

Mr. McLaren.

WELLINGTON CITY MILK-SUPPLY.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to confer Additional Powers on the Corporation of the City of Wellington in Relation to the Inspection and Control of the Milk-supply of the City of Wellington and other Matters. Title.

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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 Act, 1909. Short title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“City” means the City of Wellington, and any addition thereto:

“Corporation” means the Mayor, Councillors, and Citizens of the City of Wellington:

“Council” means the Wellington City Council:

“District Fund” means the District Fund as defined by the Municipal Corporations Act, 1908:

“Dairy” means (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) a farm, stockyard, milking-yard, paddock, shed, stable, stall, and any other place where cows are depastured, milked, or kept:

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“Prescribed” means prescribed by by-laws made under the provisions of this Act :

“Road” includes a road within the meaning of the Public Works Act, 1908, and a street or a private street within the meaning of the Municipal Corporations Act, 1908. 5

Council to have power to carry on works and business.

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

(a.) To establish within or adjacent to the city a milk-station for testing, treating, and distributing the milk-supply of the city : 10

(b.) To buy and sell milk, and to sell cream, and to manufacture and sell butter and other milk-products and ice :

(c.) To provide for the storage in cool-chambers of milk, butter, and other products of milk :

(d.) Generally to carry on the business of a dealer in milk and butter. 15

Council to have power to appoint servants and take or purchase lands, buildings, plant, machinery, &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,—

(a.) Appoint managers, engineers, agents, workmen, servants, and inspectors : 20

(b.) Purchase or lease, or take under the provisions of the Public Works Act, 1908, or otherwise acquire any land required for the purposes of this Act, and sell and dispose of the same when no longer required : 25

(c.) Construct, erect, lease, or purchase any buildings, plant, machinery, tramways, railway sidings, and other fixed or movable appliances or works of any description, and sell or otherwise dispose of the same when no longer required :

(d.) Maintain and work any such milk-station, buildings, plant, machinery, tramway, railway siding, or other movable appliance as acquired for the manufacture, supply, transport, and delivery of milk, butter, and other products as aforesaid. 30

Power to borrow money.

5. In order to provide funds for the payment of all compensation-moneys or purchase-moneys payable in respect of any land or buildings taken or purchased as aforesaid, or for the construction or erection or acquisition of buildings, plant, machinery, tramways, railway sidings, or other appliances or works required for the purposes of this Act, the Council may from time to time borrow moneys by way of special loan in the manner prescribed by the Local Bodies' Loans Act, 1908. 35 40

Minister to approve plans and site of milk-station.

6. The Council shall not proceed to establish a milk-station until the site and plans thereof have been submitted to and approved by the Minister of Public Health. 45

Completion of milk-station to be notified.

7. On the completion of the milk-station to the satisfaction of the Minister of Public Health the Council shall, by advertisement published in some newspaper circulating in the city, publicly notify that the milk-station will be available for the testing of milk on and after a date to be specified in such advertisement, being not sooner than fourteen nor later than twenty-eight days after the first 50

publication thereof; and it shall be the duty of the Council to have such milk-station available accordingly, and thereafter to so maintain it.

5 8. (1.) Subject to the provisions of this Act relating to milk brought into the city by road, it shall not be lawful, so long as such milk-station is available for testing milk, to sell, offer, or expose for sale in the city milk which has not been tested and passed at such milk-station.

Milk not to be sold unless tested.

10 (2.) In any proceeding against any person for breach of this section it shall lie upon him to prove that such milk-station is not available.

9. Notwithstanding anything hereinbefore contained, milk may, while a milk-station is available as aforesaid, be brought into the city by road, and there sold subject to the following conditions:—

Supply of milk by road.

15 (a.) That such milk is delivered to the consumer within four hours from the termination of the time of milking:

(b.) That any person so supplying milk shall provide and keep at his dairy such cooling and testing apparatus as is prescribed; and shall, in the prescribed manner,—

20 (i.) Cool and make tests of milk obtained at each milking, and

(ii.) Record the results of such tests:

25 (c.) That any person so supplying milk shall keep an exact record of the milk obtained by him at his dairy and of the milk sold by him in the city, and shall from time to time furnish to the Council returns in the prescribed manner and form, verified by a statutory declaration showing how much milk he has from time to time sold.

30 (d.) 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 under by-laws made by the Council.

35 10. (1.) No milk shall be passed at the milk-station which does not come within the definition of or reach the standard prescribed by the regulations made under the Sale of Food and Drugs Act, 1908.

Testing milk at milk-station.

