

Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Regulations 2001
(SR 2001/373)

Pursuant to sections 62 to 65 and 69 of the Dairy Industry Restructuring Act 2001, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Agriculture, makes the following regulations.

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1 Title

- These regulations are the Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Regulations 2001.

2 Commencement

- These regulations come into force on the 28th day after the date of their notification in the Gazette.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Dairy Industry Restructuring Act 2001

approved standard

[Revoked]

approved standard: this definition was revoked, as from 26 July 2002, by regulation 3(1) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

certification body means a person or body approved by the chief executive under Schedule 1

certified herd tester has the meaning given by regulation 5(2)

dairy herd testing standard means New Zealand Standard NZS 8100 Dairy Herd Testing, as may be amended from time to time

dairy herd testing standard: this definition was inserted, as from 26 July 2002, by regulation 3(2) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

dairy herd testing standard: this definition was substituted, as from 21 June 2007, by regulation 4 Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment Regulations 2007 (SR 2007/118).

LIC means Livestock Improvement Corporation Limited and, in regulation 9, includes any interconnected body corporate of that company

Ministry means the department of State that is, with the authority of the Prime Minister, responsible for the administration of these regulations

Panel means the New Zealand Dairy Core Database Access Panel established by regulation 13

publish means to publish in the Gazette and on LIC's website in an electronic form that is publicly accessible

regulated herd testing means the operation of testing the milk of milk cows in any 2 or more herds that are the property of different persons for the purpose of recording the production of individual cows within those herds in respect of milk or components of milk

standard

[Revoked]

standard: this definition was revoked, as from 26 July 2002, by regulation 3(1) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

(2) The following terms are defined in section 5 of the Act:

- (a) associated person:
- (b) chief executive:
- (c) core database:
- (d) herd testing:
- (e) interconnected body corporate.

Subclause (2) was substituted, as from 26 July 2002, by regulation 3(3) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Part 1

Herd testing and provision of information to core database

Preliminary

4 Overview

- This Part provides for—
 - (a) the prohibition of regulated herd testing except by certified herd testers; and
 - (b) the terms and conditions of regulated herd testing; and
 - (c) the information that must be supplied to LIC for entering into the core database; and
 - (d) conditions relating to the herd testing service offered by LIC.

Restrictions on herd testing

5 Restrictions on herd testing

- (1) No person may undertake regulated herd testing unless the person is a certified herd tester.
- (2) A certified herd tester is a person who is certified as a herd tester under Schedule 1.
- (3) Subclause (1) does not apply to a person who undertakes herd testing for the purpose of determining only the somatic cell count of cows in a herd.
- (4) Subclause (1) does not apply to a laboratory when it analyses milk samples on behalf of a certified herd tester for the purpose of regulated herd testing.
- (5) Subclause (1) does not apply to a person who undertakes herd testing for the purpose of research only.

(6) A person who undertakes herd testing for the purpose of research only, on a herd that the person does not own, must ensure that the herd is tested by a certified herd tester in the same season as the season in which the testing for research is done.

Subclause (4) was inserted, as from 26 July 2002, by regulation 4 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Subclauses (5) and (6) were inserted, as from 7 August 2003, by regulation 3 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2003 (SR 2003/156).

6 Terms and conditions of regulated herd testing

- (1) Every certified herd tester must—

- (a) supply herd testing data to LIC as required by regulation 7; and
 - (b) ensure that the equipment and methods used for sampling, measuring, and analysing milk and supplying data to LIC meet the operating and accuracy standards specified in the dairy herd testing standard.
- (2) Continuation of certification as a herd tester is subject to compliance with subclause (1). Subclause (1)(b) was amended, as from 26 July 2002, by regulation 5 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the words “in the dairy herd testing standard” for the words “in any standard approved under regulation 10”.

