

DAIRY PRODUCE RESEARCH AND SALES PROMOTION.

No. 73 of 1958.

An Act to establish a Dairy Produce Research Trust Account and a Dairy Produce Sales Promotion Fund, and for purposes connected therewith.

[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:—

PART I.—PRELIMINARY.

- Short title.** 1. This Act may be cited as the *Dairy Produce Research and Sales Promotion Act 1958*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Parts.** 3. This Act is divided into Parts, as follows:—
Part I.—Preliminary (Sections 1–5).
Part II.—Research (Sections 6–16).
Part III.—Sales Promotion (Sections 17–21).
Part IV.—Regulations (Section 22).

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

Definitions.

- “dairy produce” means butter and cheese, and includes such other products derived from milk or the constituent parts of milk (whether or not any other substance is added) as are prescribed;
- “the Board” means the Australian Dairy Produce Board constituted under the *Dairy Produce Export Control Act 1924–1958*;
- “the Committee” means the Dairy Produce Research Committee established by this Act;
- “the Research Account” means the Dairy Produce Research Trust Account established by this Act;
- “the Sales Promotion Fund” means the Dairy Produce Sales Promotion Fund established by this Act;
- “the Secretary” means the Secretary to the Department of Primary Industry.

5. The member of the Board referred to in paragraph (f) of sub-section (2.) of section four of the *Dairy Produce Export Control Act 1924–1958* shall, in accordance with the decisions and subject to the directions of the Board, administer the affairs of the Board in so far as those affairs relate to the powers and functions of the Board under this Act.

Administration of affairs of Board.

PART II.—RESEARCH.

6.—(1.) An Account is hereby established to be known as the Dairy Produce Research Trust Account.

Dairy Produce Research Trust Account.

(2.) The Research Account is a Trust Account for the purposes of section sixty-two A of the *Audit Act 1901–1957*.

(3.) The Board may make recommendations to the Treasurer with respect to the investment, under section sixty-two B of the *Audit Act 1901–1957*, of moneys standing to the credit of the Research Account.

7.—(1.) There shall be paid into the Research Account—

Moneys to be paid into the Research Account.

- (a) amounts equal to the amounts of levy received by the Secretary by virtue of paragraph (a) of sub-section (1.) of section six of the *Dairy Produce Levy Act 1958* and by virtue of paragraph (a) of sub-section (1.) of section seven of that Act;
- (b) subject to the next succeeding sub-section, amounts equal to one-half of the amounts from time to time payable out of the Research Account in accordance with this Part;
- (c) moneys paid by any person to the Commonwealth for the purposes of the Research Account;

- (d) moneys received by the Commonwealth or the Board from the sale of any land or goods bought or produced, or in respect of any work paid for, out of moneys paid out of the Research Account; and
 - (e) interest from the investment of moneys standing to the credit of the Research Account.
- (2.) The sum of the amounts paid into the Research Account by virtue of paragraph (b) of the last preceding sub-section shall not exceed the sum of the amounts paid into the Research Account by virtue of paragraph (a) of that sub-section.
- (3.) Amounts payable into the Research Account by virtue of paragraph (a) or (b) of sub-section (1.) of this section are payable out of the Consolidated Revenue Fund.
- (4.) The Consolidated Revenue Fund is appropriated to the extent necessary for the purpose of any payment referred to in sub-section (1.) of this section.

Application of
the Research
Account.

8.—(1.) Subject to the next succeeding sub-section, moneys standing to the credit of the Research Account may, with the approval of the Minister, be expended for the following purposes:—

- (a) scientific, economic or technical research in connexion with matters related either directly or indirectly to the production or distribution of dairy produce;
- (b) the training of persons for purposes related either directly or indirectly to the production or distribution of dairy produce;
- (c) the dissemination of information and advice in connexion with scientific, economic or technical matters related either directly or indirectly to the production or distribution of dairy produce;
- (d) the publication of reports, periodicals, books and papers in connexion with scientific, economic or technical matters related either directly or indirectly to the production or distribution of dairy produce;
- (e) the payment into an account referred to in section twenty B or section twenty-three of the *Dairy Produce Export Control Act 1924–1958* of an amount equal to such part of any payment referred to in paragraph (b) or (c) of section twenty-two of that Act as is determined by the Minister, on the recommendation of the Board, to be attributable to the exercise of the powers, or the performance of the functions, of the Board under this Part, including the administration of the affairs of the Board by the member of the Board referred to in section five of this Act in so far as those affairs relate to those powers and functions;

- (f) the payment of fees and allowances payable to a member of the Committee under section fourteen of this Act;
- (g) the payment of fees and allowances payable to persons appointed by the Minister under section fifteen of this Act; and
- (h) any purpose incidental to a purpose referred to in a preceding paragraph of this sub-section.