40 (2.) If any milk tested shall be found to be unfit for human consumption, it shall be destroyed or disposed of as the Council shall think fit; but any such milk shall not be sold or used for human consumption.

45 (3.) If, on testing, any milk shall be found not to reach the specified standard, but to be in no other way unfit for human consumption, it shall be separated. The cream shall be the property of the owner of the milk, and the balance of the milk shall be destroyed or disposed of as the Council shall think fit.

50 11. No milk shall, after a milk-station is available as aforesaid, be supplied to the city by railway unless the same shall be delivered at the station from which it is consigned within four hours after the termination of milking and within half an hour prior to the departure of the train by which it is to be carried.

Milk supplied to the city by railway.

- Power to fix fees. 12. The Council may fix such fees and charges as it thinks fit for or in respect of—
- (a.) Testing milk at the milk-station :
 - (b.) The separation at the milk-station of milk :
 - (c.) Cleansing milk-utensils at the milk-station : 5
 - (d.) Bottling and canning milk in sealed bottles and sealed cans at the milk-station :
 - (e.) The storage of any milk or milk-products at the milk-station :
 - (f.) The introduction by road, and sale in the city, of milk which is not delivered for testing at the milk-station : 10
 - (g.) Licenses granted pursuant to the provisions of this Act or any by-laws made thereunder.
- Council may subsidise visiting nurses. 13. The Council may, out of its District Fund, pay such money as it thinks fit to such persons as it thinks fit for the assistance and development of any scheme to subsidise visiting nurses for the city. 15
- Council may supply milk to the poor. 14. 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 shall think fit to such persons as it shall think fit. 20
- Power to sue and distrain. 15. If default is made in payment of any charges payable under any by-law made under this Act, the Council, or any person appointed or authorised by it in that behalf, may at any time after such default recover the same by suit in any Court of competent jurisdiction, or by distress and levy of any milk or milk-products in the milk-station and belonging to the defaulter, in the like manner as in the case of rent in arrear. 25
- Finance. 16. (1.) All moneys received under the provisions of this Act shall be paid into a separate account, and all expenses of administering this Act shall be paid out of that account. 30
- (2.) The provisions of section one hundred and eight of the Municipal Corporations Act, 1908, shall extend and apply to the separate account kept under this Act.
- Offences. 17. Every person is liable to a fine not exceeding *fifty* pounds who directly or indirectly, by himself, his agent or servant,— 35
- (a.) Resists or wilfully obstructs any 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 any such officer in the performance of his duty ; or 40
 - (c.) Knowingly makes any statement required by this Act which is false in any material particular ; or
 - (d.) Commits any breach of any of the provisions of this Act.
- Powers of Inspectors. 18. Inspectors appointed under this Act shall, so far as relates to the milk-supply of the city, have the powers of an officer within the meaning of the Sale of Food and Drugs Act, 1908. 45
- By-laws.*
- Power to make by-laws. 19. The Council may make by-laws for the following purposes :—
- (a.) Providing for the periodical application of a tuberculin test to all cattle in dairies supplying milk to the city, and the 50

prevention of the supply to the city of milk obtained from the cattle which at any time failed to give a satisfactory negative reaction on having the tuberculin test applied :

- 5 (b.) Prescribing any fees authorised to be fixed by this Act :
- (c.) In respect of milk brought into the city and sold without being tested at the milk-station,—
- (i.) Prescribing the cooling and testing apparatus to be used at dairies so supplying milk ;
- 10 (ii.) Prescribing the times at which and the manner in which such tests shall be made and recorded, and the time in which, and the manner in which, and the temperature to which such milk shall be cooled after milking ;
- 15 (iii.) Prescribing the form of license to so supply milk, and for the suspension or cancellation of such license :
- (d.) For securing the cleanliness of dairies and milk-shops, and milk-vessels used in dairies and milk-shops :
- 20 (e.) For prescribing precautions to be taken for protecting milk against deterioration, infection, or contamination, and for prohibiting the sale of milk in cases where the public health would be likely to be endangered by such sale.

20. The provisions of sections three hundred and forty-eight to three hundred and fifty-one, inclusive, of the Municipal Corporations Act, 1908, shall be read together with and form part of this Act.

Provisions of the Municipal Corporations Act re by-laws to apply.

21. It shall be a defence to any information laid under this Act or any by-law made under this Act that a milk-station is not available as aforesaid.

Defence to information.

22. The powers to make by-laws vested in the Council by the provisions of this Act shall be in addition to all powers to make by-laws or to make regulations which are now or hereafter may be vested in the Council under or by virtue of the Municipal Corporations Act, 1908, or any other Act.

Powers to be additional.