

COTTON BOUNTY.

No. 39 of 1951.

**An Act to provide for the Payment of a Bounty
on the Production of Seed Cotton.**

[Assented to 5th December, 1951.]

[Date of commencement, 2nd January, 1952.]

BE it enacted by the King's Most Excellent Majesty, the Senate, 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 :—

Short title.

1. This Act may be cited as the *Cotton Bounty Act* 1951.

2.—(1.) The Acts specified in the Schedule to this Act are repealed. Repeal.

(2.) Bounty under the Acts repealed by this section is not payable in respect of raw cotton produced from seed cotton harvested on or after the first day of January, One thousand nine hundred and fifty-one.

3.—(1.) In this Act, unless the contrary intention appears— Definitions.

- “authorized person” means a person appointed by the Minister under section eleven of this Act to be an authorized person for the purposes of the provision in which the expression occurs ;
- “bounty” means bounty under this Act ;
- “Collector” means Collector of Customs for a State ;
- “ginnery” means premises registered by the Minister as a ginnery under section nine of this Act ;
- “grower” means a grower of seed cotton ;
- “processor” means a person, firm, corporation or growers’ co-operative institution who or which purchases or otherwise acquires seed cotton from growers and produces, at a ginnery, raw cotton from that seed cotton ;
- “raw cotton” means the natural fibrous hairs of the seed of the cotton plant, separated from the seed by the process of ginning ;
- “seed cotton” means cotton seed with the natural fibrous hairs attached, as extracted from the ripened bolls of the cotton plant ;
- “the Comptroller-General” means the Comptroller-General of Customs ;
- “year” means a period commencing on the first day of January and ending on the following thirty-first day of December.

(2.) Premises which were, at any time before the commencement of this Act, a ginnery for the purposes of the *Raw Cotton Bounty Act* 1940–1946 shall be deemed to have been at that time a ginnery for the purposes of this Act.

4. The bounty specified in this Act is payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly. Appropriation.

5. Subject to this Act, bounty is payable in respect of seed cotton which has been— Specification of bounty.

- (a) harvested in Australia on or after the first day of January, One thousand nine hundred and fifty-one ;
- (b) delivered to a ginnery on or before the thirty-first day of December, One thousand nine hundred and fifty-five ; and
- (c) processed at a ginnery into raw cotton which has been sold for use in Australia.

6. Bounty is not payable in respect of seed cotton unless it is of a grade higher than the grade known as “strict good ordinary” and is of good and merchantable quality. Grade and quality.

To whom
bounty payable.

7.—(1.) Bounty is payable, subject to this Act, to the processor for distribution to growers as provided by the next succeeding sub-section.

(2.) A processor to whom bounty is paid shall distribute it, in such manner and subject to such conditions (if any) as are prescribed, to the growers of the seed cotton in respect of which the bounty is paid.

Rate of bounty.

8.—(1.) Where the average price per pound for all the seed cotton, in respect of which bounty is payable, delivered to a processor by growers in a year (being the amount ascertained by dividing the total of the amounts paid by that processor for that seed cotton by a number equal to the number of pounds of that seed cotton) is less than Ninepence half-penny, there is payable as bounty in respect of that seed cotton an amount per pound equal to the difference between that average price and Ninepence half-penny.

(2.) Where the Minister is satisfied that the total of the amounts paid for seed cotton by a processor to growers of seed cotton, in respect of which bounty is payable, delivered in a year is less than the amount remaining after deducting from the proceeds of the sale by the processor of the raw cotton produced from the seed cotton and of by-products of that seed cotton a reasonable amount for expenses of ginning and of administration, the bounty payable in respect of that seed cotton shall be reduced by the amount of the deficiency.

Registration
of ginneries.

9.—(1.) A person, firm, corporation or growers' co-operative institution may apply to the Minister for the registration as a ginnery of premises at which he or it carries on, or proposes to carry on, the production of raw cotton.

(2.) The Minister may require an applicant under this section to furnish such information as the Minister considers necessary for the purposes of this Act, and may refuse to register the premises until the information is furnished to his satisfaction.

(3.) Subject to the last preceding sub-section, if, in the opinion of the Minister, seed cotton is, or is proposed to be, ginned in accordance with the prescribed conditions (if any) at the premises in respect of which the application is made, he shall register those premises as a ginnery for the purposes of this Act.

(4.) Where the Minister is satisfied that raw cotton is not being produced at a ginnery, or is not being so produced in accordance with the prescribed conditions (if any), he may, by notice in writing served by post on the occupier of the ginnery, cancel the registration of the ginnery.

Accounts.

10.—(1.) A processor who receives bounty shall keep, to the satisfaction of the Minister, an account showing the amounts of bounty received by him and the amounts of bounty distributed by him to growers.

(2.) A processor shall, within three months after receiving a final payment of bounty in respect of the cotton delivered to him in a year, furnish to the Comptroller-General a statement of the receipts and disbursements of that bounty as recorded in the account referred to in the last preceding sub-section, and such other statements in relation to receipts and disbursements of bounty as the Minister requires.

