

Serial Number 1938/116.



THE FARM-DAIRY INSTRUCTION REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of September, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Dairy Industry Act, 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Farm-dairy Instruction Regulations 1938.

2. (1) In these regulations, unless inconsistent with the context,—
“ Director-General ” means the Director-General of the Department of Agriculture :

“ Manufacturing dairy ” means the business carried on in any premises registered as a cheese-factory, creamery, skimming-station, condensed-milk or preserved-milk factory, or dried-milk factory, pursuant to the Dairy-produce Regulations 1938 :

“ Manufacture ” in respect of dairy-produce includes the separation of butterfat from milk, and also includes the receipt or deposit of milk or cream for subsequent manufacture (whether in the place of receipt or deposit or in any other place) :

“ Manufacturing season ” means the period of twelve months commencing on the 1st day of August in any year :

“ Minister ” means the Minister of Agriculture :

“ Owner of a manufacturing dairy ” means a person carrying on the manufacture of dairy-produce in a manufacturing dairy as herein defined, whether the premises belong to such person or not :

“ Supplier ” means any person engaged in the business of supplying milk or cream to the owner of a manufacturing dairy.

(2) Except as otherwise hereinbefore provided, terms defined by the Dairy-produce Regulations 1938* shall have the respective meanings assigned to them by those regulations.

* Statutory Regulations 1938, Serial number 1938/91

3. (1) Every owner of a manufacturing dairy shall (unless exempted from the operation of these regulations pursuant to the provisions hereinafter contained) pay to the Crown as a contribution towards the cost of farm-dairy instruction and inspection afforded by the Crown the following levies, namely :—

- (a) A monthly levy at the rate of 0·008d. per pound computed on the total number of the pounds of butterfat received for manufacture and credited to suppliers during the last preceding month; and either
- (b) An annual levy at the rate of 4s. per supplier computed on the maximum number of suppliers to such owner at any time during the months of August, September, and October in each manufacturing season; or
- (c) In the case of a manufacturing dairy the business of which is first carried on after the end of the month of September in any manufacturing season, a levy for that manufacturing season at the rate of 4s. per supplier computed on the maximum number of suppliers to such owner at such manufacturing dairy at any time during the first thirty-one days in which such business is carried on.

(2) For the purposes of paragraph (a) of clause (1) of this regulation butterfat shall be deemed to be credited to a supplier on the day on which the milk or cream producing such butterfat was received from the supplier.

4. (1) Within twenty-one days after the close of each month every owner of a manufacturing dairy shall (unless exempted from the operation of these regulations pursuant to the provisions hereinafter contained) complete and deliver to the Director-General a return for the immediately preceding month showing the total number of the pounds of butterfat received for manufacture and credited to suppliers during that month.

(2) Such return shall be accompanied by the amount of the levy imposed by paragraph (a) of clause (1) of Regulation 3 hereof, and shall be signed by the owner or his authorized agent and shall be verified by the personal certificate of the person making the return.

5. In the ascertainment of the total number of the pounds of butterfat received for manufacture and credited to suppliers during any month, the following rules shall apply, namely :—

(a) No account shall be taken of the number of the pounds of butterfat contained in cream received by the owner of a manufacturing dairy from any other owner of a manufacturing dairy at which such cream was separated from milk and the butterfat in which is included in the return required by these regulations to be furnished by such other owner of a manufacturing dairy :

(b) There may be deducted from the total number of the pounds of butterfat received for manufacture and credited to suppliers as aforesaid the total number of the pounds of butterfat credited to any supplier during any part-monthly testing period, if during any part of the said part-monthly testing period the dairy of such supplier is registered pursuant to regulations relating to the sale of milk or cream for human consumption made under the Dairy Industry Act, 1898, on the 24th day of December, 1900, and enuring under the Dairy Industry Act, 1908.