Supply of data to lic

7 Supply of data to LIC

- (1) Every certified herd tester must collect and supply to LIC all of the herd testing data specified in Schedule 2 relating to its herd testing activities in accordance with the requirements for data set out in the dairy herd testing standard.
 - (2) The data must be supplied in a format that is compatible with LIC's systems for entering data into the core database.
 - (3) The data must be supplied to LIC no later than 15 working days after it is collected by the certified herd tester.
 - (4) The requirement in subclause (1) may be modified by agreement between the certified herd tester, LIC, and the owner of the dairy herd, if that agreement provides for LIC to be supplied with some or all of the data by another means.
 - (5) Subclause (1) does not apply to data relating to herd testing activities for the purpose of determining only the somatic cell count of cows in a herd.
- Subclauses (1) and (2) were substituted, as from 26 July 2002, by regulation 6 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

8 LIC must enter information into database

- LIC must enter all data provided to it under these regulations into the database unless it is satisfied that the data, or the format in which it has been supplied, does not comply with the dairy herd testing standard or these regulations.
- Regulation 8 was amended, as from 26 July 2002, by regulation 7 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the words “the dairy herd testing standard” for the words “an approved standard”.

Conditions relating to herd testing service that must be offered by lic

9 LIC must offer nationwide herd testing service and uniform prices within regions

- (1) This regulation applies while LIC is a certified herd tester.
- (2) LIC must—
 - (a) provide its herd testing services to any dairy farmer in New Zealand who requests those services and who—
 - (i) pays the fee due to LIC for the supply of those services; and
 - (ii) provides or arranges to provide LIC with data to enable LIC to comply with regulation 7(1); and
 - (b) use the same methodology to calculate prices for herd testing services for all dairy herds within a region specified in Schedule 3, so that prices are uniform throughout the region.

Standard for herd testing

10 Dairy herd testing standard

- Certified herd testers must comply with the dairy herd testing standard. Regulation 10 was substituted, as from 26 July 2002, by regulation 8 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Part 2

Access to data in core database

Preliminary

11 Overview

- This Part—
 - (a) prohibits LIC from entering into exclusive arrangements for access to data in the core database;
 - (b) provides for the establishment of a Panel to—
 - (i) decide applications for access to data in the core database; and
 - (ii) determine other circumstances in which LIC must make data in the core database available;
 - (c) sets out the criteria on which the Panel must or may grant an application for access or may make a determination regarding access;
 - (d) allows the Panel to set terms and conditions on which data in the core database must be made available;
 - (e) places other restrictions on LIC in relation to the core database.

No exclusive access arrangements

12 No exclusive access arrangements

- LIC must not enter into exclusive arrangements for access to data in the core database.

Panel

13 Establishment of Panel

- (1) This regulation establishes a Panel to be called the New Zealand Dairy Core Database Access Panel.
 - (2) The Panel is a body corporate with perpetual succession.
 - (3) The Panel is not a Crown entity for the purposes of the section 7 of the Crown Entities Act 2004.
- Subclause (3) was amended, as from 25 January 2005, by section 37(1) Public Finance Amendment Act 2004 (2004 No 113) by substituting the words “section 7 of the Crown Entities Act 2004” for the words “Public Finance Act 1989”.

14 Functions of Panel

- The functions of the Panel are to—
 - (a) decide applications for access to data in the core database; and
 - (b) determine other circumstances in which LIC must make data in the core database available (including, for example, at the request of persons who have supplied the information from which that data results); and
 - (c) appoint an auditor under regulation 27.

15 Powers

- For the purpose of carrying out its functions, the Panel has and may exercise full rights, powers, and privileges.

16 Membership of Panel

- The Panel comprises 3 members appointed by the Minister of Agriculture, of whom—

- (a) 2 members must be recommended by Dairy InSight Incorporated; and
 - (b) 1 member must have, in the Minister's opinion, expertise in competition policy.
- Regulation 16(a) was amended, as from 26 July 2002, by regulation 9 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the words “Dairy InSight Incorporated” for the words “Dairy Industry Good Incorporated”.

