

South Australia

DAIRY INDUSTRY REGULATIONS 1993

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REGULATIONS UNDER THE DAIRY INDUSTRY ACT 1992*Dairy Industry Regulations 1993*

being

No. 165 of 1993: *Gaz.* 1 July 1993, p. 403¹

as varied by

No. 178 of 2000: *Gaz.* 20 July 2000, p. 278²¹ Came into operation 1 July 1993: reg. 2.² Came into operation 20 July 2000: reg. 2.**NOTE:***ùAsterisks indicate repeal or deletion of text.**ùFor the legislative history of the regulations see Appendix.*

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SUMMARY OF PROVISIONS

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Citation

1. These regulations may be cited as the *Dairy Industry Regulations 1993*.

Commencement

2. These regulations will come into operation on 1 July 1993.

Revocation

3. All regulations previously made under the *Dairy Industry Act 1928* and the *Metropolitan Milk Supply Act 1946* are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears-

"the Act" means the *Dairy Industry Act 1992*.

Information required for issue of licence (s. 18)

5. For the purposes of section 18(1)(b) of the Act, an application for a licence must be accompanied by the following information:

(a) in relation to a dairy farmer's licence-

- (i) the name and the trading name of the applicant;
- (ii) the applicant's postal address and the address of any farm where the applicant carries on (or proposes to carry on) business as a dairy farmer;
- (iii) the applicant's telephone and facsimile numbers;
- (iv) the number and type of milk producing stock kept (or proposed to be kept) on each farm at which the applicant carries on (or proposes to carry on) business as a dairy farmer;
- (v) the name of the processors who usually purchase (or to whom the applicant proposes to sell) milk produced by the applicant;

(b) in relation to a processor's licence-

- (i) the name and the trading name of the applicant;
- (ii) the applicant's postal address and the address of the premises at which the applicant carries on (or proposes to carry on) business as a processor of dairy produce;
- (iii) the applicant's telephone and facsimile numbers;

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- (iv) the types of dairy produce that the applicant processes (or proposes to process);
 - (v) the quantity of milk that the applicant expects to process during the twelve month period from the date of the application;
 - (vi) any other information that is, in the opinion of the Authority, necessary to assist the Authority in its functions under the Act;
- (c) in relation to a vendor's licence-
- (i) the name and the trading name of the applicant;
 - (ii) the applicant's postal address and business address;
 - (iii) the applicant's telephone and facsimile numbers;
 - (iv) the address of the premises from which the applicant collects (or proposes to collect) milk for sale;
 - (v) if the applicant has purchased the milk round from another-the name of the person from whom the milk round was purchased; or
 - (vi) if the applicant leases the milk round from another-the name of the lessor of the milk round;
 - (vii) the name of the person from whom the applicant obtains (or proposes to obtain) milk for selling;
 - (viii) whether the applicant sells (or proposes to sell) market milk, raw milk or a mixture of market and raw milk;
 - (ix) the volume of milk that the applicant expects to sell during the twelve month period from the date of the application.

Dairy farmer's licence**6. (1) A dairy farmer who sells milk-**

- (a) to a wholesale purchaser of dairy produce who processes 1 million litres or more of milk per month must, in respect of milk sold to the wholesale purchaser, within 14 days of the commencement of each calendar month, pay a licence fee that is calculated by reference to the rate (determined by the Authority) per litre of milk so sold by the farmer during

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the last calendar month but one before the commencement of the current calendar month; or

(b) to any other person must, in respect of milk sold to any other person, within 28 days of the commencement of each quarter, pay a licence fee that is calculated by reference to the rate (fixed by the Authority) per litre of milk so sold by the farmer during the previous quarter.

(2) A licence fee payable by a dairy farmer under subregulation (1) (a)-

(a) is to be collected and paid to the Authority each calendar month on behalf of the dairy farmer by the wholesale purchaser of dairy produce to whom the dairy farmer sells milk; and

(b) may be recovered by the Authority from the wholesale purchaser as a debt.

(3) The Authority may recover a licence fee payable under subregulation (1) (b) from the dairy farmer as a debt.

(4) In this regulation-

"quarter" means three-monthly periods of the year commencing on 1 January, 1 April, 1 July and 1 October in each year.

Processor's licence

7. (1) A processor who is a wholesale purchaser of dairy produce and who processes 1 million litres or more of milk per month must, within 14 days of the commencement of each calendar month, pay a licence fee that is calculated by reference to the rate (determined by the Authority) per litre of milk processed by the processor during the last calendar month but one before the commencement of the current calendar month.

(2) A processor who is not provided for by subregulation (1) must, by 30 September in each year, pay the annual licence fee (determined by the Authority) for the current financial year.

(3) The Authority may recover a licence fee payable under this regulation from the processor as a debt.

Vendor's licence

8. (1) A vendor must, by 30 September in each year, pay the annual licence fee (determined by the Authority) for the current financial year.

(2) The Authority may recover a licence fee payable under this

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regulation from the vendor as a debt.

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Advance notice required of change in rates charged for certain licences

9. The Authority must, in respect of any monthly rate payable for a dairy farmer's or processor's licence, give notice at least one calendar month in advance of a change in that rate.

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APPENDIX**LEGISLATIVE HISTORY**

Regulation 6: varied by 178, 2000, reg. 3
Regulation 7: varied by 178, 2000, reg. 4