

Mr. Harker

WAIPUKURAU BOROUGH MILK-SUPPLY

[LOCAL BILL]

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A BILL INTITULED

AN ACT to confer Additional Powers on the Corporation Title.
of the Borough of Waipukurau in relation to the
Milk-supply of the Borough of Waipukurau.

5 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 Waipukurau Short Title.
Borough Milk-supply Act, 1944.

10 2. In this Act, if not inconsistent with the context,— Interpretation.
“ Corporation ” means the Mayor, Councillors,
and Burgesses of the Borough of Waipukurau:

“ Council ” means the Waipukurau Borough Council:

“ District Fund ” means the District Fund as defined by the Municipal Corporations Act, 1933: 5

“ Milk ” includes cream, but does not include condensed or dried milk:

“ Milk run ” shall mean the business of selling and supplying milk, but shall not include live-stock, plant, vehicles, or utensils used in such business: 10

“ Dairy ” means a dairy, factory, milk-shop, or any other place where milk is collected, deposited, treated, separated, prepared, or manufactured, or is sold or offered or exposed for sale, and includes a farm, milking-yard, paddock, shed, or any other place where cows are depastured, milked, or kept. 15

Council to have power to carry on works or business.

3. It shall be lawful for the Council to do all or any of the following things:— 20

(a) To buy and sell milk, to pasteurize or otherwise treat milk, and to manufacture and sell butter or other milk products and ice.

(b) To provide for the storage in cool chambers of milk, butter, or other products of milk, and other articles of human food of whatsoever kind or nature: 25

(c) Generally to carry on the business of a dealer in milk and butter:

(d) To buy and sell fodder for dairy cattle, and buy and sell dairy utensils: 30

(e) To carry on business as a dairy-farmer.

Council to have power to appoint servants and to take lands and buildings, plant, &c., and to construct buildings, &c.

4. For the purposes of the *last preceding* section the Council may from time to time, in such manner and on such terms as it thinks fit,— 35

(a) Appoint managers, engineers, agents, workmen, servants, and inspectors:

(b) Purchase or lease or take under the provisions of the Public Works Act, 1928, or otherwise acquire any land required for the purposes of this Act, and to sell and dispose of the same when no longer required, and purchase and sell stock: 40

- (c) Construct, erect, lease, or purchase any buildings, plant, machinery, tramway, railway siding, or other appliances required for the manufacture, pasteurizing or other treatment, supply, transport, or delivery of milk, butter, and other products as aforesaid, or for providing cool storage for milk, butter, and other products of milk, and other articles of human food of whatsoever kind or nature.
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- 10 5. In order to provide funds for payment of all compensation-moneys, or purchase-moneys payable in respect of any lands or buildings or stock taken or purchased as aforesaid, or for construction or erection or acquisition of buildings, plant, machinery, tramways, railway sidings, or other appliances or works required for the purposes of this Act, or for advances to farmers supplying milk to the Corporation or to enable the Council to do any of the things mentioned in section *three* hereof, or for repayment of moneys provided from the District Fund for all or any of the foregoing purposes, the Council may from time to time borrow moneys by way of special loan raised under the Local Bodies' Loans Act, 1926, by special order and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926.
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6. After the passing of this Act it shall not be lawful for any person, whether as principal, agent, or otherwise (other than the Corporation and its servants or agents),—
- 30 (a) To sell or distribute milk, whether by way of gift or otherwise, in the Borough of Waipukurau; or
- (b) To have milk in his possession for sale in the Borough of Waipukurau,—
- 35 save under a license issued in that behalf by the Council in accordance with the terms and conditions thereof:
- 40 Provided that nothing in this Act shall make it an offence to sell milk for consumption on the premises of the seller, or to have possession of milk for the purposes of such sale, provided such milk is purchased from the Council or its licensees:
- Power to borrow money.
- Corporation may have monopoly, power to refuse license, &c. Provisions for appeal.

