

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 9 May 1985

(*Minister for Primary Industry*)

**A BILL**

FOR

**An Act to impose a levy on the milk fat content of certain dairy produce produced in Australia and sold, or otherwise disposed of, by the producer**

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

**Short title**

5     1. This Act may be cited as the *Dairy Produce Market Support Levy Act 1985*.

**Commencement**

2. This Act shall come into operation on 1 July 1985.

***Dairy Produce Market Support Act 1985* to be read as one with this Act**

10     3. The *Dairy Produce Market Support Act 1985* is incorporated, and shall be read as one, with this Act.

**Interpretation**

4. (1) In this Act, unless the contrary intention appears—  
“milk” means the lacteal fluid product of the dairy cow;

“milk fat” means the fatty substance of milk;

“producer”, in relation to relevant dairy produce, means—

- (a) where the relevant dairy produce is whole milk—the person who, at the time when the whole milk is produced, is the relevant owner of the whole milk; and
- (b) where the relevant dairy produce is a whole milk product, the person—
  - (i) who, at the time when the whole milk used to make the whole milk product was produced, was the relevant owner of the whole milk; and
  - (ii) who produced the whole milk product or on whose behalf the whole milk product was produced;

“relevant dairy produce” means—

- (a) whole milk; and
- (b) whole milk products;

“relevant owner”, in relation to whole milk, means the person entitled to ownership of the whole milk obtained from a dairy cow, whether or not that person is the owner of the cow;

“whole milk” means whole milk produced in Australia;

“whole milk product” means a product that is produced by modifying, or extracting material from, whole milk, and that consists of, or contains, milk fat.

(2) For the purposes of this Act and of the *Dairy Produce Market Support Act 1985*, where relevant dairy produce produced by a person is not sold by the producer but vests in another person by operation of law, the relevant dairy produce shall be deemed to have been sold by the producer to that other person at the time when it so vests and that other person shall be deemed to have purchased the relevant dairy produce from that producer at that time.

(3) For the purposes of this Act and of the *Dairy Produce Market Support Act 1985*, where relevant dairy produce produced by a person is, after the commencement of this sub-section, supplied by the producer to another person for disposal or processing by that other person, but the relevant dairy produce is not sold by the producer to that other person or any other person at or before the time when it is so supplied—

- (a) the relevant dairy produce shall be deemed to have been sold by the producer to that other person at the time when it is so supplied and that other person shall be deemed to have purchased the relevant dairy produce from the producer at that time; and
- (b) any sale of the relevant dairy produce by or on behalf of the producer (including a sale to that other person) after it is so supplied shall be disregarded.

### **Imposition of levy**

5. Subject to this Act, levy is imposed on the milk fat content of relevant dairy produce that is produced on or after 1 July 1985 and is sold before 1 July 1991.

**Amount of levy**

6. (1) Subject to this section, the amount of levy imposed on the milk fat content of relevant dairy produce is such amount per kilogram of milk fat contained in, or comprising, the relevant dairy produce as is prescribed.

5 (2) The amount of levy imposed on the milk fat content of relevant dairy produce shall not exceed 45 cents per kilogram of milk fat.

(3) Where, for any reason, it has not been possible to ascertain the amount of milk fat contained in relevant dairy produce for the purposes of this section—

10 (a) if that relevant dairy produce is whole milk—each litre of whole milk shall be deemed to contain 45 grams of milk fat; and

(b) if that relevant dairy produce is a whole milk product—each kilogram or each litre of that whole milk product shall be deemed to contain such weight of milk fat as is prescribed for the purposes of this section.

15 **By whom levy payable**

7. The producer of relevant dairy produce is liable to pay the levy on the milk fat content of the relevant dairy produce.

**Regulations**

20 8. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

25 (2) Before making regulations prescribing a rate for the purposes of sub-section 6 (1), the Governor-General shall take into consideration any recommendation with respect to the rate made to the Minister by the Corporation.

