

Queensland



Dairy Industry Act 1993

DAIRY INDUSTRY REGULATION 1993

**Reprinted as in force on 21 July 1994
(includes amendments up to SL No. 38 of 1994)**

Reprint No. 2

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 21 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



DAIRY INDUSTRY REGULATION 1993

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DAIRY INDUSTRY REGULATION 1993

[as amended by all amendments that commenced on or before 21 July 19942]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Dairy Industry Regulation 1993*³⁻⁵.

Definitions

2. In this regulation—

“Food Standards Code” means the Food Standards Code adopted under the *Food Standards (Adoption of Food Standards Code and General) Regulation 1987*.

“high fat”, in relation to milk, means that the milk has a milk fat content of not less than 45 g/kg.

“liquid milk products with vegetable oil” means milk to which vegetable oil has been added so that the product has a vegetable fat content of not more than 35 g/kg.

“low fat”, in relation to milk, means that the milk has a milk fat content of not more than 10 g/kg.

“modified milk” means a liquid mixture of 2 or more of the following—

- (a) milk;
- (b) concentrated milk;
- (c) dried full cream milk;
- (d) skim milk;
- (e) concentrated skim milk;
- (f) dried skim milk;

- (g) cream;
- (h) buttermilk;
- (i) dried buttermilk;
- (j) milk fat;
- (k) water.

“nonparticipating vendor” means a vendor who did not participate in the restructuring scheme.

“pasteurised” means treated—

- (a) by heating to a temperature of at least 72°C, keeping at or above that temperature for not less than 15 seconds and immediately shock cooling to a temperature below 4.5°C; or
- (b) by any other process involving heating and shock cooling that has an equal or greater lethal effect on bacteria.

“reduced fat”, in relation to milk, means that the milk has a milk fat content of not more than 20 g/kg and not less than 10 g/kg.

“reduced lactose”, in relation to milk, means that the milk has not more than $\frac{1}{5}$ the normal lactose content of milk.

“restructuring scheme” means the scheme for restructuring the distribution of dairy produce by the holders of vendors’ licences under section 47 of the Act.

“skim milk” means milk that has a milk fat content of not more than 1.5 g/kg.

“small commercial consumer” of dairy produce means a business that—

- (a) buys not more than 80 L of pasteurised milk per week; and
- (b) does not sell the milk by retail in the form in which it is purchased.

“supermarket” means—

- (a) a retail business operating under any of the following business names—
 - (i) Bi-lo;

- (ii) Coles;
- (iii) Coles Fossey;
- (iv) Food-for-less;
- (v) Franklins;
- (vi) Hypermarket;
- (vii) K-Mart;
- (viii) Woolworths; or

(b) a similar business classified as a supermarket by the Authority.

“ultra heat treated” (UHT) means treated by heating to a temperature of not less than 132°C for not less than 1 second and packaging in hermetically sealed packages approved under the Food Standards Code.

Meaning of “milk” (s 3 of the Act)

3. For the purposes of the definition “milk” in section 3 of the Act, goats are prescribed animals.

Classification of certain products as “dairy produce” and “market milk” (s 3 of the Act)

4.(1) The following products are classified as forms of dairy produce—

- (a) any liquid product produced by—
 - (i) adding flavouring, vegetable oils, vitamins, minerals or other nutrients to milk; or
 - (ii) reducing the liquid, fat or lactose content of milk; or
 - (iii) subjecting milk to pasteurisation or ultra heat treatment; or
 - (iv) any combination of 2 or more of the processes mentioned in subparagraphs (i) to (iii);
- (b) cream and thickened cream;
- (c) butter, ghee (clarified butter), butter concentrate, dairy blend,

buttermilk, concentrated buttermilk and anhydrous milk fat (butter oil);

- (d) cheese, casein and caseinate;
- (e) whey, whey cream and concentrated whey cream;
- (f) yoghurt and cultured milk;
- (g) ice-cream and ice-cream mix;
- (h) powdered milk, skim milk powder, buttermilk powder, whey powder and milk sugar.

