

Queensland



Dairy Industry Act 1993

DAIRY INDUSTRY REGULATION 1993

**Reprinted as in force on 5 March 1999
(includes amendments up to SL No. 19 of 1999)**

Reprint No. 3

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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 5 March 1999. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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 drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- number and renumber provisions and references (s 43).

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

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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DAIRY INDUSTRY REGULATION 1993

[as amended by all amendments that commenced on or before 5 March 1999]

PART 1—PRELIMINARY

Short title

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

Definitions

2. In this regulation—

“**Food Standards Code**” means the Food Standards Code adopted under the *Food Standards Regulation 1994*.

“**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.

“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.

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

“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

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- (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 28(1)(a) and (2) of the Act)

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

- Class A
- 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 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.

(4) 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 28(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 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 at or from factory premises specified in the licence.

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

- (a) the receipt, testing, grading, chilling and storage of milk sold, as market milk, by producers and processors specified in the licence; and
- (b) 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 D (Producers’ cooperative)**” processor’s licence authorises the sale of milk produced by members of a producers’ cooperative to processors specified in the licence.

Laboratory licences (s 28(1)(c) of the Act)

8.(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

Transactions affecting entitlements (s 37 of the Act)

9.(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, deal with or dispose of the entitlement, or an interest in the 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.

Prescribed class of processor’s licence—Act, s 41

10. For section 41 of the Act, definition “relevant processor”, the class of processor’s licence is a Class A (Pasteurisation) processor’s licence.

PART 4—MISCELLANEOUS

Prescribed diseases (s 55 of the Act)

11. The following are prescribed diseases for the purposes of section 55 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 106(2)(c) of the Act)

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

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- (a) for a Class A (Pasteurisation) processor's licence—
 - (i) the quantity of milk processed for sale at each of the processor's factory premises in the month; and
 - (ii) the quantity of market milk sold in the month by the processor from each of the processor's factory premises; and
 - (iii) the quantity of each other kind of dairy produce manufactured by the processor in the month; and
 - (iv) the quantity of each other kind of manufactured dairy produce sold in the month; or
- (b) for a Class B (Receival depot) or Class D (Producers' cooperative) processor's licence—the quantity of milk sold by the processor 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 106(2)(d) of the Act)

13.(1) If dairy produce is condemned and disposed of under section 54 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 106(2)(d) of the Act)

14.(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.

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 5 March 1999. Future amendments of the Dairy Industry Regulation 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954		prev	=	previous
amd	=	amended		(prev)	=	previously
amdt	=	amendment		proc	=	proclamation
ch	=	chapter		prov	=	provision
def	=	definition		pt	=	part
div	=	division		pubd	=	published
exp	=	expires/expired		R[X]	=	Reprint No.[X]
gaz	=	gazette		RA	=	Reprints Act 1992
hdg	=	heading		reloc	=	relocated
ins	=	inserted		renum	=	renumbered
lap	=	lapsed		rep	=	repealed
notfd	=	notified		s	=	section
o in c	=	order in council		sch	=	schedule
om	=	omitted		sdiv	=	subdivision
p	=	page		SIA	=	Statutory Instruments Act 1992
para	=	paragraph		SL	=	subordinate legislation
prec	=	preceding		sub	=	substituted
pres	=	present		unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	20 December 1993
2	to SL No. 38 of 1994	21 July 1994
2A	to SL No. 259 of 1995	29 July 1996
2B	to SL No. 254 of 1997	5 September 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Dairy Industry Regulation 1993 SL No. 282

made by the Governor in Council on 29 July 1993
notfd gaz 30 July 1993 pp 1594–6
commenced on date of notification
exp 1 September 2003 (see SIA s 54)

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

Dairy Industry Amendment Regulation (No. 1) 1995 SL No. 259

notfd gaz 15 September 1995 pp 317–18
commenced on date of notification

Dairy Industry Legislation Amendment Regulation (No. 1) 1997 SL No. 254 pts 1–2

notfd gaz 15 August 1997 pp 1830–31
commenced on date of notification

Dairy Industry Amendment Regulation (No. 1) 1998 SL No. 332 pts 1–2

notfd gaz 11 December 1998 pp 1376–77
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1999 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 1999 SL No. 19
 notfd gaz 5 March 1999 pp 950–53
 commenced on date of notification

7 List of annotations

Definitions

- s 2** def **“Food Standards Code”** sub 1999 SL No. 19 s 5
 def **“nonparticipating vendor”** om 1998 SL No. 322 s 4
 def **“restructuring scheme”** om 1998 SL No. 322 s 4
 def **“small commercial consumer”** amd 1997 SL No. 254 s 3
 om 1998 SL No. 322 s 4
 def **“supermarket”** sub 1995 SL No. 259 s 3
 om 1998 SL No. 322 s 4

Meaning of “supermarket”

- s 3A** ins 1995 SL No. 259 s 3
 om 1998 SL No. 322 s 5

Producers’ licences (s 28(1)(a) and (2) of the Act)

- s 6** amd 1998 SL No. 322 s 6

Processors’ licences (s 28(1)(b) and (2) of the Act)

- s 7** amd 1998 SL No. 322 s 7

Laboratory licences (s 28(1)(c) of the Act)

- s 8** prev s 8 om 1998 SL No. 322 s 8

Transactions affecting entitlements (s 37 of the Act)

- s 9** prev s 9 om 1998 SL No. 322 s 8
 pres s 9 amd 1998 SL No. 322 s 10

Prescribed class of processor’s licence—Act, s 41

- s 10** sub 1998 SL No. 322 s 12

Prescribed diseases (s 55 of the Act)

- s 11** prev s 11 sub 1997 SL No. 254 s 4
 om 1998 SL No. 322 s 9

Returns (s 106(2)(c) of the Act)

- s 12** amd 1998 SL No. 322 s 13

Charges relating to condemned dairy produce (s 106(2)(d) of the Act)

- s 13** prev s 13 om 1998 SL No. 322 s 11

Numbering and renumbering of regulation

- s 19** prev s 19 ins 1994 SL No. 38 s 3
 exp 11 February 1994 (see s 19(2))
 new s 19 ins 1998 SL No. 332 s 14
 om R3 (RA s 37)

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
 under the Reprints Act 1992 s 43 as required by the Dairy Industry Regulation 1993
 s 19

Previous	Renumbered as
6(4)	6(3)
6(5)	6(4)
7(5)	7(4)
10	8
12	9
14	10
15	11
16	12
17	13
18	14