

1973/150



THE MILK REGULATIONS 1973

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 11th day of June 1973

Present:

THE HON. W. WATT PRESIDING IN COUNCIL

PURSUANT to the Milk Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

<ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation <p style="text-align: center;">PART I</p> <p style="text-align: center;">COMMITTEES OF SUPPLY</p> <ol style="list-style-type: none"> 3. Interpretation 4. Application of this Part 5. Committees of supply 6. Approval by the Board 7. Grounds for refusal of approval by Board 8. Committees to make rules 9. Rules to be approved by Board 10. Member associations to be bound 	<p style="text-align: center;">PART II</p> <p style="text-align: center;">BOTTLING OF MILK</p> <ol style="list-style-type: none"> 11. Application of this Part 12. Milk to be in bottles or other approved containers <p style="text-align: center;">PART III</p> <p style="text-align: center;">MILK TOKENS</p> <ol style="list-style-type: none"> 13. Tokens to be approved by Board 14. Central token schemes 15. Approval may be subject to conditions 16. Revocation
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Milk Regulations 1973.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Milk Act 1967:

“Board” means the New Zealand Milk Board constituted under the Act:

- “Consumer” means any person who buys milk for any purpose other than resale:
- “Milk district” means any milk district for the time being defined under section 16 of the Act:
- “Milk token” means any coupon or token issued, sold, used, or redeemed by a milk vendor in connection with the selling or supplying of milk to consumers at their homes or premises by daily or other deliveries:
- “Milk vendor” means any person who owns or operates a milk round; but does not include a person who receives or undertakes the delivery of milk solely as a carrier:
- “Minister” means the Minister of Agriculture and Fisheries.

PART I

COMMITTEES OF SUPPLY

3. Interpretation—In this Part of these regulations, unless the context otherwise requires,—

“Committee of supply” means a committee of supply formed in accordance with section 53 (3) of the Act:

“Nominated quantity” means the daily quantity of milk fixed by the Board as being the quantity necessary to supply the requirements of the area concerned.

4. Application of this Part—This Part of these regulations shall apply to every producer association directed by the Board pursuant to subsection (3) of section 53 of the Act to form a committee of supply.

5. Committees of supply—(1) Where any committee of supply is formed pursuant to a direction of the Board given pursuant to subsection (3) of section 53 of the Act, the committee shall be deemed to consist of the producer associations, being the associations to which the direction is given, as members.

(2) Each of those associations shall be represented on the committee of supply by such number of representatives, elected or appointed in such manner, as may be prescribed by the rules of the committee of supply.

(3) Subject to subclauses (2) and (3) of this regulation, the committee of supply shall be constituted in such manner as may be prescribed by its rules.

6. Approval by Board—(1) Subject to subclause (2) of this regulation, no committee of supply shall exercise any of the functions of a committee of supply until the rules of the committee have been approved by the Board pursuant to this Part of these regulations.

(2) Any committee of supply that has been formed pursuant to the provisions of the Milk Regulations 1956* shall continue to function as a committee of supply in every way as if it were formed pursuant to the provisions of these regulations.

7. Grounds for refusal of approval by Board—The Board shall not refuse its approval under this Part of these regulations except on the ground that the rules or any provision of the rules are inconsistent with the Act or with these or any other regulations made under the Act.

8. Committees to make rules—(1) The rules of every committee of supply shall specify or make provision for—

- (a) The name of the committee:
- (b) The names of the producer associations that are members of the committee:
- (c) The number of representatives of each producer association on the executive of the committee and the procedure for their election or appointment:
- (d) The procedure for the vacation of office of the representatives of each producer association on the executive of the committee:
- (e) The procedure for the election or appointment and the vacation of office of a chairman of the committee:
- (f) The appointment of a secretary:
- (g) The procedure for summoning and holding meetings of the committee and for the decision of questions arising at meetings:
- (h) The proportion of milk that each producer association shall be bound to contribute towards the nominated quantity:
- (i) The steps to be taken to ensure that the nominated quantity of milk is provided in the event of any producer association failing to contribute its full proportion thereof:
- (j) The imposition of penalties by the committee on any producer association failing to fulfil its obligations in respect of contributions towards the nominated quantity of milk:
- (k) Such other matters as the Board may reasonably require for ensuring that the purposes of the committee are carried out or for ensuring compliance with the Act or any regulations thereunder.

