

DAIRY INDUSTRY ASSISTANCE LEVY ACT 1977

No. 55 of 1977

An Act to impose a levy upon certain Fresh Milk Products produced in Australia.

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 *Dairy Industry Assistance Levy Act 1977*.¹
- Commence- 2. This Act shall come into operation on a date to be fixed by
ment. Proclamation.
- Dairy 3. The *Dairy Industry Assistance Act 1977* shall be read as one with
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with this Act.
- Interpret- 4. In this Act, unless the contrary intention appears—
ation. “Agricultural Council” means the organization known as the Aus-
 tralian Agricultural Council;
 “authorized person” means a person who is an authorized person for
 the purposes of this Act by virtue of an appointment made by
 the Minister under section 9;
 “fresh milk products” means—
 (a) milk that has been subjected to one or more of the
 following processes, whether or not it has been subjected
 to any other process:—
 (i) pasteurization;
 (ii) homogenization;
 (iii) sterilization;
 (iv) heat treatment;
 (v) ultra high heat treatment;
 (vi) the addition of a substance for the purpose of
 preserving, enriching or flavouring or for any
 other purpose; or
 (b) such other products, being products produced from milk
 or from a constituent part of milk, as are prescribed from
 time to time;

“levy” means an amount of levy imposed by this Act;

“milk” means cows’ milk that is whole milk or standardized milk;

“standardized milk” is milk that has had the concentration of fat, protein or other solids adjusted.

5. (1) Subject to this Act, levy is imposed on fresh milk products produced at a plant or factory on or after the relevant date in relation to the kind of fresh milk products in which those fresh milk products are included. Imposition of levy.

(2) In sub-section (1), “relevant date”, in relation to a kind of fresh milk products, means such date as is prescribed with respect to that kind of fresh milk products.

(3) Where a person by whom the levy imposed on any fresh milk products is payable or has been paid satisfies an authorized person that the fresh milk products—

- (a) have been used by him in the production of other products, whether fresh milk products or not;
- (b) have been destroyed while owned by him;
- (c) have been sold by him otherwise than for human consumption as fresh milk products; or
- (d) have been exported from Australia, whether by him or by another person,

the authorized person shall issue a certificate accordingly and, thereupon, sub-section (1) shall be deemed not to have applied in respect of those fresh milk products and, if that levy or a part of that levy has been paid, the amount so paid shall be refunded.

6. (1) Subject to this Act, the regulations may fix a rate of levy, from time to time, in respect of fresh milk products of a prescribed kind. Rate of levy.

(2) A rate of levy fixed under sub-section (1) applies in relation to fresh milk products of the relevant kind produced during the period that the rate is in force.

(3) A rate of levy in respect of milk shall not exceed 15 cents per litre.

7. Levy in respect of any fresh milk products is payable by the person who is, at the time of their production, the proprietor of the plant or factory at which they are produced. By whom levy payable.

8. The regulations may exempt from levy—

- (a) fresh milk products produced at a plant or factory of a prescribed class; or
- (b) fresh milk products of a prescribed class.

Exemptions from levy.

Appointment of authorized persons. **9.** The Minister may, by writing signed by him, appoint a person, or persons included in a class of persons, to be an authorized person or authorized persons, as the case may be, for the purposes of this Act.

Regulations. **10.** (1) 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.

(2) Before making regulations for the purposes of—

(a) paragraph (b) of the definition of “fresh milk products” in subsection 4 (1); or

(b) section 5, 6 or 8,

the Governor-General shall take into consideration any relevant recommendation made to the Minister by the Agricultural Council.

NOTE

1. Act No. 55, 1977; assented to 7 June 1977.