

**Subsidy Legislation Amendment Act 1989**

**No. 85 of 1989**

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**Subsidy Legislation Amendment Act 1989**

**No. 85 of 1989**

**An Act to amend certain Acts providing for the payment of subsidy, and for related purposes**

[*Assented to 27 June 1989*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**PART 1—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the *Subsidy Legislation Amendment Act 1989.*

**Commencement**

**2.** **(1)** Subject to this section, this Act commences on the day on which it receives the Royal Assent.

**(2)** Parts 2 and 3 shall be taken to have commenced at midnight immediately preceding 13 April 1989.

**PART 2—AMENDMENTS OF THE SUBSIDY (CULTIVATION MACHINES AND EQUIPMENT) ACT 1986**

**Principal Act**

**3.** In this Part, “Principal Act” means the *Subsidy (Cultivation Machines and Equipment) Act 1986*1*.*

**Interpretation**

**4.** Section 4 of the Principal Act is amended by omitting the definition of “terminating day” in subsection (1) and substituting the following definition:

“ ‘terminating day’ means 12 April 1989.”.

**Claims for payment of subsidy**

**5.** Section 17 of the Principal Act is amended by omitting paragraph (3) (d) and substituting the following paragraph:

“(d) be lodged with a Collector for a State or Territory, or with the Comptroller:

(i) unless subparagraph (ii) applies—before the end of the period of 12 months commencing on the day on which the condition referred to in subsection 9 (4) or (6), or 10 (3), as the case requires, was complied with in respect of the subsidised equipment; or

(ii) if 16 July 1989 occurs before the end of the period of 12 months referred to in subparagraph (i)—before 16 July 1989.”.

**Savings**

**6.** Where a manufacturer of subsidised equipment has completed or completes the manufacture of such equipment after the end of the subsidy period but before 16 June 1989 to meet a firm order placed with the manufacturer before the end of the subsidy period, the Principal Act as amended by this Act has effect as if:

(a) the manufacture of the subsidised equipment had been completed, and the subsidised equipment had been prepared for sale, by the manufacturer during the subsidy period; and

(b) the subsidised equipment had been, at the end of the subsidy period:

(i) held in the manufacturer’s stock; and

(ii) listed in the manufacturer’s inventory of stock.

**PART 3—AMENDMENTS OF THE SUBSIDY (GRAIN HARVESTERS AND EQUIPMENT) ACT 1985**

**Principal Act**

**7.** In this Part, “Principal Act” means the *Subsidy (Grain Harvesters and Equipment) Act 1985*2*.*

**Interpretation**

**8.** Section 4 of the Principal Act is amended by omitting the definition of “terminating day” in subsection (1) and substituting the following definition:

“ ‘terminating day’ means 12 April 1989.”.

**Specification of subsidy—manufactured subsidised equipment**

**9.** Section 10 of the Principal Act is amended:

**(a)** by omitting subsection (4) and substituting the following subsection:

“(4) A manufacturer of a subsidised harvester is not entitled to receive a payment of subsidy under this section in respect of a subsidised harvester unless:

(a) the harvester was, during the subsidy period:

(i) sold, or otherwise disposed of, by the manufacturer or another manufacturer of the harvester for use in the harvesting of crops in Australia; or

(ii) sold, or otherwise disposed of, to the Commonwealth; or

(b) the harvester was, during the subsidy period, prepared for sale by the manufacturer and, at the end of that period, is:

(i) held in the manufacturer’s stock; and

(ii) listed in the manufacturer’s inventory of stock.”;

**(b)** by omitting subsection (6) and substituting the following subsection:

“(6) A manufacturer of subsidised harvester equipment is not entitled to receive a payment of subsidy under this section in respect of the equipment unless:

(a) the equipment was, during the subsidy period:

(i) used by the manufacturer in Australia in connection with the repair or servicing of a harvester;

(ii) sold, or otherwise disposed of, to another person for use in Australia; or

(iii) sold, or otherwise disposed of, to the Commonwealth; or

(b) the equipment was, during the subsidy period, prepared for sale by the manufacturer and, at the end of that period, is:

(i) held in the manufacturer’s stock; and

(ii) listed in the manufacturer’s inventory of stock.”.

**Claims for payment of subsidy**

**10.** Section 18 of the Principal Act is amended by omitting paragraph (2) (d) and substituting the following paragraph:

“(d) be lodged with a Collector for a State or Territory, or with the Comptroller:

(i) unless subparagraph (ii) applies—before the end of the period of 12 months commencing on the day on which the condition referred to in subsection 10 (4) or (6), or 11 (3) or (5), as the case requires, was complied with in respect of the subsidised equipment; or

(ii) if 16 July 1989 occurs before the end of the period of 12 months referred to in subparagraph (i)—before 16 July 1989.”.

**Savings**

**11.** Where a manufacturer of subsidised equipment has completed or completes the manufacture of such equipment after the end of the subsidy period but before 16 June 1989 to meet a firm order placed with the manufacturer before the end of the subsidy period, the Principal Act as amended by this Act has effect as if:

(a) the manufacture of the subsidised equipment had been completed, and the subsidised equipment had been prepared for sale, by the manufacturer during the subsidy period; and

(b) the subsidised equipment had been, at the end of the subsidy period:

(i) held in the manufacturer’s stock; and

(ii) listed in the manufacturer’s inventory of stock.

**NOTES**

1. No. 183, 1985, as amended. For previous amendments, see Nos. 37 and 119, 1986; No. 76, 1987; and Nos. 28 and 145, 1988.

2. No. 133, 1986, as amended. For previous amendments, see Nos. 54 and 76, 1987; and No. 28, 1988.

[*Minister’s second reading speech made in—*

*Senate on 5 May 1989*

*House of Representatives on 15 June 1989*]