(2) The following products are classified as forms of dairy produce and also as market milk—

- (a) skim milk, reduced fat milk and low fat milk;
- (b) reduced lactose milk and low lactose milk;
- (c) modified milk (including reduced fat modified milk, low fat modified milk, reduced lactose modified milk and low lactose modified milk);
- (d) pasteurised milk (including homogenised pasteurised milk);
- (e) standardised milk;
- (f) UHT milk (including UHT modified milk, UHT reduced fat modified milk, UHT low fat modified milk, UHT reduced lactose modified milk and UHT low lactose modified milk);
- (g) liquid milk products with vegetable oil (including UHT liquid milk products with vegetable oil);
- (h) any of the products mentioned in paragraphs (a) to (g), or any combination of 2 or more of the products mentioned in the paragraphs, with the addition of flavouring.

(3) However, milk is not market milk if it is used or intended for use for the manufacture of—

- (a) butter; or
- (b) cheese; or
- (c) concentrated milk; or

- (d) condensed milk; or
- (e) evaporated milk; or
- (f) skim milk powder; or
- (g) whole milk powder; or
- (h) yoghurt; or
- (i) casein.

Classification of certain products as pasteurised milk and cream (s 3 of the Act)

5.(1) The following products are classified as pasteurised milk—

- (a) skim milk, reduced fat milk and low fat milk;
- (b) reduced lactose milk and low lactose milk;
- (c) modified milk (including reduced fat modified milk, low fat modified milk, reduced lactose modified milk and low lactose modified milk);
- (d) liquid milk products with vegetable oil.

(2) A pasteurised liquid product produced by subjecting whole milk to a process of separation, and containing not less than 350 g/kg milk fat, is classified as pasteurised cream.

PART 2—CLASSIFICATION OF LICENCES

Producers' licences (s 38(1)(a) and (2) of the Act)

6.(1) Producers' licences are to be of the following classes—

- Class A
- Class B
- Class C

- Class D.

(2) A “**Class A**” producer’s licence authorises the sale of unpasteurised bovine milk from the dairy specified in the licence to the processor specified in the licence.

(3) A “**Class B**” producer’s licence authorises the sale of unpasteurised bovine milk from the dairy specified in the licence without specifying a processor to which the milk is to be sold.

(4) A “**Class C**” producer’s licence authorises the sale of unpasteurised goat’s milk from the dairy specified in the licence to the processor specified in the licence.

(5) A “**Class D**” producer’s licence authorises the sale of unpasteurised goat’s milk from the dairy specified in the licence without specifying a processor to which the milk is to be sold.

Processors’ licences (s 38(1)(b) and (2) of the Act)

7.(1) Processors’ licences are to be of the following classes—

- Class A (Pasteurisation)
- Class B (Receival depot)
- Class C (Distribution depot)
- Class D (Producers’ cooperative)

(2) A “**Class A (Pasteurisation)**” processor’s licence authorises—

- the treatment of milk received from producers or processors specified in the licence for supply as market milk; and
- the sale of milk to specified processors and to vendors;

at or from factory premises specified in the licence.

(3) A “**Class B (Receival depot)**” processor’s licence authorises—

- the receipt, testing, grading, chilling and storage of milk sold, as market milk, by producers and processors specified in the licence; and
- the sale of milk, as market milk, to processors specified in the licence;

at or from a depot specified in the licence.

(4) A “**Class C (Distribution depot)**” processor’s licence authorises—

- (a) the refrigeration and storage of market milk; and
- (b) the sale of market milk to the holders of vendors’ licences;

at or from a depot specified in the licence.

(5) A “**Class D (Producers’ cooperative)**” processor’s licence authorises the sale of milk produced by members of a producers’ cooperative to processors specified in the licence.

Carriers’ licences (s 38(1)(c) and (2) of the Act)

8.(1) Carriers’ licences are to be of the following classes—

- Class A
- Class B
- Class C.

(2) A “**Class A**” carrier’s licence authorises the carriage of milk from a producer to a processor.

(3) A “**Class B**” carrier’s licence authorises the carriage of milk from a processor to another processor.

