

**Reprint
as at 1 June 2013**



Dairy Industry Restructuring (Raw Milk) Regulations 2001

(SR 2001/326)

Dairy Industry Restructuring (Raw Milk) Regulations 2001: revoked, on 1 June 2013, by regulation 26 of the Dairy Industry Restructuring (Raw Milk) Regulations 2012 (SR 2012/340).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 29th day of October 2001

Present:

The Right Hon Helen Clark presiding in Council

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

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) Regulations 2001.

2 Commencement

These regulations come into force on the day after the date on which they are notified in the *Gazette*.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
- Act** means the Dairy Industry Restructuring Act 2001
- 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
- additional cost of winter milk**, in relation to an Island, means the cost to new co-op of winter milk supplied to new co-op in a season in that Island per kilogram of milksolids minus the farm gate milk price in that season
- balance of the season**, in relation to a season, means the months of November, December, January, February, March, April, and May
- farm gate milk price** means the total cost of milk divided by kilograms of milksolids
- Island** means the North Island or South Island of New Zealand
- kilograms of milksolids** is the number of kilograms of milksolids supplied to new co-op in a season by shareholding farmers
- organic milk** means raw milk certified as organic milk by—
- (a) New Zealand Biological Producers and Consumers Council Inc; or
 - (b) The Biodynamic Farming and Gardening Association in New Zealand Inc; or
 - (c) AsureQuality Limited

raw milk means untreated milk from a cow, and includes organic milk; but does not include—

- (a) milk or a component of milk from a cow produced under special conditions by, for example, the use of—
 - (i) specialised herd selection; or
 - (ii) specialised farming practice; or
 - (iii) specialised feeding practice; or
 - (iv) new technology; and
- (b) colostrum

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) *[Revoked]*
 - (iv) the payment is for the raw milk that the farmer supplies to new co-op in a season; and
- (b) deducting from the sum—
 - (i) *[Revoked]*
 - (ii) *[Revoked]*
 - (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

total winter milk premium means the total premium paid to shareholding farmers for the supply of winter milk to new co-op and interconnected bodies corporate of new co-op in a season

wholesale milk price is defined in regulation 8(6)

winter milk means raw milk supplied in June or July.

- (2) The following terms are defined in section 5 of the Act:
 - (aa) chief executive:
 - (a) Commission:

- (b) *[Revoked]*
- (c) independent processor:
- (d) interconnected body corporate:
- (e) milksolids:
- (ea) new co-op:
- (f) season:
- (g) shareholding farmer.

Regulation 3(1) **additional cost of organic milk**: inserted, on 1 June 2010, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **additional cost of winter milk**: amended, on 1 June 2010, by regulation 4(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **annualised share value**: revoked, on 1 June 2010, by regulation 4(3) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **balance of the season**: inserted, on 1 June 2009, by regulation 4(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 3(1) **balance of the season**: amended, on 1 June 2009, by regulation 4 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR 2009/148).

Regulation 3(1) **distribution**: revoked (without coming into force), on 1 June 2010, by regulation 4(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **farm gate milk price**: inserted, on 1 June 2010, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **kilograms of milksolids**: amended, on 1 June 2010, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **new co-op retention**: revoked, on 1 June 2010, by regulation 4(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **organic milk** paragraph (c): substituted, on 29 November 2007, by clause 4 of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

Regulation 3(1) **total cost of milk**: inserted, on 1 June 2010, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **total cost of milk** paragraph (a)(iii): revoked (without coming into force), on 1 June 2010, by regulation 4(3)(a) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **total cost of milk** paragraph (a)(iv): amended, on 1 June 2010, by regulation 4(3)(b) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **total cost of milk** paragraph (b)(i): revoked (without coming into force), on 1 June 2010, by regulation 4(3)(c) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **total cost of milk** paragraph (b)(ii): revoked (without coming into force), on 1 June 2010, by regulation 4(3)(c) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 3(1) **total organic milk premium**: inserted, on 1 June 2010, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **total payout**: revoked, on 1 June 2010, by regulation 4(3) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(1) **transitional period**: revoked, on 1 June 2009, by regulation 4(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 3(1) **winter milk**: amended, on 1 June 2009, by regulation 4(3) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 3(2)(aa): inserted, on 1 June 2009, by regulation 4(4) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 3(2)(b): revoked, on 1 June 2010, by regulation 4(4) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(2)(e): substituted, on 1 June 2010, by regulation 4(5) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 3(2)(ea): inserted, on 1 June 2010, by regulation 4(5) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Part 1

Supply of raw milk by new co-op

4 New co-op must supply raw milk

- (1) New co-op must supply raw milk to independent processors.
- (2) The obligation in subclause (1) is subject to regulations 5 to 15.

