



# **Dairy Industry Stabilization Levy Amendment Act 1983**

**No. 66 of 1983**

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## **An Act to amend the *Dairy Industry Stabilization Levy Act 1977***

*[Assented to 18 October 1983]*

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

### **Short title, &c.**

1. (1) This Act may be cited as the *Dairy Industry Stabilization Levy Amendment Act 1983*.

(2) The *Dairy Industry Stabilization Levy Act 1977*<sup>1</sup> is in this Act referred to as the Principal Act.

### **Commencement**

2. This Act shall come into operation on a day to be fixed by Proclamation.

### **Interpretation**

3. (1) Section 4 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “buttermilk powder” and substituting the following definition:

“ ‘buttermilk powder’ means—

- (a) powder produced by the removal of water from buttermilk, being powder containing not less than 4.5% of fat and not more than 5% of moisture; or
- (b) so much of a powder produced by the removal of water from a mixture of buttermilk and another substance or other substances, being powder containing—
  - (i) not less than 25% of a substance having the same composition as powder of the kind referred to in paragraph (a); and
  - (ii) not less than 4.5% of fat and not more than 5% of moisture,  
as consists of the substance having the same composition as powder of the kind referred to in paragraph (a);”;
- (b) by omitting from sub-section (1) the definition of “whole milk powder” and substituting the following definition:

“ ‘whole milk powder’ means—

- (a) powder produced by the removal of water from milk, being powder containing not less than 26% of fat and not more than 5% of moisture; or
- (b) so much of a powder produced by the removal of water from a mixture of milk and another substance or other substances, being powder containing—
  - (i) not less than 25% of a substance having the same composition as powder of the kind referred to in paragraph (a); and
  - (ii) not less than 26% of fat and not more than 5% of moisture,  
as consists of the substance having the same composition as powder of the kind referred to in paragraph (a).”.

(2) The amendments made by sub-section (1), in so far as they affect the imposition under the *Dairy Industry Stabilization Levy Act 1977* of levy on dairy products produced at a factory, do not apply in relation to dairy products so produced before the first day of the month immediately following the month in which this Act receives the Royal Assent.

### **Imposition of levy**

4. (1) Section 6 of the Principal Act is amended—

- (a) by omitting from paragraph (3)(b) “or” (last occurring);
- (b) by omitting paragraph (3)(c) and substituting the following paragraphs:
  - “(c) have been exported from Australia, whether by him or by another person; or

- (d) have been used, whether by him or by another person, in the production of other products that have been exported from Australia, whether by him or by another person,”; and
- (c) by inserting after sub-section (3) the following sub-sections:

“(3A) An authorized person shall not issue a certificate under sub-section (3) in relation to dairy products that have been used in the production of other products (in this sub-section referred to as the ‘mixed products’) that have been exported from Australia unless the person by whom the levy imposed on those dairy products is payable or has been paid satisfies the authorized person that—

- (a) those dairy products, together with any other dairy products used in the production of the mixed products, constituted not less than the minimum percentage by volume of the ingredients used in the production of the mixed products; and
- (b) the mixed products, when so exported—
  - (i) comprised a consignment the weight of which was not less than the minimum weight; or
  - (ii) were part of a consignment—
    - (A) the weight of which was not less than the minimum weight; and
    - (B) the other products in which were either dairy products or products the ingredients used in the production of each of which were constituted by not less than the minimum percentage by volume of dairy products.

“(3B) In sub-section (3A)—

‘minimum percentage’ means such percentage (not exceeding 75%) as is prescribed from time to time for the purposes of this definition;

‘minimum weight’ means 15 tonnes or such lesser weight as is prescribed from time to time for the purposes of this definition.”.

(2) Paragraph 6 (3)(d) and sub-sections 6 (3A) and (3B) of the Principal Act as amended by this Act do not apply in relation to levy that was imposed before the commencement of this Act.

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#### NOTE

1. No. 52, 1977, as amended. For previous amendments, see No. 95, 1978.