

# Dairying Research Levy

No. 31 of 1972

An Act to impose a Levy on certain Whole Milk, and certain Butter Fat, produced in Australia and sold by the Producer.

[Assented to 26 May 1972]

**B**E 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 *Dairying Research Levy Act 1972*.
- Commencement.** 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Parts.** 3. This Act is divided into Parts, as follows:—  
Part I.—Preliminary (Sections 1–5).  
Part II.—Levy on Whole Milk (Sections 6–9).  
Part III.—Levy on Butter Fat (Sections 10–12).  
Part IV.—Regulations (Section 13).
- Collection Act to be read with this Act.** 4. The *Dairying Research Levy Collection Act 1972* shall be read as one with this Act.
- Definitions.** 5. In this Act, unless the contrary intention appears—  
“milk” means the lacteal fluid product of the cow;  
“producer”, in relation to any whole milk, means the person who, at the time when the whole milk was produced, was the owner of the cow that produced it;

“ the Committee ” means the Dairying Research Committee established by the *Dairying Research Act 1972*.

#### PART II.—LEVY ON WHOLE MILK.

6. Subject to this Part, a levy is imposed on whole milk produced in Australia and sold by the producer. Imposition of levy.

7.—(1.) The rate of the levy imposed by the last preceding section is such amount, not exceeding 0.04 cent, per gallon of whole milk as is prescribed. Rate of levy.

(2.) Before making regulations for the purposes of the last preceding sub-section, the Governor-General shall take into consideration any recommendation with respect to the rate of the levy made to the Minister by the Committee, and regulations shall not be made prescribing a rate higher than the rate recommended, or last recommended, by the Committee to the Minister.

8. The producer of any whole milk is liable to pay the levy on that whole milk. By whom levy payable.

9.—(1.) The regulations may—

- (a) prescribe a period as the prescribed period, for the purposes of the next succeeding sub-section, with respect to a sale of whole milk by the producer of the whole milk that takes place after the end of the period; and
- (b) prescribe a number of gallons as the maximum quantity for the purposes of the next succeeding sub-section.

Exemptions.

(2.) Levy is not imposed on whole milk sold by the producer of the whole milk if—

- (a) the whole milk is intended by the purchaser of that whole milk to be used for human consumption; and
- (b) the total quantity of whole milk purchased, whether from the producer or another person, by the purchaser during the period that is the prescribed period with respect to the sale of the first-mentioned whole milk does not exceed the maximum quantity.

(3.) Levy is not imposed on whole milk sold by the producer of the whole milk by retail.

#### PART III.—LEVY ON BUTTER FAT.

10. Where—

- (a) butter fat is produced in Australia from whole milk produced in Australia;
  - (b) the producer of the butter fat is also the producer of the whole milk; and
  - (c) the butter fat is sold by the producer,
- a levy is imposed on the butter fat so produced and sold.

Imposition of levy.

**Rate of levy.**

**11.—(1.)** The rate of the levy imposed by the last preceding section is such amount, not exceeding twelve cents, per hundredweight of butter fat as is prescribed.

(2.) Before making regulations for the purposes of the last preceding sub-section, the Governor-General shall take into consideration any recommendation with respect to the rate of the levy made to the Minister by the Committee, and regulations shall not be made prescribing a rate higher than the rate recommended, or last recommended, by the Committee to the Minister.

**By whom levy payable.**

**12.** The producer of any butter fat is liable to pay the levy on that butter fat.

**PART IV.—REGULATIONS.**

**Regulations.**

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

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