

Mr. Fraser.

WELLINGTON CITY MILK-SUPPLY AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Constitution of Board.</p> <p>4. Meetings and proceedings of Board.</p> <p>5. Clerk.</p> <p>6. Seal.</p> <p>7. Functions of Board.</p> <p>8. Minutes.</p> <p>9. Applications to Board.</p> <p>10. Price-fixation.</p> <p>11. Disputes to be referred to Board.</p> <p>12. Fees.</p>	<p>13. Qualifications of members of Board.</p> <p>14. Procedure on applications.</p> <p>15. Regulations as to fees and procedure of Board.</p> <p>16. Awards final and conclusive.</p> <p>17. Milk-purchases subject to Board.</p> <p>18. Appointment of analyst.</p> <p>19. Milk-supply Control Commission for near-by farmers.</p> <p>20. Inspectors.</p> <p>21. Commission entitled to license fees.</p> <p>22. Regulations.</p> <p>23. Amendments and repeal.</p>
--	---

A BILL INTITULED

AN ACT to amend the Wellington City Milk-supply Act, 1919, and to provide for the Constitution of a Board to fix Prices and Conditions of Milk-supply in relation to the Purchase of Milk by the Wellington City Council in Cases where such Prices and Conditions cannot be arrived at by Agreement, and to set up a Commission to control certain Milk-suppliers known as Near-by Farmers.

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 Wellington City Milk-supply Amendment Act, 1926.

2. In this Act, unless inconsistent with the context,—

“Company” means the Wellington Dairy Farmers’ Co-operative Association (Limited):

“Minister” means the Minister of Agriculture:

“Near-by farmers” means persons licensed under the provisions of this Act to supply milk:

“Principal Act” means the Wellington City Milk-supply Act, 1919:

“Society” means the Rahui Suppliers’ Society (Incorporated).

Constitution of
Board.

3. (1.) There is hereby established a Board to be called "The Wellington City Milk-supply Board" (hereinafter referred to as the Board).

(2.) The Board shall consist of—

(a.) Two persons appointed by the Minister on the recommendation of the Council, who shall act in all matters dealt with by the Board ; 5

(b.) (i.) Two persons appointed by the Minister on the recommendation of the company, who shall act as members of the Board only when the Board is dealing with matters relating to the affairs of the company ; and, alternatively, 10

(ii.) Two persons appointed by the Minister on the recommendation of the society, who shall act as members of the Board only when the Board is dealing with matters relating to the affairs of the society ; and 15

(c.) When the Board is dealing only with matters relating to the affairs of the company, one person, who shall be Chairman, appointed by the Minister on the joint recommendation of the persons appointed under paragraph (a) and subparagraph (i) of paragraph (b) of this subsection ; and, alternatively, when the Board is dealing only with matters relating to the affairs of the society, one person, who shall be Chairman, appointed by the Minister on the joint recommendation of the persons appointed under paragraph (a) and subparagraph (ii) of paragraph (b) of this subsection : 20 25

Provided that if the persons entitled to make either of the recommendations under this paragraph shall for a period of seven days after their appointment fail to agree upon a recommendation the Chairman shall be appointed by a Judge of the Supreme Court under the Arbitration Act, 1908, and the provisions of that Act, and particularly section six thereof, shall apply to every such appointment as if it were the appointment of a single arbitrator made under that Act. 30

(3.) When making the appointments provided for in paragraphs (a) and (b) of subsection *two* of this section the Minister shall, on the same recommendation in each case, appoint a deputy for each person so appointed, and in case of the absence of any such appointed member through illness or other unavoidable cause his deputy may act in his place. 35

(4.) Every appointment shall be gazetted, and the gazetting of any appointment shall be conclusive evidence of such appointment ; and every appointment shall, subject to the provisions of this Act, remain in force for one year after the date of the appointment. 40

(5.) Any member of the Board may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 45

(6.) (a.) If any vacancy shall arise in any office created under this section the Minister shall, on ascertaining that such vacancy has occurred, by notification in the *Gazette* (which shall be conclusive evidence of such vacancy), notify the occurrence of such vacancy, and thereupon such vacant office shall be filled pursuant to the relevant provisions of this section. 50

(b.) If at any time any person or persons authorized to make a recommendation in any such cases fail to recommend an appointee within one month after the gazetting of any vacancy, the Minister may make the appointment without any such recommendation.

