

DAIRYING INDUSTRY RESEARCH AND PROMOTION LEVY ACT 1976

No. 78 of 1976

An Act relating to a Levy on Whole Milk and Butter Fat.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. (1) This Act may be cited as the *Dairying Industry Research and Promotion Levy Act 1976*.¹ Short title
and citation.

(2) The *Dairying Research Levy Act 1972-1973*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Dairying Industry Research and Promotion Levy Act 1972-1976*.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commence-
ment.

3. Section 4 of the Principal Act is amended by omitting the words "*Dairying Research Levy Collection Act 1972*" and substituting the words "*Dairying Industry Research and Promotion Levy Collection Act 1972-1976*". Collection
Act to be
read with
this Act.

4. Section 7 of the Principal Act is repealed and the following section substituted:—

"7. The amount of levy imposed by section 6 on whole milk is the sum of— Amount
of levy.

- (a) an amount calculated at such rate per 100 litres of whole milk as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed 1 cent per 100 litres;
- (b) an amount calculated at such rate per 100 litres of whole milk as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed 6 cents per 100 litres; and
- (c) an amount calculated at such rate per 100 litres of whole milk as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed 6 cents per 100 litres."

5. Section 9 of the Principal Act is amended by omitting from sub-section (1) the words "of the next succeeding sub-section" (wherever occurring) and substituting the words "of sub-section (2)". Exemptions.

6. Section 11 of the Principal Act is repealed and the following section substituted:—

Amount
of levy.

“11. The amount of levy imposed by section 10 on butter fat is the sum of—

- (a) an amount calculated at such rate per 100 kilograms of butter fat as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed 25 cents per 100 kilograms;
- (b) an amount calculated at such rate per 100 kilograms of butter fat as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed \$1.50 per 100 kilograms; and
- (c) an amount calculated at such rate per 100 kilograms of butter fat as is from time to time prescribed for the purposes of this paragraph, being a rate that does not exceed \$1.50 per 100 kilograms.”

Regulations.

7. Section 13 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(2) Before making regulations prescribing a rate for the purposes of paragraph 7 (a) or 11 (a), the Governor-General shall take into consideration any recommendation with respect to the rate made to the Minister by the Committee, and regulations shall not be made prescribing such a rate higher than the rate recommended, or last recommended, by the Committee to the Minister.

“(3) Before making regulations prescribing a rate for the purposes of paragraph 7 (b), 7 (c), 11 (b) or 11 (c), the Governor-General shall take into consideration any recommendation with respect to the rate made to the Minister by the Australian Dairy Corporation.

“(4) Before the Australian Dairy Corporation makes any recommendation for the purposes of sub-section (3), the Corporation shall consult with the Australian Dairy Farmers’ Federation and any other organization that the Minister requests the Corporation to consult with.”

Continued
application
of
Principal
Act.

8. The Principal Act and the regulations under that Act as in force immediately before the commencement of this Act continue to apply to and in relation to whole milk and butter fat produced in Australia before the commencement of this Act, including whole milk and butter fat that are not sold until after the commencement of this Act.

NOTES

1. Act No. 78, 1976; assented to 10 June 1976.
2. Act No. 31, 1972, as amended by No. 216, 1973 (as amended by No. 20, 1974).