17 Applications for access

- An application for access to information in the core database must be—
 - (a) made in the manner required by the Panel; and
 - (b) accompanied by a fee of \$200 (which is inclusive of goods and services tax).

18 Criteria for granting access

- (1) The Panel must grant an application for access to data in the core database only if it is satisfied that to do so is likely to be beneficial to the New Zealand dairy industry.
- (2) If the Panel is not satisfied that granting an application for access to data in the core database is likely to be beneficial to the New Zealand dairy industry, the Panel may grant an application for access to data in the core database only if the Panel is satisfied that to do so would not be harmful to the New Zealand dairy industry.

19 Panel may set terms and conditions of access

- (1) The Panel may set terms and conditions (excluding LIC's charges) on which data in the core database must be made available, including the form in which it must be made available and the time limits within which it must be made available.
- (2) LIC may require an applicant for access to the data in the core database to execute an agreement with LIC before access is granted.
- (3) An agreement required by LIC under subclause (2) must contain the terms and conditions set by the Panel under subclause (1).

20 Determination by Panel concerning access

- (1) The Panel may, either on its own initiative or at the request of a person, determine circumstances in which LIC must make data in the core database available.
- (2) The Panel may make a determination under subclause (1) only if it is satisfied that to do so is likely to be beneficial to the New Zealand dairy industry.

21 Further provisions relating to Panel

- (1) Schedules 4 and 5 apply to the Panel.
- (2) The Panel must provide LIC with a written copy of the Panel's decisions and determinations concerning access to the database.

Restrictions on lic in relation to core database

22 Data must be retained by LIC

- (1) LIC must retain the following data in electronic form—
 - (a) all data that was provided to LIC under the Herd Testing Regulations 1958 and that is held by LIC in electronic form at the commencement of these regulations; and
 - (b) all data provided to LIC after the commencement of these regulations under the Herd Testing Regulations 1958; and
 - (c) all data provided to LIC under these regulations.
- (2) LIC must retain that data so that it is readily retrievable.

23 LIC must comply with Panel decisions

- LIC must comply with every decision of the Panel in relation to the supply of data in the core database (subject to payment of any charge for access set by LIC).

24 Restrictions on LIC making data available

- (1) LIC must not make data in the core database available except—
 - (a) in accordance with a decision or determination of the Panel; or
 - (b) to the owner or person in charge of the dairy herd to which the data relates; or
 - (c) to a person authorised to receive the data by the owner or person in charge of the dairy herd to which the data relates.
- (2) LIC must, on request in writing, provide data in the core database to a person referred to in subclause (1)(b) or (c) (subject to payment of any reasonable charge for access set by LIC).
- (3) Subclause (1) does not prevent LIC from using data in the core database for the purposes of its own business. However, if LIC proposes to use data in any partnership or joint venture or other arrangement with any other person, subclause (1) applies to access to the information for that purpose.

25 Confidentiality

- (1) LIC must keep confidential, and must not disclose to any other person,—
 - (a) any information contained in an application to the Panel in relation to the supply of data in the core database;
 - (b) the fact that an application has been made;
 - (c) the fact that any data in the core database has been made available as a result of an application.
- (2) In subclause (1), **any other person** includes any director, employee, or contractor of LIC, or any associated person of LIC, who is involved in any activity of LIC other than the operation of the database of which the core database forms a part.
- (3) Subclause (1) applies subject to any agreement that an applicant may reach with LIC in relation to their application.

Part 3 **Publication, audit, offences, and transition**

26 Obligations to publish information relating to LIC procedures

- (1) LIC must publish the following information:
 - (a) its procedures for complying with decisions of the Panel, including maximum time periods for the provision of data; and
 - (b) its procedures for complying with regulation 25; and
 - (c) the pricing methodology or methodologies it uses to set charges for access to data in the core database (including charges it makes to businesses owned by it for access to that data), and the resulting prices from applying those methodologies.
- (2) LIC must publish the information required by subclause (1)—
 - (a) as soon as practicable after the commencement of these regulations; and
 - (b) as soon as practicable after 1 June in each year after that.
- (3) LIC must ensure that it makes available, in the following ways, information that it is required by these regulations to publish:
 - (a) by making copies of the information available for inspection, during ordinary office hours, at the principal office of LIC; and
 - (b) by providing the information to a person who requests it, in whichever of the following ways the person prefers:
 - (i) by post; or
 - (ii) for collection, during ordinary office hours, from the principal office of LIC.