Provided further that any person dissatisfied with the decision of the Council in refusing to grant or in revoking or cancelling any license issued under the provisions of this section may appeal to a Magistrate in Chambers, at the Waipukurau Magistrates' Court, on notice of application under the Magistrates' Courts Rules, and the decision of such Magistrate on such appeal shall be final. 5

Work to be trading undertaking.

7. All moneys received under the provisions of this Act shall be paid into a separate account to be called "the Milk Account", and all expenses incurred under the provisions of this Act shall be paid out of such Account. 10

Power to make advances to dairy-farmers.

8. (1) The Council may, out of moneys belonging to the Milk Account, advance moneys to any dairy-farmer supplying milk to the Corporation under contract, for the purposes of improving the conditions relating to the production of milk in his dairy, the purchase of stock and plant, the provisions of water-supply, the sanitary improvement of the dairy, or the construction of necessary buildings and erections for dairy purposes. 15 20

(2) Such advances may be secured by instruments by way of security under the Chattels Transfer Act, 1924, over stock or over stock and plant, with or without collateral security, by way of first or second mortgage of land, or on first mortgage of land. 25

(3) No advance shall exceed sixty per centum of the value of the security offered.

(4) The value of each security offered shall be fixed by a valuer appointed by the Council, and his report as to value shall be conclusive. 30

(5) Every instrument by way of security, and every mortgage securing moneys advanced under the provisions of this Act, shall contain the following covenants on the part of the borrower:— 35

(a) To expend the moneys advanced for one or more of the purposes specified in subsection one of this section;

(b) To use and cultivate his farm as a dairy according to the best practice in his district; 40

- (c) To supply the Corporation under contract executed before or contemporaneously with any such instrument or mortgage all milk produced on his farm, provision being made in each case for a minimum daily supply under such contract; and
- (d) Such other covenants and provisions as the Council thinks fit.
- (6) Every such instrument or mortgage shall, in addition to usual conditions as to repayment, provide that all moneys owing shall be repayable immediately on default in observance or performance of any of the covenants mentioned in paragraphs (a), (b), and (c) of subsection *five* of this section.
9. The Corporation may at any time, by giving three calendar months' written notice to the holder of any license to sell and supply milk within the Borough of Waipukurau, purchase from such holder his milk run (as defined in this Act) so far as it applies to the sale and supply of milk within the Borough of Waipukurau only. The purchase-price of such milk run shall be fixed by agreement between the Corporation and such holder, and, failing agreement, the fixing of the purchase-price shall be referred to a single arbitrator, if the parties can agree upon one, otherwise to two arbitrators, one to be chosen by the Corporation and the other by the holder of the license, and their umpire, and otherwise subject to the provisions of the Arbitration Act, 1908; and the license of such holder shall cease and determine at the expiration of the said three calendar months' notice. All licenses issued under section *six* of this Act shall be issued subject to the provisions of this section, and the holders thereof shall be bound thereby accordingly.
10. The Council may, out of its District Fund, purchase milk for the purpose of supplying the same to the poor, and may supply the same free or at such reduced charges as it thinks fit, to such persons as it thinks fit.
11. It shall be lawful for the Corporation to issue coupons for the purchase from the Corporation of milk, cream, butter, and other products which by this Act

Right of Corporation to purchase business of holder of license.

Council may supply milk to the poor.

Council may make provisions for purchase of milk by coupons only.

the Corporation is authorized to sell, and to prohibit the purchase of any such products from the Corporation except for coupons issued by the Corporation.

Power to
make by-laws

12. The Corporation may, under the powers contained in the Municipal Corporations Act, 1933, to make by-laws, make by-laws under this Act regulating the issue of licenses under the provisions of this Act and the fees payable thereunder. 5

Offences.

13. Every person is liable to a fine not exceeding *ten* pounds who directly or indirectly, by himself, his agent, or servant, commits any breach of any of the provisions of this Act. 10