

(2.) A prosecution for an offence against this section may, in the case of a member of the Forces who is absent from Australia when the offence is committed, be commenced at any time within twelve months after the return of that person to Australia.

24. Notwithstanding anything contained in any other Act, a person entitled to vote at an election by reason only of this Act shall not be guilty of an offence by reason of his failing to vote at that election.

Voting not compulsory.

25. The validity of any election shall not be questioned on the ground of anything done or omitted to be done or of any irregularity in the administration of this Act, or on the ground that any ballot-papers have been lost or destroyed during the course of their transmission to the Commonwealth Returning Officer or to Australia or on the ground that, for any reason whatsoever, a member of the Forces was unable to record his vote.

Validity of election not to be questioned.

26. Each candidate may, by notice in writing or by telegram addressed to the Commonwealth Returning Officer, appoint one scrutineer to represent him at any scrutiny under this Act and any scrutineer so appointed shall, if he presents himself at any such scrutiny, be entitled to be present at that scrutiny.

Scrutineers.

27. Notwithstanding anything contained in paragraph (e) of section one hundred and eighty-five of the *Commonwealth Electoral Act 1918-1940*, a petition under Part XVIII. of that Act disputing any election held during the present war or during the period of six months thereafter, or disputing any return in respect of any such election (other than a petition based on breaches by a candidate of the provisions of Part XVI. of that Act) may be filed within sixty days after the return of the writ.

Time for lodging petitions disputing elections and returns.

28. The Governor-General may make Regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular, for prescribing penalties, not exceeding Fifty pounds, for any breach of the Regulations.

Regulations.

RAW COTTON BOUNTY.

No. 49 of 1940.

An Act to provide for the Payment of a Bounty on the Production of Raw Cotton.

[Assented to 22nd August, 1940.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Preamble.

1. This Act may be cited as the *Raw Cotton Bounty Act 1940*.

Short title.

Commencement. 2. This Act shall come into operation on the first day of January, One thousand nine hundred and forty-one.

Repeal. 3. The *Raw Cotton Bounty Act 1934*, the *Raw Cotton Bounty Act 1935*, the *Raw Cotton Bounty Act 1938*, and the *Raw Cotton Bounty Act 1939* are repealed.

Definitions. 4. In this Act, unless the contrary intention appears—

- “authorized person”, in relation to any provision of this Act, means any person declared by the Minister in writing to be an authorized person for the purposes of that provision ;
- “Collector” means Collector of Customs for a State ;
- “Comptroller-General” means the Comptroller-General of Customs ;
- “Customs Tariff” means the *Customs Tariff 1933-1939*, and includes that Act as amended from time to time and any Act in substitution for that Act, or for that Act as so amended, and, in addition, includes any Tariff Proposal introduced into the House of Representatives for the purpose of amending the Customs Tariff ;
- “duty of Customs” means duty of Customs chargeable in pursuance of the Customs Tariff ;
- “ginners” means premises appointed by the Minister as a ginners for the purposes of this Act ;
- “Liverpool price” means the official spot quotation for American middling raw cotton of seven-eighths of an inch staple length at Liverpool, England ;
- “producer” means the person, firm, corporation or growers’ co-operative institution who or which produces raw cotton from seed cotton by the process of ginning ;
- “raw cotton” means the fibrous hairs of the seed of the cotton plant after the hairs have been separated from the seed by the process of ginning ;
- “Territory” means a Territory of the Commonwealth.

Appropriation. 5. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the bounty specified in this Act.

Limit of annual bounty. 6.—(1.) The total amount of bounty paid under this Act in respect of raw cotton produced during any one calendar year shall not exceed the sum of One hundred and fifty thousand pounds :

Provided that, where the maximum amount of bounty which may be paid in respect of raw cotton produced during any calendar year has not been paid in that year, the unpaid balance, or any portion thereof, may be paid in respect of raw cotton produced during any subsequent calendar year in addition to the maximum amount authorized to be paid in respect of raw cotton produced during that subsequent calendar year.

(2.) Where the total amount available in pursuance of this section for the payment of bounty in respect of raw cotton produced during any calendar year is insufficient for payment in full of all valid claims for bounty in respect of raw cotton produced during that calendar year, the bounty otherwise payable under this Act in respect of each of those claims shall be reduced to an amount which bears the same proportion to the amount of the claim that the total amount of bounty available in respect of raw cotton produced during that calendar year bears to the total amount of valid claims in respect of raw cotton produced during that calendar year.

