

Urea Bounty

No. 81 of 1966.

An Act to provide for the payment of a Bounty on the
Production of Urea.

[Assented to 29 October 1966]

BE it 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 *Urea Bounty Act* 1966.

Commencement.

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

Definitions.

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

“authorized person” means a person appointed by the Minister under section 12 of this Act;

“bounty” means bounty under this Act and includes an advance on account of bounty under section 10 of this Act;

“Collector” means Collector of Customs for a State;

“period to which this Act applies” means—

(a) the period that commenced on the twenty-sixth day of October, One thousand nine hundred and sixty-six, and ends on the thirty-first day of December, One thousand nine hundred and sixty-seven;

(b) the year that commences on the first day of January, One thousand nine hundred and sixty-eight; or

(c) the year that commences on the first day of January, One thousand nine hundred and sixty-nine;

“registered premises” means premises registered by the Minister under section 11 of this Act;

“the Comptroller-General” means the Comptroller-General of Customs.

4. Subject to this Act, bounty is payable in respect of urea produced at registered premises and, in a period to which this Act applies, sold for use in Australia as a fertilizer. Specification of bounty.

5. Bounty is payable to the producer of the urea. To whom bounty payable.

6. The rate of the bounty is Sixteen dollars per ton. Rate of bounty.

7.—(1.) The amount available for payment of bounty— Limit of available bounty.

(a) in respect of urea sold during the period to which this Act applies that commenced on the twenty-sixth day of October, One thousand nine hundred and sixty-six—is Five hundred and ninety-one thousand eight hundred dollars;

(b) in respect of urea sold during the period to which this Act applies that commences on the first day of January, One thousand nine hundred and sixty-eight—is Five hundred thousand dollars; and

(c) in respect of urea sold during the period to which this Act applies that commences on the first day of January, One thousand nine hundred and sixty-nine—is Five hundred thousand dollars.

(2.) Where the amount available for the payment of bounty in respect of urea sold in a year or other period referred to in the last preceding sub-section 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 of those claims.

(3.) If the Minister is of the opinion that the amount available for the payment of bounty in respect of urea sold in a year or other period referred to in sub-section (1.) of this section 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 of those claims until he has ascertained the total value of all of those claims.

Good quality
essential.

8. Bounty is not payable in respect of any urea unless the Comptroller-General is satisfied that it is of good and merchantable quality.

Bounty not
payable
unless Act
and regulations
complied with.

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

Advances on
account of
bounty.

10.—(1.) An advance on account of bounty may be made to a producer on such terms and conditions as are approved by the Minister.

(2.) If a person receives by way of advances in respect of bounty on any urea an amount greater than the amount of bounty payable in respect of that urea, 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 premises.

11.—(1.) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the production of urea at registered premises.

(2.) Where a person carries on, or proposes to carry on, the production of urea at any premises, he may apply to the Minister for the registration of those premises 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 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, urea is, or is proposed to be, produced at the premises in respect of which the application is made, he shall register those premises 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 urea is not being produced at registered premises;
- (b) that urea is not being so produced by the person who applied for registration of the premises; or

- (c) if any conditions have been prescribed under sub-section (1.) of this section, that urea is not being so produced in accordance with those conditions,

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

(8.) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901–1964* to the service by post 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 premises, at the registered premises shall be deemed to be properly addressed.

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

Appointment
of authorized
persons.

13.—(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) registered premises; or
(b) any premises where there is stored urea 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 urea;
(d) inspect the processes of production of any urea;
(e) take samples of urea; and
(f) inspect the accounts, books and documents relating to the production and sale of urea.

(2.) The occupier or person in charge of any registered premises 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: One hundred dollars.

14.—(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 urea 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 urea as are referred to in the notice.

Power to
require person
to answer
questions and
produce
documents.

(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 17 of this Act.

(4.) Where a producer or a person employed by a producer 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 producer, unless the Minister otherwise directs, until the producer 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.

15.—(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.

Security for
compliance with
Act and
regulations.

16. The Minister may require a producer 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 producer is not entitled to bounty unless he gives security accordingly.

Offences.

17.—(1.) 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 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: One hundred dollars.

(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: One thousand dollars 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.

18.—(1.) The Comptroller-General shall, as soon as practicable after the end of each period to which this Act applies, furnish to the Minister a return setting forth—

Return for
Parliament.

- (a) the name and address of each producer to whom bounty was paid in respect of urea sold in that period;
- (b) the quantity of urea in respect of which bounty was paid to each producer;
- (c) the amount of bounty paid to each producer; 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.

19.—(1.) The Minister or the Comptroller-General may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand delegate all or any of his powers and functions under this Act (except this power of delegation).

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

Regulations. **21.** 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; and
 - (c) penalties not exceeding One hundred dollars for offences against the regulations.
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