

Queensland



*Dairy Industry Act 1993*

# DAIRY INDUSTRY (MARKET MILK PRICES) ORDER 1995

**Reprinted as in force on 25 January 1995  
(Order not amended up to this date)**

**Reprint No. 1**

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# Information about this reprint

This order is reprinted as at 25 January 1995.

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

- correct spelling consistent with current drafting practice (s 26(1))
- omit provisions that are no longer required (s 40).

**See Endnotes for information about—**

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

# Queensland



## DAIRY INDUSTRY (MARKET MILK PRICES) ORDER 1995

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## **DAIRY INDUSTRY (MARKET MILK PRICES) ORDER 1995**

[reprinted as in force on 25 January 1995]

### **Short title**

1. This order may be cited as the *Dairy Industry (Market Milk Prices) Order 1995*.

### **Commencement**

2. This order commences on 5 January 1995.

### **Definitions**

3. In this order—

“**Brisbane Milk District**” see Schedule 1.

“**Bundaberg, Gladstone and Rockhampton Milk District**” see Schedule 1.

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

“**high fat**” means having a milk fat content of at least 45 g/kg.

“**Kilcoy Milk District**” see Schedule 1.

“**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**” means having a milk fat content of not more than 10 g/kg.

“**Mackay Milk District**” see Schedule 1.

“**milk district**” means—

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- (a) the Brisbane Milk District; or
- (b) the South East Queensland Milk District; or
- (c) the Kilcoy Milk District; or
- (d) the Bundaberg, Gladstone and Rockhampton Milk District; or
- (e) the Yeppoon and Emu Park Milk District; or
- (f) the Mackay Milk District; or
- (g) the Western Towns Milk District; or
- (h) the North East Queensland Milk District; or
- (i) the Mossman Milk District; or
- (j) the Mt Isa Milk District.

**“milk shop”** means—

- (a) a business (other than one conducted by the holder of a licence) involving the purchase and resale of milk; or
- (b) a business involving the purchase of pasteurised milk in quantities over 80 L per week.

**“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.

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**“Mossman Milk District”** see Schedule 1.

**“Mt Isa Milk District”** see Schedule 1.

**“North East Queensland Milk District”** see Schedule 1.

**“pasteurised”** means treated by—

- (a) heating to a temperature of at least 72°C, keeping at or above that temperature for at least 15 seconds and immediately shock cooling to a temperature below 4.5°C; or
- (b) another process involving heating and shock cooling having an equal or greater lethal effect on bacteria.

**“reduced fat”** means having a milk fat content of not more than 20 g/kg and at least 10 g/kg.

**“reduced lactose”** means having not more than one-fifth 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.

**“school milk”** means milk sold for consumption by students or children attending—

- (a) a primary or secondary school; or
- (b) a government preschool or licensed kindergarten; or
- (c) a licensed family day care centre or licensed child care centre; or
- (d) a playgroup affiliated with the Playgroup Association of Queensland Incorporated.

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

**“South East Queensland Milk District”** see Schedule 1.

**“supermarket”** means—

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

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- (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 at least 132°C for at least 1 second and packaging in hermetically sealed packages approved under the Food Standards Code.

**“Western Towns Milk District”** see Schedule 1.

**“Yeppoon and Emu Park Milk District”** see Schedule 1.

### **Order applies to market milk**

4. This order applies to market milk.

### **Prices for purchases of milk by processors—Sch 2**

5.(1) The minimum price for which milk may be purchased by processors from producers or other processors to be processed for sale as milk is fixed under Schedule 2.

(2) The price of 53.31 cents per litre is designated as the farmgate price for milk.

### **Prices for sales of milk—Sch 3**

6.(1) The prices specified in Schedule 3 are fixed for sales of the kinds shown in the Schedule.

(2) The prices apply to each milk district as specified in the Schedule.

