

Butter Fat Levy

No. 42 of 1965

An Act to impose a Levy upon certain Butter Fat.

[Assented to 3 June, 1965]

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

- Short title.** 1. This Act may be cited as the *Butter Fat Levy Act 1965*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Definitions.** 3. In this Act, unless the contrary intention appears—
“butteroil” does not include butteroil manufactured from, or by the treatment of, butter;
“dairy produce” means butter, butteroil, butter powder, cheese and ghee;
“ghee” means clarified fat of cow's milk manufactured otherwise than from, or by the treatment of, butter;
“levy” means levy imposed by this Act;
“the Board” means the Australian Dairy Produce Board constituted under the *Dairy Produce Export Control Act 1924–1965*.
- Act applies to States.** 4. This Act binds the Crown in right of a State.
- Imposition of levy.** 5. A levy is imposed on butter fat produced in Australia and, on or after the first day of July, One thousand nine hundred and sixty-five, used in Australia in the manufacture of dairy produce.

6.—(1.) The amount of levy in respect of any butter fat shall consist of the sum of— Amount of levy.

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

(2.) The amount prescribed for the purposes of paragraph (a) of the last preceding sub-section shall not exceed 14.5 pence.

(3.) The amount prescribed for the purposes of paragraph (b) or paragraph (c) of sub-section (1.) of this section shall not exceed 28.75 pence.

7. Levy in respect of any butter fat is payable by the manufacturer of the dairy produce in the manufacture of which the butter fat is used. Levy payable by manufacturer of dairy produce.

8. The amount of levy in respect of any butter fat is due and payable upon the expiration of twenty-eight days after the last day of the month of the year in which the butter fat was used in the manufacture of dairy produce. Due date of payment.

9.—(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. Recovery of levy.

(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.

10.—(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— Regulations.

- (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 6 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 6 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 holding office under the *Dairy Produce Research and Sales Promotion Act 1958-1965*.
