

Queensland



Subordinate Legislation 1997 No. 1

Competition Policy Reform (Queensland) Act 1996

**COMPETITION POLICY REFORM
(QUEENSLAND—DAIRY PRODUCE
EXEMPTIONS) REGULATION 1997**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Competition Policy Reform (Queensland—Dairy Produce Exemptions) Regulation 1997*.

PART 2—EXEMPTIONS

Dairy Industry Act 1993, s 40—specific authorisation

2.(1) The non-competitive conditions subject to which the Queensland Dairy Authority has granted or grants licences under the *Dairy Industry Act 1993* are specifically authorised for the Trade Practices Act, section 51(1)(b)¹ or the Competition Code of this jurisdiction, section 51.²

(2) In this section—

“**dairy**” means buildings and structures (together with associated land) used for the production of milk.

“**dairy produce**” means—

- (a) milk; or
- (b) a product consisting substantially of milk or milk solids and classified by regulation under the *Dairy Industry Act 1993* as a

¹ Trade Practices Act, section 51 (Exceptions)

² Competition Code of this jurisdiction, section 51 states that in deciding whether a person has contravened the Competition Code, Part IV, certain things must be disregarded. Section 51 of the Code provides that the following must be disregarded—

- (a)
- (b) anything done in a State, if the thing is specified in, and specifically authorised by:
 - (i) an Act passed by the Parliament of that State; or
 - (ii) regulations made under such an Act.

form of dairy produce.

“milk” means the milk of a bovine animal or of any other animal prescribed by regulation under the *Dairy Industry Act 1993* for the purposes of the definition of milk under that Act.

“non-competitive condition” means—

- (a) for a producer’s licence, a condition—
 - (i) prohibiting the transfer of dairy produce between dairies; or
 - (ii) specifying or restricting the source of acquisition of dairy produce obtained or sold by the holder of the licence; or
 - (iii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence; or
- (b) for a processor’s licence, a condition—
 - (i) specifying or restricting the source of acquisition of dairy produce obtained or sold by the holder of the licence; or
 - (ii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence; or
- (c) for a carrier’s licence, a condition—
 - (i) specifying or restricting the source of acquisition of dairy produce obtained by the holder of the licence; or
 - (ii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence; or
- (d) for a vendor’s licence, a condition—
 - (i) specifying or restricting the source of acquisition of dairy produce sold by the holder of the licence; or
 - (ii) specifying or restricting the persons or places to whom or to which dairy produce may be supplied by the holder of the licence.

PART 3—AMENDMENT OF COMPETITION POLICY REFORM (QUEENSLAND—EXEMPTIONS) REGULATION 1996

Regulation amended

3. This part amends the *Competition Policy Reform (Queensland—Exemptions) Regulation 1996*.

Replacement of s 1 (Short title)

4. Section 1—

omit, insert—

‘Short title

‘1. This regulation may be cited as the *Competition Policy Reform (Queensland—Natural Resources Exemptions) Regulation 1996*.’.

PART 4—EXPIRY

Expiry

5. This regulation expires on 31 December 1998.

ENDNOTES

1. Made by the Governor in Council on 23 January 1997.
2. Notified in the gazette on 24 January 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.