(3) If a processor sells milk to the holder of a Class D or Class E



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vendor's licence, the Schedule applies as follows—

- (a) if the milk is purchased by—
  - (i) the holder of a Class D vendor's licence for resale by wholesale to supermarkets—the price fixed for sale to the holder of a Class A vendor's licence applies; or
  - (ii) the holder of a Class E vendor's licence for resale by wholesale to supermarkets—the price fixed for sale to the holder of a Class B vendor's licence applies;
- (b) if the milk is purchased for resale by wholesale to milk shops (other than supermarkets)—the price fixed for sale to the holder of a Class B vendor's licence applies;
- (c) if the milk is purchased for resale by retail—the price fixed for sale to the holder of a Class C vendor's licence applies.

(4) However, the prices fixed under this section are subject to the following qualifications—

- (a) a fixed or minimum price does not apply to the sale of milk to—
  - (i) the Defence Force; or
  - (ii) government departments, agencies and instrumentalities; or
  - (iii) public hospitals;
- (b) if the milk is delivered to the place of residence of the purchaser—an additional charge of 2 cents per litre, or each container, (whichever is the greater) may be made;
- (c) retail prices are to be rounded up or down under the principles approved by the Prices Surveillance Authority.

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### Conditions of order<sup>1</sup>

**7.(1)** A processor must pay to the Authority, out of the price to which the processor is entitled on the sale of milk, 0.68 cents per litre to be applied towards the costs of administering the Act.

**(2)** A processor must pay to the Authority, out of the price to which the processor is entitled on the sale of milk to be sold by wholesale to supermarkets (other than milk to be sold by the holders of Class E vendors' licences), 7.49 cents per litre to be applied towards the costs of financing the restructuring scheme.

**(3)** A processor must pay to the Authority, out of the price to which the processor is entitled on the sale of milk—

(a) to be sold by wholesale to milk shops (other than supermarkets);  
or

(b) to be sold by wholesale to supermarkets by the holders of Class E vendors' licences;

3.35 cents per litre to be applied towards the costs of financing the restructuring scheme.

**(4)** A processor must pay to the Authority, out of the price to which the processor is entitled on the sale of milk to be sold by retail by the vendors, 2.75 cents per litre to be applied towards the costs of financing the restructuring scheme.

**(5)** A processor must pay to the Authority, out of the price to which the processor is entitled on the sale of reduced fat modified milk and low fat modified milk ultimately to be sold to consumers in—

(a) the Brisbane Milk District; or

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<sup>1</sup> The basis of the industry contribution towards administrative costs is that producers and processors will each contribute 0.25 cents per litre and vendors will contribute 0.18 cents per litre.

The industry contribution towards the costs of the restructuring scheme is—for producers and processors—0.25 cents per litre; for retailers—0.60 cents per litre; for nonparticipant vendors—2.25 cents per litre; for participant vendors (other than those authorised to sell to supermarkets)—2.25 cents per litre; and for participant vendors who are authorised to sell to designated supermarkets—6.39 cents per litre.

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- (b) the South East Queensland Milk District; or
- (c) the Kilcoy Milk District;

3 cents per litre to be applied towards the costs of transporting milk between processors.

(6) The amounts to be paid by processors under this section must be paid within the period after the period in which the processor supplies the milk.

(7) In subsection (6)—

**“period”**, for a processor, means—

- (a) a month or other division of a year agreed between the processor and the Authority for the purposes of subsection (6); or
- (b) if there is no agreement—a division of a year decided by the Authority.

## **SCHEDULE 1**

### **MILK DISTRICTS**

section 3 of this order

#### **Brisbane Milk District**

1. The Brisbane Milk District consists of an area bounded by—
  - a line starting at the southern tip of North Stradbroke Island and the shore of the South Pacific Ocean and continuing along the seashore generally northerly to Cape Moreton
  - then generally westerly and southerly by the City of Brisbane boundary to the mouth of the Pine River
  - then by the right bank of the river and the right bank of the South Pine River to the crossing of the North Coast railway
  - then by the railway north-westerly and northerly to the crossing of the North Pine River, by the right bank of the river upwards to the D'Aguilar Range, by the western boundary of the local government area of the Shire of Pine Rivers southerly to the junction of the boundary with the western boundary of the City of Brisbane and by the boundary generally southerly and easterly and southerly to the south-western corner of portion 39 Parish of Woogaroo
  - then southerly by the western boundary of the old Shire of Beaudesert to the north-western corner of portion 131 of the parish of Undullah
  - then by the southern boundary of old division 1 of the Shire of Beaudesert to its junction with the Logan River, by the right bank of the river to its junction with the boundary of the Shire of Redland and by the boundary to the southern tip of North Stradbroke Island and the shore of the South Pacific Ocean.