27 Audit of LIC for compliance with Part 2 and this Part

- (1) The Panel must appoint an auditor to audit LIC's compliance with Part 2 and this Part no later than 31 May in each year, and may reappoint that auditor.
- (2) The Panel must set the terms and conditions of the auditor's appointment.

- (3) LIC (and not the Panel) must pay all of the auditor's costs.
- (4) The auditor must audit LIC's compliance with Part 2 and this Part as soon as practicable after 31 May in each year.
- (5) The auditor must provide its report to the chief executive and the Panel.

28 Powers of auditor

- (1) The directors of LIC must ensure that the auditor has access at all times to the records and other documents of LIC and of any subsidiaries of LIC for the purpose of carrying out the audit.
- (2) The auditor is entitled to require from a director or employee of LIC any information and explanations relating to LIC and its subsidiaries that he or she thinks necessary for the effective carrying out of the audit.
- (3) If the board of LIC fails to comply with subclause (1), every director commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (3A) A director or employee who fails to comply with subclause (2) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (3B) It is a defence to an employee charged with an offence against subclause (3A) if he or she proves that—
 - (a) he or she did not have the information required in his or her possession or under his or her control; or
 - (b) because of the position occupied by him or her or the duties assigned to him or her, he or she was unable to give the explanations required.
- (4) The audit report must state whether the auditor has had access to the accounting records and other documents, and obtained all the information and explanations, that he or she has required.

Subclause (3) was substituted, as from 26 July 2002, by regulation 10 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Subclauses (3A) and (3B) were inserted, as from 26 July 2002, by regulation 10 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

29 Statutory declaration under section 66(4) of Act

- (1) Information supplied to the chief executive under section 66(1) or (2) of the Act must be verified by statutory declaration in the form specified in Schedule 6.
- (2) The statutory declaration referred to in subclause (1) must be made by a director or officer of LIC.

30 Continued application and amendment of Herd Testing Regulations 1958

- (1) The Herd Testing Regulations 1958 (SR 1958/44) continue to apply.
- (2) Regulation 3 of the Herd Testing Regulations 1958 is amended by revoking subclause (2), and substituting the following subclauses:
 - “(2) A licence issued under this regulation continues in force (under the chief executive of the Ministry of Agriculture and Forestry's administration) until these regulations are revoked.
 - “(3) The chief executive of the Ministry of Agriculture and Forestry, despite subclause (1), must not issue new licences, or amend the terms and conditions specified in any licence, under that subclause.”
- (3) The Gazette notice published in the Gazette on 17 August 2000, page 2272 is amended by—
 - (a) omitting all references to the Tribunal or the New Zealand Dairy Board, and substituting references to the chief executive of the Ministry of Agriculture and Forestry, except where the context otherwise requires; and
 - (b) omitting from the definition of **database manager** the words “means the entity appointed by the New Zealand Dairy Board to operate and manage the National Dairy

Herd Improvement Database”, and substituting the words “Livestock Improvement Corporation Limited”.

(4) Licence to Conduct Herd Testing No. 2001/02 is amended by—

- (a) omitting from clause (1) all of the words from “initial testing” through to “provided by the applicant”, and substituting the words “testing of 12 herds”; and
- (b) omitting clauses (2) and (4); and
- (c) omitting from clause (3) the expression “NZDB” and substituting the words “the chief executive of the Ministry of Agriculture and Forestry”.

(5) The Herd Testing Regulations 1958 do not apply to a herd tester certified under only these regulations.

