

South Australia



**DAIRY INDUSTRY (EQUALISATION SCHEMES) AMENDMENT ACT  
1995**

**No. 20 of 1995**

**SUMMARY OF PROVISIONS**

1. **Short title**
2. **Amendment of s. 3—Interpretation**
3. **Amendment of s. 25—Guarantee of adequate farm gate price**
4. **Substitution of s. 26**
  26. **Authorised price equalisation schemes**



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A.D. 1995

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No. 20 of 1995

**An Act to amend the Dairy Industry Act 1992.**

[Assented to 20 April 1995]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Dairy Industry (Equalisation Schemes) Amendment Act 1995*.

(2) The *Dairy Industry Act 1992* is referred to in this Act as "the principal Act".

**Amendment of s. 3—Interpretation**

2. Section 3 of the principal Act is amended by inserting before the definition of "Authority" the following definition:

"authorised price equalisation scheme" means—

- (a) a price equalisation scheme established by the Minister under this Act<sup>1</sup>; or
- (b) a voluntary price equalisation scheme approved by the Minister under this Act<sup>1</sup>;

<sup>1</sup> See section 26.

**Amendment of s. 25—Guarantee of adequate farm gate price**

3. Section 25 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) This section does not apply to the sale of milk under an authorised price equalisation scheme if the price paid for raw milk by wholesale purchasers under the scheme is at least equal to the farm gate price for the milk.

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**Substitution of s. 26**

4. Section 26 of the principal Act is repealed and the following section is substituted:

**Authorised price equalisation schemes**

26. (1) The Minister may, by notice in the *Gazette* published on the recommendation of the Authority—

- (a) establish a price equalisation scheme or vary or revoke a price equalisation scheme established under this section; or
- (b) approve a voluntary price equalisation scheme or an amendment to a voluntary price equalisation scheme.

(2) An authorised price equalisation scheme—

- (a) is, subject to any provisions of the scheme providing for withdrawal, binding on dairy farmers and wholesale purchasers of dairy produce of a class stated in the scheme; and
- (b) may impose a surcharge on licence fees, on a basis set out in the scheme, on licensees who are bound by the scheme.

(3) The terms of a price equalisation scheme established or approved, and of amendments made or approved, under this section must be published in the relevant *Gazette* notice.

(4) A notice under this section must be laid before both Houses of Parliament and is subject to disallowance in the same way as a regulation.

(5) For the purposes of the *Trade Practices Act 1974*<sup>1</sup> an authorised price equalisation scheme, and all acts and things done under the scheme, are authorised by this Act.

<sup>1</sup> See section 51 of the *Trade Practices Act 1974* (Cwth).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor