



New South Wales

Dairy Industry Amendment Regulation 1998

under the
Dairy Industry Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dairy Industry Act 1979*.

RICHARD AMERY, M.P.,
Minister for Agriculture

Explanatory note

The objects of this Regulation are as follows:

- (a) to impose a certain limit on the amount that the New South Wales Dairy Corporation can fix:
 - (i) as the minimum price payable to dairy farmers for whole milk, and
 - (ii) as the price payable by dairy produce merchants or other persons for milk bought by wholesale for resale or for use.
- (b) to amend the *Dairy Industry Regulation 1995* as a result of the introduction (effective from 1 July 1998) of market place deregulation of the NSW dairy industry.
- (c) to amend the form prescribed in that Regulation for applications for certificates of registration as dairy produce merchants (vehicle vendors).

This Regulation is made under the *Dairy Industry Act 1979*, including sections 56 (fixing of milk prices) and 99 (fixing of fees and charges), and section 103 (the general regulation-making power).

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Clause 1 Dairy Industry Amendment Regulation 1998

Dairy Industry Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Dairy Industry Amendment Regulation 1998*.

2 Amendment of Dairy industry Regulation 1995

The *Dairy Industry Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3A

Insert after clause 3:

3A Notes

Notes included in this Regulation are explanatory notes and do not form part of this Regulation.

[2] Clause 29, Definitions

Omit "30 September 1987" from the definition of base date in clause 29 (1).

Insert instead "1 July 1998".

[3] Clause 29 (1), definitions of "cost definition", "index" and "industry sector"

Omit the definitions.

[4] Clause 29 (1)

Insert in alphabetical order:

CPI means the Consumer Price Index—All Groups Index Numbers (Sydney) published by the Australian Bureau of Statistics.

sector price means the amount fixed by order under section 54 of the Act in respect of an industry sector.

[5] Clause 29 (2) and (3)

Omit the subclauses.

[6] Clause 30 Application of this Part

Omit the matter "DYNAMITE (plain or flavoured)" in clause 30 (2) (m).

Insert instead "any proprietary brand (plain or flavoured) produced under the Fresh NSW Schools Milk Program".

[7] Clauses 31–33

Omit the clauses. Insert instead:

31 Limitation on orders fixing certain prices

- (1) A minimum price payable to dairy farmers is not to be fixed by order under section 54 of the Act so as to exceed the amount obtained by adjustment as from the base date, in accordance with the CPI, of the amount of 54.050 cents per litre.
- (2) A price payable by dairy produce merchants or other persons for milk bought by wholesale for re-sale or for use is not to be fixed by order under section 54 of the Act so as to exceed the amount obtained by adjustment as from the base date, in accordance with the CPI, of the amount of 58.588 cents per litre.

Note. The figures appearing in this clause are based on the fixed prices that took effect on 20 June 1997.

32 Consideration of prevailing market conditions in fixing prices for milk

In ascertaining the amount at which a price should be fixed under section 54 of the Act, the Corporation is to have regard to prevailing market conditions and any other matter that it considers relevant to the exercise of its functions and the purposes of the Act.

33 Factors to be considered in ascertaining margin for dairy farmers

The amount at which a price payable to dairy farmers is fixed under section 54 of the Act may be made to vary according to the following factors:

- (a) the milk fat and protein levels of any milk delivered by or on behalf of a dairy farmer, and accepted by the Corporation.
- (b) the somatic cell count and the total plate count of any milk delivered by or on behalf of a dairy farmer, and accepted by the Corporation.
- (c) the cost of transporting milk from the place at which it is accepted by the Corporation to the place at which it is packaged for consumption or use.
- (d) the presence of Enzootic Bovine Leucosis in any milk delivered by or on behalf of a dairy farmer, and accepted by the Corporation on or after 1 July 1999.

[8] Clauses 34, 37–39, 41 and 50

Omit the clauses.

[9] Clause 36

Omit the clause. Insert instead.

36 Provision for program funding, allowances and contingent liabilities

- (1) In ascertaining the amount at which a price payable by dairy produce merchants or other persons for milk bought by wholesale for re-sale or for use should be fixed under section 54 of the Act, the Corporation may provide for the inclusion of such amounts as the Corporation, with the approval of the Minister, determines to be necessary to be appropriated in respect of the following:

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- (a) enabling the Corporation to meet contingent liabilities.
- (b) enabling the payment of an allowance to receival factories for treating milk,
- (c) enabling the payment of a publicity allowance to Milk Marketing (NSW) Pty Limited,
- (d) enabling the payment of the Corporation's own administration allowance.

(2) In ascertaining the amount at which a price payable to dairy farmers should be fixed under section 54 of the Act, the Corporation may deduct (from the amount of a price that would otherwise be proper to be so fixed) such amounts as the Corporation, with the approval of the Minister, determines to be necessary to be appropriated in respect of:

- (a) enabling quality reward payments (by way of variations in accordance with clause 33 (b)), and
- (b) enabling the funding of the Fresh NSW Schools Milk Program.

(3) It is the duty of the Corporation to keep under review the extent to which deductions are necessary to be made in accordance with subclause (2), and in the event of the cessation of, or significant reductions in, appropriations in respect of the matters referred to in that subclause, promptly to make new orders in respect of prices payable to dairy farmers.

[10] Schedule 1 Forms

Omit Form 2. Insert instead:

Form 2

(Clause 4 (1) (b) (i))

Application for Certificate of Registration as a Dairy Produce Merchant (Vehicle Vendor)

(Dairy Industry Act 1979, section 32)

Important—Please read this before completing the form

- The issue by the Corporation of a Certificate of Registration is not intended to, and in the view of the Corporation does not, confer on anyone any proprietary right, title or interest in goodwill associated with a Dairy Produce Merchant's business. The Certificate is in nature merely permissive for the period it is in force and subject to variation under section 32 of the *Dairy Industry Act 1979*.
- Applicants should also realise that they enter the Industry at their own risk. While the Corporation may advise applicants on matters relating to the application, the Corporation does not accept any responsibility for verifying the accuracy of trading figures or representations made by persons other than the Corporation.

Fee payable with application

A fee of **\$12.50** is payable with this application.

Please make out a cheque or money order payable for that amount to "New South Wales Dairy Corporation" and attach it to this application

Where to send the application

Send the completed application and tee to:

New South Wales Dairy Corporation

PO Box A2613

SYDNEY SOUTH NSW 1235

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1. Details of applicant

- Full name of each person (or of the registered company) applying:
.....
- Residential (or registered company's) address:
.....
- Postal address:

2. Reason for applying

This application is being made for the following reason or reasons (please cross out those of the following reasons that do not apply):

- new registration
- renewing registration
- whole transfer of milk delivery business
- part transfer of milk delivery business

3. Signature of applicant

- Signature of each applicant:
.....
(If a registered company is applying, please show the capacity of the person or persons signing for the company.)
- Date:

4. Consent of present registrant

(This section is to be completed only if the reason for applying is whole or part transfer of a milk delivery business.)

- I/we, the present registrants(s) acknowledge the reason given for the above application and consent to its approval.
- My/our certificate of registration number is: V
- Signature of each registrant:
.....
(If a registered company is registrant, please show the capacity of the person or persons signing for the company)
- Date:

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Schedule 1

[11] Schedule 2 Fixing of milk

Omit the Schedule.