



# Fertilizers (Subsidy) Amendment Act 1982

No. 69 of 1982

---

**An Act to amend section 3 of the *Nitrogenous Fertilizers Subsidy Act 1966* and to amend the *Phosphate Fertilizers Bounty Act 1963***

[Assented to 31 August 1982]

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

## PART I—PRELIMINARY

### Short title

1. This Act may be cited as the *Fertilizers (Subsidy) Amendment Act 1982*.

### Commencement

2. This Act shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 July 1982.

## **PART II—AMENDMENT OF THE NITROGENOUS FERTILIZERS SUBSIDY ACT 1966**

### **Principal Act**

3. The *Nitrogenous Fertilizers Subsidy Act 1966*<sup>1</sup> is in this Part referred to as the Principal Act.

### **Interpretation**

4. Section 3 of the Principal Act is amended by omitting from sub-section (2) “1982” and substituting “1985”.

## **PART III—AMENDMENTS OF THE PHOSPHATE FERTILIZERS BOUNTY ACT 1963**

### **Principal Act**

5. The *Phosphate Fertilizers Bounty Act 1963*<sup>2</sup> is in this Part referred to as the Principal Act.

### **Amendment of title**

6. The title of the Principal Act is amended by omitting “Bounty on the Production” and substituting “subsidy on the production, or in respect of the importation,”.

### **Short title**

7. Section 1 of the Principal Act is amended by omitting “*Bounty*” and substituting “*Subsidy*”.

### **Interpretation**

8. Section 3 of the Principal Act is amended—

- (a) by omitting “bounty” from the definition of “available phosphorus content” in sub-section (1) and substituting “subsidy”;
- (b) by omitting from sub-section (1) the definitions of “bountiable products” and “bounty”; and
- (c) by inserting after the definition of “registered premises” in sub-section (1) the following definitions:

“ ‘subsidized goods’ means—

- (a) in a case to which paragraph (b) does not apply—phosphatic substances; and
- (b) in the case of goods imported into Australia—phosphatic substances or goods being fertilizer mixtures;

“ ‘subsidy’ means subsidy under this Act and includes an advance on account of subsidy under section 12;

“ ‘subsidy period’ means the period commencing on 1 July 1982 and ending on 30 June 1985;”.

*Fertilizers (Subsidy) Amendment No. 69, 1982*

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 Section 4 of the Principal Act is repealed and the following section is substituted:

**Subsidy in respect of goods produced or imported**

“4. (1) Subsidy is payable in accordance with this Act on the production (whether before or after the commencement of the subsidy period) of subsidized goods.

“(2) A producer is not entitled to receive subsidy in respect of subsidized goods unless those goods have been produced at registered premises and—

- (a) are sold during the subsidy period by the producer for use in Australia as a fertilizer; or
- (b) are used during the subsidy period by the producer in the production of a fertilizer mixture for use in Australia.

“(3) Subject to this Act, where subsidized goods are imported into Australia after the commencement of the subsidy period and, during the subsidy period, the goods—

- (a) are sold for use, or used by the importer, in Australia as a fertilizer; or
- (b) being phosphatic substances, are used by the importer in the production of a fertilizer mixture for use in Australia,

subsidy is payable in respect of the importation into Australia of those goods.

“(4) Where a person sells a phosphatic substance to another person for use by the other person in producing a fertilizer mixture, the first-mentioned person shall, for the purposes of this section, be deemed to have sold the phosphatic substance for use as a fertilizer.”.

**Trace elements, compounds and substances, deemed to be subsidized goods**

10. Section 4A of the Principal Act is amended by omitting from sub-section (2) “bounty” (wherever occurring) and substituting “subsidy”.

11. Sections 5, 5A, 6 and 7 of the Principal Act are 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 any subsidy that is a bounty within the meaning of paragraph 51 (iii) of the Constitution would not be uniform throughout the Commonwealth within the meaning of that paragraph.

**To whom subsidy payable**

“5A. Subject to section 6, subsidy in respect of subsidized goods is payable—

- (a) in the case of subsidy payable under sub-section 4 (1)—to the producer of the subsidized goods; and

- (b) in the case of subsidy payable under sub-section 4 (3)—to the importer of the subsidized goods.

**Subsidy may be paid to person authorized by the producer or importer**

“6. Subsidy payable to a person may, subject to such conditions and restrictions, if any, as are prescribed, be paid to another person authorized by the first-mentioned person to receive the subsidy.

**Benefit of subsidy to be passed on to purchasers**

“7. Where the Minister is not satisfied that the prices being charged by a producer or importer to purchasers in respect of the sale of goods, being goods in respect of which subsidy is payable, are such as to pass on to the purchasers the full benefit of that subsidy, the Minister may direct that subsidy shall not be paid to that producer or importer.

**Avoidance of double subsidy**

“7A. Where subsidy becomes payable in respect of any goods under this Act, subsidy is not payable under this Act in respect of goods made in whole or in part from those goods.”.