(2.) The Minister shall not exercise his power under the last preceding sub-section to approve the expenditure of moneys from the Research Account unless the Board has recommended the expenditure of those moneys.

9.—(1.) The Committee shall, from time to time, submit to the Board proposals with respect to the expenditure of moneys from the Research Account.

Proposals and recommendations with respect to expenditure from Research Account.

(2.) The Board shall, from time to time, after taking into consideration any proposals submitted to the Board under the last preceding sub-section, submit to the Minister recommendations with respect to the expenditure of moneys from the Research Account.

10.—(1.) The Minister, or an officer authorized by the Minister to act under this section—

Agreements, &c., for carrying out of research.

- (a) may, on behalf of the Commonwealth, enter into such agreements as he thinks fit for the purposes of, or for purposes in connexion with, any research or other thing to be carried out or done with moneys provided in whole or in part out of the Research Account; or
- (b) may approve the carrying out of any such research, or the doing of any such thing, by the Board.

(2.) Where the carrying out of any research, or the doing of any thing, by the Board is approved under the last preceding sub-section, the Board is empowered to carry out that research or do that thing in accordance with the approval.

11.—(1.) For the purposes of this Part, there shall be a Dairy Produce Research Committee, which shall consist of—

Dairy Produce Research Committee.

- (a) the Chairman of the Board;
- (b) the member of the Board referred to in section five of this Act;
- (c) the persons who are the members of the Board representing the dairy farmers of Australia;
- (d) one person who is a member of the Board representing either co-operative butter and cheese factories or proprietary butter and cheese factories and privately owned butter and cheese factories;
- (e) one person to represent the Department of Primary Industry;

- (f) one person to represent the organization known as the Australian Agricultural Council;
- (g) one person to represent the Commonwealth Scientific and Industrial Research Organization; and
- (h) subject to sub-section (5.) of this section, one person who is a member of the Board and is not a member of the Committee by virtue of a preceding paragraph of this sub-section.

(2.) The members of the Committee referred to in paragraphs (d) to (h) (inclusive) of the last preceding sub-section shall be appointed by the Minister and hold office during the pleasure of the Minister.

(3.) The member of the Committee referred to in paragraph (d) of sub-section (1.) of this section shall be appointed upon the nomination of the Board.

(4.) A member of the Committee referred to in paragraph (f) or (g) of sub-section (1.) of this section shall be appointed upon the nomination of the organization which he is to represent.

(5.) The member of the Committee referred to in paragraph (h) of sub-section (1.) of this section—

(a) shall not be appointed unless the Chairman of the Board informs the Minister that, in his opinion, it is desirable that such a member should be appointed; and

(b) shall be appointed upon the nomination of the Chairman of the Board.

(6.) Where—

(a) a member of the Committee was appointed upon the nomination of the Board, an organization or the Chairman of the Board; and

(b) the Board, the organization or the Chairman of the Board, as the case may be, requests the Minister to do so,

the Minister shall terminate the appointment of that person as such a member.

(7.) The appointment of a member of the Committee is not invalidated and shall not be called in question by reason of a defect or irregularity in connexion with his nomination.

(8.) The exercise of a power or the performance of a function by the Committee is not invalidated by reason only of there being a vacancy in the membership of the Committee.

Chairman of
the Committee.

12.—(1.) The member of the Committee who is the Chairman of the Board shall be the Chairman of the Committee.

(2.) At a meeting of the Committee at which the Chairman of the Committee is not present the members present shall elect one of their number to act as chairman at that meeting.

13. At a meeting of the Committee—

Quorum and voting.

