

DAIRY PRODUCE LEVY.

No. 75 of 1958.

An Act to impose a Levy upon Dairy Produce manufactured in Australia.

[Assented to 10th October, 1958.]

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 *Dairy Produce Levy Act* 1958. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act—Definitions.
 - “dairy produce” means butter and cheese;
 - “levy” means levy imposed by this Act;
 - “notional weight”, in relation to cheese, means a weight equal to the weight of the butter fat in the milk used in the manufacture of the cheese multiplied by two and eleven-twentieths;
 - “the Board” means the Australian Dairy Produce Board constituted under the *Dairy Produce Export Control Act* 1924–1958.

Act applies
to States.

4. This Act binds the Crown in right of a State.

Imposition
of levy.

5. A levy is imposed on all dairy produce manufactured in Australia on or after a date to be fixed by the Minister, upon the recommendation of the Board, by notice published in the *Gazette*.

Rates of levy
on butter.

6.—(1.) Subject to the next succeeding sub-section, the amount of levy in respect of any butter shall consist of the sum of—

- (a) such amount for each pound of the butter as is from time to time prescribed for the purposes of this paragraph; and
- (b) such amount for each pound of the butter as is from time to time prescribed for the purposes of this paragraph.

(2.) The amounts prescribed for the purposes of the last preceding sub-section shall be such that the sum of those amounts does not exceed three-sixteenths of a penny.

Rates of levy
on cheese.

7.—(1.) Subject to the next succeeding sub-section, the amount of levy in respect of any cheese shall consist of the sum of—

- (a) such amount for each pound of the notional weight of the cheese as is from time to time prescribed for the purposes of this paragraph; and
- (b) such amount for each pound of the notional weight of the cheese as is from time to time prescribed for the purposes of this paragraph.

(2.) The amounts prescribed for the purposes of the last preceding sub-section shall be such that the sum of those amounts does not exceed three-thirty-seconds of a penny.

Levy payable by
manufacturer.

8. The amount of levy in respect of any dairy produce is payable by the manufacturer of the dairy produce.

Exemption
from levy.

9.—(1.) The Minister may, from time to time, by notice published in the *Gazette*, after report to the Minister by the Board, exempt any dairy produce from the levy.

(2.) An exemption under the last preceding sub-section may be unconditional or subject to such conditions as are specified in the notice.

Due date of
payment.

10. The amount of levy in respect of any dairy produce manufactured during a month of the year is due and payable upon the expiration of twenty-eight days after the last day of that month.

Recovery
of levy.

11.—(1.) An amount of levy shall be deemed, when it becomes due and payable, to be a debt due to the Commonwealth and payable to the Secretary to the Department of Primary Industry in the manner and at the place prescribed.

(2.) In proceedings for the recovery of an amount of levy, a statement or averment in the complaint, claim or declaration of the plaintiff is evidence of the matter so stated or averred.

12.—(1.) 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—

- (a) requiring persons to furnish returns for the purposes of this Act; and
- (b) prescribing penalties not exceeding Fifty pounds for offences against the regulations.

(2.) Before making regulations under this section prescribing an amount for the purposes of section six or seven of this Act, the Governor-General shall take into consideration any recommendations with respect to the amount made to the Minister by the Board.

(3.) Before making a recommendation to the Minister with respect to an amount to be prescribed for the purposes of paragraph (a) of sub-section (1.) of section six, or paragraph (a) of sub-section (1.) of section seven, of this Act, the Board shall take into consideration any recommendation with respect to the amount submitted to the Board by the Dairy Produce Research Committee established by the *Dairy Produce Research and Sales Promotion Act 1958*.