6. (1) Within twenty-one days after the close of the month of October in every manufacturing season every owner of a manufacturing dairy carrying on business during the month of September in that manufacturing season shall (unless exempted from the operation of these regulations pursuant to the provisions hereinafter contained) complete and deliver to the Director-General a return showing the maximum number of suppliers to such owner at any time during the months of August, September, and October in that manufacturing season.

(2) Every owner of a manufacturing dairy the business of which is first carried on after the end of the month of September in any manufacturing season shall, within fifty-two days after the time at which such business is first carried on (unless exempted from the operation of these regulations pursuant to the provisions hereinafter contained), complete and deliver to the Director-General a return showing the maximum number of suppliers to such owner at such manufacturing dairy at any time during the first thirty-one days in which such business is carried on.

(3) Every return made pursuant to either of the foregoing clauses of this regulation shall be accompanied by the amount of the levy imposed by paragraph (b) or paragraph (c) of clause (1) of Regulation 3 hereof, and shall be signed and verified in manner prescribed by clause (2) of Regulation 4 hereof.

7. In the ascertainment of the maximum number of suppliers to any owner of a manufacturing dairy during any prescribed period the following rules shall apply, namely:—

- (a) No account shall be taken of the total number of suppliers to such owner whose supply of milk or cream has, with the consent of such owner, been transferred during the respective period aforesaid to the owner of any other manufacturing dairy pursuant to the provisions in that behalf of the Dairy-produce Regulations 1938:
- (b) Where milk or cream produced by the same supplier from different herds is delivered in separate parcels to the owner of a manufacturing dairy and is, at the request of the supplier, accounted for separately in the books of the owner according to the number of herds from which the supply is obtained, the supply from each herd shall be treated as if it had been supplied by different suppliers:
- (c) There may be deducted from the maximum number of suppliers computed as aforesaid, the total number of suppliers to such owner during the respective period aforesaid whose dairies are for the time being registered pursuant to regulations relating to the sale of milk or cream for human consumption made under the Dairy Industry Act, 1898, on the 24th day of December, 1900, and enuring under the Dairy Industry Act, 1908.

8. The return required to be furnished pursuant to Regulation 6 hereof may be combined with one of the monthly returns required to be furnished pursuant to Regulation 4 hereof, and when so combined may be in or to the effect of the form set forth in the Schedule hereto.

9. If the owner of a manufacturing dairy permanently ceases to manufacture dairy-produce he shall not be liable to pay any monthly levy beyond that due and payable for the month in which the manufacture of dairy-produce ceased or any annual levy beyond that payable for the manufacturing season in which the manufacture of dairy-produce ceased.

10. If the owner of a manufacturing dairy fails to pay within the time limited by these regulations the full amount of any levy imposed by these regulations and payable by such owner, then :—

(a) The Minister may notify the Minister of Marketing of the amount due by the owner and thereupon the Minister of Marketing may authorize the amount owing to be deducted from any moneys that are then payable or that may become payable to the owner out of either the Internal Marketing Account or the Dairy Industry Account established by the Primary Products Marketing Act, 1936 ; or

(b) The amount due may be recovered as a debt due to the Crown in any Court of competent jurisdiction.

11. (1) At the close of each financial year the Minister shall determine the amount to be regarded as the cost for the financial year then last ended of farm-dairy instruction and inspection afforded by Farm-dairy Instructors on the staff of the Department of Agriculture by visiting supplying dairies and giving advice and instruction to the occupiers thereof for the purpose of improving and maintaining the quality of milk and cream supplied for the manufacture of dairy-produce. The amount so determined shall include an allowance for the cost of direct and indirect administrative supervision of the advice and instruction so afforded.

(2) Where it is found that the total amount payable in any financial year by way of levies imposed by these regulations exceeds three-fifths of the cost for that financial year of farm-dairy instruction determined as aforesaid the Minister may direct that such reduction in the levies payable pursuant to paragraph (a) of clause (1) of Regulation 3 hereof for the next succeeding financial year shall be made as will be just and equitable or in his discretion may direct that the surplus for any financial year shall be accumulated for adjustment as aforesaid at the end of two or more years, regard being had to the amount of the surplus in respect of any year.