- (a) six members form a quorum;
- (b) the Chairman of the Committee, or, in his absence, the member elected by the members present to act as chairman, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the Chairman of the Committee or other member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

14. Members of the Committee shall be paid, in respect of attendance at meetings of the Committee, or while engaged (whether in Australia or overseas), with the approval of the Committee, on business of the Committee, such fees and allowances as the Minister determines.

Fees and allowances.

15.—(1.) The Minister may, upon the recommendation of the Board, appoint persons to advise the Board or the Committee in relation to any purpose in respect of which moneys may be expended from the Research Account.

Appointment of advisers.

(2.) A person appointed under the last preceding sub-section shall be paid such fees and allowances (if any) as the Minister determines.

16. The Committee may, from time to time, submit to the Board recommendations 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 the *Dairy Produce Levy Act* 1958.

Recommendations by the Committee with respect to rates of levy on dairy produce.

PART III.—SALES PROMOTION.

17. The Board may, either on its own behalf or in collaboration with any other Board or authority, take, or arrange for the taking of, any action which, in the opinion of the Board, is likely to promote the sale of dairy produce in Australia and, in particular, is likely to expand existing markets, or to secure new markets, in Australia for dairy produce.

Powers of Board in relation to the promotion of the sale of dairy produce.

18.—(1.) A Fund is hereby established to be known as the Dairy Produce Sales Promotion Fund.

Dairy Produce Sales Promotion Fund.

(2.) The Sales Promotion Fund shall be administered by the Board.

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(3.) There shall be paid into the Sales Promotion Fund—

- (a) amounts equal to the amounts of levy received by the Secretary by virtue of paragraph (b) of sub-section (1.) of section six of the *Dairy Produce Levy Act* 1958 and by virtue of paragraph (b) of sub-section (1.) of section seven of that Act;
- (b) moneys paid by any person to the Board for the purposes of the Fund;
- (c) moneys received by the Board from the sale of any goods bought or produced, or in respect of any work paid for, out of moneys paid out of the Fund; and
- (d) interest from the investment of moneys standing to the credit of the Fund.

(4.) Amounts payable into the Sales Promotion Fund by virtue of paragraph (a) of the last preceding sub-section are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

(5.) Where an account referred to in section twenty of this Act is opened, payment into that account of moneys referred to in sub-section (3.) of this section shall be deemed to be payment into the Sales Promotion Fund.

Application of
the Sales
Promotion
Fund.

19. Moneys standing to the credit of the Sales Promotion Fund may be expended by the Board for the following purposes:—

- (a) the exercise of the powers, or the performance of the functions, of the Board under this Part;
- (b) the payment into an account referred to in section twenty B or section twenty-three of the *Dairy Produce Export Control Act* 1924–1958 of an amount equal to such part of any payment referred to in paragraph (b) or (c) of section twenty-two of that Act as is determined by the Minister, on the recommendation of the Board, to be attributable to the exercise of the powers, or the performance of the functions, of the Board under this Part, including the administration of the affairs of the Board by the member of the Board referred to in section five of this Act in so far as those affairs relate to those powers and functions;
- (c) the payment of fees and allowances payable to persons appointed by the Board under section twenty-one of this Act; and
- (d) any purpose incidental to a purpose referred to in a preceding paragraph of this section.

20.—(1.) Moneys in the Sales Promotion Fund not immediately required for the purposes specified in the last preceding section—

Investment, &c.,
of moneys in
the Sales
Promotion
Fund.

- (a) may be invested in securities of or guaranteed by the Government of the Commonwealth or a State; or
- (b) may be lodged in an account or accounts at call or on fixed deposit, or partly in an account or accounts at call and partly on fixed deposit, at the Commonwealth Bank of Australia or at such other bank or banks as the Treasurer approves.

(2.) Cheques drawn on an account referred to in the last preceding sub-section shall be signed in the same manner as cheques referred to in section twenty-four of the *Dairy Produce Export Control Act 1924-1958* are required to be signed.

(3.) The income of the Sales Promotion Fund is not subject to taxation by the Commonwealth or a State.

21.—(1.) The Board may appoint persons to advise it in relation to any purpose in respect of which moneys may be expended from the Sales Promotion Fund.

Appointment
of advisers.

(2.) A person appointed under the last preceding sub-section shall be paid such fees and allowances (if any) as the Board determines.

PART IV.—REGULATIONS.

22. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.