

# DAIRYING INDUSTRY RESEARCH AND PROMOTION (MISCELLANEOUS AMENDMENTS) ACT 1976

No. 79 of 1976

An Act to repeal the *Butter Fat Levy Act 1965-1972*, and to amend certain other Acts.

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

1. This Act may be cited as the *Dairying Industry Research and Promotion (Miscellaneous Amendments) Act 1976*.<sup>1</sup> Short title.
  
2. This Act shall come into operation on the day on which the *Dairying Industry Research and Promotion Levy Act 1976* comes into operation. Commencement.
  
3. (1) The *Butter Fat Levy Act 1965*, the *Butter Fat Levy Act (No. 2) 1965* and the *Butter Fat Levy Act 1972* are repealed. Repeal.  
  
(2) Notwithstanding the repeal effected by sub-section (1), the *Butter Fat Levy Act 1965-1972* and the regulations under that Act as in force immediately before the commencement of this Act continue to apply to and in relation to butter fat produced in Australia before the commencement of this Act, including butter fat not used in the manufacture of dairy produce until after the commencement of this Act.
  
4. (1) The *Dairying Research Levy Collection Act 1972-1973*<sup>2</sup> is amended as set out in Schedule 1. Amendments of the Dairying Research Levy Collection Act.  
  
(2) The *Dairying Research Levy Collection Act 1972-1973*, as amended by this Act, may be cited as the *Dairying Industry Research and Promotion Levy Collection Act 1972-1976*.
  
- (3) The *Dairying Research Levy Collection Act 1972-1973* 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 not sold until after the commencement of this Act.

Amendments  
of the  
Dairying  
Research  
Act.

5. (1) The *Dairying Research Act 1972*<sup>3</sup> is amended as set out in Schedule 2.

(2) The *Dairying Research Act 1972*, as amended by this Act, may be cited as the *Dairying Research Act 1972-1976*.

(3) Notwithstanding the amendment of section 5 of the *Dairying Research Act 1972* set out in Schedule 2, any amounts that, but for that amendment, would, after the commencement of this Act, be payable out of the Consolidated Revenue Fund into the Dairying Research Trust Account shall continue to be so payable.

Amendments  
of the Dairy  
Produce Act.

6. (1) The *Dairy Produce Act 1924-1975*<sup>4</sup> is amended as set out in Schedule 3.

(2) The *Dairy Produce Act 1924-1975*, as amended by this Act, may be cited as the *Dairy Produce Act 1924-1976*.

(3) Notwithstanding the amendment of section 21 of the *Dairy Produce Act 1924-1975* set out in Schedule 3, any amounts that, but for that amendment, would, after the commencement of this Act, be payable out of the Consolidated Revenue Fund to the Australian Dairy Corporation shall continue to be so payable.

Amendments  
of the Dairy  
Produce  
Sales  
Promotion  
Act.

7. (1) The *Dairy Produce Sales Promotion Act 1958-1975*<sup>5</sup> is amended as set out in Schedule 4.

(2) The *Dairy Produce Sales Promotion Act 1958-1975*, as amended by this Act, may be cited as the *Dairy Produce Sales Promotion Act 1958-1976*.

(3) Notwithstanding the amendment of section 18 of the *Dairy Produce Sales Promotion Act 1958-1975* set out in Schedule 4, any amounts that, but for that amendment, would, after the commencement of this Act, be payable out of the Consolidated Revenue Fund into the Dairy Produce Sales Promotion Fund shall continue to be so payable.

SCHEDULE 1

Section 4

AMENDMENTS OF THE DAIRYING RESEARCH LEVY COLLECTION ACT  
1972-1973

Provision	Amendment
Title . . . . .	Omit " <i>Dairying Research Levy Act 1972</i> ", substitute " <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ".
Section 3 . . . . .	Omit the definition of "levy", substitute the following definition:— " 'levy' means an amount of the levy imposed by the <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ;".

## SCHEDULE 1—continued

Provision	Amendment
Sections 6 (4) (b), (5), (7) and (8), 8 (1) (b), and 10 (4) and (5)	Omit “of this Act” and “of this section”.