(4) A “**Class C**” carrier’s licence authorises the carriage of dairy produce that has been processed for sale from a processor to a distribution depot.

Vendors’ licences (s 38(1)(d) and (2) of the Act)

9.(1) Vendors’ licences are to be of the following classes—

- Class A
- Class B
- Class C
- Class D
- Class E
- Class F.

(2) A “**Class A**” vendor’s licence is the licence issued for a Category A milk run.

(3) A “**Class B**” vendor’s licence is the licence issued for a Category B milk run.

(4) A “**Class C**” vendor’s licence is the licence issued for a Category C milk run.

(5) A “**Class D**” vendor’s licence is the licence issued for a Category D milk run.

(6) A “**Class E**” vendor’s licence is the licence issued to a nonparticipating vendor (other than a nonparticipating vendor authorised to sell only unpasteurised milk and unpasteurised cream).

(7) A “**Class F**” vendor’s licence is the licence issued to a nonparticipating vendor authorised to sell only unpasteurised milk and unpasteurised cream.

(8) For the purposes of this section—

- (a) a “**Category A milk run**” is a milk run consisting of a list of supermarkets to which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce; and
- (b) a “**Category B milk run**” is a milk run consisting of a list of businesses (other than supermarkets) to which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce; and
- (c) a “**Category C milk run**” is a milk run consisting of either or both of—
 - (i) a list of streets, or a residential area defined in some other way, in which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce; or
 - (ii) a list of businesses that are small commercial consumers of dairy produce to which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce; and
- (d) a “**Category D milk run**” is a milk run consisting of a combination of the categories mentioned in paragraphs (a) to (c)

or any 2 or more of the categories.

Laboratory licences (s 38(1)(e) of the Act)

10.(1) A laboratory licence authorises the holder of the licence to carry out examinations, tests and analyses of a kind specified in the licence at laboratory premises specified in the licence.

(2) A person must not carry on the business of examining, testing or analysing dairy produce unless authorised to carry on the business by a laboratory licence.

Maximum penalty for subsection (2)—40 penalty units.

PART 3—SUPPLY MANAGEMENT

Supply management regions (s 48 of the Act)

11. The following parts of the State are constituted as supply management regions—

(a) Region 1—

The part of the State that consists of the shires of Kilkivan, Tiaro, Widgee, Noosa, Maroochy, Woocoo, Mundubbera, Gayndah, Wondai, Murgon, Kingaroy, Nanango, Landsborough, Rosalie, Kilcoy, Caboolture, Pine Rivers, Redlands, Albert, Beaudesert, Esk, Moreton, Gatton, Laidley, Boonah, Crows Nest, Jondaryan, Pittsworth, Millmerran, Cambooya, Clifton, Allora, Glengallan, Rosenthal, Inglewood, Stanthorpe, Waggamba, Wambo, Bungil, Booringa, Bendemere, Murilla, Chinchilla, Warroo, Tara and Taroom;

(b) Region 2—

The part of the State that consists of the towns of Hervey Bay, Goondiwindi, Roma and Dalby;

(c) Region 3—

The part of the State that consists of the cities of Gympie, Maryborough, Brisbane, Redcliffe, Ipswich, Gold Coast and Toowoomba.

Transactions affecting entitlements (s 50 of the Act)

12.(1) The holder of a market milk entitlement may transfer, deal with or dispose of a market milk entitlement, or an interest in a market milk entitlement, on condition that the person who acquires an interest in the entitlement because of the transaction is—

- (a) a person who holds some other market milk entitlement; or
- (b) a person who is, or is to be, the registered proprietor of the land specified in the entitlement; or
- (c) a person who is entitled, or is to become entitled, to use the land to which the entitlement relates for the production of milk; or
- (d) a person who is to hold the interest acquired because of the transaction by way of security; or
- (e) a person approved by the Authority for the purposes of this section.

(2) If the holder of a market milk entitlement enters into a transaction to transfer the entitlement, or an interest in an entitlement, to another person, each party to the transaction must, within 14 days after entering into the transaction, give notice of the transaction to the Authority in a form approved by the Authority.

Maximum penalty—40 penalty units.

