

# DAIRY PRODUCE AMENDMENT ACT 1978

## No. 96 of 1978

An Act to amend the *Dairy Produce Act 1924*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Dairy Produce Amendment Act 1978*.<sup>1</sup> Short title,  
&c.

(2) The *Dairy Produce Act 1924*<sup>2</sup> is in this Act referred to as the Principal Act.

2. This Act shall come into operation on 1 July 1978. Commence-  
ment

3. Section 20AB of the Principal Act is amended—

(a) by inserting “, or of 2 or more particular kinds,” after “kind” in the definition of “pool” in sub-section (1); Pools for  
returns on  
export sales  
of dairy  
products

(b) by inserting after the definition of “pool” in sub-section (1) the following definition:

“ ‘quota products’ means dairy products of a kind or kinds in respect of which quotas are determined for a production period under section 11A of the *Dairy Industry Stabilization Act 1977*; ”;

(c) by inserting after sub-section (1) the following sub-section:

“(1A) For the purposes of this section, where dairy products are produced at a factory, by the proprietor of the factory on behalf of the proprietor of another factory, from milk or a constituent part or parts of milk supplied for the purpose by the proprietor of the other factory, the products shall be deemed to have been produced at that other factory.”;

(d) by inserting in sub-section (4) “, or for each of the dairy products,” after “dairy products” (first occurring);

(e) by inserting after sub-section (4) the following sub-section:

“(4A) The Corporation may, with the approval of the Minister, make to persons engaged in the production, storage, distribution, sale, export or promotion of dairy products payments to meet expenses incurred in the storage, distribution, sale, export or promotion of dairy products to which this section applies and, where any such payment is made, the amount of the payment shall be debited to the appropriate pool.”;

- (f) by omitting sub-section (12) and substituting the following sub-sections:

“(12) Where the Corporation is satisfied that, apart from sub-sections (12A), (14), (15) and (16), no more amounts will be debited or credited to a pool maintained in respect of dairy products of a particular kind, or of 2 or more particular kinds, that are quota products, the Corporation shall—

- (a) ascertain an amount (in this sub-section referred to as the ‘final pool return’) per tonne in relation to dairy products of that kind, or of those kinds, that were produced during the relevant production period (whether or not those dairy products subsequently became dairy products to which this section applies) by dividing the amount standing to the credit of the pool by the number of tonnes of dairy products of that kind, or of those kinds, that were produced during that production period; and
- (b) pay to the proprietor of each factory at which dairy products of that kind, or of any of those kinds, were produced during that period the final pool return in respect of each tonne of dairy products of that kind, or of those kinds, produced at that factory during that production period that is in excess of the quota determined in respect of that kind, or of those kinds, of dairy products in relation to that factory for that production period under section 11A of the *Dairy Industry Stabilization Act 1977*.

“(12A) Where the Corporation is satisfied that, apart from sub-sections (14), (15) and (16), no more amounts will be credited or debited to a pool, the Corporation—

- (a) may, with the approval of the Minister, where it considers it appropriate to do so, determine that the whole or any part of the amount standing to the credit of the pool be transferred to the credit of the separate account kept in respect of dairy products of the kind, or kinds, in respect of which the pool is maintained, or kept in respect of kinds of dairy products which include dairy products of that kind or any of those kinds, in the Dairy Products Stabilization Trust Fund established under the *Dairy Industry Stabilization Act 1977*; and
- (b) shall divide the amount standing to the credit of the pool after any payments consequential upon a determination under paragraph (a) have been made among the proprietors of the factories at which dairy products of that kind, or of any of those kinds, were produced during the relevant production period (whether or not those dairy

products subsequently became dairy products to which this section applies), being a division made on the basis of the quantity of dairy products of that kind, or of those kinds, produced at each factory during that period, and the amount ascertained in accordance with paragraph (b) in relation to each factory is the final payment payable to the proprietor of that factory from the pool.

“(12B) In the application of sub-sections (12) and (12A) in relation to a pool maintained in respect of dairy products of 2 or more particular kinds, the quantity of dairy products of those kinds, or of any of those kinds, produced during a production period, or produced at a factory during a production period, shall be ascertained in accordance with a method determined by the Minister after consultation with the Corporation.”; and

- (g) by inserting in sub-section (13) “or (12A)” after “sub-section (12)”.

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#### NOTES

1. Act No. 96, 1978; assented to 22 June 1978.
2. Act No. 38, 1924, as amended. For previous amendments *see* Act No. 45, 1934; No. 70, 1935; No. 26, 1936; No. 20, 1937; No. 18, 1938; No. 24, 1942; No. 53, 1947; No. 37, 1953; No. 17, 1954; No. 74, 1958; No. 49, 1962; No. 79, 1963; No. 43, 1965; No. 93, 1966; No. 3, 1972; No. 216, 1973 (as amended by No. 20, 1974); No. 82, 1975; Nos. 37 and 79, 1976; and No. 53, 1977.