milk, is or are diseased within the meaning of the Stock Act, 1908 ; or

(d.) That any person employed in or about any dairy or in the sale or delivery of milk is affected with any contagious or infectious disease within the meaning of the Public Health Act, 1908, or is a member of a household wherein any person is so affected,—

he may, by writing under his hand delivered to the owner, consignee, or person in charge (without further name or description), require such defects to be remedied to his satisfaction ; and every such order shall be duly obeyed.

12. For the purposes of the *last preceding* section every Inspector appointed under this Act shall have the powers and authorities of an Inspector appointed under the Dairy Industry Act, 1908, as set forth in section seven of the said Act.

Powers of Inspectors.

13. The Council may at any time refuse, cancel, or suspend any milk license if in the opinion of the Council it is proved that the person applying for such milk license, or the holder of such milk license, as the case may be, is from any cause unfit to be the holder of such license or has been convicted of any offence under this Act.

Power of Council to refuse, cancel, or suspend license.

14. Every person is liable to a fine not exceeding *twenty* pounds who directly or indirectly, by himself, his agent, or servant,—

Penalty.

(a.) Resists or wilfully obstructs any Inspector or other officer under this Act in the performance of his duty ; or

(b.) Refuses to give information or gives false information in answer to any inquiry made by such Inspector in the performance of his duty ; or

(c.) Commits any breach of the provisions of this Act.

15. The power of making by-laws vested in the Council by the Municipal Corporation Act, 1908, shall extend to by-laws for all or any of the following purposes :—

By-laws.

- (a.) Regulating the mode of applying for milk licenses, the forms of application, and the fees to be paid by the applicants.
- (b.) Prescribing the form of milk licenses.
- (c.) Regulating the conduct of holders of such licenses. 5
- (d.) Regulating the mode of cooling, storing, and conveying milk, the mode of distributing milk to the consumers thereof, the hours within which milk shall be delivered, and all other matters incidental to the licensing of milk-vendors and the distribution of milk within the City of 10 Christchurch.

Duration of Act.

16. That this Act shall remain in force for the period of the present war and *six* months thereafter.