**PHOSPHATE FERTILIZERS BOUNTY AMENDMENT ACT 1977**

**No. 66 of 1977**

An Act to amend the *Phosphate Fertilizers Bounty Act* 1963, and for related purposes.

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

**Short title, &c.**

**1.** (1) This Act may be cited as the *Phosphate Fertilizers Bounty Amendment Act* 1977.

(2) The *Phosphate Fertilizers Bounty Act* 1963 is in this Act referred to as the Principal Act.

**Commencement.**

**2.** This Act shall come into operation on 1 July 1977.

**Interpretation.**

**3.** Section 3 of the Principal Act is amended—

(a) by omitting the definition of “bountiable products” and substituting the following definitions:—

“‘available phosphorus content’, in relation to a substance in respect of which bounty is claimed, means the available phosphorus content of that substance as determined in accordance with the regulations;

“‘bountiable products’ means phosphatic substances;”;

(b) by adding at the end of the definition of “Collector” the words “or Territory”;

(c) by omitting the definitions of “fertilizer mixture” and “phosphorus pentoxide content” and substituting the following definitions:—

“‘fertilizer mixture’ means a mixture resulting from the addition to a phosphatic substance of fertilizers that are not phosphatic substances;

“‘phosphatic substance’ means superphosphate, ammonium phosphate or any other substance that is a chemical compound composed in part of phosphorus;”; and

(d) by adding at the end thereof the following sub-section:—

“(2) For the purposes of this Act, use as a supplement to stock food shall be regarded as use as a fertilizer.”.

**4.** Section 4 of the Principal Act is repealed and the following section substituted:—

**Specification of bounty.**

“4. (1) Bounty is payable in accordance with this Act on the production of bountiable products.

“(2) A producer is not entitled to receive a payment of bounty in respect of bountiable products unless those products have been produced at registered premises and—

(a) are sold during the period from and including 1 July 1977 to and including 30 June 1982 by the producer for use in Australia as a fertilizer; or

(b) are used during the period referred to in paragraph (a) by the producer in the production of a fertilizer mixture for use in Australia.”.

**Trace elements, compounds and substances deemed to be bountiable products.**

**5.** Section 4a of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:—

“(2) Where a trace element, a compound or a substance in relation to which this section applies has been added to a phosphatic substance in respect of which bounty is claimed, the trace element, compound or substance so added shall be deemed to be that phosphatic substance and to have the same available phosphorus content as that phosphatic substance, and bounty is payable accordingly.

**6.** Section 5 of the Principal Act is repealed and the following sections are substituted:—

**Uniformity.**

“5. A power conferred on the Governor-General or the Minister by this Act shall not be exercised in such a manner that bounty would not be uniform throughout the Commonwealth within the meaning of paragraph (iii) of section 51 of the Constitution.

**To whom bounty payable.**

“5a. Subject to section 6, bounty in respect of bountiable products is payable to the producer of the products.

**7.** Sections 8 and 9 of the Principal Act are repealed and the following sections substituted:—

**Rate of bounty in respect of superphosphate.**

“8. (1) Bounty in respect of superphosphate, not being superphosphate in respect of which sub-section (2) applies, is payable at the rate of $12.00 for each tonne of superphosphate.

“(2) Where the percentage of the available phosphorus content of any superphosphate is less than 8.5 per centum or more than 8.9 per centum by weight of the superphosphate, bounty in respect of the superphosphate is payable at the rate of $138.00 for each tonne of the available phosphorus content of the superphosphate.

**Rate of bounty in respect of phosphatic substances other than superphosphate.**

“9. Bounty in respect of any phosphatic substance other than superphosphate is payable at the rate of $138.00 for each tonne of the available phosphorus content of the substance.”.

**8.** Section 11 of the Principal Act is repealed and the following section substituted:—

**Approval of payment of bounty.**

“11. (1) Where an application for bounty in respect of bountiable products is lodged in accordance with the regulations, the Minister shall—

(a) if he is satisfied that bounty is payable in respect of those products—approve the payment of the bounty; or

(b) if he is not so satisfied—refuse to approve payment of the bounty.

“(2) In sub-section (1), ‘bounty’ does not include an advance on account of bounty under section 12.”.

**Security for compliance with Act and regulations.**

**9.** Section 19 of the Principal Act is amended by inserting after the word “security” (first occurring) the words “, in an amount determined by the Minister,”.

**10.** After section 20 of the Principal Act the following section is inserted:—

**Applications for review of decisions.**

“20a. Applications may be made to the Administrative Appeals Tribunal for review of—

(a) a direction of the Minister given under section 7;

(b) a decision of the Comptroller-General made for the purposes of section 10;

(c) an approval of the Minister given under sub-section 11(1) or a refusal of the Minister to give an approval under that sub-section;

(d) a refusal of the Minister to register premises under section 13;

(e) a determination made by the Minister for the purposes of sub-section 13(6) or a refusal of the Minister to make a determination for the purposes of that sub-section;

(f) a decision of the Minister made for the purposes of sub-section 13(7); or

(g) a determination by the Minister of an amount of security made for the purposes of section 19.”.

**Saving.**

**11.** The *Phosphate Fertilizers Bounty Act* 1963, as amended and in force immediately before the commencement of this Act, continues to apply to and in relation to substances in respect of which bounty had been paid, or had become payable but had not been paid, before the commencement of this Act.