

**Reprint  
as at 1 June 2013**



**Dairy Industry Restructuring (Raw  
Milk) Amendment Regulations  
2010**

(SR 2010/94)

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010:  
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 26th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 115 and 116 of the Dairy Industry Restructuring Act 2001, His Excellency the Governor-General, acting on the recommendation of the Minister of Agriculture and 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 2010.
- 2 Commencement**  
These regulations come into force on 1 June 2010.
- 3 Principal regulations amended**  
These regulations amend the Dairy Industry Restructuring (Raw Milk) Regulations 2001.
- 4 Interpretation**
- (1) The definition of **additional cost of winter milk** in regulation 3(1) is amended by omitting “total payout per kilogram of milksolids” and substituting “farm gate milk price”.
- (2) Regulation 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- “**additional cost of organic milk** means the cost to new co-op of organic milk supplied to new co-op in a season per kilogram of milksolids minus the farm gate milk price in that season
- “**distribution** has the same meaning as in the Companies Act 1993
- “**farm gate milk price** means the total cost of milk divided by kilograms of milksolids

“**total cost of milk** means the total calculated by—

“(a) getting a sum by adding together all payments to which all the following apply:

“(i) the payment is made by new co-op and interconnected bodies corporate of new co-op; and

“(ii) the payment is made to a shareholding farmer; and

“(iii) the payment is made to the farmer in the farmer’s capacity as a farmer supplying milk to new co-op and not in the farmer’s capacity as a shareholding farmer; and

“(iv) the payment is for the milk that the farmer supplies to new co-op in a season; and

“(b) deducting from the sum—

“(i) distributions in the season to farmers in their capacity as shareholding farmers and not in their capacity as farmers supplying milk to new co-op; and

“(ii) the new co-op retention for the season; and

“(iii) the total organic milk premium for the season; and

“(iv) the total winter milk premium for the season

“**total organic milk premium** means the total premium paid to shareholding farmers for the supply of organic milk to new co-op and interconnected bodies corporate of new co-op in a season”.

(3) Regulation 3(1) is amended by revoking the definitions of “annualised share value” and “total payout”.

(4) Regulation 3(2)(b) is revoked.

(5) Regulation 3(2)(e) is revoked and the following paragraphs are substituted:

“(e) milksolids:

“(ea) new co-op:”.

## **5 Price of raw milk**

The formula in regulation 8(6) is revoked and the following formula substituted:

farm gate milk price + \$0.10 per kilogram of  
milksolids

**6 Regulation 9 revoked**

Regulation 9 is revoked.

**7 Other terms of supply**

Regulation 10 is amended by omitting “6(2)(b) or regulation 7(2)(a)(ii) or (b)(ii)” in each place where it appears and substituting “6(2)(b) or 7(2)(b)” in each case.

**8 Obligations to publish information**

- (1) Regulation 16(1)(a) is amended by omitting “payout” and substituting “cost of milk”.
- (2) Regulation 16(1) is amended by inserting the following paragraph:  
“(aa) the farm gate milk price for the season; and”.
- (3) Regulation 16(1)(d) is amended by omitting “season.” and substituting “season ; and”.
- (4) Regulation 16(1) is amended by adding the following paragraph:  
“(e) the additional cost of organic milk for the season.”
- (5) Regulation 16(4)(a) and (b) are revoked.
- (6) Regulation 16(4)(c) is amended by omitting “payout” and substituting “cost of milk”.
- (7) Regulation 16(4) is amended by inserting the following paragraph:  
“(ca) the farm gate milk price for the season; and”.
- (8) Regulation 16(4) is amended by inserting the following paragraph:  
“(fa) the additional cost of organic milk for the season; and”.
- (9) Regulation 16(5) is revoked.

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 provide for the specification of the price that independent processors of raw milk must pay Fonterra for supplying them with the milk.

The regulations come into force on 1 June 2010.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 April 2010.

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**Notes****1 General**

This is a reprint of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010. 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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