

# DAIRYING INDUSTRY.

No. 97 of 1952.

An Act to make provision, in connexion with a Scheme for the Stabilization of the Dairying Industry, for the Payment of Bounties on the Production of Butter and Cheese, and for other purposes.

[Assented to 18th November, 1952.]

**W**HEREAS the Governments of the Commonwealth and of the States are desirous of guaranteeing to producers of milk and cream used in the production of butter and cheese, for the period of five years which commenced on the first day of July, One thousand nine hundred and fifty-two, a minimum return in respect of so much butterfat as is used in Australia in each year of that period in the production of butter or cheese up to a quantity equal to the quantity of butter or cheese (as the case may be) produced in Australia that is consumed in Australia in that year, plus so much of the quantity of butter or cheese (as the case may be) produced in Australia that is exported from Australia in that year as does not exceed one-fifth of the quantity of butter or cheese (as the case may be) so produced and consumed in Australia: Preamble.

AND WHEREAS, for the purposes of that guarantee, all butter or cheese exported from Australia in a year is to be deemed to have been sold at a price equal to the weighted average of the minimum export selling prices determined by the Australian Dairy Produce Board as applicable to that butter or cheese :

AND WHEREAS the minimum return referred to is a return based upon the cost of efficient production of the butterfat as estimated by an authority to be established by the Commonwealth for the purpose and, pending the establishment of that authority, by the Bureau of Agricultural Economics of the Commonwealth :

AND WHEREAS it is intended that the guaranteed return shall be ensured partly by the payment by the Commonwealth of bounties on the production of butter and cheese and partly by the maintenance of appropriate prices for butter and cheese consumed in Australia :

AND WHEREAS the Governments of the States have agreed, with a view to ensuring the guaranteed return, that the maximum prices fixed, under the laws of the States relating to prices, for sales of butter or cheese otherwise than by the proprietor of a butter factory or cheese factory will be based on a price from time to time determined by the Minister of State for Commerce and Agriculture of the Commonwealth as the appropriate price for the sale, for consumption in Australia, of butter or cheese, as the case may be, by proprietors of butter factories or cheese factories, and have further agreed to endeavour to have legislation passed by the Parliaments of the States to impose a legal obligation on the appropriate authorities of the States to give effect to that agreement :

AND WHEREAS bodies representing the dairying industry have approved the scheme for the stabilization of that industry consisting of the proposals set out in the foregoing recitals and certain other proposals :

AND WHEREAS it is desirable, for the purposes appearing in the foregoing recitals and for other purposes, to provide for the payment of bounties on the production of butter and cheese :

AND WHEREAS it is desirable that authority should be given to the Australian Dairy Produce Board to apply the fund held by it and known as the Australian Dairy Produce Board Dairying Industry Stabilization Fund in supplementing returns in respect of butter and cheese exported from Australia in years when the quantity of butter or cheese produced in Australia is greater than the quantity in relation to which the guarantee referred to in the foregoing recitals applies :

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Dairying Industry Act 1952*.

2. This Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-two. Commencement.

3. The *Dairying Industry Assistance Act* 1943 is repealed. Repeal.

4. In this Act, unless the contrary intention appears— Definitions.

“bounty” means bounty under this Act ;

“butter” means butter produced from materials derived principally from cows’ milk ;

“butter factory” means premises registered as a butter factory under a law of the Commonwealth or of a State, being premises the proprietor of which participates, in respect of butter produced at the premises, in an equalization scheme administered by an equalization body ;

“cheese” means cheese produced from materials derived principally from cows’ milk ;

“cheese factory” means premises registered as a cheese factory under a law of the Commonwealth or a State, being premises the proprietor of which participates, in respect of cheese produced at the premises, in an equalization scheme administered by an equalization body ;

“equalization body” means a company or other body approved by the Minister, being a company or body administering an equalization scheme in respect of the financial return, to persons who participate in the scheme, from the disposal of butter or cheese ;

“factory” means a butter factory or a cheese factory ;

“year” means a period of twelve months commencing on the first day of July.

5.—(1.) Subject to this Act— Specification of bounties.

(a) a bounty is payable on the production of butter at butter factories ; and

(b) a bounty is payable on the production of cheese at cheese factories.

(2.) The bounties are payable in respect of butter and cheese produced after the commencement of this Act and before the first day of July, One thousand nine hundred and fifty-seven.

(3.) The bounties are payable out of moneys appropriated by the Parliament from time to time for the purpose.

6.—(1.) The rate of the bounty in respect of butter produced in a year is a rate per pound of butter ascertained by dividing an amount determined by the Treasurer, being an amount not exceeding the amount appropriated by the Parliament for the purpose of bounty upon the production of butter in that year by the number of pounds of butter produced at butter factories in that year. Rates of bounty.

