**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:—

**Short title.**

1. This Act may be cited as the *Dairying Industry Research and Promotion (Miscellaneous Amendments) Act* 1976.

**Commencement.**

**2.** This Act shall come into operation on the day on which the Dairying Industry Research and Promotion Levy Act 1976 comes into operation.

**Repeal.**

**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(1) The *Butter Fat Levy Act* 1965, the *Butter Fat Levy Act* (*No*. 2) 1965 and the *Butter Fat Levy Act* 1972 are repealed.

(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.

**Amendments of the Dairying Research Levy Collection Act.**

**4.** (1) The *Dairying Research Levy Collection Act* 1972-1973 is amended as set out in Schedule 1.

(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 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 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 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 “Dairying Research Levy Act 1972”, substitute “Dairying Industry Research and Promotion Levy Act 1972-1976 ” | |
| Section 3 | Omit the definition of “levy”, substitute the following definition:—  “‘levy’ means an amount of the levy imposed by the Dairying Industry Research and Promotion Levy Act 1972-1976;”. | |

SCHEDULE 2—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 3 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 *Dairying Industry Research and* *Promotion Levy Act* 1972-1976,”.  (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 *Dairying Industry Research and Promotion Levy Collection Act* 1972-1976,”. | |
| 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 *Dairying Industry Research and* *Promotion Levy Act* 1972-1976; and”. |
| Section 9(l)(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 Dairying Industry Research and Promotion Levy Act 1972-1976;  ‘Levy Collection Act' means the Dairying Industry Research and Promotion Levy Collection Act 1972-1976,”. |
| 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 Levy Collection Act in respect of amounts of levy; and  (c) as penalties under section 7 of the Levy Collection Act 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 Dairying Industry Research and Promotion Levy Act 1972-1976;  ‘Levy Collection Act’ means the Dairying Industry Research and *Promotion* Levy Collection Act 1972-1976,”, |
|  | (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

|  |  |
| --- | --- |
| Provision | Amendment |
|  | (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. |