

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 20th August, 1915.

Mr. Parr.

AUCKLAND CITY MARKETS AND EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to empower the Corporation of the City of Auckland to undertake the Purchase and Sale of Fish and to assist and control the Sale and Disposal of Fish in and for the City of Auckland, and to empower the said Corporation to grant certain Leases and to deal with Domains, Parks, and Recreation Reserves. Title.

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 City Markets and Empowering Act, 1915. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.  
 “The city” means the City of Auckland as now or hereafter constituted :

“The Council” means and includes the Mayor, Councillors, and citizens of the City of Auckland and (or) the Auckland City Council :

“The fish-market” means the fish-market for the time being established and conducted by the Council.

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 purchase, hire, or otherwise acquire or use, or contract for the use of, boats, vessels, and conveyances for the purpose of catching or securing fish and conveying the same to the fish-market or elsewhere :

- (b.) To establish and maintain depots for receiving fish from fishermen or others :
- (c.) To buy and sell or otherwise deal with, on such terms as the Council thinks fit, fishing-boats, nets, gear, stores, and any other things required or used by fishermen : 5
- (d.) To buy, sell, clean, smoke, and otherwise deal with and dispose of fish, and carry on all branches of the business of a fish dealer and auctioneer :
- (e.) To establish and equip with all necessary or convenient machinery and appliances, as well outside of as within 10 the boundaries of the city, such smokehouses, freezing-chambers; and chambers for cool storage, and such other buildings, plant, works, and machinery as it may from time to time deem necessary, to provide for the storage and (or) preservation by any means of fish or other articles 15 of food :
- (f.) To treat and convert into manure or other marketable product fish that may be condemned or otherwise unsaleable and the offal and other waste-products of fish, and to sell and dispose of such manure and other products. 20
4. (1.) No person shall sell or expose or offer for sale within the city or for consumption within the city any fish for human food until he shall have caused the same to be inspected at the fish-market or other place or places appointed by the Council by an Inspector appointed by the Council by the Public Service Commissioner, nor 25 unless such Inspector shall have certified that such fish is fit for human consumption.
- New.*
- (2.) The costs of such inspection shall be paid by the Council.
5. From and after the first day of January, nineteen hundred 30 and *sixteen*, all sales of fish in wholesale quantities and all sales of fish by auction shall be held in the fish-market or in some other market appointed by the Council, and thereafter it shall not be lawful for anyone to sell fish wholesale or by auction within the city save at such market or markets : 35
- Provided that any wholesale fishmonger or fish-auctioneer who shall be carrying on business as such on the first day of January, nineteen hundred and *sixteen*, may continue to carry on such business notwithstanding this clause.
6. Every person is liable to a fine not exceeding *ten* pounds 40 who, directly or indirectly, by himself, his agent, or servant,—
- (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 45 performance of his duty ; or
- (c.) Commits any breach of the provisions of this Act.
7. ~~The Council may from time to time appoint one or more inspectors who~~ *The Inspector appointed under section four hereof shall,* 50 so far as relates to the fish-supply of the city ~~and to all other articles of food,~~ have the powers of an officer within the meaning of the Sale of Food and Drugs Act, 1908.

Fish not to be sold unless inspected.

Auction sales of fish at markets.

Penalties.

Council may appoint inspectors.

8. The Council may fix such fees and charges as it thinks fit for and in respect of— Council may fix fees.

- (a.) The inspection of fish at the fish-market ;
- (b.) The cleaning of fish and preparing the same for sale ;
- 6 (c.) The storage or freezing, smoking, or preservation of any fish or other articles of food ; and
- (d.) The sale by the Council, either privately or by auction, of any fish.

9. If default is made in the due payment of any charges made or payable under the authority of this Act, 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 sale of any goods in any fish-market, smokehouse, freezing-chamber, or chamber for cool storage, and belonging to the person by whom the said charges are payable. Recovery of charges, &c.

10. It shall be lawful for the Council by special order to grant to any auctioneer a lease or leases not exceeding twenty-one years of any portion or portions of the lands, and (or) buildings for the time being comprising the fish-market or the Auckland City Market, or the sites thereof respectively, without first offering the same by public auction or public tender, and upon such terms and conditions as may be agreed upon between the Council and the lessee. Council may lease lands or buildings.

11. In addition to the power of leasing contained in section four of the Auckland City Empowering Act, 1913, it shall be lawful for the Council to grant to any lessee or occupier (including the assignees or sub-lessees of such person) of any part of the land mentioned in the said section four, and described in the First Schedule to the said Act, a new lease of such part or of any portion thereof, together with or without any land adjacent to or in the neighbourhood of such part, upon such terms and conditions as may be agreed upon between the Council and the proposed lessee. Power to grant new leases.

12. Notwithstanding anything contained in the Auckland Domain Vesting Act, 1893, or any other Act, it shall be lawful for the Council with respect to the Auckland Domain, and any other domain, park, recreation reserve, or gardens now or hereafter vested in it, to have and exercise the following powers :— Powers of Council enlarged with respect to Auckland Domain, &c.

(a.) To maintain upon such domain, park, reserve, or gardens any building erected thereon at the time of the same being vested in the Council, and to appropriate such building to any purpose which the Council shall think proper, or to let the same for any tenancy, not exceeding one year, upon such terms and conditions as it may think fit.

(b.) To erect and maintain buildings for the purposes of tea-kiosks (with or without residential accommodation), museums, drill-sheds, and residences for caretakers, rangers, caterers, or other persons employed by or contracting with the Council.

(c.) To let or lease any portion of any the reserve known as Cornwallis Park vested in the Council and situated more than five miles from the General Post Office at Auckland

without putting the same up to public auction or public tender for such term not exceeding twenty-one years, and upon such conditions as the Council may think fit, including the right to erect buildings thereon.

- (d.) To erect and maintain in the park in the City of Auckland, known as "Myers Park," a building for educational purposes. 5
- (e.) To regulate or prohibit the admission of members of the public to such parts of any domain, park, reserve, or gardens as may be let or set apart for any special purpose under the provisions hereof. 10

*Struck out.*

Special order not required.

13. No special order or other formality shall be required for the exercise by the Council of any of the powers hereby vested in it.

Powers to be in addition.

14. The powers hereby vested in the Council are in addition to, and not in substitution for, any powers vested in it by any other Act. 15

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Validating loans.

14A. It shall be and shall be deemed to have been lawful for the Council to pledge and give as security for any special loan heretofore or hereafter authorized to be raised by the Council the revenues of the City of Auckland as such including general rates, subject as to each loan to the loans theretofore charged or secured upon such revenues. 20