

DAIRYING INDUSTRY.

No. 46 of 1962.

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

[Assented to 28th May, 1962.]

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

1. This Act may be cited as the *Dairying Industry Act 1962*. Short title.

2. This Act shall come into operation on the first day of July, One thousand nine hundred and sixty-two. Commencement.

3.—(1.) The *Dairying Industry Act 1957* is repealed. Repeal and saving.

(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 Notwithstanding the repeal effected by the last preceding sub-section, the provisions of the Act repealed by that sub-section continue to apply for all purposes in relation to bounty under that Act in respect of butter or cheese produced before the commencement of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.

4. In this Act, unless the contrary intention appears— Definitions.

“bounty” means bounty under this Act;

“butter” means butter produced from cow's milk or from cream derived from cow's milk, and includes butter fat products, but does not include butter produced from whey;

“butter

- “butter factory” means premises where butter is produced, being premises the proprietor of which participates, in respect of butter produced at the premises, in an equalization scheme administered by an equalization body;
- “butter fat product” means goods consisting of butter fat (being butter fat derived from cow’s milk) and another substance or other substances, being goods the weight of the butter fat content of which is not less than forty per centum of the weight of the goods, but does not include butter, cheese or goods produced from whey;
- “cheese” means cheese produced from cow’s milk;
- “cheese factory” means premises where cheese is produced, 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.

**Specification
of bounties.**

5.—(1.) Subject to this Act—

- (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-seven.

(3.) Bounty is not payable in respect of a butter fat product produced from butter or from another butter fat product.

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

**Rates of
bounty.**

6.—(1.) The rate of the bounty in respect of any butter produced in a year shall be ascertained in accordance with the formula $\frac{ab}{c}$, where—

a is the number of pounds of butter fat in the milk or cream used in the production of that butter;

b is

b is the amount appropriated by the Parliament for the purpose of bounty upon the production of butter in that year; and

c is 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.

(2.) The rate of the bounty in respect of any cheese produced in a year shall be ascertained in accordance with the formula $\frac{ab}{c}$, where—

a is the number of pounds of butter fat in the milk used in the production of that cheese;

b is the amount appropriated by the Parliament for the purpose of bounty upon the production of cheese in that year; and

c is a number equal to the number of pounds of butter fat in the milk used in the production of the total quantity 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 sixty-two, 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, having regard to—

(a) 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

(b) 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 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 or may become entitled in respect of that year.

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.

To whom
bounty
payable.

(2.) Bounty

(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.

Inspection of books and accounts.

9.—(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—

- (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.

Offences.

10. A person shall not—

- (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 material particular; or
- (c) furnish under the regulations a return that is false or misleading in a material particular.

Penalty: Five hundred pounds or imprisonment for twelve months.

11. Notwithstanding

11. Notwithstanding anything contained in the *Dairy Produce Export Control Act 1924-1962*, the moneys and securities constituting, at the date of commencement of this Act, the Australian Dairy Produce Board Dairying Industry Stabilization Fund established by the Australian Dairy Produce Board in its accounts (including the proceeds of the realization of those securities) may be applied by the Board, in such manner as it thinks fit—

Application of
Dairying
Industry
Stabilization
Fund.

- (a) so as to raise returns to proprietors of factories from the sale of butter and cheese exported from Australia; or
- (b) for any other purpose approved by the Minister.

12. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for—

Regulations.

- (a) requiring persons to furnish returns for the purposes of this Act;
- (b) providing that bounty is not to be payable, or that payment of bounty may be withheld, where a provision of the regulations has not been complied with; and
- (c) prescribing penalties, not exceeding a fine of Fifty pounds, for offences against the regulations.