

Mr. Anderton.

AUCKLAND CITY ABATTOIR.

[LOCAL BILL.]

ANALYSIS.

Title.	5. Sections 10 and 11 of Slaughtering and Inspection Act, 1908, to apply.
Preamble.	6. Council authorized to advance £5,500 out of its District Fund for purpose of settling claims for refunds of excess payments.
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A BILL INTITULED

AN ACT to confer on the Auckland City Council certain Additional Powers and Authorities in connection with the Auckland City Abattoir. Title.

5 WHEREAS by the Auckland City Abattoir Act, 1924, the Auckland City Council was granted certain powers and authorities in respect of the Auckland City Abattoir: Preamble.
And whereas questions and disputes have arisen regarding the fees and charges received by the Council
10 under the said Act, and an action was commenced on the tenth day of October, nineteen hundred and thirty-five, in the Supreme Court of New Zealand, Northern District, at Auckland; under Number A 178/35, by the payers of such fees and charges against the Council for the
15 purpose of recovering certain fees and charges alleged to be overpaid: And whereas such action has now been settled and the Council has agreed to refund to such

payers the sum of five thousand five hundred pounds, being the amount agreed upon as the excess fees and charges paid by the payers in certain years during the period commencing on the first day of April, nineteen hundred and twenty-five, and ending on the thirty-first day of March, nineteen hundred and thirty-six: And whereas it is desirable to make certain provisions relating to the payment of such sum of five thousand five hundred pounds, and for the purpose of avoiding further doubts and disputes it is desirable to make new provisions with reference to the fees and charges payable in connection with the abattoir:

BE IT THEREFORE 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 Auckland City Abattoir Act, 1936.

Interpretation.

2. In this Act, if not inconsistent with the context,—
 “ Abattoir ” means the Auckland City Abattoir, and includes any undertaking, land, and buildings established or used in conjunction or connection with the abattoir as at the thirty-first day of March, nineteen hundred and thirty-six, and any extensions thereof after such date:

“ Abattoir district ” means and includes the districts for which the abattoir is from time to time available for the slaughter of stock:

“ City ” means the City of Auckland:

“ Council ” means the Auckland City Council.

Fees and charges in respect of meat-export slaughterhouses to be fixed by resolution.

3. (1) Meat from stock slaughtered in meat-export slaughterhouses shall not be sold or exposed for sale in the abattoir district except upon terms of paying to the Council the fees fixed by resolution made as hereinafter provided.

(2) The Council may from time to time by resolution prescribe—

(a) The charges payable for the use of the abattoir, the housing and feeding of stock before slaughter, and the slaughtering and dressing of stock, each of such charges being a separate and distinct charge in respect of each of such matters, and proportionate to the cost of the particular service rendered in respect thereof:

- 5 (b) The fees to be paid in respect of meat from
stock slaughtered in meat-export slaughter-
houses that is sold or exposed for sale in the
abattoir district, such fees to be charged upon
the actual weight of meat so sold calculated
on the basis of a charge per beast, the number
of beasts being ascertained by dividing the
weight of meat so sold by the fair average
weight of the beast of the particular class from
10 which such meat is derived; and such fees
shall be the same per beast as the fees that
would for the time being be chargeable for
the use of the abattoir for slaughtering
(exclusive of the costs of such slaughtering)
15 if the stock had been slaughtered therein:
- (c) The charges to be paid for any service given
by the abattoir not hereinbefore particularly
set out.
- (3) No such resolution shall come into force unless
20 and until it is approved by the Governor-General.
- (4) So long as any resolution is in force prescribing
the charges in respect of the abattoir, or the fees in
respect of meat slaughtered in meat-export slaughter-
houses that is sold or exposed for sale in the abattoir
25 district, no greater or other charges shall be payable
than those specified in the resolution.
- (5) If default is made in payment of any such fees
or charges in respect of the abattoir the Council, or
any person appointed or authorized by it in that behalf,
30 may at any time after such default recover the charges
by action in any Court of competent jurisdiction by
distress and the sale of any stock in the abattoir
belonging to the person by whom the said charges are
payable.
- 35 (6) In each year the Council shall make up a revenue
account of its income and expenditure for the twelve
months ending on the thirty-first day of March, and
the fees and charges paid or payable to the Council
(including moneys received or receivable from any
40 source in connection with the abattoir) shall not in any
one year be more than sufficient to defray the annual
cost of the abattoir inclusive of interest on all loans
from time to time, being moneys borrowed for the
purposes of establishing, erecting, or extending the