(3.) The processor shall furnish with the statements referred to in the last preceding sub-section a certificate signed by him that they are true and correct in every particular and a certificate, signed by an auditor, that they are true and correct to the best of the auditor's knowledge and belief.

Penalty : One hundred pounds.

11. The Minister may, in relation to a provision of this Act, by writing under his hand, appoint a person to be an authorized person for the purposes of that provision.

Appointment
of authorized
persons.

12.—(1.) An authorized person may, at all reasonable times, enter a ginnery or other premises where seed cotton in respect of which bounty has been paid or claimed is or has been stored or where raw cotton produced from any such seed cotton is or has been produced or stored and may—

Stocktaking and
inspection of
production and
accounts.

- (a) inspect or take stock of the seed cotton or raw cotton ;
- (b) take samples of the seed cotton or raw cotton ;
- (c) inspect the processes of production of the raw cotton ; and
- (d) inspect the accounts, books and documents of the processor relating to the production and sale of the raw cotton.

(2.) The owner or occupier of the ginnery or other premises shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty : Fifty pounds.

13.—(1.) The Comptroller-General, a Collector or an authorized person may, by notice in writing, require a person whom he believes to be capable of giving information, relevant to the operation of this Act, in relation to the production, storage or sale of raw cotton which has been produced from seed cotton on which bounty has been claimed or paid, to attend before him at the time and place specified in the notice, and then and there to answer questions and to produce to him such accounts, books and documents in relation to the production, storage or sale of the raw cotton as are referred to in the notice.

Power to
require persons
to answer
questions and
produce
documents.

(2.) The Comptroller-General, the Collector or the authorized person to whom accounts, books or documents are produced in pursuance of this section may make and retain copies of, or extracts from, those accounts, books or documents.

(3.) A person is not excused from answering a question or producing accounts, books or documents when required so to do under this section on the ground that the answer to the question or the production of the accounts, books or documents might tend to incriminate him or make him liable to a penalty, but his answer to the question is not admissible in evidence against him in proceedings other than proceedings for an offence against this Act.

(4.) Where a processor or a person employed by a processor has failed to attend or to answer a question, or to produce any account, book or document when required so to do under this section, the Minister may, if he thinks fit, withhold payment of any bounty payable to the processor until the processor or that person has attended, answered the question or furnished the account, book or document, as the case may be.

Power to
examine on
oath.

14.—(1.) The Comptroller-General, a Collector or an authorized person may administer an oath to a person required to attend before him in pursuance of the last preceding section and may examine that person on oath.

(2.) Where any such person conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.

(3.) An affirmation so made is of the same force and effect, and entails the same penalties, as an oath.

Penalty for
refusing to
answer
questions, &c.

15. A person shall not refuse or fail—

- (a) to attend before the Comptroller-General, a Collector, or an authorized person ;
- (b) to be sworn or to make an affirmation ; or
- (c) to answer questions or produce any account, book or document,

when so required in pursuance of this Act.

Penalty : Fifty pounds.

Security for
compliance
with Act.

16. The Minister may require a processor to give security by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by him with the provisions of this Act and the regulations or for the performance of an undertaking given by him in pursuance of this Act or the regulations, and the processor shall give security accordingly.

Bounty not
payable unless
Act complied
with.

17. Bounty is not payable to a processor unless he satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with.

Offences.

18.—(1.) A person shall not—

- (a) obtain bounty which is not payable ;
- (b) obtain payment of bounty by means of a false or misleading statement ; or

- (c) present to an officer or other person doing duty in relation to this Act or the regulations an account, book or document, or make to such an officer or person a statement, which is false or misleading in a particular.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2.) Where a person is convicted under the last preceding sub-section, the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Commonwealth the amount of any bounty wrongfully obtained.

(3.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the clerk or other appropriate officer of the court, specifying the amount ordered to be refunded and the person by whom the amount is payable, may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

19.—(1.) The Comptroller-General shall, not later than the thirty-first day of August next following each year in the period of five years commencing with the year One thousand nine hundred and fifty-one, prepare a return setting forth, in relation to bounty paid in respect of seed cotton delivered to processors during that year—

Return for
Parliament.

- (a) the name and address of each processor to whom bounty was paid ;
- (b) the quantity of seed cotton in respect of which bounty was paid to each processor ;
- (c) the amount of bounty paid to each processor ;
- (d) the number of growers of seed cotton to whom each processor distributed bounty ; and
- (e) such other particulars (if any) as are prescribed.

(2.) The Comptroller-General shall cause a copy of the return to be tabled in each House of the Parliament within fifteen sitting days of that House after the thirty-first day of August next following the end of the year to which the return relates.

20. 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—

Regulations.

- (a) the form and manner in which, and the time within which, applications for bounty shall be made ;
- (b) the notice to be given by processors of their intention to claim bounty ; and
- (c) penalties not exceeding Fifty pounds for a breach of the regulations.

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Cotton Bounty.

1951.

Section 2.

THE SCHEDULE.

ACTS REPEALED.

Raw Cotton Bounty Act 1940.

Raw Cotton Bounty Act 1941.

Raw Cotton Bounty Act (No. 2) 1941.

Raw Cotton Bounty Act 1946.
