

New Zealand



ANALYSIS.

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1910, No. 34.—*Local.*

Title.

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.

[3rd December, 1910.]

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

Short Title.

1. This Act may be cited as the Wellington City Milk-supply Act, 1910.

Interpretation.

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

“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:

“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:

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

"Prescribed" means prescribed by by-law 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:

"Testing" means and includes analysis for detection of added water, preservatives, or other adulterants, examination for percentage of butter-fat contents and for purity, and the adoption of such other processes as may be from time to time prescribed.

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

Council to have power to carry on works and business.

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

(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.

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,—

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

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

(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:

(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 required for the manufacture, supply, transport, and delivery of milk, butter, and other products as aforesaid.

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.

Power to borrow money.

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.

Minister to approve plans and site of milk-station.

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

Milk not to be sold unless tested.

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 receive for storage or for sale, sell, offer, or expose for sale in the city milk which has not been tested and passed at such milk-station.

(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.

Supply of milk by road.

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:—

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

Provided that during the period in any year commencing on the fifteenth day of March and ending on the thirtieth day of November, where sufficient and suitable means of storage are available on the milking-premises, the milk collected at the evening milking may be delivered to the consumer within four hours from the time of being removed from such storage, being in no case later than four hours after the time within which the milk collected at the next succeeding morning milking is required to be removed:

(b.) That any person supplying milk as set forth in subsection (a) hereof 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:

(c.) That any person so supplying milk shall from time to time, and not less than once in any week, furnish samples of milk to the milk-station, or to an inspector for testing at the milk-station:

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

Testing milk at milk-station.

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.

(2.) If any milk tested be found by the responsible officer in charge of the milk-station to be unfit for human consumption it shall be destroyed or disposed of as the Council may think fit, but no such milk shall be sold or used for human consumption.

(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 :

Provided that, in the absence of evidence of skimming or watering, any milk in which the percentage of butter-fat is found to be less than three point twenty-five, but not less than three, may be delivered by the responsible officer in charge of the milk-station to the vendor, if accompanied by a written statement giving the actual percentage of butter-fat found.

11. The Council may, subject to the approval of the Minister of Public Health, fix such fees and charges as it thinks fit for or in respect of—

Power to fix fees.

(a.) Testing milk at the milk-station :

(b.) The separation at the milk-station of milk :

(c.) Cleansing milk-utensils at the milk-station :

(d.) Bottling and canning milk in sealed bottles and sealed cans at the milk-station :

(e.) The storage of 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 :

(g.) Licenses granted pursuant to the provisions of this Act or any by-laws made thereunder.

12. The Council may, subject to the approval of the Minister in Charge of Hospitals and Charitable Aid, 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 subsidize visiting nurses for the city.

Council may subsidize visiting nurses.

13. 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.

Council may supply milk to the poor.

14. 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 authorized by it in that behalf, may, at any time after such default, recover the same by suit in any Court of competent jurisdiction.

Power to sue and distrain.

15. (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.

Finance.

(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.

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

Offences.

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

Powers of
Inspectors.

(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

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

17. Inspectors under this Act appointed with the approval of the Minister of Public Health 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.

By-laws.

Power to make
by-laws.

18. The Council may, subject to the approval of the Minister of Public Health, make by-laws for the following purposes:—

(a.) Prescribing any fees authorized to be fixed by this Act:

(b.) In respect of milk brought into the city and sold without being tested at a milk-station, prescribing the form of license so to supply milk, and for the suspension and cancellation of such license:

(c.) For securing the sanitary construction and cleanliness of dairies and milk-shops, and of milk-vessels used in dairies and milk-shops, within the city:

(d.) Prescribing precautions to be taken for protecting milk against deterioration, infection, or contamination, and regulating or prohibiting the sale of milk in cases where the public health would be likely to be endangered by such sale.

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

19. 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.

Defence to
information.

20. 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.

Powers to be
additional.

21. 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.