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.

Regulation 5: substituted, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

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.

Regulation 5A: inserted, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

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).

Regulation 5B: inserted, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

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.

Regulation 5C: inserted, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

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.

Regulation 5D: inserted, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

6 Raw milk estimates

- (1) This regulation applies to a quantity of raw milk to be supplied in 1 day to an independent processor and any interconnected body of the independent processor, except a quantity of winter milk to which regulation 7 applies.
- (2) For a quantity of raw milk to which subclause (1) applies, an independent processor must provide new co-op with an estimate for supply—
- (a) at least 3 months before the date on which the milk is to be supplied; and
- (b) at least 1 week before the date on which the milk is to be supplied.
- (3) A quantity estimated under subclause 2(b) must be within the range from 40% more than a quantity estimated under subclause 2(a) to 40% less than that quantity.

Regulation 6(1): amended, on 27 July 2012, by section 22(2) of the Dairy Industry Restructuring Amendment Act 2012 (2012 No 51).

Regulation 6(2): amended, on 1 June 2009, by regulation 6 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 6(2)(a): amended, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR 2009/148).

Regulation 6(2)(b): amended, on 1 June 2009, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR 2009/148).

7 Winter milk estimates for quantities exceeding 20 000 litres

- (1) This regulation applies to a quantity of winter milk that exceeds 20 000 litres to be supplied in 1 day to an independent processor and any interconnected body of the independent processor.
- (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) at least 18 months before the date on which the winter milk is to be supplied; and
 - (b) at least 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.

Regulation 7(1): amended, on 27 July 2012, by section 22(3) of the Dairy Industry Restructuring Amendment Act 2012 (2012 No 51).

Regulation 7(2): substituted, on 1 June 2009, by regulation 7 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 7(2)(a): amended, on 1 June 2009, by regulation 6 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR 2009/148).

Regulation 7(2)(b): amended, on 1 June 2009, by regulation 6 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR 2009/148).

Regulation 7(3): substituted, on 1 June 2009, by regulation 7 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

8 Price of raw milk

- (1) New co-op and an independent processor may agree a price for the supply of raw milk.
- (2) An independent processor may, however, require new co-op to supply the raw milk specified in subclause (3) or subclause (4) at the default milk price unless there is an agreement under subclause (1) about the supply of that raw milk.

- (3) In each season, except the 2001/02 season, subclause (2) applies to—
- (a) raw milk required by an independent processor from new co-op in October; and
 - (b) raw milk required by an independent processor from new co-op in August, September, November, December, January, February, March, April, or May that does not exceed by more than 10% the raw milk required by the independent processor from new co-op in October in that series of months; and
 - (c) winter milk required by an independent processor from new co-op.
- (4) *[Revoked]*
- (5) The default milk price for raw milk supplied to an independent processor in a season is the wholesale milk price for that season plus,—
- (a) for raw milk except organic milk or winter milk, the reasonable cost of transporting the raw milk to the independent processor; and
 - (b) for organic milk,—
 - (i) the reasonable cost of transporting the raw milk to the independent processor; plus
 - (ii) the reasonable additional costs to new co-op of procuring and supplying the organic milk; and
 - (c) for winter milk—
 - (i) the reasonable cost of transporting the raw milk to the independent processor; plus
 - (ii) the additional cost of winter milk in the Island in which the winter milk is supplied.
- (6) The wholesale milk price for a season is the price per kilogram of milksolids calculated using the following formula:

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

Regulation 8(2): substituted, on 30 November 2001, by regulation 3 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2001 (SR 2001/353).

