

Processed Milk Products Bounty (No. 2)

No. 92 of 1970

An Act to amend the *Processed Milk Products Bounty Act* 1962–1968, as amended by the *Processed Milk Products Bounty Act* 1970, to make provision for the Payment of Bounty on the Export of certain Dried Milk Products and Casein.

[Assented to 2 November 1970]

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

1.—(1.) This Act may be cited as the *Processed Milk Products Bounty Act (No. 2) 1970*.

**Short title
and citation.**

(2.) The *Processed Milk Products Bounty Act 1962–1968*,* as amended by the *Processed Milk Products Bounty Act 1970*,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Processed Milk Products Bounty Act 1970* is amended by omitting sub-section (2.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Processed Milk Products Bounty Act 1962–1970*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section 3 of the Principal Act is amended by omitting the definition of “processed milk product” and inserting in its stead the following definitions:— Definitions.

“ ‘casein’ means casein produced from—

- (a) skimmed cows’ milk;
 - (b) buttermilk; or
 - (c) a mixture of skimmed cows’ milk and buttermilk,
- and includes caseinates and co-precipitates of milk protein;

‘dried milk product’ means—

- (a) a powdered product obtained by drying—
 - (i) skimmed cows’ milk;
 - (ii) buttermilk; or
 - (iii) a mixture of skimmed cows’ milk and buttermilk;
- (b) a mixture of powdered products so obtained; or
- (c) a mixture of—
 - (i) a dried milk product referred to in paragraph (a) or (b) of this definition; and
 - (ii) another substance or other substances,
 where the weight of the dried milk product so referred to is not less than eighty per centum of the weight of the mixture,

but does not include casein;

‘processed milk product’ means a product produced in Australia wholly or partly from cows’ milk, or from a substance or substances derived from cows’ milk, being—

- (a) a product containing butter fat;
- (b) a dried milk product; or
- (c) casein,

* Act No. 47, 1962, as amended by No. 16, 1963; No. 39, 1964; No. 47, 1965; No. 93, 1966; No. 24, 1967; and No. 113, 1968.

† Act No. 48, 1970.

but does not include—

- (d) butter;
- (e) cheese;
- (f) a product that is a butter fat product within the meaning of the *Dairying Industry Act 1962–1970*; or
- (g) a product, other than a dried milk product or casein, produced from skimmed cows' milk, buttermilk or whey; ”.

Specification
of bounty.

4. Section 4 of the Principal Act is amended—

- (a) by inserting in sub-section (2.), after the word “ products ”, the words “ , other than dried milk products or casein, ”; and
- (b) by inserting after sub-section (2.) the following sub-section:—

“ (2A.) The bounty is payable in respect of processed milk products, being dried milk products or casein, produced and exported during the year that commenced on the first day of July, One thousand nine hundred and seventy.”.

Rate of
bounty.

5. Section 5 of the Principal Act is amended—

- (a) by inserting after the word “ product ” (first occurring) the words “ , other than any dried milk product or casein, ”; and
- (b) by adding at the end thereof the following sub-sections:—

“ (2.) The rate of the bounty in respect of any dried milk product or casein produced and exported during the year that commenced on the first day of July, One thousand nine hundred and seventy, shall be ascertained in accordance with the formula

$\frac{ab}{c}$, where—

a is a number equal to the number of pounds of the dried milk product or casein;

b is—

(a) in the case of any dried milk product—One million eight hundred and four thousand dollars; and

(b) in the case of any casein—One million five hundred and seventy-five thousand dollars; and

c is—

(a) in the case of any dried milk product—a number equal to the number of pounds of the total quantity of dried milk products produced and exported during that year; and

(b) in the case of any casein—a number equal to the number of pounds of the total quantity of casein produced and exported during that year.

“ (3.) For the purposes of the last preceding sub-section, the weight of any quantity of a dried milk product that is a mixture containing a substance that is not itself a dried milk product

shall be deemed to be the weight of that quantity, less the weight of that substance.”.

6. Section 6 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “ products ”, the words “, other than dried milk products or casein,”;
- (b) by inserting in sub-section (2.), after the word “ products ”, the words “, other than dried milk products or casein,”; and
- (c) by inserting in sub-section (3.), after the word “ products ”, the words “, other than dried milk products or casein,”.

Limit of
bounty.

7. Section 7 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “ bounty ” (first occurring), the words “ in respect of processed milk products, other than dried milk products or casein, exported during that year ”;
- (b) by inserting in paragraph (a) of sub-section (1.), after the word “ in ”, the word “ such ”; and
- (c) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:—

Interim rates
of bounty.

“ (2.) The Minister shall, from time to time during the period commencing on the day on which this sub-section came into operation and ending on the thirtieth day of June, One thousand nine hundred and seventy-one, determine interim rates of bounty in respect of processed milk products, being dried milk products or casein, produced and exported during the year that commenced on the first day of July, One thousand nine hundred and seventy, having regard to—

- (a) the appropriate amount specified in sub-section (2.) of section 5 of this Act; and
- (b) estimates made by him from time to time, after consultation with the Australian Dairy Industry Council, of the quantities of such processed milk products that will be produced and exported during that year.

“ (3.) Amounts on account of bounty may be paid at the appropriate interim rate.

“ (4.) Where the amount, or the sum of the amounts, paid to a person in accordance with the last preceding sub-section on account of bounty in respect of any processed milk product exceeds the amount of the bounty that becomes payable to that person in respect of that processed milk product, the amount of the excess is repayable to the Commonwealth on demand in writing by or on behalf of the Minister and, if not paid within three months after the demand, is recoverable in a court of competent jurisdiction as a debt due to the Commonwealth.”.