

Dairying Industry

No. 47 of 1970

An Act to amend the *Dairying Industry Act 1962–1967*.

[Assented to 24 June 1970]

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

PART I.—PRELIMINARY.

1.—(1.) This Act may be cited as the *Dairying Industry Act 1970*.

(2.) The *Dairying Industry Act 1962–1967** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Dairying Industry Act 1962–1970*.

2.—(1.) Part I. and section 16 of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2.) Section 15 of this Act shall come into operation on the first day of July, One thousand nine hundred and seventy.

Short title
and citation.

Commence-
ment.

* Act No. 46, 1962, as amended by No. 93, 1966; and No. 23, 1967.

(3.) Parts II., III., IV. and V. of this Act shall come into operation on such dates as are respectively fixed by Proclamation.

Parts.

3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–3).

Part II.—General Amendments of the Principal Act (Sections 4–7).

Part III.—Amendment of the Principal Act in connexion with Bounty in respect of Butter (Sections 8–9).

Part IV.—Amendment of the Principal Act in connexion with Bounty in respect of Cheese (Sections 10–11).

Part V.—Consequential Amendments of the Principal Act (Sections 12–14).

Part VI.—Additional Amendments of the Principal Act (Sections 15–16).

PART II.—GENERAL AMENDMENTS OF THE PRINCIPAL ACT.

Interpretation.

4. In this Part, a reference to the Principal Act shall be read as a reference to the Principal Act as amended by Part VI. of this Act.

Definitions.

5. Section 4 of the Principal Act is amended by inserting after the definition of “ factory ” the following definitions:—

“ ‘ levy ’ means an amount of the levy;

‘ provisional levy ’ means an amount of the provisional levy imposed by the Levy Act;

‘ the Company ’ means the company registered under the law of the State of New South Wales under the name of ‘ Commonwealth Dairy Produce Equalisation Committee Limited ’;

‘ the Council ’ means the Australian Dairy Industry Council;

‘ the levy ’ means the levy imposed by the Levy Act;

‘ the Levy Act ’ means the *Dairying Industry Levy Act 1970*;”.

To whom
bounty payable.

6. Section 7 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (4.) The last two preceding sub-sections do not apply in relation to bounty in respect of butter or cheese on which the levy has been imposed.”.

7. After section 7 of the Principal Act the following sections are inserted:—

Payment of
bounty to the
Company for
distribution.

“ 7A.—(1.) The Minister may, on behalf of the Commonwealth, enter into an arrangement with the Company to perform the function of making payments of bounty on behalf of the Commonwealth.

“ (2.) Without prejudice to the generality of the last preceding sub-section, an arrangement under that sub-section may provide for—

(a) the keeping by the Company of accounts and records in relation to bounty received and distributed by the Company;

- (b) the inspection and audit of the accounts and records referred to in the last preceding paragraph; and
- (c) the furnishing by the Company to the Minister of information with respect to bounty distributed by the Company.

“(3.) Bounty to which an arrangement under this section relates may be paid to the Company for distribution in accordance with the arrangement.

“(4.) The *Audit Act* 1901–1969 does not apply in relation to amounts of bounty in the hands of the Company.

“(5.) Money paid to the Company under this section shall, until it is distributed in accordance with the arrangement under which it is paid, be deemed to be money held in trust for the Commonwealth.

“7B. Where provisional levy or levy in respect of butter or cheese that has been due and payable by a person for a period of more than three months has not been paid, the Minister, on the recommendation of the Council, may, by instrument in writing, direct that any bounty with respect to the butter or the cheese, as the case may be, that is payable to the person shall be withheld until the provisional levy or levy, as the case may be, so due and payable has been paid.”.

Withholding
of bounty.

PART III.—AMENDMENT OF THE PRINCIPAL ACT IN CONNEXION WITH BOUNTY IN RESPECT OF BUTTER.

8. In this Part, a reference to the Principal Act shall be read as a reference to the Principal Act as amended by Part VI. of this Act and, if Parts II. and IV. of this Act come into operation before this Part, as amended by those Parts.

Interpretation.

9. Section 4 of the Principal Act is amended by omitting the definition of “butter factory”.

Definitions.

PART IV.—AMENDMENT OF THE PRINCIPAL ACT IN CONNEXION WITH BOUNTY IN RESPECT OF CHEESE.