Regulation 8(3)(b): amended, on 1 June 2009, by regulation 8(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 8(4): revoked, on 1 June 2009, by regulation 8(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 8(6) formula: substituted, on 1 June 2010, by regulation 5 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

9 Calculation of annualised share value

[Revoked]

Regulation 9: revoked, on 1 June 2010, by regulation 6 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

10 Other terms of supply

- (1) New co-op may require an independent processor to contract to buy a quantity of raw milk not exceeding 80% of the quantity of raw milk estimated by the independent processor under regulation 6(2)(b) or 7(2)(b).
- (2) An independent processor may require new co-op to contract to sell a quantity of raw milk not exceeding 120% of the quantity of raw milk estimated by the independent processor under regulation 6(2)(b) or 7(2)(b).
- (3) New co-op or an independent processor may require that a contract for new co-op to supply raw milk to an independent processor includes terms that are reasonable having regard to industry practice before the commencement of these regulations.
- (4) New co-op may require an independent processor to contract to notify new co-op of its actual requirement for raw milk by noon on the day before the raw milk is to be supplied.
- (5) This regulation does not allow new co-op to require that a contract to supply raw milk to an independent processor includes a take or pay requirement.

Regulation 10(1): amended, on 1 June 2010, by regulation 7 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 10(2): amended, on 1 June 2010, by regulation 7 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

11 Limits on volume of raw milk

- (1) This regulation applies to each season after the transitional period.

- (2) The total volume of raw milk that new co-op must supply to independent processors under regulation 4 is limited to 600 million litres per season.
- (2A) *[Revoked]*
- (3) The total volume of that raw milk that new co-op must supply to 1 independent processor (except New Zealand Dairy Foods Limited and interconnected bodies of that company), and interconnected bodies of the independent processor, is limited to 50 million litres per season.
- (4) The total volume of that raw milk that new co-op must supply to New Zealand Dairy Foods Limited, and interconnected bodies of that company (other than new co-op), is limited to 250 million litres per season.
- (5) The total volume of that raw milk that is organic milk that new co-op must supply to 1 independent processor in a season is limited to the volume of organic milk supplied to that independent processor by The New Zealand Co-operative Dairy Company Limited and Kiwi Co-operative Dairies Limited in the 2000/01 season.

Regulation 11(2): amended, on 1 June 2009, by regulation 9(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 11(2A): revoked, on 1 June 2009, by regulation 9(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 11(3): amended, on 27 July 2012, by section 22(4) of the Dairy Industry Restructuring Amendment Act 2012 (2012 No 51).

Regulation 11(4): amended, on 27 July 2012, by section 22(5) of the Dairy Industry Restructuring Amendment Act 2012 (2012 No 51).

12 Limits on volume of raw milk in transitional period

[Revoked]

Regulation 12: revoked, on 1 June 2009, by regulation 10 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

13 Regulations do not apply to excess supply of raw milk

- (1) Regulations 4 to 10 do not apply to the supply of raw milk by new co-op that exceeds the limit in regulation 11.
- (2) The supply of raw milk by new co-op in excess of a limit in regulation 11(3) or (4) is not to be counted in calculating whether the limit in regulation 11(2) is met.

(3) *[Revoked]*

Regulation 13(1): amended, on 1 June 2009, by regulation 11(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

Regulation 13(3): revoked, on 1 June 2009, by regulation 11(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

14 Raw milk supplied under pre-commencement contracts

Raw milk supplied by new co-op to an independent processor after these regulations commence under contracts in force immediately before that date must be included—

- (a) in calculating the volume of raw milk specified in regulation 8(3) and (4); and
- (b) in calculating the volume of raw milk supplied by new co-op for the purpose of regulation 11.

Regulation 14(b): amended, on 1 June 2009, by regulation 12 of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR 2008/399).

15 Performance through associated person

New co-op is authorised to perform its obligations under this Part through an associated person.

Part 2

Obligations on new co-op to publish information

16 Obligations to publish information

- (1) New co-op must publish forecasts, in each season, of—
 - (a) the total cost of milk for the season; and
 - (aa) the farm gate milk price for the season; and
 - (b) *[Revoked]*
 - (c) kilograms of milksolids supplied in the season; and
 - (d) the additional cost of winter milk for each Island for the season; and
 - (e) the additional cost of organic milk for the season.
- (2) New co-op must publish the total volume of raw milk that new co-op has contracted to supply to independent processors under Part 1 for the season in which the information is published, and for the following 5 seasons.

