

STATES GRANTS (FERTILIZER) (No. 2).

No. 74 of 1938.

An Act to provide for Financial Assistance to the States in the making of Payments to Primary Producers, and for other purposes.

[Assented to 12th December, 1938.]

[Date of commencement, 9th January, 1939.]

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble. and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

1. This Act may be cited as the *States Grants (Fertilizer) Act* Short title. (No. 2) 1938.

Definitions.

2. In this Act, unless the contrary intention appears—

“approved organization” means an organization approved by the Minister;

“artificial manure” means any substance—

- (a) which contains nitrogen, phosphoric acid or potash;
- (b) which has been manufactured, produced or prepared in any manner for the purpose of fertilizing the soil or supplying nutriment to plants; and
- (c) in respect of which, if used in a State, the laws of that State in relation to the preparation and sale of that substance as a fertilizer are complied with,

but does not include—

- (d) any animal or vegetable matter which has not been subjected to process or manufacture;
- (e) agricultural lime or other soil amendment; or
- (f) any product prepared primarily for supplying lime to the soil;

“prescribed date” means the thirty-first day of January, One thousand nine hundred and forty or such later date as the Minister, in any exceptional case, determines;

“share-farming agreement” means an agreement between two or more persons to contribute towards the production of primary produce other than wheat by the provision of either land, labour, seed, manure or plant and to divide among them the proceeds of such production;

“Territory” means a Territory of the Commonwealth situated within the Commonwealth.

Appropriation
for payments to
primary
producers.

3. Subject to this Act, there shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purposes of financial assistance to the States in the making of payments to primary producers in respect of the production of primary produce other than wheat.

Amount
payable to
each State.

4.—(1.) The amount which may be paid under the last preceding section to any State shall be such as represents payments made by the State to primary producers in respect of the production of primary produce, other than wheat, in that State, at the rate of Ten shillings for each ton of artificial manure used, during the year ending the thirtieth day of June, One thousand nine hundred and thirty-nine, in that State by primary producers in respect of that production:

Provided that, in calculating the amount which may be paid to a State under this sub-section in respect of artificial manure used by any primary producer during that year—

- (a) any artificial manure in excess of ten tons used by that primary producer shall be excluded; and

- (b) fractions of a ton less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton.

(2.) For the purposes of paragraph (a) of the proviso to the last preceding sub-section, where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer.

5. No payment made by a State to a primary producer shall be taken into account in calculating the amount which may be paid to that State under the last preceding section unless—

Conditions of payment.

- (a) the primary producer has obtained, upon application lodged by him in accordance with the regulations on or before the prescribed date, the prescribed certificate stating that the primary producer has furnished satisfactory evidence that he has used in that State, during the year ending the thirtieth day of June, One thousand nine hundred and thirty-nine, in the production of primary produce, other than wheat, the quantity of artificial manure stated in the certificate ;
- (b) the amount of the payment is calculated at the rate of Ten shillings for each ton of artificial manure stated in the certificate ;
- (c) in the case of artificial manure obtained by the primary producer from a State or approved organization, the artificial manure was obtained by way of purchase ; and
- (d) in the case of a payment in respect of artificial manure used by a group of persons who have entered into a share-farming agreement, the payment is made to such member of the group, or is distributed amongst the members of the group in such proportions, as the Minister determines.

6.—(1.) There shall be payable, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each primary producer in respect of the production of primary produce, other than wheat, in any Territory, an amount representing Ten shillings for each ton of artificial manure (not exceeding ten tons) used by that primary producer in that Territory during the year ending the thirtieth day of June, One thousand nine hundred and thirty-nine :

Payments to primary producers in Territories.

Provided that—

- (a) in calculating the amount which may be paid to a primary producer under this sub-section in respect of artificial manure used by him during that year, fractions of a ton

less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ; and

- (b) no amount shall be paid under this sub-section to a primary producer unless an application therefor has been lodged by him in accordance with the regulations on or before the prescribed date.

(2.) For the purposes of this section—

- (a) where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer ; and
- (b) payment may be made to such member of the group, or may be distributed among the members of the group in such proportions, as the Minister determines.

Payments to States.

7.—(1.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each State, by way of financial assistance—

- (a) the amount of Ten shillings for each ton of artificial manure which is used by that State, or which, having been supplied by that State (otherwise than by way of sale), is used, during the year ending the thirtieth day of June, One thousand nine hundred and thirty-nine, in respect of the production of primary produce other than wheat ; and
- (b) such amount as represents payments made by the State to approved organizations in that State in respect of the supply by those organizations (otherwise than by way of sale) of artificial manure which is used during that year in respect of the production of primary produce other than wheat :

Provided that—

- (i) in calculating the amount that may be paid to a State under this sub-section—
- (1) any artificial manure in excess of ten tons used on any one farm or experimental station or by any one primary producer shall be excluded ; and
 - (2) fractions of a ton less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ;
- (ii) no amount shall be paid under paragraph (a) of this sub-section to a State unless an application therefor has been lodged by that State in accordance with the regulations on or before the prescribed date ; and

(iii) no payment made by a State to an approved organization shall be taken into account in calculating the amount payable to the State under paragraph (b) of this sub-section unless—

(1) the approved organization has obtained the prescribed certificate upon application lodged in accordance with the regulations on or before the prescribed date ; and

(2) the amount of the payment is calculated at the rate of Ten shillings for each ton of artificial manure stated in the certificate.

(2.) For the purposes of sub-paragraph (1) of paragraph (i) of the proviso to the last preceding sub-section, where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer.

8. A person shall not—

Offences.

(a) obtain any payment under this Act by means of any false or misleading statement ; or

(b) present, to any officer or other person doing duty in relation to this Act or the regulations, any document, or make to any such officer or person any statement, which is false in any particular.

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

9.—(1.) The Minister, or any person thereto authorized in writing by him, may, by notice in writing, call upon any person to furnish to him, within such time as is specified in the notice, such books, documents and information as the Minister or that authorized person thinks necessary for the purposes of, or in relation to compliance with, this Act or the regulations, or any suspected contravention thereof.

Minister may
require
information.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him), fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : One hundred pounds, or imprisonment for six months.

10. 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 prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.

Regulations.