abattoir, and on all moneys advanced by the Council from its General Account to the abattoir, including particularly the sum of seven thousand five hundred pounds so advanced by it in the year nineteen hundred and twenty-five, and the sum of five thousand five hundred pounds mentioned in section *six* hereof, and any moneys paid or payable by way of sinking fund and instalments of principal and interest fixed by virtue of the Local Bodies' Loans Act, 1926, or any amendment thereof, in connection with any of the said loans or advances; and should such fees and charges (including moneys received or receivable as aforesaid) in any year exceed the amount of the annual cost of the abattoir by a sum of over one thousand five hundred pounds, then the Council shall pay to the persons who during such year paid charges for the use of the abattoir, or fees in respect of meat from stock slaughtered in a meat-export slaughterhouse, the amount of such excess in proportion to the amounts of charges for use of the abattoir (exclusive of inspection fees), or the amount of fees so paid; and should such fees and charges as aforesaid in any year exceed the said annual cost by a sum of one thousand five hundred pounds or less, then such excess shall be carried forward as part of the income of the abattoir for the next succeeding year:

Provided, however, that any deficiency occurring in any one year shall be carried forward and deemed to form part of the annual cost of the abattoir for the next succeeding year.

(7) The annual cost of the abattoir shall be deemed to include reasonable provision for bad debts and discounts, costs of and incidental to raising any loan for abattoir purposes, actual payments made by the Council to any superannuation fund in respect of any employee of the Council at the abattoir, premiums incurred in respect of insurance against loss or risk, expenditure incurred by the Council in connection with any accident-insurance or compensation fund in respect of the employees of the Council at the abattoir, the costs of the Council in respect of the action mentioned in subsection *one* of section *six* hereof, and of any legal expenses reasonably incurred by the Council in connection with the abattoir, such amounts as may be reasonable for the writing-off from year to year of the preliminary

expenses, and the cost of loans heretofore raised and not already written off.

(8) Nothing in section twenty-seven of the Slaughtering and Inspection Act, 1908, or in section three of the Slaughter-
5 Slaughtering and Inspection Amendment Act, 1910, shall apply to the Council or the abattoir, or restrict the operation of this section:

Provided that any existing by-laws made by the Council under the provisions of the Auckland City
10 Abattoir Act, 1924, shall continue in force until replaced by resolutions passed or by-laws made by the Council under this Act.

(9) Nothing in this Act or in any by-law or resolution made hereunder shall apply to the sale or
15 exposure for sale of bacon, hams, or tinned meat from stock slaughtered in meat-export slaughterhouses, or to the sale or exposure for sale of other meat from such stock for conversion into bacon or hams, or for tinning purposes, or for export beyond New Zealand, or shall
20 authorize the Council to charge or require any person to pay fees in respect of such bacon, hams, or tinned meat, or in respect of any such other meat that is sold or exposed for sale as aforesaid.

4. (1) The Council may from time to time make
25 by-laws not inconsistent with the Slaughtering and Inspection Act, 1908, or the regulations made thereunder, or with this Act,—

(a) Regulating the working and management of the abattoir:

30 (b) Providing for returns to be made by the managers and the licensees of meat-export slaughterhouses setting forth prescribed particulars of the actual weight of all meat sold or exposed for sale in the abattoir district and
35 the name of the owner of such meat, and fixing the manner in which fees in respect thereof shall be payable to the Council:

(c) No such by-law shall come into force unless
40 and until it is approved by the Governor-General.