(3) Where it is found that the total amount payable as aforesaid is less than three-fifths of the cost of farm-dairy instruction determined as aforesaid, the amount of such deficiency shall be deemed to be part of the cost of the said instruction for the next succeeding financial year.

12. Any Inspector or other officer duly authorized by the Minister in that behalf may at any reasonable time inspect and examine the books and records of any owner of a manufacturing dairy relating to the returns required to be made in pursuance of these regulations.

13. Any owner of a manufacturing dairy may be exempted by the Minister from the operation of these regulations in any of the following events :—

(a) Where by reason of isolation or from any other cause it is found impracticable to extend farm-dairy instruction to the suppliers to such owner :

(b) Where it is proved to the satisfaction of the Minister that the owner has, at his own expense, provided farm-dairy instruction in respect of his suppliers of a standard comparable with the general standard of farm-dairy instruction afforded by Farm-dairy Instructors on the staff of the Department of Agriculture :

(c) Where at the request of the owner and for the purpose of providing more intensive farm-dairy instruction in respect of the suppliers to such owner than the general standard of farm-dairy instruction afforded as aforesaid special farm-dairy instruction in respect of the suppliers to such owner is afforded as aforesaid and the owner agrees with the Minister to pay a special charge therefor in lieu of payment of the levy imposed by these regulations.

14. (1) Application by the owner of a manufacturing dairy for exemption from the operation of these regulations shall be made by such owner in writing addressed in the first instance to the Director-General and shall state the grounds upon which the applicant claims exemption.

(2) In deciding to grant or refuse an application for exemption under paragraph (a) or paragraph (b) of the last preceding regulation the Minister shall take into consideration the grounds set out in the application for exemption and any other relevant matters as he thinks proper, and upon deciding to grant or refuse an application for exemption the Minister shall forthwith notify the applicant in writing accordingly.

(3) The Minister may at any time by notice in writing addressed to the owner withdraw any exemption granted under these regulations, and shall state the grounds upon which the exemption is withdrawn.

15. (1) Every person who fails to make in accordance with these regulations any of the returns required by Regulations 4 and 6 hereof, or who makes as owner of a manufacturing dairy personally or by his servant or other agent or as servant or agent on behalf of an owner of a manufacturing dairy any such return which is false or misleading in any particular commits a breach of these regulations.

(2) Every person who commits a breach of these regulations is liable to a penalty of £50.

SCHEDULE.

The Farm-dairy Instruction Regulations 1938.

RETURN OF BUTTERFAT RECEIVED FOR MANUFACTURE.

To the Director-General, Department of Agriculture, Private Bag, Wellington.

RETURN pursuant to the Farm-dairy Instruction Regulations 1938, of the total number of the pounds of butterfat received for manufacture and credited to the suppliers to [*Name of owner of manufacturing dairy*] during the month ended, 19.., and of the levy payable under the said regulations.

Name of Manufacturing Dairy.	Weight of Butterfat, in Pounds.	Amount Payable.
.....	£ s. d.
.....	
.....	
Less total weight in pounds of butterfat credited for any part monthly testing period to suppliers being occupiers of registered dairies during the whole or any part of such part monthly testing period under regulations relating to the sale of milk or cream		
Levy at 0-008d. per pound,		£

The following return is to be made once only in each manufacturing season :—

	£	s.	d.
Maximum number of suppliers during period 1st August to 31st October, 19..	
Less number of suppliers whose dairies are registered under regulations relating to sale of milk or cream	
Number of suppliers on which levy of 4s. per supplier is payable	
Total amount payable	..		£

I hereby certify that the particulars shown in this return are correct.

Signature :

[Capacity of person signing (Secretary or as case may be).]

Date :, 19..

N.B.—The amount of the levy should accompany this return.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of September, 1938.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3610.)