

Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment
Regulations 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of July 2002

Present:

Her Excellency the Governor-General in Council

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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Schedule
New Schedule 2 substituted in principal regulations

Regulations

1 Title

(1) These regulations are the Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Amendment Regulations 2002.

(2) In these regulations, the Dairy Industry (Herd Testing and New Zealand Dairy Core Database) Regulations 2001 SR 2001/373 are called "the principal regulations".

2 Commencement

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

3 Interpretation

(1) Regulation 3(1) of the principal regulations is amended by revoking the definitions of approved standard and standard.

(2) Regulation 3(1) of the principal regulations is amended by inserting, after the definition of certified herd tester, the following definition:

"dairy herd testing standard means New Zealand Standard NZS 8100 that, for the avoidance of doubt, consists of NZS 8100.1 Dairy Herd Testing Part 1 - Procedures and Practices and NZS 8100.2 Dairy Herd Testing Part 2 - Core Data Requirements".

(3) Regulation 3 of the principal regulations is amended by revoking subclause (2), and substituting the following subclause:

"(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."

4 Restrictions on herd testing

Regulation 5 of the principal regulations is amended by adding the following subclause:

"(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 Terms and conditions of regulated herd testing

Regulation 6(1)(b) of the principal regulations is amended by omitting the words "in any standard approved under regulation 10", and substituting the words "in the dairy herd testing standard".

6 Supply of data to LIC

Regulation 7 of the principal regulations is amended by revoking subclauses (1) and (2), and substituting the following subclauses:

"(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."

7 LIC must enter information into database

Regulation 8 of the principal regulations is amended by omitting the words "an approved standard", and substituting the words "the dairy herd testing standard".

8 New regulation 10 substituted

The principal regulations are amended by revoking regulation 10, and substituting the following regulation:

"10 Dairy herd testing standard

Certified herd testers must comply with the dairy herd testing standard."

9 Membership of Panel

Regulation 16(a) of the principal regulations is amended by omitting the words "Dairy Industry Good Incorporated", and substituting the words "Dairy InSight Incorporated".

10 Powers of auditor

Regulation 28 of the principal regulations is amended by revoking subclause (3), and substituting the following subclauses:

"(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.

Compare: 1993 No 105 s 206(3)-(5)".

11 Schedule 1 amended

Schedule 1 of the principal regulations is amended by omitting the words "an approved standard" in every place where they appear, and substituting in each case the words "the dairy herd testing standard".

12 New Schedule 2 substituted

The principal regulations are amended by revoking Schedule 2, and substituting the Schedule 2 set out in the Schedule of these regulations.

13 Schedule 3 amended

Schedule 3 of the principal regulations is amended by---

(a) omitting from the description of the land area of region 3 the words "following west of the Hapuakohe Range to Miranda Hot Springs", and substituting the words "bounded by the Hapuakohe Range on the west through to Miranda Hot Springs"; and

(b) omitting from the description of the land area of region 7 the word "eastern", and substituting the word "western".

14 Schedule 4 amended

Schedule 4 of the principal regulations is amended by adding the following heading and clauses:

"Protections from liability of members

"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.

"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.

"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.

"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.

"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."

15 Schedule 5 amended

Schedule 5 of the principal regulations is amended by adding the following heading and clause:

"Annual report

"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."

Schedule
New Schedule 2 substituted in principal regulations

r 12

Schedule 2
Information to be supplied to LIC

r 7(1)

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

Production data
Herd test date
Abnormal test code
PM milk volume
AM milk volume
Fat percentage
Protein percentage
Somatic cell count

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in Gazette: 25 July 2002.
These regulations are administered in the Ministry of Agriculture and Forestry.