

Dairy Industry Regulations 2004

I, the Administrator in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Dairy Industry Act 1994*.

13 December 2004

PETER G. UNDERWOOD

Administrator

By His Excellency's Command,

STEVEN KONS

Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Dairy Industry Regulations 2004*.

2. Commencement

These regulations take effect on 1 January 2005.

3. Interpretation

In these regulations –

"Act" means the *Dairy Industry Act 1994*;

"Food Standards Code" means the *Australia New Zealand Food Standards Code* as defined in the *Australia New Zealand Food Authority Act 1991* of the Commonwealth, and as amended from time to time.

4. Components of flavoured milk

For the purposes of the definition of "flavoured milk" in section 3(1) of the Act, the prescribed components are those components permissible for flavoured milk under the Food Standards Code.

5. Components of modified milk

For the purposes of the definition of "modified milk" in section 3(1) of the Act, the prescribed components are those components permissible for modified milk under the Food Standards Code.

6. General

The fees specified in Schedule 1 are prescribed for the matters specified in that Schedule.

7. Dairy farmer's licence fee

(1) A dairy farmer is to pay a licence fee in respect of each month, or part of a month, during which the licence is in force.

(2) The licence fee for a month, or part of a month, is the amount calculated at the rate of 0.00025 fee units for each litre of milk sold by the dairy farmer to a processor or manufacturer during that month.

(3) The licence fee is to be collected, and paid to the Authority, on behalf of the dairy farmer by the purchaser of the milk.

(4) The licence fee in respect of a month, or part of a month, is to be paid within 14 days after the end of that month.

8. Processor's licence fee

(1) A processor is to pay a licence fee in respect of the issue or renewal of the processor's licence.

(2) The licence fee payable in respect of the issue or renewal of the processor's licence by a processor who does not purchase milk directly from a dairy farmer is the fee specified in Schedule 1 in relation to such a processor.

(3) The licence fee payable in respect of the issue or renewal of the processor's licence by a processor who purchases milk directly from a dairy farmer is –

(a) the fee specified in Schedule 1 in relation to a processor who does not purchase milk directly from a dairy farmer; and

(b) a further amount calculated in accordance with subregulation (4)(a) and payable in respect of each month, or part of a month, during which the licence is in force.

(4) The further amount payable under subregulation (3)(b) in respect of a month, or part of a month –

(a) is the amount calculated at the rate of 0.00025 fee units for each litre of milk purchased by the processor directly from the dairy farmer during that month, or part of the month; and

(b) is payable within 14 days after the end of that month.

9. Manufacturer's licence fee

(1) A manufacturer is to pay a licence fee in respect of the issue or renewal of the manufacturer's licence.

(2) The licence fee payable in respect of the issue or renewal of the manufacturer's licence by a manufacturer who does not purchase milk directly from a dairy farmer is the fee specified in Schedule 1 in relation to such a manufacturer.

(3) The licence fee payable in respect of the issue or renewal of the manufacturer's licence by a manufacturer who purchases milk directly from a dairy farmer is –

(a) the fee specified in Schedule 1 in relation to a manufacturer who does not purchase milk directly from a dairy farmer; and

(b) a further amount calculated in accordance with subregulation (4)(a) and payable in respect of each month, or part of a month, during which the licence is in force.

(4) The further amount payable under subregulation (3)(b) in respect of a month, or part of a month –

(a) is the amount calculated at the rate of 0.00025 fee units for each litre of milk purchased by the manufacturer directly from the dairy farmer during that month, or part of the month; and

(b) is payable within 14 days after the end of that month.

10. Calculating licence fee payable monthly

(1) For calculating that part of a licence fee that is payable in respect of a month, or part of a month, under regulation 7, 8(3)(b) or 9(3)(b), the milk sold by a dairy farmer to a manufacturer or a processor during that month, or part of the month, is to be rounded down to the nearest whole litre.

(2) For calculating a licence fee payable under regulation 7, 8 or 9, if a person is both a dairy farmer and a processor or manufacturer and processes or manufactures milk he or she has produced as a dairy farmer, that person is taken –

(a) as a dairy farmer, to have sold the milk to a processor or manufacturer; and

(b) as a processor or manufacturer, to have purchased the milk from a dairy farmer.

SCHEDULE 1 - Fees

Regulations 6, 8 and 9

Type of licence	Type of fee	Annual fee (fee units)
1. Dairy farmer's licence	Application for licence	100
2. Manufacturer's licence	Application for licence	100
	Issue or renewal of licence where milk is not purchased directly from a dairy farmer –	
	(a) if the estimated intake of milk is 2 000 tonnes or less per year	500
	(b) if the estimated intake of milk is more than 2 000 tonnes per year	3 000
3. Processor's licence	Application for licence	100
	Issue or renewal of licence where milk is not purchased directly from a dairy farmer –	
	(a) if the estimated intake of milk is 2 000 tonnes or less per year	500
	(b) if the estimated intake of milk is more than 2 000 tonnes per year	3 000
4. Vendor's licence	Application for licence	100

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 22 December 2004.

These regulations are administered by the Tasmanian Dairy Industry Authority.

Table Of Amendments

Citation	Serial Number	Date of commencement
Dairy Industry Regulations 2004	S.R. 2004, No. 129	1.1.2005