(6) Regulation 5(1) does not apply to a herd tester who is licensed under the Herd Testing Regulations 1958 and who is not certified under these regulations.

(7) The Board must not amend or revoke a current notice in the Gazette that relates to herd testing licences and the National Dairy Herd Improvement Database without the consent of the Minister.

(8) The Gazette notice published in the Gazette on 30 September 1999, page 3306, Access Code for the National Dairy Improvement Database, is revoked.

(9) Subclauses (5) and (6) expire 9 months after the commencement of these regulations.

31 Transitional provisions

- (1) Every application to the Tribunal for access to data in the core database made before the commencement of these regulations but not determined by that date may be determined by the Panel.
- (2) Every decision by the Tribunal granting access to data in the core database made before the commencement of these regulations and still in force at that date remains in effect as if these regulations had not been made.
- (3) Every application to the New Zealand Dairy Board for a licence under regulation 3 of the Herd Testing Regulations 1958 that remains unresolved at the commencement of these regulations is cancelled.

32 Offences

- (1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000, who contravenes any of the following regulations:
 - (a) regulation 5(1):
 - (b) regulation 6(1):
 - (c) regulation 7(1) to (3).
- (2) LIC commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000, if it contravenes any of the following regulations:
 - (a) regulation 9(2):
 - (b) regulation 12:
 - (c) regulation 22:
 - (d) regulation 23:
 - (e) regulation 24:
 - (f) regulation 25(1).

Schedule 1

Certification bodies and certification of herd testers

- Schedule 1 was amended, as from 26 July 2002, by regulation 11 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the words “the dairy herd testing standard” for the words “an approved standard” wherever they appear.

Approval of persons to issue certifications as herd testers

1 Chief executive may approve certification bodies

- (1) The chief executive may, on the application of any person or body, approve that person or body as a certification body that may certify persons who wish to undertake herd testing.
- (2) The chief executive may at any time revoke an approval given under this clause.

2 Duties of certification bodies

- In undertaking its functions under these regulations, a certification body has the following duties:
 - (a) it must assess applications from persons who want to become certified herd testers against the requirements of the dairy herd testing standard:
 - (b) it must ensure that all herd testers certified by it comply with the requirements for certification:
 - (c) it must implement a programme of auditing certified herd testers certified by it to ensure that they continue to comply with the requirements for certification:
 - (d) it must ensure that it is adequately resourced and that systems are maintained to ensure that its functions under these regulations are carried out properly.

Certification of herd testers

3 Application for certification

- A certification body may, on the application of any person or body, certify that person or body as a certified herd tester.

4 Criteria for certification

- A certification body must not grant certification to an applicant unless the certification body is satisfied that the applicant has the necessary competencies, capacity, and capability to undertake herd testing in compliance with the dairy herd testing standard.

5 Revocation of certification

- (1) Certification may be revoked by—
 - (a) the certification body that granted the certification; or
 - (b) the chief executive.
- (2) Certification may be revoked only if the certification body or chief executive is satisfied that the certified herd tester is failing, or has failed, to comply with the dairy herd testing standard or these regulations and the failure is of such a nature that the certified herd tester's certification should be revoked.
- (3) The certification body or the chief executive, as the case may be, may not withdraw certification unless the certification body or chief executive has first given the certified herd tester concerned a reasonable opportunity to be heard.

6 Certification body must notify chief executive of grant and revocation of certification

- (1) Every certification body must notify the chief executive when it grants or revokes certification under these regulations.

- (2) Notifications must be given in the manner notified by the chief executive to the certification body from time to time.
- (3) Every notification must be given within 7 days of the grant or revocation to which it relates.

7 Expiry of certification

- A certification under this schedule expires 3 years after the date on which it is granted, but may be renewed if the criteria for certification are met.
- Clause 7 was amended, as from 21 June 2007, by regulation 5 Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment Regulations 2007 (SR 2007/118) by substituting “3 years” for “2 years”.