(3) Within 14 days after receiving the notice, the Authority must send a copy of the notice to the processor specified in the entitlement and any other processor affected by the transaction.

Reimbursement of transport costs under supply management schemes (s 52 of the Act)

13.(1) A processor who claims to be entitled to be reimbursed for the costs of transporting market milk to another processor under a supply

management scheme must provide the Authority with full details of the basis on which the claim is made and provide any further relevant information that the Authority may require.

(2) A processor is entitled to reimbursement on the following basis—

- (a) for the transportation of milk from Nambour to Brisbane—0.957c/L;
- (b) for the transportation of milk from Beaudesert to Brisbane—0.677c/L;
- (c) for the transportation of milk from Booval to Brisbane—0.520c/L;
- (d) for the transportation of milk from Caboolture to Brisbane—0.590c/L;
- (e) for the transportation of milk from Gympie to Brisbane—1.460c/L;
- (f) for the transportation of milk from Toowoomba to Brisbane—1.310c/L;
- (g) for the transportation of milk from Labrador to Brisbane—1.200c/L;
- (h) for the transportation of milk from Warwick to Brisbane—1.750c/L.

(3) The reimbursement is to be made out of income derived by the Authority from processors because of the condition of a price fixing order under section 28(5)(b) of the Act requiring the payment of money for the purpose.

Annual review of market milk consumption (s 53(2)(b) of the Act)

14. The prescribed percentage for the purposes of section 53(2)(b) of the Act is 120%.

PART 4—MISCELLANEOUS

Prescribed diseases (s 65 of the Act)

15. The following are prescribed diseases for the purposes of section 65 of the Act—

- (a) a disease declared to be a communicable disease under section 32 of the *Health Act 1937*;
- (b) a communicable skin infection;
- (c) an open infected sore;
- (d) an eruption, ulceration or discharging wound of the skin of the face, hands or arms.

Returns (s 114(2)(c) of the Act)

16.(1) The holder of a processor's licence must give to the Authority a return, for each month, that sets out—

- (a) the quantity of milk processed for sale in the month; and
- (b) the quantity of market milk sold by the processor in the month; and
- (c) the kinds of dairy produce (apart from market milk) manufactured by the processor in the month and, for each kind of manufactured dairy produce—
 - (i) the quantity manufactured in the month; and
 - (ii) the quantity sold in the month.

(2) The return must be—

- (a) in the form approved by the Authority; and
- (b) given to the Authority within 5 business days after the end of the month.

(3) The return may be given by telex or facsimile.

(4) The holder of a processor's licence must not, without reasonable excuse, fail to give a return as required by this section.

Maximum penalty for subsection (4)—40 penalty units.

Charges relating to condemned dairy produce (s 114(2)(d) of the Act)

17.(1) If dairy produce is condemned and disposed of under section 64 of the Act, the Authority may impose a charge on the owner of the dairy produce sufficient to cover the Authority's costs for the condemnation, analysis (if applicable) and disposal of the dairy produce.

(2) The charge is imposed by giving the owner of the dairy produce an account setting out the amount of the charge.

(3) The Authority may recover the charge as a debt.

Charge on appeal (s 114(2)(d) of the Act)

18.(1) A person must pay a charge of \$250 on lodging an appeal with the Tribunal.

(2) The charge is to be paid to the Authority and applied by it towards the costs associated with the establishment and operation of the Tribunal.

Transfer day (s 115 of the Act)

19.(1) For the purposes of section 115 of the Act, the transfer day is 11 February 1994.

(2) This section expires at the end of the transfer day.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 July 1994. Future amendments of the Dairy Industry Regulation 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	none	20 December 1993

4 List of legislation

Dairy Industry Regulation 1993 SL No. 282

notfd Gaz 30 July 1993 pp 1594–6
commenced on date of notification

as amended by—

Dairy Industry Amendment Regulation (No. 1) 1994 SL No. 38

notfd Gaz 11 February 1994 pp 436–9
commenced on date of notification

5 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Transfer day (s 115 of the Act)

s 19 ins 1994 SL No. 38 s 3