5 4. (1.) Meetings of the Board shall be held at such time and place as the Chairman may by writing under his hand, addressed to the Clerk of the Board, from time to time appoint. Meetings and proceedings of Board.

(2.) At least three days' notice of such meeting shall be given by the Clerk in all cases to each member of the Board and to the Council; in cases where the company is affected, to the company; and, in cases 10 where the society is affected, to the society.

(3.) No business shall be transacted at any meeting of the Board unless three members entitled to deal with the business are present, one of whom shall be the Chairman entitled to deal with the business.

15 (4.) If any member of the Board be absent without reasonable excuse from any meeting of the Board, he shall be guilty of an offence.

5. The Clerk of the Magistrate's Court at Wellington shall be the Clerk of the Board. Clerk.

6. The Board shall have an official seal for the authentication of 20 documents executed or issued by the Board, and all Courts shall take judicial notice of such seal. Seal.

7. The functions of the Board shall be to hold such inquiries, to give all such decisions, awards, and determinations, and to do all such other acts and things as are hereinafter in this Act or in any other Act 25 directed or provided for, or as may, in its opinion, be necessary for carrying out the purposes of this Act. Functions of Board.

8. Minutes of all proceedings of the Board shall be kept by the Clerk. Minutes.

9. (1.) On the application of the Council, or the company or the 30 society, made in writing to the Chairman of the Board at any time after the thirty-first day of May in any year the Board shall, after giving the notices hereinbefore prescribed and after having given public notice in the daily newspapers (not exceeding three) generally circulating in the City of Wellington of its first meeting to be held, determine 35 judicially and award on any one or more of the following matters:—

(a.) The price that shall be paid for milk purchased by the Council through the company or the society, as the case may be, for its milk-supply during any period of one year;

40 (b.) Any matter relating to the conditions and supply of milk; and, in particular, but without affecting the generality of the matters above mentioned.

(c.) Any matter which has heretofore been the subject of agreement between the Council and any milk-vendor, or any matter that, in the opinion of the Board, is ancillary to or necessary for the completion of any award made by the Board, it 45 being clearly understood that no matter on which an agreement has been arrived at between the Corporation and the company or between the Corporation and the society, as the case may be, shall be subject to variation by any act of the Board.

50 (2.) Nothing in this Act contained shall authorize the Board to fix the quantities of milk to be supplied, but all matters relating to

quantity of supply shall, subject to the provisions of this Act, be fixed by agreement between the parties affected.

Price-fixation.

10. (1.) In fixing the prices for milk the Board may make variations in prices according to the place of delivery.

(2.) The Board may also, if necessary, fix the amount which is to be allowed to the Corporation for the conveyance of milk for any distance by motor or railway; and the Corporation shall be entitled to deduct from the price fixed by the Board any such allowance.

(3.) The Board, in fixing prices, shall be guided by prices of milk-products obtaining in New Zealand or England:

Provided always that in fixing increased prices for any period not exceeding four months between the sixteenth day of April and the thirty-first day of August the Board may take into consideration the extra labour and extra cost necessary for the production of milk during that period.

Disputes to be referred to Board.

11. If any dispute or difference shall arise between the Council and the company or the society relating to any decision of the Board, or to any other matter agreed upon between the Council and the company or the society, whether relating to construction or to interpretation, any such dispute or difference shall be referred for decision to the Board.

Fees.

12. The Council and the company shall have the right to pay the persons appointed on their respective recommendations such fees in respect of each sitting not exceeding three pounds three shillings per day as the Council and the company shall think fit.

Qualifications of members of Board.

13. Any person directly interested in the production or sale of milk in the Province of Wellington, and any supplier or member or officer of the Council, shall be eligible to be appointed or to be a member of the Board.