(2) The rules of any committee of supply may make provision for—

- (a) The approval by the committee of the terms and conditions of contracts between each producer association and its suppliers:
- (b) The methods of financing the activities of the committee:
- (c) Such other provisions not inconsistent with the Act or any regulations thereunder as the committee thinks fit and as are approved by the Board.

9. Rules to be approved by the Board—(1) No approval under subsection (3) of section 53 of the Act approving a committee of supply as the Supply Association of a district shall be given until the rules of the committee have been submitted to and approved by the Board.

(2) With each application to the Board for its approval to the rules of a committee of supply there shall be submitted from each member association of the committee a certificate that each such association—

- (a) Is an incorporated body;
- (b) Has power to be a member of a committee of supply and to accept any obligations attaching to that membership; and
- (c) Has complied with all formalities necessary for its inclusion in the membership of the committee.

10. Member associations to be bound—Each member association shall be bound by all decisions, determinations, or resolutions of the committee of supply under or pursuant to the rules of the committee.

PART II

BOTTLING OF MILK

11. Application of this Part—(1) This Part of these regulations shall apply to such part or parts of New Zealand as are specified in those notices given by the Minister pursuant to regulation 42 of the Milk Regulations 1956 that are in force at the time of commencement of these regulations, and shall apply to such other parts of New Zealand as the Minister, in accordance with the recommendations of the Board, may from time to time specify by notice published in the *Gazette*.

(2) Any notice published under this regulation may in like manner from time to time be varied or revoked.

12. Milk to be in bottles or other approved containers—In any part or parts of New Zealand to which this Part of these regulations apply, no person shall sell or deliver milk to a consumer in a quantity of less than 5 litres at one time unless the milk is contained in sealed bottles, or other containers of a type approved in that behalf by the Board, and unless the provisions of the Act, and regulations made under the Act, relating to the bottling of milk are complied with.

PART III

MILK TOKENS

13. Tokens to be approved by Board—(1) No milk vendor shall issue any milk token unless the use of the token has first been approved in writing by the Board. No milk vendor shall sell, use, or redeem any milk token contrary to any direction of the Board.

(2) All milk tokens used by a milk vendor shall be made of such material, and be in such shape or form and have such design, as may be approved in writing by the Board.

14. Central token schemes—(1) No association of milk vendors or any other person shall institute a central token scheme for any milk district or part of a milk district without first obtaining the approval in writing of the Board:

Provided that—

- (a) Any central token scheme in existence at the time of the making of these regulations where the tokens are commonly used by milk vendors in a milk district or part of a milk district shall be deemed to be approved as a central token scheme for the purpose of this Part of these regulations:
 - (b) No approval shall be given by the Board pursuant to this regulation to any person other than an association of milk vendors operating in the milk district or part of the milk district unless the Board is satisfied that the association has had a reasonable opportunity to establish such a central token scheme and has failed or refused to do so.
- (2) Where any central token scheme has been approved or deemed to be approved in any milk district or part of a milk district pursuant to the provisions of these regulations, the Board may require any milk vendor operating in that milk district or part of that milk district to participate in the scheme to such an extent as may be directed by the Board.
- (3) For the purposes of this regulation, a “central token scheme” means a scheme providing tokens for the use of more than one milk vendor.

15. Approval may be subject to conditions—Any approval given by the Board for the purposes of this Part of these regulations may be given on or subject to such conditions as the Board thinks fit, and the approval or condition may from time to time be revoked, varied, or added to, by the Board.

16. Revocation—The Milk Regulations 1956* are hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1956/65

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made in substitution for the Milk Regulations 1956. Part I relates to conditions for the formation and approval of committees of supply pursuant to section 53 (3) of the Milk Act 1967. Part II relates to the bottling of milk, and the provisions of this Part re-enact provisions of the Milk Regulations 1956. Part III relates to milk tokens, and contains new provisions. No milk vendor may issue tokens until they have been approved by the New Zealand Milk Board. Regulation 14 relates to central token schemes. These are schemes providing tokens for the use of more than one milk vendor. The main effect of regulation 14 is that no central token scheme can be instituted without the approval of the Board, but a savings provision is included relating to certain existing schemes.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 June 1973.

These regulations are administered in the Ministry of Agriculture and Fisheries.