

Nitrogenous Fertilizers Subsidy

No. 107 of 1972

An Act to amend the *Nitrogenous Fertilizers Subsidy Act* 1966–1969.

[Assented to 31 October 1972]

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 and citation.

1.—(1) This Act may be cited as the *Nitrogenous Fertilizers Subsidy Act* 1972.

(2.) The *Nitrogenous Fertilizers Subsidy Act* 1966–1969* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Nitrogenous Fertilizers Subsidy Act* 1966–1972.

Commencement.

2.—(1.) Sections 1, 2 and 3 of this Act shall come into operation on the day on which this Act receives the Royal Assent.

(2.) Sections 4, 5 and 6 of this Act shall be deemed to have come into operation on the sixteenth day of August, One thousand nine hundred and seventy-two.

(3.) Section 7 of this Act shall come into operation on the first day of July, One thousand nine hundred and seventy-three.

Interpretation.

3. Section 3 of the Principal Act is amended by omitting from sub-section (2.) the words “October, One thousand nine hundred and seventy-two” and inserting in their stead the words “December, One thousand nine hundred and seventy-four”.

Subsidy in respect of goods sold as fertilizer.

4. Section 5 of the Principal Act is amended—

(a) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“(b) the Minister is satisfied, having regard to all the circumstances—

(i) that no Australian producer was, at the date of the importation of the goods, prepared to sell like or directly competitive goods to the importer for sale for use, or for use by the importer, in Australia as a fertilizer; or

*Act No. 78, 1966, as amended by No. 79, 1969.

- (ii) that the terms on which the importer obtained the goods were more favourable to the importer than the terms on which any Australian producer was, at the date of the importation of the goods, prepared to sell like or directly competitive goods to the importer for sale for use, or for use by the importer, in Australia as a fertilizer;” and

(b) by inserting after that sub-section the following sub-sections:—

“ (2A.) Subject to this Act, where—

(a) a person has given notice in writing to the Minister stating that he proposes to import into Australia goods of a kind referred to in the last preceding sub-section and setting out the terms on which he would obtain the goods;

(b) the Minister is satisfied, having regard to all the circumstances—

(i) that, if the goods were imported as proposed, no Australian producer would, at the date of the importation of the goods, be prepared to sell like or directly competitive goods to the person for sale for use, or for use by the person, in Australia as a fertilizer; or

(ii) that the terms on which the person obtained the goods are more favourable to the person than the terms on which any Australian producer would, at the date of the importation of the goods, be prepared to sell like or directly competitive goods to the person for sale for use, or for use by the person, in Australia as a fertilizer; and

(c) the goods have been imported as proposed and, during the period to which this Act applies, sold for use, or used by the person, in Australia as a fertilizer,

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

“ (2B.) Where subsidy is payable under the last preceding sub-section in respect of the importation into Australia of goods, subsidy is not payable under sub-section (2.) of this section in respect of that importation.”.

5. Section 6 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words “ under sub-section (2.) ”, the words “ or sub-section (2A.) ”; and

Subsidy
not payable in
respect of
certain
imported goods.

(b) by omitting from that sub-section the words " that sub-section " and inserting in their stead the words " sub-section (2.), or in sub-section (2A.), of that section, as the case may be,".

To whom
subsidy
payable.

6. Section 8 of the Principal Act is amended by inserting in paragraph (b), after the words " under sub-section (2.)", the words " or sub-section (2A.) ".

Rate of
subsidy.

7. Section 10 of the Principal Act is amended by omitting the words " Eighty dollars for each ton " and inserting in their stead the words " Seventy-eight dollars seventy-four cents for each tonne ".