SCHEDULE 1 (continued)

**South East Queensland Milk District**

2. The South East Queensland Milk District consists of—

- (a) the areas of the Cities of Ipswich, Maryborough, Toowoomba, and Warwick; and
- (b) the area of the Town of Dalby; and
- (c) the area of the City of Gold Coast, other than the part of the area south of Coolangatta Creek; and
- (d) the area of the Shire of Albert; and
- (e) the area of the parishes of Curra, Gutchy and Neerdie in the Shire of Tiaro, the area of the City of Gympie, the areas of the Shires of Widgee and Noosa, the area of the Shire of Maroochy excluding the portion of Division 1 west of the south-western boundary of the Parish of Maroochy, the area of the Shire of Landsborough excluding Division 1, the area of the Shire of Caboolture, the area of the City of Redcliffe and the portion of the area of the Shire of Pine Rivers outside the Brisbane Milk District; and
- (f) the areas within a 5 km radius of the principal post offices in Beaudesert, Murgon, Oakey, Kingaroy and Wondai.

**Kilcoy Milk District**

3. The Kilcoy Milk District consists of the area within a 5 km radius of the principal post office at Kilcoy.

**Bundaberg, Gladstone and Rockhampton Milk District**

4. The Bundaberg, Gladstone and Rockhampton Milk District consists of the areas of the cities of Bundaberg, Gladstone and Rockhampton.

**Yeppoon and Emu Park Milk District**

5. The Yeppoon and Emu Park Milk District consists of the areas within a 5 km radius of the principal post offices at Yeppoon and Emu Park.

SCHEDULE 1 (continued)

**Mackay Milk District**

6. The Mackay Milk District consists of the area within a 12 km radius of the principal post office at Mackay.

**Western Towns Milk District**

7. The Western Towns Milk District consists of the areas within a 5 km radius of the principal post offices in the shires of Barcaldine, Blackall, Longreach and Winton and the town of Alpha.

**North East Queensland Milk District**

8. The North East Queensland Milk District consists of—

- (a) the areas within a 16 km radius of the principal post offices at Cairns and Townsville; and
- (b) the areas within a 5 km radius of the principal post offices at Atherton, Ingham, Innisfail, Mareeba and Tolga.

**Mossman Milk District**

9. The Mossman Milk District consists of the area within a 5 km radius of the principal post office at Mossman.

**Mt Isa Milk District**

10. The Mt Isa Milk District consists of the area within a 10 km radius of the principal post office at Mt Isa.

**Milk districts do not include unconnected islands**

11. However, a milk district does not include an island not connected to the mainland by a bridge or causeway.

**SCHEDULE 2****MINIMUM PRICES FOR PURCHASES OF MILK BY  
PROCESSORS**

section 5(1) of this order

| Milk   | Minimum price |
|--|---------------|
| Column 1   | Column 2      |
|  | cents per L   |
| (a) Purchases from producers or processors, except for use in the production of UHT Milk | 56.31         |
| (b) Purchases from producers or processors for use in the production of UHT Milk         | 34.82         |

**SCHEDULE 3**

**PRICES FOR SALES OF MILK**

section 6 of this order

**PART 1—BRISBANE MILK DISTRICT (NON-UHT  
MILK)**



SCHEDULE 3 (continued)

**PART 2—BRISBANE MILK DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 3—SOUTH EAST QUEENSLAND MILK  
DISTRICT (NON-UHT MILK)**

SCHEDULE 3 (continued)

