



TASMANIAN DAIRY INDUSTRY AUTHORITY

New Regulations are coming...

The existing *Dairy Industry Act 1994* offers minimal guidance to the TDIA in terms of regulating and enforcing food safety standards as they apply to the dairy industry in Tasmania, which is why we are developing new Regulations under the *Primary Produce Safety Act 2011* (PPSA).

When the State Government introduced the PPSA, the new Act included provisions which allowed for the introduction of Regulations for dairy, ensuring the TDIA was in a better position to regulate the dairy industry into the future.

The new Dairy Regulations are not intended to apply increased expectations on our farmers and/or dairy businesses, they will merely provide the ability for the TDIA to be more efficient and effective in ensuring safe food is supplied to the community.

What's covered under the new Regulations...

Preliminary

- Prescribe primary production activity
- Dairy food safety scheme
- Periodic fees and penalty for default
- Fees generally
- Application for accreditation to take into account offences under certain Acts

Dairy Food Safety Scheme

- Application of dairy food safety scheme
- TDIA designated Chief Inspector powers and functions
- Standard and Code applying under dairy food safety scheme
- Requirement to be accredited
- Requirements for accreditation
- Requirement to prepare and implement a food safety program
- Auditing requirements
- Register of accreditation

Offences

- Dairy products must be lawfully produced
- Infringement notices

A copy of the draft *Primary Produce Safety (Dairy) Regulations 2024* can be found on our website at [Tasmanian Dairy Industry Authority | Tasmanian Dairy Industry Authority \(tdia.tas.gov.au\)](https://tdia.tas.gov.au)

Next steps...

We will be seeking nominations from key industry representatives to be part of a 'Stakeholder Reference Group'. The role of the Reference Group will be to review the draft Regulations and provide advice to us from an industry perspective, on what's proposed and to ensure there are no unintended consequences.

Once the Stakeholder Reference Group's review is complete, we will provide a further update to all stakeholders on our progress and potential implementation timeframe.

If you would like to know more about the proposed Regulations, please contact us at enquiries@tdia.tas.gov.au.

If you are interested in being part of the Stakeholder Reference Group, nominations need to be submitted to the TDIA by Friday 23 February 2023 via email enquiries@tdia.tas.gov.au



The Regulations are intended to provide improved powers which will allow the TDIA to better regulate the industry.

The new Regulations will have minimal impact on the licence fees currently paid to the TDIA under the Dairy Industry Act 1994.

Why are new Regulations necessary...

Q. Why is there a need for change?

- A. The *Dairy Industry Act 1994* (DIA) was legislated before the deregulation of the industry, and when TDIA's role focused on buying all market milk in Tasmania and on-selling it to factories. Post deregulation in 2000, some sections of the DIA were repealed, however there has been no attempt to amend the Act to include the regulation of the industry in line with the requirements of Food Safety Regulations, which is now a primary focus of the TDIA.

At present the TDIA (by necessity) is operating under both the DIA and the *Food Act 2003* to enable it to regulate the industry. At present the *Food Act 2003* does not adequately provide for the TDIA's ability to regulate the industry.

Q. How will Regulations under the PPSA improve things?

- A. At present, the TDIA needs to operate under both the *Food Act 2003* and the DIA, and options for effective regulation are limited in many cases to applying a 'blunt force instrument' of licence suspension or revocation for ongoing non-compliance against expected Food Safety Regulations. This does not effectively align with the required "graduated approach" to law enforcement that is expected from regulators.

It is difficult to effectively regulate those who can potentially, by their actions, put the whole Tasmanian dairy industry at risk. A few bad operators have the potential to affect all those in the industry who work hard to sustain Tasmania's enviable reputation as the producer of safe and high-quality dairy products.

Q. Will my licence fees increase?

A. At present, TDIA can waive fees, or parts thereof, and has used this power in most years since fees were first introduced in 2003. It is worth noting fees have only increased three times since 2003, with the TDIA waiving most or all CPI increases that could have been applied over the last 20 years.

The TDIA Board has a policy it will only increase fees when required to directly support TDIA operations, and for those activities which focus on the regulation of the industry.

Q. What will the compliance and enforcement framework look like?

