

Queensland



Subordinate Legislation 1998 No. 201

Competition Policy Reform (Queensland) Act 1996

COMPETITION POLICY REFORM (QUEENSLAND—DAIRY INDUSTRY EXEMPTIONS) REGULATION 1998

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Competition Policy Reform (Queensland—Dairy Industry Exemptions) Regulation 1998*.

Definitions

2. In this regulation—

“**competition legislation**” means section 51(1)(b)¹ of the Trade Practices Act or section 51² of the Competition Code of this jurisdiction.

“**Dairy Act**” means the *Dairy Industry Act 1993*.

“**farmgate pricing order**” means a pricing order to the extent it fixes the farmgate price for market milk.

“**pricing order**” means an order made by the authority under section 28(1)³ of the Dairy Act.

Words and expressions used in Dairy Act and this regulation

3. Unless the contrary intention appears, words and expressions used in the Dairy Act and this regulation have the same meaning in this regulation as they have in that Act.

¹ Section 51 (Exceptions)

² 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.

³ Section 28 (Price fixing)

PART 2—EXEMPTIONS ABOUT FARMGATE PRICING ORDERS

Specific authorisation for making farmgate pricing orders and imposing pricing conditions—Dairy Act, s 28

4.(1) The following things are specifically authorised for the competition legislation—

- (a) the making of a farmgate pricing order;
- (b) the imposition by the authority of a pricing condition on the making of a farmgate pricing order.

(2) In this section—

“pricing condition”, for a farmgate pricing order, means a condition imposed under section 28(4) of the Dairy Act that a person pay a stated proportion of the price fixed under the order for market milk to the authority for application towards—

- (a) the costs of administration of the Dairy Act; or
- (b) another purpose that is determined by the authority and is of a non-competitive nature.

Specific authorisation for things done because of farmgate pricing orders—Dairy Act, s 29

5. The following things are specifically authorised for the competition legislation—

- (a) the payment by a processor to a producer or another processor of a price for market milk consistent with a farmgate pricing order;
- (b) the receipt by a producer from a processor of a price for market milk consistent with a farmgate pricing order;
- (c) the receipt by a processor from another processor of a price for market milk consistent with a farmgate pricing order.

PART 3—EXEMPTIONS ABOUT PRICING CONDITION FOR FARMGATE PRICING ORDERS

Specific authorisation for imposing pricing condition—Dairy Act, s 28

6.(1) The imposition by the authority of a pricing condition on the making of a farmgate pricing order is specifically authorised for the competition legislation.

(2) In this section—

“pricing condition”, for a farmgate pricing order, means a condition imposed under section 28(4) of the Dairy Act that a person pay a stated proportion of the price fixed under the order for market milk to the authority for application towards the reimbursement, to an extent prescribed under a regulation under the Dairy Act, of expenses incurred by a processor in transporting market milk under a supply management scheme under part 3, division 6⁴ of the Dairy Act.

Expiry of pt 3

7. This part expires on 31 December 1998.

PART 4—EXEMPTIONS ABOUT GENERAL PRICING ORDERS

Definitions for pt 4

8. In this part—

“general pricing order” means a pricing order to the extent it fixes prices for market milk other than the farmgate price.

“pricing condition”, for a general pricing order, means a condition

⁴ Part 3 (Industry regulation), division 6 (Supply management)

imposed under section 28(4) of the Dairy Act that a person pay a stated proportion of the price fixed under the order for market milk to the authority for application towards—

- (a) the costs of administration of the Dairy Act; or
- (b) the reimbursement, to an extent prescribed under a regulation under the Dairy Act, of expenses incurred by a processor in transporting market milk under a supply management scheme under part 3, division 6 of the Dairy Act; or
- (c) another purpose that is determined by the authority and is of a non-competitive nature.

Specific authorisation for making general pricing orders and imposing pricing conditions—Dairy Act, s 28

9. The following things are specifically authorised for the competition legislation—

- (a) the making of a general pricing order;
- (b) the imposition by the authority of a pricing condition on the making of a general pricing order.

Specific authorisation for things done because of general pricing orders—Dairy Act, s 29

10. The following things are specifically authorised for the competition legislation—

- (a) the payment by a person of a price for market milk consistent with a general pricing order;
- (b) the payment by a person, for the collection, treatment, storage, distribution or delivery of market milk, of a price consistent with a general pricing order;
- (c) the receipt by a person of a price for market milk consistent with a general pricing order;
- (d) the receipt by a person, for the collection, treatment, storage,

distribution or delivery of market milk, of a price consistent with a general pricing order.

Expiry of pt 4

- 11.** This part expires on 31 December 1998.

PART 5—EXPIRY

Expiry

- 12.** This regulation expires on 30 June 1999.

ENDNOTES

1. Made by the Governor in Council on 16 July 1998.
2. Notified in the gazette on 17 July 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Treasury Department.