## SCHEDULE 2

Section 5

## AMENDMENTS OF THE DAIRYING RESEARCH ACT 1972

Provision	Amendment
Section 3 . . . . .	(a) Omit the definition of “levy”, substitute the following definition:— “levy” means an amount of the levy payable by virtue of paragraph (a) of section 7, or paragraph (a) of section 11, of the <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ;” (b) Omit the definition of “the Board”; (c) Omit the definition of “the Levy Collection Act”, substitute the following definitions:— “the Corporation” means the Australian Dairy Corporation; “the Levy Collection Act” means the <i>Dairying Industry Research and Promotion Levy Collection Act 1972-1976</i> ;”
Section 5 . . . . .	Omit sub-sections (1) and (2), substitute the following sub-section:— “(1) There shall be paid into the Research Account, out of the Consolidated Revenue Fund, which is appropriated accordingly— (a) amounts equal to the amounts from time to time received by the Commonwealth— (i) as levy; (ii) in discharge of the liability of a person under sub-section (1) of section 6 of the Levy Collection Act in respect of amounts of levy; and (iii) as penalties under section 7 of the Levy Collection Act to the extent that the penalties relate to levy; and (b) subject to sub-section (4), amounts equal to one-half of the amounts from time to time payable out of the Research Account in accordance with this Act.”
Section 7 (1) . . . . .	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.
Section 8 (2) . . . . .	Omit paragraph (a), substitute the following paragraph:— “(a) the amounts to be prescribed from time to time for the purposes of paragraph (a) of section 7, or paragraph (a) of section 11, of the <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ; and”.
Section 9 (1) (a) and (b), and (8)	Omit “Board” (wherever occurring), substitute “Corporation”.
Section 12 (1) . . . . .	Omit “Board”, substitute “Corporation”.
Section 15 (3) . . . . .	Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”.
Section 16 (1) . . . . .	Omit “the thirtieth day of June, One thousand nine hundred and seventy-three, and after each succeeding thirtieth day of June,”; substitute “each 30 June”.

## SCHEDULE 2—continued

Provision	Amendment
Section 16 (2)	Omit.
Sections 5 (4), 6 (1), 7 (2) (b), 9 (1) (h), (3), (4), (5), (6) and (7), 11 (3), and 14 (2) and (3).	Omit “of this Act”, “of this section” and “of this paragraph” (wherever occurring).

## SCHEDULE 3

Section 6

## AMENDMENTS OF THE DAIRY PRODUCE ACT 1924-1975

Provision	Amendment
Section 3	After the definition of “deputy member” insert the following definitions:— “levy” means an amount of the levy payable by virtue of paragraph (c) of section 7, or paragraph (c) of section 11, of the <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ; “Levy Collection Act” means the <i>Dairying Industry Research and Promotion Levy Collection Act 1972-1976</i> .”
Section 21	Omit sub-section (1), substitute the following sub-section:— “(1) There shall be paid to the Corporation amounts equal to the amounts from time to time received by the Commonwealth— (a) as levy; (b) in discharge of the liability of a person under sub-section (1) of section 6 of the <i>Levy Collection Act</i> in respect of amounts of levy; and (c) as penalties under section 7 of the <i>Levy Collection Act</i> to the extent that the penalties relate to levy.”

## SCHEDULE 4

Section 7

AMENDMENTS OF THE DAIRY PRODUCE SALES PROMOTION ACT  
1958-1975

Provision	Amendment
Section 4	(a) After the definition of “dairy produce” insert the following definitions:— “levy” means an amount of the levy payable by virtue of paragraph (b) of section 7, or paragraph (b) of section 11, of the <i>Dairying Industry Research and Promotion Levy Act 1972-1976</i> ; “Levy Collection Act” means the <i>Dairying Industry Research and Promotion Levy Collection Act 1972-1976</i> .” (b) Omit the definition of “the Secretary”.
Section 18 (3)	Omit paragraph (a), substitute the following paragraph:— “(a) amounts equal to the amounts from time to time received by the Commonwealth—

## SCHEDULE 4—continued

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Provision	Amendment
	(i) as levy;
	(ii) in discharge of the liability of a person under subsection (1) of section 6 of the Levy Collection Act in respect of amounts of levy; and
	(iii) as penalties under section 7 of the Levy Collection Act to the extent that the penalties relate to levy.”

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## NOTES

1. Act No. 79, 1976; assented to 10 June 1976.
2. Act No. 32, 1972, as amended by No. 216, 1973 (as amended by No. 20, 1974).
3. Act No. 30, 1972.
4. Act No. 38, 1924, as amended by No. 45, 1934; No. 70, 1935; No. 26, 1936; No. 20, 1937; No. 18, 1938; No. 24, 1942; No. 53, 1947; No. 37, 1953; No. 17, 1954; No. 74, 1958; No. 49, 1962; No. 79, 1963; No. 43, 1965; No. 93, 1966; No. 3, 1972; No. 216, 1973 (as amended by No. 20, 1974); and No. 82, 1975.
5. Act No. 73, 1958, as amended by No. 80, 1963; No. 41, 1964; No. 44, 1965; No. 33, 1972; No. 216, 1973 (as amended by No. 20, 1974); and No. 83, 1975.