



Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 18th day of April 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 115 of the Dairy Industry Restructuring Act 2001—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Primary Industries.

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Regulations

1 Title

These regulations are the Dairy Industry Restructuring (Raw Milk) Amendment Regulations 2017.

2 Commencement

These regulations come into force on 31 May 2017.

3 Principal regulations

These regulations amend the Dairy Industry Restructuring (Raw Milk) Regulations 2012 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

In regulation 3(1), definition of **kilograms of milk solids**, after “means”, insert “(except in Part 1A)”.

5 New Part 1A inserted

After regulation 23, insert:

Part 1A
Returns of milk solids collected

23A New co-op and independent processors must provide return

- (1) New co-op and each independent processor must, in accordance with this Part, provide a return of milk solids collected, directly or indirectly, from dairy farmers in each season.
- (2) The return must be provided to the chief executive within 30 days after the end of the season.

23B Required information

- (1) The return of a processor for a season must specify—
 - (a) the total amount (in kilograms) of milk solids that the processor collected from dairy farmers during the season; and
 - (b) the part of that total amount (if any) that the processor collected from dairy farmers under the 20% rule.
- (2) The information must be provided separately for—
 - (a) milk solids collected in the North Island of New Zealand; and

(b) milk solids collected in the South Island of New Zealand.

(3) In this regulation,—

20% rule means the entitlement to supply to independent processors up to 20% of weekly production under section 108 of the Act

processor—

(a) means new co-op or an independent processor that is required to provide a return; but

(b) does not include an independent processor for a season if regulation 23C applies in respect of that season.

23C Independent processor that collects less than 2 000 kilograms of milk solids

(1) If the total amount of milk solids that an independent processor collects from dairy farmers and any other source is less than 2 000 kilograms during a season, the return for that season must indicate that fact.

(2) Regulation 23B does not apply to that return.

6 Schedule 1 amended

In Schedule 1, after Part 1, insert the Part 2 set out in the Schedule of these regulations.

Schedule

New Part 2 inserted into Schedule 1

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Part 2

**Provisions relating to Dairy Industry Restructuring (Raw Milk)
Amendment Regulations 2017**

2 Returns of milk solids collected applies from current season onwards

(1) Part 1A applies to the season starting on 1 June 2016 and ending on 31 May 2017 (the **2016/17 season**) and to the seasons that follow it.

(2) In the case of the 2016/17 season, new co-op or an independent processor does not need to include information in the return if that information is not in its possession or under its control.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations amend the Dairy Industry Restructuring (Raw Milk) Regulations 2012. The regulations come into force on 31 May 2017.

The amendments require Fonterra Co-operative Group Limited and independent processors to provide returns of milk solids collected from dairy farmers in each season. The more detailed requirements do not apply to an independent processor that collects less than 2 000 kilograms of milk solids during a season.

These requirements replace similar requirements that have applied under section 147(4) of the Dairy Industry Restructuring Act 2001.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 April 2017.

These regulations are administered by the Ministry for Primary Industries.