(3.) If the Minister is of the opinion that the total amount of bounty available in pursuance of this section for the payment of bounty in respect of raw cotton produced during any calendar year will be insufficient for the payment in full of all valid claims in respect of raw cotton produced during that calendar year, he may withhold payment of the whole or any part of all bounties otherwise payable under this Act in respect of raw cotton produced during that calendar year until he has ascertained the total amount of valid claims in respect of raw cotton produced during that calendar year.

7.—(1.) Bounty payable under this Act in respect of any raw cotton shall, subject to this Act, be paid, in such manner and subject to such conditions as are prescribed, to the producer for distribution by him, in such manner and subject to such conditions as are prescribed, to growers of seed cotton from which raw cotton in respect of which bounty has been paid under this Act, has been produced.

To whom
bounty
payable.

(2.) Any producer to whom bounty is paid under sub-section (1.) of this section shall distribute the bounty, in such manner and subject to such conditions as are prescribed, to the growers of the seed cotton from which the raw cotton in respect of which the bounty was paid was produced.

8. The bounty under this Act shall be payable in respect of raw cotton which has been—

Specification
of bounty.

- (a) produced in Australia at a ginnery from Australian-grown seed cotton; and
- (b) graded in one of the grades prescribed under section twelve of this Act,

on or after the date of the commencement of this Act and on or before the thirty-first day of December, One thousand nine hundred and forty-five.

9.—(1.) Subject to this section, the rate of bounty payable under this Act in respect of raw cotton of grades higher than the grade known as Strict Good Ordinary produced during the week ending on each Friday—

Rate of
bounty.

- (a) during the year ending on the thirty-first day of December, One thousand nine hundred and forty-one—shall be Fourpence three farthings per pound when the Liverpool price on the last preceding Friday was Sixpence sterling per pound, and one hundredth of one penny per pound more or

less than Fourpence three farthings for every one hundredth of one penny per pound by which that price, on that preceding Friday, was less or more than Sixpence sterling per pound, respectively ;

- (b) during the year ending on the thirty-first day of December, One thousand nine hundred and forty-two—shall be Fourpence half-penny per pound when the Liverpool price on the last preceding Friday was Sixpence sterling per pound, and one hundredth of one penny per pound more or less than Fourpence half-penny for every one hundredth of one penny per pound by which that price, on that preceding Friday, was less or more than Sixpence sterling per pound, respectively ;
- (c) during the year ending on the thirty-first day of December, One thousand nine hundred and forty-three—shall be Fourpence farthing per pound when the Liverpool price on the last preceding Friday was Sixpence sterling per pound, and one hundredth of one penny per pound more or less than Fourpence farthing for every one hundredth of one penny per pound by which that price, on that preceding Friday, was less or more than Sixpence sterling per pound, respectively ;
- (d) during the year ending on the thirty-first day of December, One thousand nine hundred and forty-four—shall be Fourpence per pound when the Liverpool price on the last preceding Friday was Sixpence sterling per pound, and one hundredth of one penny per pound more or less than Fourpence for every one hundredth of one penny per pound by which that price, on that preceding Friday, was less or more than Sixpence sterling per pound, respectively ; and
- (e) during the year ending on the thirty-first day of December, One thousand nine hundred and forty-five—shall be Threepence half-penny per pound when the Liverpool price on the last preceding Friday was Sixpence sterling per pound, and one hundredth of one penny per pound more or less than Threepence half-penny for every one hundredth of one penny per pound by which that price, on that preceding Friday, was less or more than Sixpence sterling per pound, respectively.

(2.) The Governor-General may, by Proclamation, increase the rate of bounty specified in the last preceding sub-section by an amount not exceeding three-tenths of one penny per pound for every reduction of Five pounds per centum in the telegraphic transfer rate of exchange, Australia on London, below Twenty-five pounds ten shillings per centum, but so that the maximum increase effected under this sub-section shall not exceed One and one-half pence per pound :

Provided that any such increase in the rate of bounty shall not be greater than the amount, if any, by which the net return per pound to the producer of Australian raw cotton is, in the opinion of the

Minister, diminished by the reduction in the telegraphic transfer rate of exchange, Australia on London, below Twenty-five pounds ten shillings per centum.

(3.) If no Liverpool price is quoted on any Friday, the Minister shall, having regard, so far as is practicable in the circumstances, to—

- (a) the official spot price of raw cotton at New York in the United States of America on that Friday ;
- (b) the rates of freight and insurance on cotton shipped from the United States of America to England ;
- (c) the rate of exchange between England and the United States of America ; and
- (d) such other matters (if any) as he thinks fit,

determine a price which shall be substituted for the Liverpool price for the purpose of calculating the rate of bounty under this section.

(4.) Where any question arises as to the amount of the Liverpool price at any time, the question shall be decided by the Minister and his decision shall be final and conclusive.