5. The provisions of sections ten and eleven of the Slaughtering and Inspection Act, 1908, as to the establishment of an abattoir, shall be deemed to extend
45 and apply to the making from time to time of any additions to or extensions of the abattoir.

Sections 10 and 11 of Slaughtering and Inspection Act, 1908, to apply.

Council
authorized
to advance
£5,500 out of
its District
Fund for
purpose of
settling claims
for refunds
of excess
payments.

6. (1) The Council is hereby authorized and empowered out of its District Fund Account to pay and advance the sum of five thousand five hundred pounds, being the agreed amount in excess of the amount which the Council was authorized to charge during the period 5 from the first day of April, nineteen hundred and twenty-five, to the thirty-first day of March, nineteen hundred and thirty-six, which sum may be paid by the Council to the solicitors for the plaintiffs in the action brought against the Council in the Supreme Court at 10 Auckland under Number A 178/35, and their receipt therefor shall be a complete discharge to the Council, and no further or other sum shall be payable by the Council to any person under the provisions of subsection six of section three of the Auckland City Abattoir Act, 15 1924, up to the thirty-first day of March, nineteen hundred and thirty-six.

(2) Such sum of five thousand five hundred pounds, after deduction of all costs and expenses properly chargeable against the same, shall be paid by the said 20 solicitors to the persons entitled to a refund in accordance with the provisions of subsection six of section three of the Auckland City Abattoir Act, 1924, and any portion of the same remaining unclaimed at the expiration of six calendar months from the date of payment of the 25 said sum by the Council shall be repaid by the said solicitors to the Council and applied to the credit of the sinking fund established by the Council, or towards the repayment of principal in respect of the loan of five thousand five hundred pounds mentioned in 30 subsection *four* of this section, and thereafter all claims shall be absolutely extinguished and forfeited.

(3) For the purposes of this section the refund shall be allocated as follows: For the year ending on the 35 thirty-first day of March, nineteen hundred and twenty-six, one thousand three hundred and thirty-three pounds nine shillings and sixpence; for the year ending on the thirty-first day of March, nineteen hundred and twenty-seven, nine hundred and forty-four pounds twelve 40 shillings and sixpence; for the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, six hundred and seventy-four pounds eleven shillings; for the year ending on the thirty-first day of March, nineteen hundred and thirty-two, one thousand

four hundred and forty-four pounds eighteen shillings; for the year ending on the thirty-first day of March, nineteen hundred and thirty-three, one thousand one hundred and two pounds nine shillings: total, five
5 thousand five hundred pounds.

(4) The Council may by special order, and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special
10 loan, not exceeding the sum of five thousand five hundred pounds, for the purpose of refunding to its District Fund Account the amount so paid out in pursuance of the *last preceding* subsection. The costs of raising such loan and the interest and sinking fund, or the instalments
15 shall be included in the annual cost of the abattoir.

(5) The sum of seven thousand five hundred pounds advanced by the Council out of its general funds to the Abattoir Account in the year nineteen hundred and twenty-five shall bear interest at four per centum per
20 annum, with a sinking fund of one and one-half per centum per annum until repaid.

(6) The Council is hereby authorized and empowered to charge interest at the rate of four pounds per centum per annum on any advances at any time made by it out
25 of its general fund to the abattoir.

7. (1) The Auckland City Abattoir Act, 1924, is hereby repealed: Repeal and savings.

Provided that the repeal of that Act shall not affect the rights of the persons entitled to participate in
30 refunds in accordance with subsection six of section three of that Act, and authorized to be paid under this Act.

(2) All works, undertakings, awards, agreements, by-laws, and generally all acts of authority done, made, or entered into for the purpose of the Act hereby
35 repealed, and subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and shall, where necessary, be deemed to have so originated.