

RAW COTTON BOUNTY.

No. 86 of 1963.

An Act to provide for the Payment of Bounty on the Production of certain Raw Cotton sold for use in Australia and for other purposes.

[Assented to 31st October, 1963.]

[Date of commencement, 28th November, 1963.]

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. This Act may be cited as the *Raw Cotton Bounty Act 1963*. **Short title.**

2.—(1.) The following Acts are repealed:—

Repeal.

Cotton Bounty Act 1951;
Cotton Bounty Act 1952;
Cotton Bounty Act 1955;
Cotton Bounty Act 1957;
Cotton Bounty Act 1958.

(2.) Notwithstanding the repeals effected by the last preceding sub-section, the *Cotton Bounty Act 1951–1958* continues to apply to seed cotton referred to in section five of that Act.

(3.) Premises that were, immediately before the commencement of this Act, a ginnery for the purposes of the *Cotton Bounty Act 1951-1958* shall, subject to this Act, be deemed to be a ginnery for the purposes of this Act.

Definitions.

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

“authorized person” means a person appointed by the Minister under section fourteen of this Act;

“bounty” means bounty under this Act and includes an advance on account of bounty under section eleven of this Act;

“Collector” means Collector of Customs for a State;

“ginnery” means premises registered by the Minister as a ginnery under section twelve 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 cotton seed that are 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.

Specification of bounty.

4. Subject to this Act, bounty is payable in respect of raw cotton—

(a) of the grade known as middling white and having a staple length of one inch and in respect of other raw cotton as prescribed;

(b) processed at a ginnery from seed cotton harvested in Australia and delivered to the ginnery on or after the first day of January, One thousand nine hundred and sixty-four; and

(c) in the year that commenced on the first day of January, One thousand nine hundred and sixty-four, or any of the next four succeeding years, sold by the processor for use in Australia.

To whom bounty payable.

5. Subject to this Act, bounty is payable to the processor for distribution to growers.

6.—(1.) Amounts received by a processor as bounty—

(a) shall be used only for the purpose of making payments to growers, as prescribed, in respect of seed cotton delivered by them to the processor's ginnery; and

(b) until so used shall be deemed to be money held in trust for the Commonwealth.

Benefit of
bounty to be
passed on to
growers.

(2.) Where the Minister is not satisfied that the prices being paid by a processor to growers of seed cotton used in the production of raw cotton at the ginnery are such as to pass on to those growers, in an equitable manner, the full benefit of the bounty in respect of the raw cotton, the Minister may direct that bounty shall not be paid to the processor.

7.—(1.) The rate of bounty in respect of raw cotton of the grade known as middling white and having a staple length of one inch is One shilling and fourpence and one-eighth of a penny per pound.

Rate of
bounty.

(2.) The rates of bounty in respect of other raw cotton are the rates specified by the Minister, by notice published in the *Gazette*, as payable in respect of raw cotton sold in the year specified in the notice.

(3.) A rate specified under the last preceding sub-section shall be such rate as the Minister considers to be appropriate, having regard to the provisions of sub-section (1.) of this section and to the grade and staple length of the raw cotton in respect of which the rate is fixed.

8.—(1.) The amount available for payment of bounty in respect of raw cotton sold in any year in which bounty is payable is Two million pounds.

Limit of
available
bounty.

(2.) Where the amount available for the payment of bounty is insufficient for the payment in full of all valid claims, the bounty otherwise payable in respect of each of those claims shall be reduced to an amount that bears the same proportion to the amount of the claim as the amount so available bears to the total amount of all such claims.

(3.) If the Minister is of the opinion that the amount available for the payment of bounty will be insufficient for the payment in full of all valid claims, he may withhold payment of the whole or any part of the bounty otherwise payable upon any such claim until he has ascertained the total amount of all such claims.

9. Bounty is not payable in respect of any raw cotton unless the Comptroller-General is satisfied that it is of good and merchantable quality and is of a grade higher than the grade known as strict good ordinary.

Good quality
essential.

Bounty not payable unless Act complied with.

10. 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.

Advance on account of bounty.

11.—(1.) An advance on account of bounty may be made to a processor on such terms and conditions (including conditions with respect to the distribution amongst growers of the amount of the advance) as are approved by the Minister.

(2.) If a person receives by way of advances in respect of bounty on any raw cotton an amount greater than the amount of bounty payable in respect of that cotton, he is liable to repay to the Commonwealth the amount of the excess, and the Commonwealth may recover the amount of the excess as a debt due to the Commonwealth by action in a court of competent jurisdiction.

Registration of ginneries.

12.—(1.) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the production of raw cotton at a ginnery.

(2.) Where a person carries on, or proposes to carry on, the production of raw cotton at any premises, he may apply to the Minister for the registration of those premises as a ginnery for the purposes of this Act.

(3.) If any conditions have been prescribed under sub-section (1.) of this section, the Minister shall not register the premises as a ginnery unless he is satisfied that those conditions have been, or will be, complied with.

(4.) 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.

(5.) Subject to the last two preceding sub-sections, if, in the opinion of the Minister, raw cotton is, or is proposed to be, ginned 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.