(5.) The rate of bounty payable under this Act in respect of raw cotton of the grade known as Strict Good Ordinary and grades lower than that grade produced during the week ending each Friday shall be one-half of the rate of bounty determined, from time to time, in accordance with the foregoing provisions of this section.

(6.) If, at any time after the commencement of this Act, the rate of duty of Customs applicable to raw cotton under item 432 (c) in the Schedule to the *Customs Tariff* 1933-1939 is higher than the rate of duty so applicable to raw cotton on the first day of August, One thousand nine hundred and forty, the Minister shall forthwith cause to be made such reduction in the rates of bounty specified in sub-section (1.) of this section in respect of raw cotton produced on or after the date of the increase in the rate of duty as is equivalent to the amount by which the first-mentioned rate of duty is higher than the last-mentioned rate of duty.

(7.) Where, after the rate of bounty has been reduced in pursuance of the last preceding sub-section, any reduction or increase occurs in the rate of duty of Customs applicable to raw cotton under item 432 (c) in the Schedule to the *Customs Tariff* 1933-1939, the Minister shall forthwith cause to be made such increase or reduction, as the case may be, in the rate of bounty payable before the date of the reduction or increase in the rate of duty in respect of raw cotton produced on or after that date as is equivalent to that reduction or increase in the rate of duty.

(8.) The rate of bounty under this section shall not in any case exceed Fivepence half-penny per pound.

10. No bounty shall be authorized to be paid in respect of the production of any raw cotton unless the producer furnishes proof to the satisfaction of the Minister that the requirements of this Act and the regulations have been substantially complied with.

Bounty not payable unless Act complied with.

Good
quality
essential.

11. Bounty shall not be paid in respect of any raw cotton unless the Comptroller-General is satisfied that the raw cotton is of good and merchantable quality.

Grading.

12. All raw cotton in respect of which bounty is claimed shall be graded into such grades and staple lengths as are prescribed.

Ginneries
to be
appointed by
Minister.

13.—(1.) Where, in the opinion of the Minister, raw cotton is, or is proposed to be, produced at premises under such conditions as are from time to time prescribed, he shall appoint those premises as a ginnery for the purposes of this Act.

(2.) The Minister may require any person applying for the appointment of his premises as a ginnery under this section to furnish information as to the nature of the business or proposed business, and such other matters as the Minister thinks fit.

(3.) At any premises appointed as a ginnery, raw cotton may be produced, weighed, examined and graded for the purposes of this Act.

Rates of wages
and conditions
of employment.

14.—(1.) Where, in the locality in which there is produced seed cotton from which raw cotton in respect of which bounty is claimed was produced, or raw cotton in respect of which bounty is claimed, any standard rates of wages to be paid or conditions of employment to be observed in respect of any persons employed in the production of seed cotton or raw cotton have been—

(a) prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory; or

(b) declared to be fair and reasonable in accordance with the next succeeding sub-section,

the producer shall, when making the claim for bounty, certify to the Collector that the rates of wages paid and the conditions of employment observed in respect of the persons employed in the production of the seed cotton from which the raw cotton was produced and of the raw cotton were not less favorable to the persons so employed than the rates and conditions so prescribed or declared.

(2.) If, in the locality where seed cotton from which raw cotton in respect of which bounty is claimed is produced, or where raw cotton in respect of which bounty is claimed is produced, the rates of wages to be paid and conditions of employment to be observed in respect of any persons employed in the production of the seed cotton from which the raw cotton was produced or of the raw cotton have not been prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory, the Minister may make application to the Chief Judge or a Judge of the Commonwealth

Court of Conciliation and Arbitration, for a declaration as to what rates of wages and conditions of employment are fair and reasonable for persons employed in the production of seed cotton or raw cotton in that locality.

(3.) If the Minister finds that the rates of wages paid to, or the conditions of employment, or any of them, observed in respect of, persons employed in the production of seed cotton from which the raw cotton in respect of which bounty is claimed was produced, or of the raw cotton in respect of which bounty is claimed, were less favorable to those persons than the rates and conditions prescribed or declared as specified in paragraph (a) or paragraph (b), as the case may be, of sub-section (1.) of this section, he may direct that the whole or any part of any bounty shall not be payable and that whole or part, as the case may be, shall thereupon not be payable.

15.—(1.) Every producer shall keep, to the satisfaction of the Minister, two separate accounts, entitled "Bounty Account—Full Rates" and "Bounty Account—Half Rates" respectively, and such accounts shall be credited with the appropriate payments of bounty received by the producer from the Commonwealth and debited with the amounts of bounty distributed by the producer to growers of seed cotton at full rates and half rates respectively.

Separate
accounts.

Penalty (for each day during which the default continues): Ten pounds.