Procedure on applications.

14. (1.) Subject to the provisions of this Act, all applications to the Board shall be deemed to be submissions under the Arbitration Act, 1908, as if the Board were a single arbitrator appointed under that Act; and all provisions of the Arbitration Act, 1908, shall, subject to necessary modifications, apply accordingly to such applications.

(2.) Every question before the Board shall be determined by the majority of the members thereof; but the determination of the majority shall be deemed to be a decision of the Board.

(3.) If the Board is unable by a majority to agree upon any award the award shall be made by the Chairman, whose award shall in such cases be the decision of the Board.

(4.) Every award of the Board shall be executed in four parts, the original of which shall be filed by the Clerk in the Magistrate's Court at Wellington, and the other copies of which shall be forwarded to the Council and to the company and the society respectively. Any interested person may at any time inspect or obtain a copy of any award on paying to the Clerk the prescribed fee.

Regulations as to fees and procedure of Board.

15. (1.) The Minister may by regulation—

(a.) Prescribe such fees as he thinks fit to be paid by applicants to the Clerk in respect of any hearing or in respect of the issuing of awards or of copies thereof:

(b.) Prescribe such forms and procedure as he thinks fit for the purpose of carrying into effect the provisions of this Act relating to the Board:

1401

(c.) Prescribe the remuneration to be paid to the Clerk and the fees (if any) to be paid to the persons appointed as Chairman.

(2.) All fees shall be paid by the Clerk into the Public Account.

5 16. Notwithstanding anything hereinbefore contained, no award or decision of the Board shall be quashed or set aside in any proceeding in any Court, except on grounds of fraud affecting the making of the award.

Awards final and conclusive.

10 17. The provisions of sections three to sixteen inclusive of this Act shall apply only to milk purchased by the Corporation from or through the company or the society.

Milk-purchases subject to Board.

15 18. (1.) All milk received from the company by the Corporation in the city shall be tested and graded by or under the control of an officer of the Council appointed by and removable by the Minister of Health.

Appointment of analyst.

(2.) The decision of such officer as to the test and quality of any milk shall be in accordance with the standards fixed by any agreement for sale and purchase, and, subject thereto, his decision as to test and quality shall be final.

20 (3.) Such officer shall have an assistant, who shall also be appointed and removable by the Minister of Public Health.

(4.) The company shall pay to the Corporation one hundred and fifty pounds per annum towards the salaries of such officer and assistant officer.

25 19. (1.) There is hereby established a Commission to be called the "Wellington City Milk-supply Control Commission" (hereinafter referred to as the Commission).

Milk-supply Control Commission for near-by farmers.

30 (2.) Notwithstanding anything contained in the principal Act or this Act, milk produced at dairies situated in the city, or situated and lying wholly within two miles of the city as it existed on the first day of January, nineteen hundred and twenty-six, may be sold on and after the first day of April, nineteen hundred and twenty-seven, within the city subject to the following conditions:—

35 (a.) That no person shall sell milk in the city pursuant to the provisions of this section unless he is the holder of a license granted for that purpose by the Commission.

40 (b.) That no person shall under any license granted under this section sell any milk not produced at his own dairy, or sell on any one day any amount of milk or cream in excess of the amount which he is authorized to sell on any one day under the said license.

45 (c.) That no person shall sell or have in his possession in the city for sale or for any other purpose any milk that does not comply with all the standards as to quality prescribed by the Commission by regulation.

(d.) For the purposes of this section any separated cream that may be sold on any day shall diminish the quantity of milk that may be sold on that day in the proportion of ten gallons of milk for every gallon of cream sold.

50 (e.) Every person who shall be licensed under this section to sell milk or cream shall be required either to vend himself, or, in the alternative, by a servant employed by him alone

and engaged only by him in his business, and such licensee may not employ any agent other than such servant to vend such milk or cream.

