



# **Dairy Industry Legislation Amendment Act 2002**

**Act No. 84 of 2002 as amended**

This compilation was prepared on 19 May 2003

**[This Act was amended by Act No. 38 of 2003]**

**Amendments from Act No. 38 of 2003**

[Schedule 6 (item 1) amended Item 4 of Schedule 1  
Schedule 6 (item 1) commenced on 10 October 2002]

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Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## Contents

1	Short title .....	1
2	Commencement .....	1
3	Schedule(s) .....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
	<i>Dairy Produce Act 1986</i>	2
	<i>Farm Household Support Act 1992</i>	5



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# **An Act to amend legislation relating to the dairy industry and farm household support, and for related purposes**

[Assented to 10 October 2002]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Dairy Industry Legislation Amendment Act 2002*.

## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### *Dairy Produce Act 1986*

#### 1 At the end of section 7

Add:

- (2) The Corporation also has the function of planning, facilitating and participating in one or more of the following:
  - (a) the reform, privatisation or abolition of the Corporation;
  - (b) the reform, privatisation or abolition of the Dairy Research and Development Corporation;
  - (c) the establishment of a new body or bodies to perform any of the following:
    - (i) the Corporation's other functions;
    - (ii) the Dairy Research and Development Corporation's functions;
  - (d) the conferral of any of the functions mentioned in paragraph (c) on an existing body or bodies.
- (3) In subsection (2):

*Dairy Research and Development Corporation* means the Dairy Research and Development Corporation established by section 8 of the *Primary Industries and Energy Research and Development Act 1989*.
- (4) The Corporation also has the function of providing funds to another person or body (including the Commonwealth) for expenses or liabilities incurred by that person or body, or by another person or body, in participating in processes of the kind mentioned in subsection (2).
- (5) The Minister may give the Corporation written directions about the performance of its functions under subsections (2) and (4).  
Section 8 does not apply to a direction given under this subsection.
- (6) The Corporation must comply with any such directions.

- (7) A direction given under subsection (5) may:
- (a) deal with specific matters; or
  - (b) set out general policies and require the Corporation to perform the relevant functions consistently with those policies;
- or both.
- (8) The Minister may, by writing, delegate the power to give directions under subsection (5) to an Agency Head (within the meaning of the *Public Service Act 1999*).

**2 Paragraph 88(1)(ab)**

Omit “paragraphs 7(a)”, substitute “paragraphs 7(1)(a)”.

**3 Paragraph 91(aaa)**

Omit “paragraphs 7(a)”, substitute “paragraphs 7(1)(a)”.

**4 At the end of subsection 119(2B)**

Add:

; or (e) dairy-type grants (within the meaning of the *Farm Household Support Act 1992*).

**5 Clause 2 of Schedule 2**

Insert:

*dairy-type grant* has the same meaning as in the *Farm Household Support Act 1992*.

**6 Clause 19 of Schedule 2 (note 4)**

After “dairy exit payment”, insert “or dairy-type grant”.

**7 Clause 37L of Schedule 2 (note 4)**

After “dairy exit payment”, insert “or dairy-type grant”.

**8 Paragraph 43(3)(e) of Schedule 2**

Omit “relates to the DEP scheme.”, substitute “relates to the DEP scheme;”.

**9 After paragraph 43(3)(e) of Schedule 2**

Insert:

- (f) the recording or disclosure is in connection with the administration of dairy-type grants.

**10 Subclause 43(3) of Schedule 2 (note)**

Omit “or (e)”, substitute “, (e) or (f)”.

**11 Paragraph 53(1)(b) of Schedule 2**

Repeal the paragraph, substitute:

(b) either:

- (i) a decision is made under the DEP scheme that the entity is qualified for a dairy exit payment in relation to the enterprise; or
- (ii) a decision is made under the farm help re-establishment grant scheme (within the meaning of the *Farm Household Support Act 1992*) that the entity is qualified for a dairy-type grant; and

**12 Subclause 53(2) of Schedule 2**

Omit “is made under the DEP scheme”, substitute “mentioned in the relevant subparagraph of paragraph (1)(b) is made”.

**13 After paragraph 78(f) of Schedule 2**

Insert:

- (fa) money paid to the Corporation under subsection 56(2A) of the *Farm Household Support Act 1992* (which deals with the recovery of overpaid dairy-type grants);

**14 After paragraph 79(b) of Schedule 2**

Insert:

- (ba) in making dairy-type grants; and

**15 After paragraph 79(j) of Schedule 2**

Insert:

- (ja) in meeting the expenses incurred by the Commonwealth in relation to the administration of dairy-type grants; and



**16 Paragraph 80(a) of Schedule 2**

Omit “and dairy exit payments as those payments fall due”, substitute “, dairy exit payments and dairy-type grants as they fall due”.

**17 After paragraph 94(2)(b) of Schedule 2**

Insert:

(ba) making dairy-type grants;

***Farm Household Support Act 1992***

**18 Subsection 3(2)**

Insert:

*dairy-type grant* means a re-establishment grant designated under the farm help re-establishment grant scheme as a dairy-type grant.

**19 After subsection 52A(5)**

Insert:

(5A) The scheme may provide for the disclosure of dairy-type grant information:

(a) to the Dairy Adjustment Authority in connection with the administration of:

(i) the DSAP scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or

(ii) the SDA scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or

(iii) a provision of the *Dairy Produce Act 1986* in so far as that provision relates to that scheme; or

(b) to the Australian Dairy Corporation in connection with the administration of the Dairy Structural Adjustment Fund.

(5B) In subsection (5A):

*dairy-type grant information* means information disclosed or obtained for the purposes of the administration of dairy-type grants.

**20 Paragraph 56(2)(a)**

After “grant scheme”, insert “(other than a dairy-type grant)”.

**21 After subsection 56(2)**

Insert:

(2A) If:

- (a) an amount purporting to be an amount of dairy-type grant has been paid to a person; and
- (b) some or all of the amount was not payable to the person; the amount that was not payable may be recovered by the Commonwealth, on behalf of the Australian Dairy Corporation, as a debt due to the Australian Dairy Corporation.

**22 Subsection 57(4)**

After “scheme payments”, insert “(other than dairy-type grants)”.

**23 Subsection 57(5)**

After “exit payments”, insert “and dairy-type grants”.

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*[Minister’s second reading speech made in—  
House of Representatives on 28 August 2002  
Senate on 23 September 2002]*