Record keeping

8 Chief executive must keep lists of certification bodies and certified herd testers

- (1) The chief executive must cause to be kept and maintained a list of—
 - (a) every certification body approved by the chief executive; and
 - (b) every certified herd tester notified to the chief executive under clause 6.
- (2) The purpose of the list is—
 - (a) to enable members of the public to know who is approved as a certification body;
 - (b) to enable members of the public to know who are certified herd testers;
 - (c) to facilitate the compliance, audit, and other supporting and administrative functions of the Ministry under these regulations.
- (3) The chief executive must—
 - (a) make the list available for public inspection, without fee, at reasonable hours at the head office of the Ministry; and
 - (b) supply to any person, on request and on payment of a reasonable charge, a copy of the list.
- (4) The list may be kept in the manner that the chief executive thinks fit, including on the Ministry's website.

Schedule 2 Information to be supplied to LIC

- Schedule 2 was substituted, as from 26 July 2002, by regulation 12 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Key data

Farm location

Herd number

Participant code

Static data

Unique animal identifier

Sire official indicator

Sire

Genetic dam

Sex

Date of birth

Date of birth confidence indicator

Breed

Breed 16ths

Event data

Herd management number

Herd management number start date
 Herd management number end date
 Date animal entered herd
 Date animal exits herd
 Animal fate
 Cause of fate
 Calving date
 Abnormal calving circumstances
 Calving assistance
 Calf number within parturition
 Fate of calf
 Comment code
 Date of mating
 Mating type
 Mating sire
 Embryo implant serial number
 Embryo implant date
 Embryo donor
 Embryo sire
 Embryo recipient
 Drying off date
 Drying off reason
Production data
 Herd test date
 Abnormal test code
 PM milk volume
 AM milk volume
 Fat percentage
 Protein percentage
 Somatic cell count
 Average number of milkings
 Pre-test milking date stamp
 Test 1 date stamp
 Test 2 date stamp

- “Drying off date” and “Drying off reason”: these items were inserted in the list of event data, as from 21 June 2007, by regulation 6(1) Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment Regulations 2007 (SR 2007/118).
- “Average number of milkings”, “Pre-test milking date stamp”, “Test 1 date stamp”, and “Test 2 date stamp”: these items were inserted in the list of production data, as from 21 June 2007, by regulation 6(2) Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment Regulations 2007 (SR 2007/118).

Schedule 3 **Regions for LIC charges**

- Schedule 3 was amended, as from 26 July 2002, by regulation 13(a) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the words “bounded by the Hapuakohe Range on the west through to Miranda Hot Springs” for the words “following west of the Hapuakohe Range to Miranda Hot Springs” in the description of the land area of region 3.
- Schedule 3 was amended, as from 26 July 2002, by regulation 13(b) Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209) by substituting the word “western” for the word “eastern” in the description of the land area of region 7.

Region one: Northland

Total land area from Auckland Harbour to North Cape.

Region two: North Waikato

Total land area south from Auckland Harbour to a line from Maukutea Beach to Te Awamutu, following State Highway 3 to Hamilton along State Highway 26 to Morrinsville with a line to Tahuna, bounded by the Hapuakohe Range on the east through to Miranda Hot Springs.

Region three: Coromandel/Central Waikato

Total Coromandel land area to a line from Waihi down the Kaimai Range through to Waharoa to Morrinsville to Tahuna bounded by the Hapuakohe Range on the west through to Miranda Hot Springs.

Region four: Matamata/Piako/Otorohanga

Total land area south from Maukutea Beach, following Highway 31 and incorporating Oparau and Tihiroa; a line to and incorporating Te Awamutu; west of State Highway 3 to Hamilton, south of Highway 26 to Morrinsville; Waharoa to west of the Kaimai Ranges; south to Ngongotaha then a line west of Putaruru; west of Mangakino with the southern boundary being the Mokau River.

Region five: Bay of Plenty/South Waikato

Total land area east of a line from Waihi, east of the Kaimai Ranges to Ngongotaha, then west incorporating Putaruru; a line south incorporating Mangakino and Taumarunui to Horopito; east to the Gentle Annie, a line to Te Haroto following the Mohaka River to the East Coast.