(6.) If the Minister so determines, the registration shall be deemed to have taken effect from a date specified by the Minister, which may be a date before the commencement of this Act.

(7.) Where the Minister is satisfied—

- (a) that raw cotton is not being produced at a ginnery;
- (b) that raw cotton is not being so produced by the person who applied for registration of the ginnery; or
- (c) if any conditions have been prescribed under sub-section (1.) of this section, that raw cotton is not being so produced in accordance with those conditions,

he may, by notice in writing served on the occupier, and, if the occupier is not the person who applied for the registration of the ginnery, on that person, cancel the registration of the ginnery.

(8.) For the purposes of the application of section twenty-nine of the *Acts Interpretation Act* 1901–1963 to the service of a notice under the last preceding sub-section, a notice posted as a letter addressed to the occupier, or to the person who applied for the registration of the ginnery, at the ginnery shall be deemed to be properly addressed.

13.—(1.) Bounty is not payable to a processor unless he keeps, to the satisfaction of the Minister, accounts, books and documents showing, from time to time, the amounts of bounty received by him, the amounts of bounty distributed by him to growers and such other information in relation to raw cotton in respect of which bounty is claimed or is intended to be claimed as the Minister requires. Accounts, &c.

(2.) Bounty is not payable to a processor unless he furnishes to the Comptroller-General, within three months after receiving a final payment of bounty for a year in which bounty is payable—

- (a) a statement of the receipts and disbursements of that bounty as recorded in the accounts, books and documents referred to in the last preceding sub-section, and such other information in relation to receipts and disbursements of bounty as the Minister requires; and
- (b) a certificate signed by the processor that the statements referred to in the last preceding paragraph are true and correct in every particular and a certificate, signed by an auditor, that those documents are true and correct to the best of the auditor's knowledge and belief.

14. The Minister may, by writing under his hand, appoint persons to be authorized persons for the purposes of this Act. Appointment of authorized persons.

15.—(1.) For the purposes of this Act, an authorized person may, at all reasonable times, enter— Stocktaking and inspection of production and accounts, &c.

- (a) a ginnery; or
- (b) any premises where—
 - (i) there is stored raw cotton; or
 - (ii) there are kept by, or on behalf of, a processor any accounts, books or documents relating to raw cotton,
 in respect of which bounty has been claimed or, in the opinion of the authorized person, is likely to be claimed,

and may—

- (c) inspect or take stock of any of the raw cotton;

- (d) inspect the processes of production of any raw cotton;
- (e) take samples of any raw cotton; and
- (f) inspect the accounts, books and documents relating to—
 - (i) the receipt and payment of bounty; and
 - (ii) the production and sale of raw cotton.

(2.) The occupier or person in charge of a ginnery or of premises referred to in paragraph (b) of the last preceding sub-section shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: Fifty pounds.

Power to
require person
to answer
questions and
produce
documents.

16.—(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, sale or use of raw cotton on which bounty has been claimed or paid to attend before him at the time and place specified in the notice and there to answer questions and to produce to him such accounts, books and documents in relation to the production, storage, sale or use of raw cotton as are referred to in the notice.

(2.) The Comptroller-General, a Collector or an authorized person may make and retain copies of, or extracts from, any accounts, books or documents produced in pursuance of this section.

(3.) A person is not excused from answering a question or producing any 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 any such question is not admissible in evidence against him in proceedings other than proceedings for an offence against paragraph (c) of sub-section (1.) or paragraph (c) of sub-section (2.), of section nineteen of 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, bounty is not payable to the processor, unless the Minister otherwise directs, until the processor or that person has attended, answered the question or produced the account, book or document, as the case may be.

Power to
examine on
oath.

17.—(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.

18. 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 for the purposes of this Act or the regulations, and the processor is not entitled to bounty unless he gives security accordingly.

Security for
compliance
with Act.

19.—(1.) A person shall not refuse or fail—

Offences.

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

when so required in pursuance of this Act.

Penalty: Fifty pounds.

(2.) A person shall not—

- (a) obtain bounty that 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, that is false or misleading in a material particular.

Penalty: Five hundred pounds or imprisonment for twelve months.

(3.) Where a person is convicted of an offence against 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.

(4.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the 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.

**Return for
Parliament.**

20.—(1.) The Comptroller-General shall, as soon as practicable after the end of each year in which bounty is paid, furnish to the Minister a return setting forth—

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

(2.) The Minister 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 return is received by him.

Delegation.

21.—(1.) The Minister or the Comptroller-General may either generally or in relation to a matter or class of matters and either in relation to the whole of the Commonwealth or to a State or part of the Commonwealth, by writing under his hand delegate all or any of his powers and functions under this Act (except this power of delegation).

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Comptroller-General, as the case may be.

Appropriation.

22. Bounty is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Regulations.

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

- (a) the manner in which, and the time within which, applications for bounty shall be made;
- (b) the information to be furnished by applicants in connexion with applications for bounty;
- (c) the notice to be given by processors of their intention to claim bounty and the time within which that notice shall be given; and
- (d) penalties not exceeding Fifty pounds for breaches of the regulations.