

Mr. Harris.

AUCKLAND METROPOLITAN MILK ACT
REPEAL.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Repeal of the Auckland Metropolitan Milk Act, 1933, and for disposing of the Property and meeting the Liabilities of the Auckland Metropolitan Milk Council.

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 Auckland Metropolitan Milk Act Repeal Act, 1934.

2. In this Act—

“Liquidators” includes a single liquidator:

No. 23—1.

“ Council ” means the Auckland Metropolitan Milk Council :

“ Milk-vendor ” means a milk-vendor within the meaning of the Auckland Metropolitan Milk Act, 1933 :

“ Minister ” means the Minister of Industries and Commerce :

“ Newspaper ” means a daily newspaper circulating in the district :

“ District ” means the Auckland Metropolitan Milk District :

“ The said Act ” means the Auckland Metropolitan Milk Act, 1933.

Milk Council to cease to exercise powers under Auckland Metropolitan Milk Act, 1933.

3. Save as hereinafter provided, on the passing of this Act the Council shall cease to exercise and perform its powers, functions, and duties under the said Act, and the said Act shall cease to apply to the sale of milk in the district. 15

Council to appoint liquidators.

4. (1) Within fourteen days after the date of the passing of this Act the Council shall hold a meeting at which it shall appoint one or more fit persons, not exceeding three in number, to be the liquidator or liquidators of the Council for the purposes of this Act. 20

(2) If the Council does not comply with the requirements of the *last preceding* subsection, the Minister shall by writing under his hand appoint a liquidator or liquidators as aforesaid. 25

(3) The liquidators shall forthwith after appointment give notice thereof at least once in the *Gazette* and in one or more newspapers. 30

(4) The liquidators shall be entitled to such remuneration for their services as is fixed in that behalf by the Minister.

(5) If any liquidator dies or in any way becomes incapable of carrying out or fails to carry out his duties under this Act, the Minister may by writing under his hand appoint a fit person to be liquidator in the place of such first-mentioned person. 35

Property, &c., of Council to become vested in liquidators.

5. On the appointment of the liquidators—

(a) All property, real or personal, belonging to the Council shall become vested in the liquidators : 40

(b) All levies under the said Act and all other moneys due and payable to the Council at the passing of this Act shall become due and payable to the liquidators : 45

(c) All actions, suits, and proceedings (if any) pending by or against the Council may be carried on by or against the liquidators :

5 (d) All the liabilities, contracts, and engagements of the Council shall become liabilities and engagements of the liquidators :

10 Provided that every such contract or engagement in so far as it committed the Council to the purchase or supply of anything after the passing of this Act may, if they think fit, be repudiated by the liquidators.

15 6. Forthwith after their appointment the liquidators shall proceed to collect all moneys due to them and sell all property vested in them as aforesaid, and out of moneys from time to time at their disposal shall meet their debts, liabilities, and all expenses (including their own remuneration as fixed pursuant to section *four* hereof) reasonably incurred in carrying out their duties under this Act.

Liquidators to wind up affairs of the Council.

20 7. (1) The liquidators may, under the name of " The Liquidators of the Auckland Metropolitan Milk Council ", bring or defend any action or execute any instrument.

General powers of liquidators.

25 (2) The liquidators may, by notice published at least once in the *Gazette* and at least four times at intervals of not less than one week in a newspaper, fix a date, being a date not earlier than two months after the date of the first publication of such notice in the *Gazette*, after which claims against the liquidators may be rejected, and the liquidators may, in their discretion, reject any claim lodged with them after the date so fixed.

30 (3) The liquidators may, in their discretion, continue to employ such of the officers and servants of the Council and at such rates of remuneration as they think fit, and shall terminate the engagements of all other such officers and servants. No such officer or servant shall be entitled
35 to any period of notice of intention to dispense with his services or to compensation for loss of office of employment, but the liquidators may, in their discretion, make an *ex gratia* payment to all or any of them not exceeding
40 wages :

Provided that in any special case the liquidators, with the prior approval of the Minister, make such a payment of an amount equal to three months' salary or wages.

Liquidators not personally liable.

8. The liquidators shall not be personally liable for any act or default done or omitted to be done in good faith in carrying out their duties under this Act.

Milk-vendors to continue making returns under section 38 of the said Act.

9. Notwithstanding anything contained in section *three* hereof, every milk-vendor who at the passing of this Act was licensed under the said Act shall continue to make to the liquidators, until such date as is fixed in that behalf by the liquidators by notice published in one or more newspapers, the return mentioned in section thirty-eight of the said Act, and subsection two of that section shall apply with respect to every failure by any milk-vendor to make such a return. 5 10

Disposal of surplus moneys by liquidators.

10. (1) If on duly discharging all such liabilities, contracts, and engagements and paying all expenses incurred in carrying out their duties under this Act, there remains in the hands of the liquidators any sum of money, the same and all other moneys subsequently received by them shall be distributed by the liquidators among all milk-vendors who immediately before the passing of this Act were liable for the payment of any levy then imposed by the Council. 15 20

(2) Such distribution shall be made among such milk-vendors in proportion to the respective total amounts actually paid by them to the Council or the liquidators by way of levy. 25

Where assets not sufficient liquidators to impose levy.

11. (1) Where the moneys in the hands of the liquidators, after disposing of all property vested in them as aforesaid and recovering all moneys due to them, are not sufficient to discharge all their liabilities and meet all the expenses incurred by them in carrying out their duties under this Act, the liquidators shall make a levy on all milk-vendors who, if there had been a surplus of such moneys, would have been entitled to share in a distribution made under the *last preceding* section. 30

(2) Such levy shall be of so-much per gallon of the milk sold by such vendors as shown on the then last returns made to the Council or the liquidators pursuant to section thirty-eight of the said Act or section *nine* of this Act as will produce the amount required by the liquidators to discharge such liabilities and expenses in full. 35 40

12. (1) When the liquidators have fully carried out their duties under the foregoing provisions of this Act they shall submit a full statement of accounts and all relevant books, papers, and documents to the Audit Office for audit.

Liquidators final statement of accounts to be audited by Audit Office.

(2) In relation to such statement, and to all accounts kept by the liquidators and to their moneys and to all persons dealing with such moneys, the Audit Office shall at all times have the same duties and powers as it has in respect of the public moneys and accounts under the Public Revenues Act, 1926.

(3) When duly audited and certified by the Audit Office the said statement of accounts shall be returned to the liquidators, who shall cause a copy of the same as so certified to be forwarded to each local authority within the district and another such copy to be deposited for public inspection for a period of one month in the office of the Town Clerk of the City of Auckland, and notice of such deposit to be forthwith given in a newspaper, and when such copies have been so forwarded and deposited and such notice has been given the liquidators shall forward the original certified statement to the Minister, and dispose of all books, papers, and documents in their possession in such manner as he directs.

13. On complying with the requirements of the *last preceding* section the liquidators shall be deemed to be discharged from their office.

Discharge of liquidators.

14. On a date fixed in that behalf by the Governor-General by Order in Council gazetted, being a date not earlier than the day on which the audited and certified statements of accounts mentioned in section *twelve* hereof is received by the Minister, the said Act shall be deemed to be repealed.

Repeal of Auckland Metropolitan Milk Act, 1933.