Region six: Taranaki

All Taranaki Province from the northern boundary of the Mokau River with the eastern boundary from Mokauiti to west of Taumarunui and Horopito, following the Whanganui river to Parikino then a line to Kai-iwi.

Region seven: Hawke's Bay/Manawatu/Wellington

All land area east and west of the Ruahine and Tararua Ranges to Cook Strait with the western boundary being the Whanganui River to Parikino then a line to Kai-iwi, the northern boundary being highway 49 from Horopito to Waiouru; a line to Moawhango through the Gentle Annie to Te Haroto following the Mohaka River to the East Coast.

Region eight: Upper South Island/West Coast

All land area comprising the district boundaries of Kaikoura, Marlborough, Nelson, Tasman, Buller, Grey, and Western Districts.

Region nine: Lower South Island

All land comprising the regional boundaries of Canterbury, Otago, and Southland regions.

Schedule 4

Membership of panel

Member's appointments**1 Method of appointment**

- Every member is appointed by notice in writing to the member.

2 When appointment takes effect

- Every member takes office from the date stated in the notice of appointment.

Term of office**3 Term of office**

- (1) Except as otherwise provided in this schedule, a member—
 - (a) holds office for a term not exceeding 3 years; and
 - (b) may be reappointed; and
 - (c) continues in office (unless the member resigns or is removed from office) until the member is reappointed or the member's successor is appointed.
- (2) A member's term of office referred to in subclause (1)(a) must be stated in the notice of appointment.

Resignation and removal of members**4 Resignation**

- A member of the Panel may, at any time, resign from office by written notice given to the Minister.

5 Removal from office

- (1) A member may, at any time, be removed from office by written notice from the Minister.
- (2) A member is not entitled to compensation, on any basis, for removal from office under subclause (1).

Vacancies in Panel's membership

6 Position if vacancy in membership

- (1) If a member, for any reason, ceases to hold office as a member, the Minister may appoint another person to act as a member.
- (2) A member who is appointed under subclause (1) is appointed for the residue of the term for which the vacating member was appointed.

7 Effect of vacancy in membership

- The functions, duties, and powers of the Panel are not affected by any vacancy in the Panel's membership.

Chairperson and deputy chairperson

8 Appointment

- (1) The Minister may appoint 1 of the members as the chairperson and another member as the deputy chairperson.
- (2) However, no person may, at the same time, hold the office both of chairperson and deputy chairperson.

9 Term of office

- Every person appointed as chairperson or deputy chairperson holds that office until the person—
 - (a) resigns from that office; or
 - (b) is removed from it by the Minister; or
 - (c) ceases to be a member.

10 Resignation

- A chairperson or deputy chairperson may, without resigning as a member, resign from that office by written notice given to the Minister.

11 Appointment of new chairperson or deputy chairperson

- If the chairperson or deputy chairperson ceases to be the chairperson or deputy chairperson, the Minister may appoint an existing member or a new member as the chairperson or deputy chairperson.

12 Exercise of chairperson's functions, duties, and powers during vacancy

- (1) During a vacancy in the office of chairperson, or while the chairperson is for any reason unable to perform the functions, duties, and powers of the chairperson, the deputy chairperson has and may exercise all of the functions, duties, and powers of the chairperson.
- (2) No acts done by the deputy chairperson acting as the chairperson may, in any proceedings, be questioned on the grounds that the occasion for the deputy chairperson so acting had not arisen or had ceased.

Remuneration

13 Remuneration

- The members are to be paid the remuneration by way of fees, allowances, or expenses that is determined by the Minister.

Protections from liability of members

- The above heading was inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

14 Protections for members from liabilities of Panel

- A member is not liable for any liability of the Panel by reason only of being a member.

