

**Reprint  
as at 1 June 2013**



**Dairy Industry Restructuring (Raw  
Milk) Amendment Regulations  
2008**

(SR 2008/399)

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008:  
revoked, on 1 June 2013, pursuant to regulation 26 of the Dairy Industry  
Restructuring (Raw Milk) Regulations 2012 (SR 2012/340).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 20th day of October 2008

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 115 and 116 of the Dairy Industry Restructuring Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry for Primary Industries.**

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## Regulations

- 1 Title**  
These regulations are the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008.
- 2 Commencement**  
These regulations come into force on 1 June 2009.
- 3 Principal regulations amended**  
These regulations amend the Dairy Industry Restructuring (Raw Milk) Regulations 2001.

#### **4 Interpretation**

- (1) Regulation 3(1) is amended by inserting the following definition in its appropriate alphabetical order:  
“**balance of the season**, in relation to a season, means the months of November, December, January, March, April, and May”.
- (2) The definition of **transitional period** in regulation 3(1) is revoked.
- (3) The definition of **winter milk** in regulation 3(1) is amended by omitting “May or”.
- (4) Regulation 3(2) is amended by inserting the following paragraph before paragraph (a):  
“(aa) chief executive:”.

#### **5 New regulations 5 to 5D substituted**

Regulation 5 is revoked and the following regulations are substituted:

##### **“5 Advance estimates of raw milk requirements**

An independent processor must, in accordance with regulations 6 and 7, provide new co-op with advance estimates of the quantity of raw milk required by the independent processor.

##### **“5A New co-op must prepare preliminary forecasts of estimated total raw milk requirements in each season**

- “(1) In each season, new co-op must prepare a preliminary forecast of the estimated total raw milk requirements of—
  - “(a) each independent processor for the season; and
  - “(b) all independent processors for the season.
- “(2) The preliminary forecast of the estimated total raw milk requirements of each independent processor for the season is to be based on—
  - “(a) the total quantity of winter milk actually supplied to the independent processor in the season; and
  - “(b) the estimated total quantity of raw milk to be supplied to the independent processor in October of the season based on an aggregate of the daily estimates provided

- by the independent processor in July in accordance with regulation 6(2)(a); and
- “(c) the estimated total quantity of raw milk to be supplied to the independent processor in all other months of the season based on the quantity estimated under paragraph (b) plus 10%.
- “(3) The preliminary forecast of the estimated total raw milk requirements of all independent processors for the season is to be based on the aggregate of each independent processor’s raw milk requirements under subclause (2).
  - “(4) New co-op must, by the 10th working day in August in a season, provide the preliminary forecasts prepared under subclauses (2) and (3) to the chief executive.
- “5B New co-op must prepare final forecasts of estimated total raw milk requirements in each season**
- “(1) In each season, new co-op must prepare final forecasts of the estimated total raw milk requirements of—
    - “(a) each independent processor for the season; and
    - “(b) all independent processors for the season.
  - “(2) The final forecast of the estimated total raw milk requirements for each independent processor in the season is to be based on—
    - “(a) the total quantity of winter milk actually supplied to the independent processor in the season; and
    - “(b) the total quantity of raw milk actually supplied to the independent processor in August, September, and October in the season; and
    - “(c) the estimated total quantity of raw milk to be supplied to the independent processor in the balance of the season based on the total quantity of raw milk supplied to the independent processor in October plus 10%.
  - “(3) The final forecast of the estimated total raw milk requirements of all independent processors for the season is to be based on the aggregate of each independent processor’s raw milk requirements for the season under subclause (2).

**“5C Chief executive must verify final forecasts and prorate if estimated total demand for raw milk in season is likely to exceed limit on supply**

“(1) New co-op must, by the 10th working day in November in a season, provide the final forecasts prepared under regulation 5B to the chief executive for verification.

“(2) The chief executive must—

“(a) verify the information in the final forecasts; and

“(b) if the final forecasts as verified indicate that the estimated total quantity of raw milk required by all independent processors for the season is likely to exceed the limit on the volume of raw milk that new co-op must supply under regulation 11(2),—

“(i) calculate, on a pro rata basis, the decrease in the total quantity of raw milk that each independent processor may receive for the balance of the season in order to bring the estimated total demand for raw milk in the season within the limit specified in regulation 11(2); and

“(ii) publish a notice in the *Gazette* stating that the maximum quantity of raw milk that independent processors may receive from new co-op for the balance of the season is to be adjusted to bring the estimated total demand for raw milk in the season within the limit specified in regulation 11(2); and

“(iii) notify new co-op and each independent processor in writing of the decrease in the total quantity of raw milk that new co-op may supply to the independent processor for the balance of the season.

**“5D New co-op must advise chief executive of actual supply of raw milk after close of season**

New co-op must, within 20 working days after the close of a season, provide a return to the chief executive stating how much raw milk was actually supplied by new co-op—

“(a) to each independent processor in each month of the season; and

“(b) to all independent processors for the whole of the season.”

**6 Raw milk estimates**

Regulation 6(2) is amended by omitting “an estimate may be required by new co-op” and substituting “an independent processor must provide new co-op with an estimate for supply”.

**7 Winter milk estimates for quantities exceeding 20 000 litres**

Regulation 7 is amended by revoking subclauses (2) and (3) and substituting the following subclauses:

- “(2) For a quantity of winter milk to which subclause (1) applies, an independent processor must provide new co-op with an estimate for supply—
- “(a) up to 18 months before the date on which the winter milk is to be supplied; and
  - “(b) up to 1 week before the date on which the winter milk is to be supplied.
- “(3) A quantity estimated under subclause (2)(b) must be within the range from 40% more than the quantity estimated under subclause (2)(a) to 40% less than that quantity.”

**8 Price of raw milk**

- (1) Regulation 8(3)(b) is amended by omitting “or April” and substituting “April, or May”.
- (2) Regulation 8(4) is revoked.

**9 Limits on volume of raw milk**

- (1) Regulation 11(2) is amended by omitting “400” and substituting “600”.
- (2) Regulation 11(2A) is revoked.

**10 Regulation 12 revoked**

Regulation 12 is revoked.

**11 Regulations do not apply to excess supply of raw milk**

- (1) Regulation 13(1) is amended by omitting “limits in regulations 11 and 12” and substituting “limit in regulation 11”.
- (2) Regulation 13(3) is revoked.

- 12 Raw milk supplied under pre-commencement contracts**  
Regulation 14(b) is amended by omitting “regulations 11 and 12” and substituting “regulation 11”.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **Explanatory note**

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

These regulations, which come into force on 1 June 2009, amend the Dairy Industry Restructuring (Raw Milk) Regulations 2001 by—

- providing a rationing rule if the estimated total demand for raw milk in a season by independent processors is likely to exceed the quantity that new co-op must supply in the season (*new regulations 5A to 5D*):
- providing that the limit on the volume of raw milk that new co-op must supply to independent processors in a season is 600 million litres:
- omitting the month of May from the definition of winter milk:
- revoking spent provisions relating to the expiry of the transitional period.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 23 October 2008.

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**Notes****1 General**

This is a reprint of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008. The reprint incorporates all the amendments to the regulations as at 1 June 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked



are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

Dairy Industry Restructuring (Raw Milk) Regulations 2012 (SR 2012/340):  
regulation 26

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