**Rate of subsidy in respect of superphosphate**

12. Section 8 of the Principal Act is amended by omitting “Bounty” and “bounty” and substituting “Subsidy” and “subsidy”, respectively.

**Rate of subsidy in respect of phosphatic substances other than superphosphate**

13. Section 9 of the Principal Act is amended by omitting “Bounty” and substituting “Subsidy”.

**Good quality essential**

14. Section 10 of the Principal Act is amended by omitting “Bounty” and “bountiable products” and substituting “Subsidy” and “subsidized goods”, respectively.

**Approval of payment of subsidy**

15. Section 11 of the Principal Act is amended—

- (a) by omitting “bounty” (wherever occurring) and substituting “subsidy”;
- (b) by omitting “bountiable products” and substituting “subsidized goods”; and
- (c) by omitting “those products” and substituting “those goods”.

**Advance on account of subsidy**

16. Section 12 of the Principal Act is amended—

- (a) by omitting “bounty” (wherever occurring) and substituting “subsidy”;
- (b) by inserting “or importer” after “producer” (wherever occurring);

- (c) by omitting “bountiable products” (wherever occurring) and substituting “subsidized goods”; and
- (d) by omitting “those products” and substituting “those goods”.

**Registration of premises**

17. Section 13 of the Principal Act is amended by omitting “bountiable products” (wherever occurring) and substituting “subsidized goods”.

**Accounts, &c.**

18. (1) Section 14 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“14. (1) A producer or importer of subsidized goods is not entitled to subsidy unless he keeps, to the satisfaction of the Minister, accounts, books and documents showing, from time to time, such information as the Minister requires with respect to—

- (a) in the case of a producer—the production and sale by the producer of subsidized goods and fertilizer mixtures; and
- (b) in the case of an importer—the importation and sale by the importer of subsidized goods and fertilizer mixtures.

“(2) A producer or importer of subsidized goods is not entitled to subsidy unless he furnishes to the Comptroller-General, in respect of each financial year in which subsidy is payable—

- (a) such information and accounts as the Minister requires in relation to—
  - (i) in the case of a producer—the production and sale by the producer of subsidized goods and fertilizer mixtures; and
  - (ii) in the case of an importer—the importation and sale by the importer of subsidized goods and fertilizer mixtures; and
- (b) if so directed by the Minister—a certificate signed by the producer or importer, as the case may be, that the information and accounts so furnished are true and correct in every particular and a certificate, signed by an auditor, that the information and accounts are true and correct to the best of the auditor’s knowledge and belief.”.

(2) Section 14 of the Principal Act is also amended by omitting from sub-section (3) “producer” (wherever occurring) and substituting “person”.

**Stocktaking and inspection of production and accounts, &c.**

19. Section 16 of the Principal Act is amended—

- (a) by omitting “bountiable products” (wherever occurring) and substituting “subsidized goods”;
- (b) by omitting “bounty” and substituting “subsidy”; and
- (c) by inserting in paragraph (1) (f) “, importation” after “production”.

**Power to require person to answer questions and produce documents**

20. Section 17 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “importation,” after “production,” (wherever occurring);

*Fertilizers (Subsidy) Amendment No. 69, 1982*

- (b) by omitting “bountiable products” (wherever occurring) and substituting “subsidized goods”;
- (c) by inserting “or importer” after “producer” (wherever occurring); and
- (d) by omitting “bounty” and substituting “subsidy”.

**Security for compliance with Act and regulations**

**21.** Section 19 of the Principal Act is amended—

- (a) by inserting “or importer” after “producer” (wherever occurring); and
- (b) by omitting “bounty” and substituting “subsidy”.

**Offences**

**22.** Section 20 of the Principal Act is amended by omitting “bounty” (wherever occurring) and substituting “subsidy”.

**Return for Parliament**

**23.** Section 21 of the Principal Act is amended—

- (a) by omitting “bounty” (wherever occurring) and substituting “subsidy”;
- (b) by inserting “or importer” after “producer” (wherever occurring); and
- (c) by omitting “bountiable products” and substituting “subsidized goods”.

**Appropriation**

**24.** Section 23 of the Principal Act is amended by omitting “Bounty” and substituting “Subsidy”.

**Regulations**

**25.** Section 24 of the Principal Act is amended by omitting “bounty” (wherever occurring) and substituting “subsidy”.

---

**NOTES**

1. No. 78, 1966, as amended. For previous amendments, see No. 79, 1969; No. 107, 1972; No. 216, 1973 (as amended by No. 20, 1974); No. 78, 1974; No. 20, 1976; No. 152, 1976 (as amended by No. 114, 1977); No. 114, 1977; No. 112, 1978; No. 109, 1979; No. 137, 1980; and No. 174, 1981.
2. No. 78, 1963, as amended. For previous amendments, see No. 40, 1966; No. 86, 1968; No. 66, 1969; No. 86, 1971; No. 19, 1976; and No. 66, 1977.