

New Zealand.



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1936, No. 6.—*Local and Personal.*

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

[1st October, 1936.]

Preamble. 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: And whereas questions and disputes have arisen regarding the fees and charges received by the Council 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 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:—

1. This Act may be cited as the *Auckland City Abattoir Act, 1936.* Short Title.

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

“*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*.

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

(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:

- (b) The fees to be paid in respect of meat from stock slaughtered in meat-export slaughterhouses 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 which such meat is derived; and such fees to 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) if the stock had been slaughtered therein:
- (c) The charges to be paid for any service given in respect of the abattoir not hereinbefore particularly set out.
- (3) No such resolution shall come into force unless 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 slaughterhouses that is sold or exposed for sale in the abattoir 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, may at any time after such default recover the charges by action in any Court of competent jurisdiction or by distress and the sale of any stock in the abattoir belonging to the person by whom the said charges are payable.
- (6) In each year the Council shall make up a revenue account showing its income and expenditure in respect of the abattoir for the twelve months ending on the thirty-first day of March.
- (7) If the fees and charges paid or payable to the Council in any year under this Act, including moneys received or receivable from any source in connection with the abattoir, exceed the annual cost of the abattoir by a sum of over one thousand five hundred pounds, the Council shall pay to the persons who during that 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 the use of the abattoir (exclusive of inspection fees) or the amount of fees so paid, and, if the excess is the sum of one thousand five hundred pounds or less, such excess shall be carried forward as part of the income of the abattoir for the next succeeding year:

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

(8) In addition to the costs and expenses incurred in the administration of the abattoir the annual cost of the abattoir shall be deemed to include—

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(a) Interest on moneys for the time being owing and borrowed for the purposes of establishing, erecting, or extending the abattoir:

(b) Interest on all moneys advanced by the Council from its General Account for the purposes of the abattoir, including particularly the sum of seven thousand five hundred pounds so advanced in the year nineteen hundred and twenty-five, and the sum of five thousand five hundred pounds mentioned in section six hereof:

(c) Any moneys paid or payable by way of sinking fund and instalments of principal in connection with any of the loans or advances mentioned in the last two preceding paragraphs, and payable in accordance with the terms on which such loans or advances were raised or borrowed:

(d) Reasonable provision for bad debts and discounts:

(e) The costs of and incidental to raising any loan for abattoir purposes:

(f) Actual payments made by the Council to any superannuation fund in respect of any employee of the Council at the abattoir:

(g) Premiums incurred in respect of insurance against loss or risk:

- (h) Any amount allocated by the Council for establishing or maintaining a fund to provide for payment of compensation or damages to the employees of the Council at the abattoir:
 - (i) Any legal expenses reasonably incurred by the Council in connection with the abattoir, including the costs of the Council in respect of the action mentioned in section six hereof:
 - (j) 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.
- (9) Nothing in section twenty-seven of the Slaughtering and Inspection Act, 1908, or in section three of the Slaughtering and Inspection Amendment Act, 1910, shall apply to the Council or the abattoir, or restrict the operation of this section.

(10) Nothing in this Act or in any by-law or resolution made hereunder shall apply to the sale or 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 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.

By-laws.

4. (1) The Council may from time to time make 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:
- (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 the name of the owner of such meat, and fixing the manner in which fees in respect thereof shall be payable to the Council.

(2) No such by-law shall come into force unless 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 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.

6. (1) The Council is hereby authorized and empowered to advance from its General Account to the Abattoir Account 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 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 out of its District Fund Account to the solicitors for the plaintiffs in the action brought against the Council in the Supreme Court at 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, 1924, in respect of any year ending on or before the thirty-first day of March, nineteen hundred and thirty-six.

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

(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 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 said sum by the Council shall be repaid by the said solicitors to the Council and applied in reduction of the said advance of five thousand five hundred pounds to the Abattoir Account, 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 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 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 thousand five hundred pounds.

(4) The Council may, in anticipation of its revenue, borrow a sum not exceeding five thousand five hundred pounds for the purpose of providing the sum to be paid out of its District Fund Account as provided in subsection one hereof. The sum so borrowed shall be repaid by the Council by fifteen equal payments out of moneys credited to its General Account, one such payment to be made in each year of the period of fifteen years commencing on the first day of April, nineteen hundred and thirty-seven:

Provided that the Council may in any year repay an amount greater than such fifteenth part.

(5) No amount that is at any time lawfully owing under the last preceding subsection shall be taken into account in determining the amount that may be borrowed or that may be owed by the Council pursuant to section three of the Local Bodies' Finance Act, 1921-22.

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

(2) The Council is hereby authorized and empowered to charge interest at the rate of four per centum per annum on any other advances at any time before or after the passing of this Act made by it from its General Account to the Abattoir Account.

8. (1) The Auckland City Abattoir Act, 1924, is hereby repealed:

Provided that the repeal of that Act shall not affect the rights of the persons entitled to participate in 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, resolutions, by-laws, and generally all acts of authority

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Interest and
sinking fund
on advances
to Abattoir
Account.

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Repeal and
savings.

done, made, or entered into for the purpose of the Act hereby 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.

(3) Section two of the Slaughtering and Inspection Amendment Act, 1930, is hereby amended by omitting the words " or in section three of the Auckland City Abattoir Act, 1924 "