

STATES GRANTS (FERTILIZER).

No. 75 of 1938.

An Act to amend the *States Grants (Fertilizer) Act 1937*.

[Assented to 12th December, 1938.]

BE it enacted by the King'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 *States Grants (Fertilizer) Act 1938*.

(2.) The *States Grants (Fertilizer) Act 1937** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *States Grants (Fertilizer) Act 1937–1938*.

Commencement.

2. This Act shall be deemed to have come into operation on the date of the commencement of the Principal Act.

Definitions.

3. Section two of the Principal Act is amended by inserting, after the definition of “prescribed date”, the following definition:—

“ ‘share-farming agreement’ means an agreement between two or more persons to contribute towards the production of primary produce, other than wheat, by the provision of either land, labour, seed, manure or plant, and to divide among them the proceeds of such production; ”.

Amount payable to each State.

4. Section four of the Principal Act is amended—

(a) by omitting the words “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” and inserting in their stead the words “,during the year ending the thirtieth day of June, One thousand nine hundred and thirty-eight, in that State by primary producers in respect of that production”; and

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

“(2.) For the purposes of paragraph (a) of the proviso to the last preceding sub-section, where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer.”.

5. Section five of the Principal Act is amended—

(a) by omitting the words “this Act” and inserting in their stead the words “the last preceding section”;

(b) by omitting from paragraph (b) the word "and"; and
 (c) by adding at the end thereof the following paragraph:—

“; and

(d) in the case of a payment in respect of artificial manure used by a group of persons who have entered into a share-farming agreement, the payment is made to such member of the group, or is distributed amongst the members of the group in such proportions, as the Minister determines.”.

6. Section six of the Principal Act is amended by adding at the end thereof the following sub-section:—

Payments to
primary
producers in
Territories.

“(2.) For the purposes of this section—

(a) where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer; and

(b) payment may be made to such member of the group, or may be distributed among the members of the group in such proportions, as the Minister determines.”.

7. Section seven of the Principal Act is amended—

Payments to
States.

(a) by omitting paragraphs (a) and (b) and inserting in their stead the following paragraphs:—

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

(b) by omitting from paragraph (i) of the proviso the words “in respect of artificial manure used by the State or supplied by the State or an approved organization during that year”; and

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

“(2.) For the purposes of sub-paragraph (1) of paragraph (i) of the proviso to the last preceding sub-section, where artificial manure is used by a partnership, or by a group of persons who have entered into a share-farming agreement, the partnership or group shall be deemed to be one primary producer.”.