

## MILK AMENDMENT BILL

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### EXPLANATORY NOTE

This Bill makes miscellaneous amendments to the Milk Act 1944.

*Clause 2: Subclause (1)* of this clause extends the definition of milk to include reconstituted milk and reconstituted cream. The effect is that the restrictions imposed by the principal Act on the sale or supply of milk in a milk district will apply to reconstituted milk and reconstituted cream. *Subclause (2)* provides that a licence in respect of reconstituted milk or reconstituted cream may not be granted by the Milk Authority without the consent of the New Zealand Milk Board. *Subclause (3)* provides that a licence relating to milk does not apply to reconstituted milk or reconstituted cream unless the licence states that it so applies.

*Clause 3* defines the terms "zone" and "zoning", so as to enable greater elasticity in the fixing by Milk Authorities of zones for milk rounds. The general effect of the definition is that a zone need not be one continuous area, but may include separate streets, blocks, or premises.

*Clause 4:* At present a person is not disqualified for membership of a Metropolitan or District Milk Board merely because he is a director of a milk treatment company in which shares are held by the Crown or by the Board. This clause extends that principle to persons who are directors of milk treatment companies in which shares are held by a local authority of a constituent district of the milk district.

*Clause 5* authorizes any local authority of a constituent district of a milk district to guarantee repayment of money borrowed by a milk treatment company in which the local authority holds shares.

*Clause 6:* At present the New Zealand Milk Board has power to determine disputes between a Milk Authority and a Supply Association or an association of producers or of vendors, or between a Supply Association and an association of producers or of vendors, or between associations of producers and of vendors, as to the terms of licences or contracts relating to the supply and sale of milk. This clause extends the powers of the New Zealand Milk Board so as to enable it to determine disputes between the owners of a milk treatment station and a Milk Authority or a Supply Association or an association of producers or of vendors. It also extends the subject-matters of the disputes that may be referred to the Board, so that it may now deal with disputes as to the terms of licences, by-laws, or contracts relating to the supply, collection, treatment, distribution, or sale of milk.

*Clause 7* contains consequential repeals and a drafting amendment.

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*Right Hon. Mr Holyoake*

## MILK AMENDMENT

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### ANALYSIS

	4. Directors of milk treatment companies not disqualified for membership of Metropolitan or District Milk Board. Commencement.
	5. Power of local authority to guarantee advances to milk treatment company.
	6. Extension of powers of New Zealand Milk Board as to settlement of disputes.
	7. Consequential repeals and amendment.
Title.	
1. Short Title.	
2. Application of principal Act to reconstituted milk and cream.	
3. Zoning powers of Milk Authorities.	

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### A BILL INTITULED

AN ACT to amend the Milk Act 1944.

Title.

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

1. This Act may be cited as the Milk Amendment Act 1955, and shall be read together with and deemed part of the Milk Act 1944 (hereinafter referred to as the principal Act).

Short Title.

1944, No. 30

10 2. (1) Subsection one of section two of the principal Act is hereby amended by repealing the definition of the term "milk", as substituted by subsection one of section thirty-six of the Milk Amendment Act 1951, and substituting the following definition:

Application of principal Act to reconstituted milk and cream.

1951, No. 41

“‘Milk’ means cows’ milk or goats’ milk, and includes cream; and also includes reconstituted milk or reconstituted cream; but does not include dried milk, condensed milk, or condensed cream, or milk intended for manufacture into butter, cheese, casein, dried milk, condensed milk, or condensed cream:” 5

(2) Section sixty-five of the principal Act, as amended by subsection three of section forty-one of the Milk Amendment Act 1951, is hereby further amended by adding to subsection one the following additional proviso: 10

“Provided also that no Milk Authority shall grant any licence in respect of reconstituted milk or reconstituted cream without the prior consent in writing of the New Zealand Milk Board.” 15

(3) The said section sixty-five is hereby further amended by inserting, after subsection one, the following subsection:

“(1A) No reference to milk in any licence, whether granted before or after the commencement of this subsection, shall be construed to include a reference to reconstituted milk or reconstituted cream, unless the licence expressly states that it applies to reconstituted milk or reconstituted cream.” 20

Zoning powers  
of Milk  
Authorities.

3. Section two of the principal Act is hereby further amended by adding to subsection one the following definition: 25

“‘Zone’ means any area or field of operation, whether defined by reference to boundaries or by any other description or by reference to or enumeration of streets, premises, or customers, and whether comprising one continuous area or separate blocks, streets, premises, or customers or separate groups of blocks, streets, premises, or customers; and “zoning” has a corresponding meaning.” 30 35

Directors of  
milk treatment  
companies not  
disqualified for  
membership of  
Metropolitan  
or District Milk  
Board.

4. (1) Section twenty-one of the principal Act, as amended by section nine of the Marketing Amendment Act 1948 and section thirty-seven of the Milk Amendment Act 1951, is hereby further amended by repealing subsection two, and substituting the following subsection: 40

1948, No. 54  
1951, No. 41

“(2) No person shall be qualified for election or appointment as a member of any Board if he has a pecuniary interest in the production, treatment, distribution, or sale of milk for human consumption in the district of the Board apart from any interest—

“(a) In common with the public; or

“(b) As a member of an incorporated company in which there are more than twenty members, to which he does not supply milk, and of which he is neither a director nor the general manager; or

“(c) As a director of a milk treatment corporation; or

“(d) As a director of an incorporated company of which the principal object is the treatment of milk and in which shares are held by or on behalf of the Crown or by the Board or by a local authority of any constituent district of the Board’s district.”

(2) This section shall be deemed to have come into force on the thirtieth day of September, nineteen hundred and forty-eight.

Commencement.

5. Section thirty-nine of the Milk Amendment Act 1951 is hereby amended by inserting in subsection two, after the words “principal Act”, the words “or the repayment of any moneys borrowed by any company in which shares are held by the local authority pursuant to subsection one of section forty of this Act”.

Power of local authority to guarantee advances to milk treatment company.

6. Section one hundred and four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

Extension of powers of New Zealand Milk Board as to settlement of disputes.

“(1) In any case where a dispute or difference arises—

“(a) Between a Milk Authority and any Supply Association or any association of milk producers or of milk vendors or any person or body of persons operating a milk treatment station; or

“(b) Between a Supply Association and any association of milk producers or of milk vendors; or

“(c) Between a Supply Association or any association of milk producers or of milk vendors and any person or body of persons operating a milk treatment station; or

“(d) Between associations of milk producers and of milk vendors,—

as to the terms of licences or by-laws or contracts, or proposed terms for licences or contracts, relating to the supply, collection, treatment, distribution, or sale of milk; any party to the dispute or difference may refer the matter to the New Zealand Milk Board.” 5

Consequential  
repeals and  
amendment.  
1945, No. 40

7. (1) The following enactments are hereby repealed, namely:

1948, No. 54

(a) Section fifty-five of the Statutes Amendment Act 1945:

(b) Section nine of the Marketing Amendment Act 1948, and so much of the Schedule to that Act as relates to the Milk Act 1944:

1951, No. 41

(c) Sections thirty-six and thirty-seven of the Milk Amendment Act 1951.

(2) Section two of the principal Act is hereby further amended by repealing the definition of the term “Director”, in subsection one, and substituting the following definition: 20

“‘Director’ means the Director-General of Agriculture.”