

DAIRYING INDUSTRY.

No. 31 of 1957.

An Act to make provision for the Payment of Bounties on the Production of Butter and Cheese, and for other purposes.

[Assented to 30th May, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

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| Short title. | 1. This Act may be cited as the <i>Dairying Industry Act</i> 1957. |
| Commence-
ment. | 2. This Act shall come into operation on the first day of July, One thousand nine hundred and fifty-seven. |
| Repeal and
saving. | 3.—(1.) The <i>Dairying Industry Act</i> 1952 is repealed.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, the provisions of the Act repealed by that sub-section continue to apply for all purposes in relation to bounty under that Act in respect of butter or cheese produced before the commencement of this Act. |
| Definitions. | 4. In this Act, unless the contrary intention appears—
“bounty” means bounty under this Act;
“butter” means butter produced from materials derived principally from cows' milk, but does not include butter produced from whey; |

- “butter factory” means premises registered as a butter factory under a law of the Commonwealth or of a State, being premises the proprietor of which participates, in respect of butter produced at the premises, in an equalization scheme administered by an equalization body;
- “cheese” means cheese produced from materials derived principally from cows’ milk;
- “cheese factory” means premises registered as a cheese factory under a law of the Commonwealth or a State, being premises the proprietor of which participates, in respect of cheese produced at the premises, in an equalization scheme administered by an equalization body;
- “equalization body” means a company or other body approved by the Minister, being a company or body administering an equalization scheme in respect of the financial return, to persons who participate in the scheme, from the disposal of butter or cheese;
- “factory” means a butter factory or a cheese factory;
- “year” means a period of twelve months commencing on the first day of July.

5.—(1.) Subject to this Act—

Specification
of bounties.

- (a) a bounty is payable on the production of butter at butter factories; and
- (b) a bounty is payable on the production of cheese at cheese factories.

(2.) The bounties are payable in respect of butter and cheese produced after the commencement of this Act and before the first day of July, One thousand nine hundred and sixty-two.

(3.) The bounties are payable out of moneys appropriated by the Parliament from time to time for the purpose.

6.—(1.) The rate of the bounty in respect of butter produced in a year is a rate per pound of butter ascertained by dividing an amount determined by the Treasurer, being an amount not exceeding the amount appropriated by the Parliament for the purpose of bounty upon the production of butter in that year, by a number equal to the number of pounds of butter produced at butter factories in that year.

Rates of
bounty.

(2.) The rate of the bounty in respect of cheese produced in a year is a rate per pound of cheese ascertained by dividing an amount determined by the Treasurer, being an amount not exceeding the amount appropriated by the Parliament for the purpose of bounty upon the production of cheese in that year, by a number equal to the number of pounds of cheese produced at cheese factories in that year.

(3.) As soon as possible after the commencement of the year commencing on the first day of July, One thousand nine hundred and fifty-seven, and thereafter before the commencement of each year, the Treasurer shall notify to the Minister the amount which the Treasurer considers is likely to be available for distribution as bounty on the production, in that year, of butter and cheese.

(4.) The Minister shall, from time to time during each year, determine interim rates of bounty, based upon—

- (a) estimates made by him from time to time, after consultation with the Australian Dairy Produce Board, of the quantities of butter and cheese that will be produced during that year at factories; and
- (b) the amount notified to the Minister under the last preceding sub-section, or, after the Parliament has appropriated an amount or amounts for the purpose of bounty upon the production of butter or cheese in that year, the amount or amounts so appropriated,

and bounty may be paid at the interim rates so determined.

(5.) Bounty paid to a person at an interim rate in respect of butter or cheese produced in a year shall be set off against the amount of bounty at the rates ascertained under sub-sections (1.) and (2.) of this section to which that person is entitled in respect of that year.

**To whom
bounty
payable.**

7.—(1.) Bounty on the production of butter or cheese is payable to the proprietor of the factory at which the butter or cheese was produced.

(2.) Bounty may be paid to an equalization body for distribution, in accordance with this Act and the directions of the Minister, amongst proprietors of factories who are participants in an equalization scheme administered by that body.

(3.) Money paid to an equalization body under this section shall, until it is distributed in accordance with this section, be deemed to be money held in trust for the Commonwealth.

**Benefit of
bounty to
be passed on
to producers.**

8.—(1.) Amounts received by the proprietor of a factory as bounty—

- (a) shall be used only for the purpose of making payments to producers of milk or cream in respect of milk or cream supplied by them to the factory; and
- (b) until so used, shall be deemed to be money held in trust for the Commonwealth.

(2.) Where the Minister is not satisfied that the prices being paid by the proprietor of a factory to producers of milk or cream used in the production of butter or cheese at the factory are such as to pass on to those producers, in an equitable manner, the full benefit of the bounty in respect of the butter or cheese, the Minister may direct that bounty shall not be paid to that proprietor.

9. In determining, for the purposes of this Act, the number of pounds of cheese produced at a cheese factory, each pound of butter fat in the milk used in the production of the cheese shall be deemed to have yielded two and eleven-twentieths pounds of cheese.

Determination
of number of
pounds of
cheese
produced.

10.—(1.) If at any time the Minister is satisfied that the maximum prices fixed, under the laws of a State relating to prices, for sales of butter or cheese otherwise than by the proprietor of a factory are not based on a price from time to time determined by the Minister as the appropriate price for the sale, for consumption in Australia, of butter or cheese, as the case may be, by proprietors of factories, the Minister may, by notice published in the *Gazette*, declare that the bounties payable under this Act are suspended.

Suspension of
bounty.

(2.) Bounty is not payable in respect of butter or cheese produced at a time when a notice is in force under this section.

11.—(1.) For the purposes of this Act, a person authorized in writing by the Minister to exercise powers under this section may, at all reasonable times—

Inspection of
books and
accounts.

- (a) enter the premises of an equalization body or factory, or the premises where any books or accounts relating to an equalization body or factory are kept; and
- (b) inspect, and make copies of or take extracts from, any such books or accounts.

(2.) A person shall not obstruct or hinder a person authorized to exercise powers under this section in the exercise of those powers.

Penalty: Fifty pounds.

12. A person shall not—

Offences.

- (a) obtain a payment under this Act by means of a false or misleading statement;
- (b) present to a person performing duties in relation to this Act or the regulations a document, or make to such a person a statement, that is false or misleading in a particular; or
- (c) furnish under the regulations a return that is false or misleading in a particular.

Penalty: Five hundred pounds or imprisonment for two years.