(2.) Every producer shall, in respect of each cotton season, furnish to the Comptroller-General statements as to the producer's total receipts and disbursements of bounty as recorded in the two separate accounts, and such other information in relation to the receipt and disbursement of bounty as the Minister requires.

Penalty: Fifty pounds.

(3.) The statements and information so furnished shall be certified by the producer and his auditor to be true and correct in every particular.

16.—(1.) Any authorized person may, at all reasonable times, enter upon any ginnery or premises where seed cotton is, or has been, stored or where raw cotton, in respect of which bounty has been paid or claimed, is, or has been, produced or stored, and may—

Stocktaking
and inspection
of producers'
accounts.

- (a) inspect or take stock of the seed cotton or raw cotton therein;
- (b) take samples of the seed cotton or raw cotton;
- (c) inspect the process of production of the raw cotton; and
- (d) inspect the accounts, books and documents relating to seed cotton and raw cotton delivered to or from the ginnery or premises or to raw cotton produced therein.

(2.) The manufacturer and the owner or occupier of the ginnery or premises shall provide the authorized person with all reasonable facilities and assistance to enable him to give effect to any or all of the matters specified in the last preceding sub-section.

Penalty (for any contravention of this sub-section): Fifty pounds.

Power to require persons to answer questions and produce documents.

17.—(1.) The Comptroller-General, a Collector or any authorized person may, by notice in writing, require any person whom he believes to be capable of giving any information in relation to the production, storage or disposal of seed cotton from which raw cotton in respect of which bounty has been claimed or paid was produced, or of raw cotton in respect of which bounty has been paid or claimed, to attend before him at the time and place named in the notice, and then and there to answer questions and to produce to him such accounts, books and documents in relation to the production, storage or disposal as the Comptroller-General, Collector or authorized person thinks necessary.

(2.) The Comptroller-General, the Collector or any authorized person to whom any accounts, books or documents are produced in pursuance of this section may make and take away copies of or extracts from those accounts, books or documents.

(3.) No person shall be excused from answering any 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 criminate him or make him liable to a penalty; but his answer shall not be admissible in evidence against him in any civil or criminal proceeding other than a proceeding for an offence against this Act.

(4.) Where a producer has failed to attend or to answer any question or to produce any accounts, books or documents, when required so to do under this section, the Minister may, if he thinks fit, withhold payment of any bounty payable to the producer until he has attended, answered the question or furnished the required accounts, books or documents, as the case may be.

Power to examine on oath.

18. The Comptroller-General, a Collector or any authorized person may administer an oath to any person required to attend before him in pursuance of section seventeen of this Act and may examine that person upon oath.

Affirmation in lieu of oath.

19.—(1.) Where any person required to attend before the Comptroller-General, a Collector or authorized person in pursuance of section seventeen of this Act 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 that may be asked him.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same penalties, as an oath.

Penalty for refusing to answer questions, &c.

20. 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 to make an affirmation; or

(c) to answer questions or produce any accounts, books or documents,

when so required in pursuance of this Act.

Penalty: Fifty pounds.

21. The Minister may require any producer to give security by bond, guarantee or cash deposit, or by some or all of these methods, for due compliance by him with the provisions of this Act and the regulations or for the performance of any undertaking given by him in pursuance of this Act or the regulations.

Security for compliance with Act.

22. A person shall not—

Offences.

- (a) obtain any bounty which is not payable ;
- (b) obtain payment of any bounty by means of any false or misleading statement ; or
- (c) present to any officer or other person doing duty in relation to this Act or the regulations any account, book or document, or make to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds or imprisonment for twelve months.

(2.) Where a person is convicted under sub-section (1.) of this section, the Court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Minister the amount of any bounty wrongfully obtained.

23.—(1.) A return shall be prepared, not later than the thirty-first day of August of each year, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the preparation of the return.

Return for Parliament.

(2.) The return shall set forth in respect of the year ending on the last preceding thirty-first day of December—

- (a) the name and address of each producer to whom bounty was paid ;
- (b) the total quantities of raw cotton in respect of which bounty at full rates and half rates respectively was paid to each producer ;
- (c) the total amounts of bounty paid at full rates and half rates respectively to each producer ;
- (d) the number of growers of seed cotton to whom each producer distributed the bounty paid to him ; and
- (e) such other particulars (if any) as are prescribed.

24. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing—

Regulations.

- (a) the form in which applications for bounty shall be made ;
- (b) the conditions to be observed by producers in respect of giving notice of their intention to claim bounty and the time or times within which applications for bounty shall be lodged with the Collector ;
- (c) the conditions of production of raw cotton at ginneries ; and
- (d) penalties not exceeding Fifty pounds for any breach of the regulations.