Items 14 to 18 were inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

15 Immunity of members from civil liability to third parties

- (1) A member is not liable to any person (other than the Panel) for any act or omission by him or her in the performance or intended performance of the Panel's functions, unless it was done or omitted to be done in bad faith.
- (2) The Panel is liable for any act or omission for which, but for this section, a member would have been liable to a person.

Items 14 to 18 were inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

16 Indemnity for members for costs from civil and criminal proceedings

- The Panel may indemnify a member for costs incurred by him or her in a proceeding—
 - (a) that relates to acts or omissions by him or her in good faith in the performance or intended performance of the Panel's functions; and
 - (b) in which judgment is given in his or her favour, in which he or she is acquitted, or that is discontinued.

Items 14 to 18 were inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

17 Insurance for members

- (1) The Panel may effect insurance for a member in relation to—
 - (a) liability for any act or omission in the performance or intended performance of the Panel's functions; and
 - (b) costs incurred in any proceeding relating to that liability.
- (2) However, the insurance may cover criminal liability or criminal proceedings only if the member is acquitted.

Items 14 to 18 were inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

18 Definitions for protections from liability

- In clauses 14 to 17,—
 - effect insurance** includes pay, whether directly or indirectly, the costs of the insurance
 - indemnify** includes relieve or excuse from liability, whether before or after the liability arises
 - member** includes a former member.

Items 14 to 18 were inserted, as from 26 July 2002, by regulation 14 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Schedule 5 Procedure of panel

General

1 Procedure generally

- Except as otherwise provided in these regulations, the Panel may regulate its own procedure.

Meetings

2 Times and places of meetings

- (1) The Panel or the chairperson must appoint the times and places for meetings of the Panel.
- (2) Meetings of the Panel may be conducted by teleconference.

3 Quorum

- (1) A quorum for a meeting of the Panel is 2 members.
- (2) No business may be transacted at a meeting of the Panel if a quorum is not present.

4 Who presides at meetings

- (1) At all meetings of the Panel, the chairperson presides if he or she is present.
- (2) If the chairperson is not present, or if there is no chairperson, the deputy chairperson must preside.

5 Voting at meetings

- (1) All questions arising at a meeting of the Panel must be decided by a majority of the votes cast by the members present.
- (2) The member presiding at the meeting has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

6 Resolutions

- (1) A resolution in writing signed or assented to by letter, telegram, telex, fax message, or electronic message by all members of the Panel is as valid and effectual as if it had been passed at a meeting of the Panel duly called and constituted.
- (2) The resolution may consist of several documents in the same form, each signed or appearing to have been sent by 1 or more members.

7 Conflict of interest

- (1) If any member of the Panel has any interest in any matter under consideration by the Panel, the member must declare that interest at the first meeting of the Panel at which, or after which, the member first becomes aware of the matter.
- (2) In such a case, the member must take no further part in the discussion or deliberations of the Panel on that matter and must withdraw from the room while the matter is being discussed or decided.

Annual report

- The above heading was inserted, as from 26 July 2002, by regulation 15 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

8 Annual report

- The Panel must, no later than 2 months after the end of each of its financial years, provide to the chief executive an audited annual report that includes—
 - (a) a report on the exercise of the Panel's functions and powers during the financial year; and
 - (b) a report on the receipt and expenditure of any income during the financial year.
 Item 8 and the preceding heading were inserted, as from 26 July 2002, by regulation 15 Dairy Industry (Herd Testing And New Zealand Dairy Core Database) Amendment Regulations 2002 (SR 2002/209).

Schedule 6 **Form of statutory declaration**

I, [full name], of [address], being a director (or officer) of LIC, 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 (Herd Testing and New Zealand Dairy Core Database) Regulations 2001; and
 - *(ii) has been made publicly available by LIC in accordance with those regulations: the information, statement(s), or report(s) [specify] attached to this declaration is (or are) the information, statement(s), or report(s) requested to be supplied by the chief executive of the
- *(b) Ministry of Agriculture and Forestry under section 66(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

Declarant

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.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in Gazette: 6 December 2001.