10. In this Part, a reference to the Principal Act shall be read as a reference to the Principal Act as amended by Part VI. of this Act and, if Parts II. and III. of this Act come into operation before this Part, as amended by those Parts.

Interpretation.

11. Section 4 of the Principal Act is amended by omitting the definition of “cheese factory”.

Definitions.

PART V.—CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

12. In this Part, a reference to the Principal Act shall be read as a reference to the Principal Act as amended by Part VI. and by Parts II. to IV. (inclusive) of this Act.

Interpretation.

Definitions.

13. Section 4 of the Principal Act is amended by omitting the definition of "equalization body".

**To whom
bounty payable.**

14. Section 7 of the Principal Act is amended by omitting sub-sections (2.), (3.) and (4.).

PART VI.—ADDITIONAL AMENDMENTS OF THE PRINCIPAL ACT.

15. Section 6 of the Principal Act is repealed and the following section inserted in its stead:—

**Rates of
bounty.**

"6.—(1.) Where the Parliament has, in respect of the year commencing on the first day of July, One thousand nine hundred and seventy, or of any subsequent year, appropriated a single amount for the purpose of the payment of both of the bounties referred to in sub-section (1.) of the last preceding section, the rate of each of those bounties in respect of any butter or cheese produced during that year shall be ascertained in accordance with the formula $\frac{ab}{c}$, where—

- a is a number equal to the number of pounds of butter fat in the milk or cream used in the production of the butter or cheese;
- b is the amount so appropriated by the Parliament; and
- c is a number equal to the number of pounds of butter fat in the milk or cream used in the production of the total quantity of butter and cheese produced at butter and cheese factories in that year.

"(2.) Where the Parliament has, in respect of the year commencing on the first day of July, One thousand nine hundred and seventy, or of any subsequent year, appropriated an amount for the sole purpose of the payment of a bounty referred to in paragraph (a) of sub-section (1.) of the last preceding section, the rate of the bounty in respect of any butter produced during that year shall be ascertained in accordance with the formula $\frac{ab}{c}$, where—

- a is a number equal to the number of pounds of butter fat in the milk or cream used in the production of the butter;
- b is the amount so appropriated by the Parliament; and
- c is a number equal to the number of pounds of butter fat in the milk or cream used in the production of the total quantity of butter produced at butter factories in that year.

"(3.) Where the Parliament has, in respect of the year commencing on the first day of July, One thousand nine hundred and seventy, or of any subsequent year, appropriated an amount for the sole purpose of the payment of a bounty referred to in paragraph (b) of sub-section (1.) of

the last preceding section, the rate of the bounty in respect of any cheese produced during that year shall be ascertained in accordance with the formula $\frac{ab}{c}$, where—

- a is a number equal to the number of pounds of butter fat in the milk used in the production of the cheese;
- b is the amount so appropriated by the Parliament; and
- c is a number equal to the number of pounds of butter fat used in the production of the total quantity of cheese produced at cheese factories in that year.

“(4.) The Minister shall, from time to time during the year commencing on the first day of July, One thousand nine hundred and seventy, and during each subsequent year, determine interim rates of bounty in respect of butter and cheese produced during the year concerned having regard to—

- (a) the amount or amounts that the Minister considers is likely to be available for distribution as bounty in that year or, after the Parliament has, in respect of that year, appropriated an amount or amounts for the purpose of the payment of bounty, the amount or amounts so appropriated; and
- (b) estimates made by him from time to time, after consultation with the Council, of the quantity of butter and cheese that will be produced during that year at factories,

and amounts on account of bounty in respect of butter or cheese may be paid at the appropriate interim rate so determined.

“(5.) Where the amount, or the sum of the amounts, paid to a person in accordance with the last preceding sub-section on account of bounty in respect of any butter or cheese exceeds the amount of the bounty that becomes payable to that person in respect of that butter or cheese, the amount of the excess is repayable to the Commonwealth on demand in writing by or on behalf of the Minister and, if not paid within three months after the demand, is recoverable in a court of competent jurisdiction as a debt due to the Commonwealth.”.

16. Section 9 of the Principal Act is amended by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

Inspection of
books and
accounts.

- “(a) enter any factory in which is produced butter or cheese in respect of which bounty is, or may be, payable or any premises in which are kept books or accounts relating to the production of any such butter or cheese; and ”.