

(3.) Payments by the Commonwealth to the Provident Account for the purposes of this Act shall be made from the Consolidated Revenue Fund which is hereby appropriated accordingly.

(4.) The payments shall be made in such manner and at such periods as are prescribed.”

9. After section eighty of the Principal Act, the following section is inserted :—

“ 80A.—(1.) Where the salary of an employee is fixed and payable in sterling this Act shall be read as if, for the purposes of calculating— Employees paid in sterling.

- (a) the number of units of pension in respect of which the employee shall contribute ;
- (b) the contributions payable under this Act by that employee ;
- (c) any pension or amount becoming payable under this Act to or in respect of that employee ; and
- (d) any payment for which the Commonwealth becomes liable under this Act in respect of that employee,

any reference to any amount of salary, contribution or payment were a reference to that amount in sterling.

(2.) Where payments made to or from the Fund or the Provident Account exceed or are less than the amount of the payment which would, but for this section, have been so made, there shall be payable to the Commonwealth from the Fund or the Provident Account, as the case may be, the amount by which its receipts exceed those it would have received but for this section, and the Commonwealth shall recoup the Fund or the Provident Account, as the case may be, the amount of any loss sustained by reason of this section.”

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## STATES GRANTS (FERTILIZER).

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### No. 29 of 1937.

An Act to provide for Financial Assistance to the States in the making of Payments to Primary Producers, and for other purposes.

[Assented to 16th September, 1937.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, Preamble. 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 :—

1. This Act may be cited as the *States Grants (Fertilizer) Act 1937.* Short title

## Definitions.

2. In this Act, unless the contrary intention appears—

“approved organization” means an organization approved by the Minister;

“artificial manure” means any substance—

- (a) which contains nitrogen, phosphoric acid or potash;
- (b) which has been manufactured, produced or prepared in any manner for the purpose of fertilizing the soil or supplying nutriment to plants; and
- (c) in respect of which, if used in a State, the laws of that State in relation to the preparation and sale of that substance as a fertilizer are complied with,

but does not include—

- (d) any animal or vegetable matter which has not been subjected to process or manufacture;
- (e) agricultural lime or other soil amendment; or
- (f) any product prepared primarily for supplying lime to the soil;

“prescribed date” means the thirty-first day of January, One thousand nine hundred and thirty-nine or such later date as the Minister, in any exceptional case, determines;

“Territory” means a Territory of the Commonwealth situated within the Commonwealth.

Appropriation  
for payments to  
primary  
producers.

3. Subject to this Act, there shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purposes of financial assistance to the States in the making of payments to primary producers in respect of the production of primary produce other than wheat.

Amount  
payable to  
each State.

4. The amount which may be paid under the last preceding section to any State shall be such as represents payments made by the State to primary producers in respect of the production of primary produce other than wheat, in that State, at the rate of Ten shillings for each ton of artificial manure used in that State, in respect of that production, by primary producers during the year ending the thirtieth day of June, One thousand nine hundred and thirty-eight:

Provided that, in calculating the amount which may be paid to a State under this section in respect of artificial manure used by any primary producer during that year—

- (a) any artificial manure in excess of twenty tons used by that primary producer shall be excluded; and
- (b) fractions of a ton less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton.

5. No payment made by a State to a primary producer shall be taken into account in calculating the amount which may be paid to that State under this Act unless—

Conditions of payment.

- (a) the primary producer has obtained, upon application lodged by him in accordance with the regulations on or before the prescribed date, the prescribed certificate stating that the primary producer has furnished satisfactory evidence that he has used in that State, during the year ending the thirtieth day of June, One thousand nine hundred and thirty-eight, in the production of primary produce other than wheat, the quantity of artificial manure stated in the certificate ;
- (b) the amount of the payment is calculated at the rate of Ten shillings for each ton of artificial manure stated in the certificate ; and
- (c) in the case of artificial manure obtained by the primary producer from a State or approved organization, the artificial manure was obtained by way of purchase.

6. There shall be payable, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each primary producer in respect of the production of primary produce other than wheat, in any Territory, an amount representing Ten shillings for each ton of artificial manure (not exceeding twenty tons) used by that primary producer in that Territory during the year ending the thirtieth day of June, One thousand nine hundred and thirty-eight :

Payments to primary producers in Territories.

Provided that—

- (a) in calculating the amount which may be paid to a primary producer under this section in respect of artificial manure used by him during that year, fractions of a ton less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ; and
- (b) no amount shall be paid under this section to a primary producer unless an application therefor has been lodged by him in accordance with the regulations on or before the prescribed date.

7. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each State, by way of financial assistance—

Payments to States.

- (a) the amount of Ten shillings for each ton of artificial manure used by that State, or supplied by that State (otherwise than by way of sale) for use, in respect of the production of primary produce other than wheat during the year ending the thirtieth day of June, One thousand nine hundred and thirty-eight ; and

- (b) such amount as represents payments made by the State to approved organizations in that State in respect of the supply by those organizations (otherwise than by way of sale) of artificial manure for use in respect of the production of primary produce, other than wheat, during that year :

Provided that—

- (i) in calculating the amount that may be paid to a State under this section in respect of artificial manure used by the State or supplied by the State or an approved organization during that year—
- (1) any artificial manure in excess of twenty tons used on any one farm or experimental station or by any one primary producer shall be excluded ; and
  - (2) fractions of a ton less than one-half of a ton shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ;
- (ii) no amount shall be paid under paragraph (a) of this section to a State unless an application therefor has been lodged by that State in accordance with the regulations on or before the prescribed date ; and
- (iii) no payment made by a State to an approved organization shall be taken into account in calculating the amount payable to the State under paragraph (b) of this section unless—
- (1.) the approved organization has obtained the prescribed certificate upon application lodged in accordance with the regulations on or before the prescribed date ; and
  - (2.) the amount of the payment is calculated at the rate of Ten shillings for each ton of artificial manure stated in the certificate.

Offences.

8. A person shall not—

- (a) obtain any payment under this Act by means of any false or misleading statement ; or
- (b) present to any officer or other person doing duty in relation to this Act or the regulations, any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds, or imprisonment for two years.

Minister may  
require  
information.

9.—(1.) The Minister, or any person thereto authorized in writing by him, may, by notice in writing, call upon any person to furnish to him, within such time as is specified in the notice, such books, documents and information as the Minister or that authorized

person thinks necessary for the purposes of, or in relation to compliance with, this Act or the regulations, or any suspected contravention thereof.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him), fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : One hundred pounds, or imprisonment for six months.

10. 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 or imprisonment for a period not exceeding three months for any breach of the regulations. Regulations.

## DEFENCE EQUIPMENT.

### No. 30 of 1937.

#### An Act to amend the *Defence Equipment Act 1928.*

[Assented to 16th September, 1937.]

**B**E 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.—(1.) This Act may be cited as the *Defence Equipment Act 1937.* Short title and citation.

(2.) The *Defence Equipment Act 1928\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Equipment Act 1928-1937.*

2. After section five of the Principal Act the following section is inserted :—

“5A. Notwithstanding the provisions of section four of the *Defence Equipment Act 1934*, there shall be paid to the credit of the Civil Aviation Trust Account, out of the moneys standing to the credit of the Defence Equipment Trust Account, the sum of Two hundred thousand pounds.”. Payment from Defence Equipment Trust Account.