- (f.) No person licensed to sell milk or cream under this section shall sell the same either personally or by servant or agent from any place, shop, or dairy in the city situate elsewhere than at the dairy or farm at which the milk is produced :

Provided that nothing in this subsection shall be construed to limit the right of such person to sell milk from his own vehicle in the ordinary course of vending authorized by this section.

- (g.) Every person licensed under this section shall, on the request of an Inspector appointed by the Commission under this Act, afford such Inspector all such information verbally or by the production of documents as will enable such Inspector to ascertain the amount of milk or cream daily sold by such person in the city, and shall, on request, produce to such Inspector all his books of account and all documents relating to his milk-vending business.

- (h.) That on breach of any of the conditions of a license the Commission may cancel such license.

(3.) The Commission shall consist of the Director-General of Agriculture and the Director-General of Health.

(4.) The Commission shall have an official seal for the authentication of documents executed or issued by it, and all Courts shall take judicial notice of such seal. The Commission may appoint a clerk and other officers, and such clerk shall keep minutes of all proceedings of the Commission.

(5.) The Commission shall issue under its seal all licenses necessary to enable persons entitled to sell milk under this section in the city, and shall have power to cancel any such license if the licensee fails to carry out the conditions of the license or the requirements of the Commission.

(6.) No such licensee shall purchase milk from any person or persons other than the Wellington City Council.

(7.) The Commission may make regulations for the following purposes :—

- (a.) Prescribing the annual fee to be paid in respect of licenses granted under this section :
- (b.) Prescribing the form of application for license, and requiring applicants to state in such applications such particulars as the Commission may require, including the area of the applicant's dairy or farm affected by the license, and a description of his farm sufficient for identification purposes by reference to survey district, block, and section, or lot numbers, or otherwise :
- (c.) Requiring any applicant for a license to produce any certificate issued by the Department of Agriculture in respect of dairies supplying milk for consumption in New Zealand :
- (d.) Prescribing the conditions in respect of sanitary conditions of premises and utensils, health of employees and of herds, standards of quality of milk :

Provided that such regulations shall supersede any regulations now or hereafter in existence under the Dairy Industry Act, 1908, and the Food and Drugs Act, 1908, or any other Act fixing the standard of milk or the conditions under which milk may be sold :

5 (e.) Prescribing returns of milk and cream sold or produced by any licensee.

(8.) (a.) The Commission shall in each license state the maximum amount of milk that may be sold on any one day under the license.

10 (b.) In fixing such maximum amount the Commission shall specify the maximum amount that, in the opinion of the Commission, the licensee can produce from his farm by good farming practice.

15 (c.) If any licensee thinks at any time that such maximum is fixed at too low an amount he may apply to the Commission to have such maximum amount increased, and if the Commission is of opinion that the amount should be increased the Commission may alter the maximum amount specified in the license as it thinks fit.

20 (9.) Every license granted under this section shall be for a period not exceeding one year, and shall expire on the thirty-first day of March following the date of the license.

20. The Commission may appoint Inspectors under this Act, who are hereby authorized to examine all dairies situate in the city or within two miles of the city. Inspectors.

25 21. The fees payable in respect of licenses shall be paid to the Commission, who shall use the same for the payment of Inspectors, clerks, and other officers appointed by them, and generally for meeting the expenses incurred by the Commission in carrying out the provisions of this Act. Commission entitled to license fees.

30 22. (1.) The Commission shall make such regulations as to its procedure and as to making all regulations as it thinks fit. Regulations.

(2.) All regulations made by the Commission shall be gazetted, and when gazetted shall operate as if they formed part of this Act.

35 23. (1.) Section two of the principal Act is hereby amended by repealing, immediately after the word "means" in line seven thereof, the words "(a) a milk-house, milk-shop, dairy, factory, 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 (b)."

Amendments and repeal.

40 (2.) Section four of the principal Act is hereby amended by repealing the words "the last preceding section" in line one thereof, and by substituting therefor the words "this Act."

(3.) Section twelve of the principal Act is hereby repealed, and the licenses granted thereunder are revoked.

45 (4.) This section shall come into force on the thirty-first day of March, nineteen hundred and twenty-seven.