**PART 4—SOUTH EAST QUEENSLAND MILK  
DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 5—KILCOY MILK DISTRICT (NON-UHT  
MILK)**

SCHEDULE 3 (continued)

**PART 6—KILCOY MILK DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 7—BUNDABERG, GLADSTONE AND  
ROCKHAMPTON MILK DISTRICT (NON-UHT  
MILK)**

SCHEDULE 3 (continued)

**PART 8—BUNDABERG, GLADSTONE AND  
ROCKHAMPTON MILK DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 9—YEPPOON AND EMU PARK MILK  
DISTRICT (NON-UHT MILK)**



SCHEDULE 3 (continued)

**PART 10—YEPPOON AND EMU PARK MILK  
DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 11—MACKAY MILK DISTRICT (NON-UHT  
MILK)**

SCHEDULE 3 (continued)

**PART 12—MACKAY MILK DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 13—WESTERN TOWNS MILK DISTRICT  
(NON-UHT MILK)**

SCHEDULE 3 (continued)

**PART 14—WESTERN TOWNS MILK DISTRICT (UHT  
MILK)**

SCHEDULE 3 (continued)

**PART 15—NORTH EAST QUEENSLAND MILK  
DISTRICT (NON-UHT MILK)**

SCHEDULE 3 (continued)

**PART 16—NORTH EAST QUEENSLAND MILK  
DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 17—MOSSMAN MILK DISTRICT (NON-UHT  
MILK)**



SCHEDULE 3 (continued)

**PART 18—MOSSMAN MILK DISTRICT (UHT MILK)**

SCHEDULE 3 (continued)

**PART 19—MT ISA MILK DISTRICT (NON-UHT  
MILK)**

SCHEDULE 3 (continued)

**PART 20—MT ISA MILK DISTRICT (UHT MILK)**

## SCHEDULE 3 (continued)

**Note regarding Schedule 3:** The prices shown in column 2 are not directly relevant to transactions involving the sale of market milk and are not part of this order. However, they form the basis on which the prices shown in columns 3, 4, 5 and 6 have been calculated. The latter prices take into account the amounts to be paid to the Authority under conditions imposed by this order to be applied towards administrative costs, the cost of financing the restructuring scheme and the cost of transporting milk between processors under a supply management scheme.

## 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). However, no amendments have commenced operation on or before that day. Future amendments of the Dairy Industry (Market Milk Prices) Order 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3            **List of legislation**

**Dairy Industry (Market Milk Prices) Order 1995 SL No. 1**  
notfd Gaz 4 January 1995 pp 1–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 5 January 1995 (see s 2)

## 4 List of annotations

### Key to abbreviations in list of annotations

|               |   |                          |
|---------------|---|--------------------------|
| <b>amd</b>    | = | <b>amended</b>           |
| <b>Ch</b>     | = | <b>Chapter</b>           |
| <b>def</b>    | = | <b>definition</b>        |
| <b>Div</b>    | = | <b>Division</b>          |
| <b>exp</b>    | = | <b>expires/expired</b>   |
| <b>hdg</b>    | = | <b>heading</b>           |
| <b>ins</b>    | = | <b>inserted</b>          |
| <b>om</b>     | = | <b>omitted</b>           |
| <b>prec</b>   | = | <b>preceding</b>         |
| <b>pres</b>   | = | <b>present</b>           |
| <b>prev</b>   | = | <b>previous</b>          |
| <b>(prev)</b> | = | <b>previously</b>        |
| <b>prov</b>   | = | <b>provision</b>         |
| <b>Pt</b>     | = | <b>Part</b>              |
| <b>R1</b>     | = | <b>Reprint No. 1</b>     |
| <b>RA</b>     | = | <b>Reprints Act 1992</b> |
| <b>renum</b>  | = | <b>renumbered</b>        |
| <b>Sdiv</b>   | = | <b>Subdivision</b>       |
| <b>sub</b>    | = | <b>substituted</b>       |

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

### Repeal

**s 8**      om R1 (see RA s 40)