(2.) The rate of the bounty in respect of cheese produced in a year is a rate per pound of cheese ascertained by dividing an amount determined by the Treasurer, being an amount not exceeding the amount appropriated by the Parliament for the purpose of bounty upon the production of cheese in that year by the number of pounds of cheese produced at cheese factories in that year.

(3.) Before the beginning of each year, the Treasurer shall notify to the Minister the amount which the Treasurer considers is likely to be available for distribution as bounty on the production, in that year, of butter and cheese.

(4.) The Minister shall, from time to time during each year, determine interim rates of bounty, based upon—

- (a) estimates made by him from time to time, after consultation with the Australian Dairy Produce Board, of the quantities of butter and cheese that will be produced during that year at butter factories and cheese factories; and
- (b) the amount notified to the Minister under the last preceding sub-section, or, after the Parliament has appropriated an amount or amounts for the purpose of bounty upon the production of butter or cheese in that year, the amount or amounts so appropriated,

and bounty may be paid at the interim rates so determined.

(5.) Bounty paid to a person at an interim rate in respect of butter or cheese produced in a year shall be set off against the amount of bounty at the rates ascertained under sub-sections (1.) and (2.) of this section to which that person is entitled in respect of that year.

To whom  
bounty payable.

7.—(1.) Bounty on the production of butter or cheese is payable to the proprietor of the factory at which the butter or cheese was produced.

(2.) Bounty may be paid to an equalization body for distribution, in accordance with this Act and the directions of the Minister, amongst proprietors of factories who are participants in an equalization scheme administered by that body.

(3.) Money paid to an equalization body under this section shall, until it is distributed in accordance with this section, be deemed to be money held in trust for the Commonwealth.

Benefit of  
bounty to  
be passed on  
to producers

8.—(1.) Amounts received by the proprietor of a factory as bounty—

- (a) shall be used only for the purpose of making payments to producers of milk or cream in respect of milk or cream supplied by them to the factory; and
- (b) until so used, shall be deemed to be money held in trust for the Commonwealth.

(2.) Where the Minister is not satisfied that the prices being paid by the proprietor of a factory to producers of milk or cream used in the production of butter or cheese at the factory are such as to pass on to those producers, in an equitable manner, the full benefit of the bounty in respect of the butter or cheese, the Minister may direct that bounty shall not be paid to that proprietor.

9.—(1.) If at any time the Governor-General is satisfied that the maximum prices fixed, under the laws of a State relating to prices, for sales of butter or cheese otherwise than by the proprietor of a butter factory or cheese factory are not based on a price from time to time determined by the Minister as the appropriate price for the sale, for consumption in Australia, of butter or cheese, as the case may be, by proprietors of butter factories or cheese factories, the Governor-General may, by Proclamation, declare that the bounties payable under this Act are suspended.

Suspension of bounty.

(2.) Bounty is not payable in respect of butter or cheese produced at a time when a Proclamation is in force under this section.

10.—(1.) For the purposes of this Act, a person authorized in writing by the Minister to exercise powers under this section may, at all reasonable times—

Inspection of books and accounts.

- (a) enter the premises of an equalization body or factory, or the premises where any books or accounts relating to an equalization body or factory are kept; and
- (b) inspect, and make copies of or extracts from, any such books or accounts.

(2.) A person shall not obstruct or hinder a person authorized to exercise powers under this section in the exercise of those powers.

Penalty : Fifty pounds.

11. A person shall not—

Offences.

- (a) obtain a payment under this Act by means of a false or misleading statement;
- (b) present to a person performing duties in relation to this Act or the regulations a document, or make to such a person a statement, which is false or misleading in a particular; or
- (c) furnish under the regulations a return which is false or misleading in a particular.

Penalty : Five hundred pounds, or imprisonment for two years.

12. Notwithstanding anything contained in the *Dairy Produce Export Control Act 1924-1947*, the moneys and securities constituting, at the date of commencement of this section, the Australian Dairy Produce Board Dairying Industry Stabilization Fund established by the Australian Dairy Produce Board in its accounts (including the proceeds of the realization of those securities) may be applied by the

Application of Dairying Industry Stabilization Fund.

Board, in such manner as it thinks fit, so as to raise returns to proprietors of factories from the sale of butter and cheese exported from Australia to amounts not exceeding amounts based on the minimum return, referred to in the preamble to this Act, to producers of milk and cream.

**Regulations.**

**13.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for—

- (a) requiring persons to furnish returns for the purposes of this Act; and
  - (b) prescribing penalties, not exceeding a fine of Fifty pounds or imprisonment for three months, for offences against the regulations.
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