

Queensland



Dairy Industry Act 1993

DAIRY INDUSTRY REGULATION 1993

**Reprinted as in force on 7 July 2000
(includes amendments up to SL No. 190 of 2000)**

Reprint No. 3A *

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* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 7 July 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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.**

Queensland



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DAIRY INDUSTRY REGULATION 1993

[as amended by all amendments that commenced on or before 7 July 2000]

PART 1—PRELIMINARY

1 Short title

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

2 Definitions

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.

3 Meaning of “milk”—Act, s 3

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

4 Classification of certain products as “dairy produce” and “market milk”—Act, s 3

(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.

PART 2—CLASSIFICATION OF LICENCES

6 Producers' licences—Act, s 28(1)(a) and (2)

(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 for processing as market milk.

(3) A “**Class C**” producer's licence authorises the sale of unpasteurised goat's milk from the dairy specified in the licence for processing as market milk.

(4) A “**Class D**” producer's licence authorises the sale of unpasteurised goat's milk from the dairy specified in the licence other than for processing as market milk.

7 Processors' licences—Act, s 28(1)(b) and (2)

(1) Processors' licences are to be of the following classes—

- Class A (Pasteurisation)
- Class B (Receival depot).

(2) A “**Class A (Pasteurisation)**” processor’s licence authorises the processing of milk as market milk at premises stated in the licence.

(3) A “**Class B (Receival depot)**” processor’s licence authorises, at premises stated in the licence—

- (a) the receipt, testing, grading, chilling and storage of milk sold as market milk; and
- (b) the sale of market milk to processors.

8 Laboratory licences—Act, s 28(1)(c)

(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—MISCELLANEOUS

9 Prescribed diseases—Act, s 55

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.

10 Returns—Act, s 106(2)(c)

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

- (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) 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.

11 Charges relating to condemned dairy produce—Act, s 106(2)(d)

(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.

13 Charge on appeal—Act, s 106(2)(d)

(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 7 July 2000. 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

Key	Explanation	Key	Explanation
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
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 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
3	to SL No. 19 of 1999	5 March 1999

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Renumbered provisions	3

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
pts 1–2**

notfd gaz 5 March 1999 pp 950–53

commenced on date of notification

Dairy Industry Amendment Regulation (No. 1) 2000 SL No. 190

notfd gaz 30 June 2000 pp 763–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

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 “milk”—Act, s 3

- s 3 prov hdg** amd 2000 SL No. 190 s 4

Meaning of “supermarket”

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

Classification of certain products as “dairy produce” and “market milk”—Act, s 3

- s 4 prov hdg** amd 2000 SL No. 190 s 4

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

- s 5** om 2000 SL No. 190 s 5

Producers’ licences—Act, s 28(1)(a) and (2)

- prov hdg** amd 2000 SL No. 190 s 6(1)
s 6 amd 1998 SL No. 322 s 6; 2000 SL No. 190 s 6(2)–(3)

Processors’ licences—Act, s 28(1)(b) and (2)

- s 7** amd 1998 SL No. 322 s 7
 sub 2000 SL No. 190 s 7

Laboratory licences—Act, s 28(1)(c)

- prov hdg** amd 2000 SL No. 190 s 8
s 8 prev s 8 om 1998 SL No. 322 s 8

PART 3—MISCELLANEOUS

- pt hdg** prev pt hdg om 2000 SL No. 190 s 9
 pres pt hdg (prev pt 4 hdg) renum 2000 SL No. 190 s 10

Prescribed diseases—Act, s 55

- prov hdg** amd 2000 SL No. 190 s 11(1)
s 9 orig s 9 om 1998 SL No. 322 s 8
 prev s 9 amd 1998 SL No. 322 s 10
 om 2000 SL No. 190 s 9
 pres s 9 (prev s 11) renum 2000 SL No. 190 s 11(2)

Returns—Act, s 106(2)(c)

- prov hdg** amd 2000 SL No. 190 s 12(1)
s 10 prev s 10 sub 1998 SL No. 322 s 12
 om 2000 SL No. 190 s 9
 pres s 10 (prev s 12) amd 1998 SL No. 322 s 13; 2000 SL No. 190 s 12(2)
 renum 2000 SL No. 190 s 12(3)

Charges relating to condemned dairy produce—Act, s 106(2)(d)

- prov hdg** amd 2000 SL No. 190 s 13(1)
s 11 orig s 11 sub 1997 SL No. 254 s 4
 om 1998 SL No. 322 s 9
 prev s 11 renum as s 9 2000 SL No. 190 s 11(2)
 pres s 11 (prev s 13) renum 2000 SL No. 190 s 13(2)

Charge on appeal—Act, s 106(2)(d)

- prov hdg** amd 2000 SL No. 190 s 13(1)
s 12 prev s 12 renum as s 10 2000 SL No. 190 s 12(3)
 pres s 12 (prev s 14) renum 2000 SL No. 190 s 13(2)

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

- s 13** orig s 13 om 1998 SL No. 322 s 11
 prev s 13 renum as s 11 2000 SL No. 190 s 13(2)

Charge on appeal (s 106(2)(d) of the Act)

- s 14** renum as s 12 2000 SL No. 190 s 13(2)

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 [Reprint No. 3]**

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