- (3) New co-op must publish the forecasts specified in subclause (1) and the information specified in subclause (2) as soon as practicable after each of the following dates in each season:
- (a) 1 June:
 - (b) 1 September:
 - (c) 15 December:
 - (d) 1 March.
- (4) New co-op must publish, for each season,—
- (a) *[Revoked]*
 - (b) *[Revoked]*
 - (c) the total cost of milk for the season; and
 - (ca) the farm gate milk price for the season; and
 - (d) *[Revoked]*
 - (e) kilograms of milksolids supplied in the season; and
 - (f) the additional cost of winter milk for each Island for the season; and
 - (fa) the additional cost of organic milk for the season; and
 - (g) the total winter milk premium for the season.
 - (h) *[Revoked]*
- (5) *[Revoked]*
- (6) New co-op must publish the information specified in subclause (4) as soon as practicable after the end of the season to which the information relates.
- (7) New co-op must continuously publish the forecasts specified in subclause (1) and the information specified in subclauses (2) and (4) on new co-op's website in an electronic form that is publicly accessible.

Regulation 16(1)(a): amended, on 1 June 2010, by regulation 8(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(1)(aa): inserted, on 1 June 2010, by regulation 8(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(1)(b): revoked, on 1 June 2010, by regulation 5(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 16(1)(d): amended, on 1 June 2010, by regulation 8(3) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(1)(e): added, on 1 June 2010, by regulation 8(4) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(a): revoked, on 1 June 2010, by regulation 8(5) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(b): revoked, on 1 June 2010, by regulation 8(5) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(c): amended, on 1 June 2010, by regulation 8(6) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(ca): inserted, on 1 June 2010, by regulation 8(7) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(d): revoked, on 1 June 2010, by regulation 5(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 16(4)(fa): inserted, on 1 June 2010, by regulation 8(8) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(4)(g): amended, on 1 June 2010, by regulation 5(2) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 16(4)(h): revoked, on 1 June 2010, by regulation 5(1) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

Regulation 16(5): revoked, on 1 June 2010, by regulation 8(9) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR 2010/94).

Regulation 16(6): amended, on 1 June 2010, by regulation 5(3) of the Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010 (SR 2010/114).

17 Statutory declarations under section 117(4) of Act

- (1) Forecasts and information supplied to the Commission under section 117(1) or (2) of the Act must be verified by statutory declaration in the form specified in the Schedule.
 - (2) The statutory declaration referred to in subclause (1) must be made by a director or officer of new co-op.
-

Schedule

r 17

Form of statutory declaration

I, *[full name]*, of *[address]* being a director*/officer* of *[name of company]* solemnly and sincerely declare that having made all reasonable enquiry, to the best of my knowledge,—

- (a) the information attached to this declaration is a true copy of information that—
 - (i) complies with the requirements of the Dairy Industry Restructuring (Raw Milk) Regulations 2001; and
 - (ii) has been made available to the public by *[name of company]* in accordance with those regulations*:
- (b) the statement(s), report(s), or information *[specify]* attached to this declaration is (are) the statement(s), report(s), or information *[specify]* requested to be supplied by the Commission under section 117(2) of the Dairy Industry Restructuring Act 2001*.

* Delete if inapplicable.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

.....
Registrar

.....
Declared at *[place]* on *[date]*

.....
Justice of the Peace (*or* Solicitor
or other person authorised to take
a statutory declaration)

Marie Shroff,
Clerk of the Executive Council.

**Dairy Industry Restructuring (Raw
Milk) Regulations 2001**

Reprinted as at
1 June 2013

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 November 2001.

Dairy Industry Restructuring (Raw Milk) Regulations 2012

(SR 2012/340)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 12th day of November 2012

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 advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries, makes the following regulations.

Regulations

- 1 Title**
These regulations are the Dairy Industry Restructuring (Raw Milk) Regulations 2012.
- 2 Commencement**
These regulations come into force on 1 June 2013.

Part 2

Miscellaneous provisions

- 27 Savings provision relating to estimates**
Despite regulation 26, an estimate provided by an independent processor to new co-op under regulation 6(2) or 7(2) of the Dairy Industry Restructuring (Raw Milk) Regulations 2001

remains in force and must be treated as if it were an estimate provided under regulation 10(2) or 11(2) of these regulations.

Michael Webster,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 15 November 2012.

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Notes

1 *General*

This is a reprint of the Dairy Industry Restructuring (Raw Milk) Regulations 2001. 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

Dairy Industry Restructuring Amendment Act 2012 (2012 No 51): section 22

Dairy Industry Restructuring (Raw Milk) Amendment Regulations (No 2) 2010
(SR 2010/114)

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2010 (SR
2010/94)

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2009 (SR
2009/148)

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2008 (SR
2008/399)

State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330):
clause 4

Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2001 (SR
2001/353)
