



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Meetings of Board</p> <p>3. Milk vendors to be approved</p> <p>4. Temporary approvals</p> <p>5. Milk treatment stations</p> <p>6. Appeals from decisions of the Board</p> <p>7. Levy on milk</p> <p>8. Milk Prices Authority</p>	<p>9. Passing of resolutions by Authority without a meeting</p> <p>10. Authority to consult Minister before it fixes margins and allowances</p> <p>11. New sections as to supply of milk substituted</p> <p style="padding-left: 20px;">54. Supply of milk in milk districts</p> <p style="padding-left: 20px;">54A. Sale of not more than 1 gallon of milk</p> <p>12. Regulations</p>
---	--

1971, No. 75

An Act to amend the Milk Act 1967

[3 December 1971

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Milk Amendment Act 1971, and shall be read together with and deemed part of the Milk Act 1967 (hereinafter referred to as the principal Act).

2. Meetings of Board—Section 8 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) At all meetings of the Board the quorum necessary for the transaction of business shall be 6 members.

“(2A) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Board unless the

Chairman and the Deputy Chairman are both absent from any meeting in which case the members present shall appoint 1 of their number to preside at that meeting.”

3. Milk vendors to be approved—(1) Section 17 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) It shall be a condition of any approval granted or renewed under this section that the holder of the approval shall personally supervise and be responsible for the proper conduct of the milk round to which the approval relates, and that the holder shall not, without the prior written consent of the Board, enter into, or, after the 1st day of September 1972, remain a party to, any arrangement whatsoever whereby that supervision or responsibility is, in the opinion of the Board, disposed of or in any way diminished.”

(2) Section 69 of the principal Act is hereby consequentially amended by repealing paragraph (g) of subsection (1).

4. Temporary approvals—Section 20 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Board may, in respect of any area within a zoning system, grant a temporary approval to a milk vendor notwithstanding that any other milk vendor may for that area and for the time being be approved by, or have the temporary approval of, the Board.”

5. Milk treatment stations—Section 24 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Board may give its consent under this section subject to such conditions as it thinks fit, or at any time add or vary any conditions to a consent granted or deemed to have been granted under this section, or revoke that consent.”

6. Appeals from decisions of the Board—Section 26 of the principal Act is hereby amended by repealing paragraph (c) of subsection (1), and substituting the following paragraphs:

“(c) Grants a temporary approval under section 20 of this Act in respect of any area for which a milk vendor has already been approved under section 17 of this Act; or

“(d) Refuses to grant, grants subject to any condition, adds or varies any conditions to, or revokes, a consent granted or deemed to have been granted under section 24 of this Act—”.

7. Levy on milk—Section 31 of the principal Act is hereby amended by omitting subsection (3), and substituting the following subsection:

“(3) The rate of the levy shall not exceed 1 cent per gallon in respect of milk, and 10 cents per gallon in respect of cream.”

8. Milk Prices Authority—(1) Section 37 of the principal Act is hereby amended by omitting from paragraph (b) of subsection (2) the word “Treatment”.

(2) The said section 37 is hereby further amended by omitting from subsection (4) the word “Treatment”.

9. Passing of resolutions by Authority without a meeting—The principal Act is hereby further amended by inserting, after section 41, the following section:

“41A. (1) Anything that may be done by resolution passed at a meeting of the Authority may be done by the Authority by means of a resolution signed in accordance with subsection (2) of this section without a meeting or any prior notice being required; but any member of the Authority, or his duly appointed deputy, entitled to sign that resolution may by notice in writing to the Chairman of the Authority require that the matter be determined at a meeting of the Authority, in which case a meeting of the Authority to determine the matter shall be held as soon as a meeting can be called.

“(2) Every resolution made without a meeting of the Authority shall be signed by all the members of the Authority, or their duly appointed deputies, who are, in accordance with subsection (3) of section 37 of this Act, entitled to act as members of the Authority in considering the matter.

“(3) Every resolution of the Authority made without a meeting of the Authority shall be deemed to be passed as soon as it is delivered to the Chairman, or if it is constituted by several instruments as soon as all the instruments constituting it have been delivered to the Chairman, who shall note on the resolution or the last received instrument constituting the resolution the date of the passing of the resolution,

and shall forthwith notify that date to each member, or his duly appointed deputy, required to sign a resolution made without a meeting of the Authority.

“(4) Notwithstanding that for the purposes of making a resolution without a meeting of the Authority the signatures of all the members or their deputies entitled to act as members in the matter are required to the resolution, it shall be sufficient for the purposes of this section if those signatures are given on separate instruments having the same form and setting forth the same resolution, in which case, those instruments shall together constitute the resolution.”

10. Authority to consult Minister before it fixes margins and allowances—Section 43 of the principal Act is hereby amended by adding the words “; but in any case where the Authority so decides by resolution carried unanimously it shall be sufficient for the purposes of this section if the Chairman of the Authority alone consults with the Minister.”

11. New sections as to supply of milk substituted—The principal Act is hereby amended by repealing section 54, and substituting the following sections:

“54. **Supply of milk in milk districts**—(1) Subject to section 54A of this Act, no person shall—

“(a) Sell any milk in a milk district; or

“(b) Bring any milk into a milk district for sale; or

“(c) Bring any milk into a milk district to be used by or supplied to any person in the course of business; or

“(d) Supply any milk in a milk district for sale, or to be used by or supplied to any person in the course of business,—

except in accordance with the provisions of this section or pursuant to the written authority of the Board given under section 55 of this Act.

“(2) If there is a Supply Association in respect of any milk district, all milk sold in the milk district, or brought into the milk district for sale, or brought into the milk district to be used by or supplied to any person in the course of business, or supplied in the milk district for any such purpose, shall be supplied by or through that Supply Association:

“Provided that—

“(a) If the Board is satisfied that the Supply Association cannot supply sufficient milk to meet the requirements of the milk district, the Board may, subject

to such conditions as from time to time it may think fit to impose, authorise to be sold or supplied in the milk district, or to be brought into the milk district, sufficient other milk to meet the deficiency:

“(b) If the Board is satisfied that special circumstances exist, the Board may, subject to such conditions as from time to time it may think fit to impose, authorise milk to be sold or supplied in the milk district, or to be brought into the milk district, otherwise than by or through the Supply Association.

“(3) If there is no Supply Association in respect of any milk district, no milk shall be sold in the milk district, or brought into the milk district for sale, or brought into the milk district to be used by or supplied to any person in the course of business, or supplied therein for any such purpose, except such milk as may from time to time be specifically authorised in writing by the Board to be so brought, supplied, or sold, subject to such conditions as the Board thinks fit to impose:

“Provided that milk may be sold in the milk district to an association of milk producers approved by the Board under subsection (1) of section 53 of this Act in respect of the milk district without the authority of the Board being required in that behalf.

“54A. **Sale of not more than 1 gallon of milk**—Notwithstanding anything in this Act, any milk producer may at his dairy premises sell direct to a consumer milk produced by him, but not exceeding 1 gallon at any one time.”

12. Regulations—Section 69 of the principal Act is hereby amended by repealing paragraph (1) of subsection (1), and substituting the following paragraph:

“(1) Prescribing conditions to be observed to the satisfaction of the Board in respect of the issue, sale, use, and redemption of milk coupons or tokens:”.

This Act is administered in the Department of Agriculture.
