

SULPHATE OF AMMONIA BOUNTY.

No. 49 of 1964.

AN Act to amend the *Sulphate of Ammonia Bounty Act 1962*.

[Assented to 28th May, 1964.]

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 *Sulphate of Ammonia Bounty Act 1964*.

(2.) The *Sulphate of Ammonia Bounty Act 1962** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Sulphate of Ammonia Bounty Act 1962–1964*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation.

3. Section three of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2.) the word “two” and inserting in its stead the word “three”; and

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

“(3.) The Governor-General may, by Proclamation, specify a date, being a date before the thirty-first day of March, One thousand nine hundred and sixty-six, but not before the date on which the Proclamation is published in the *Gazette* or before the first day of April, One thousand nine hundred and sixty-five, as the date on which bounty shall cease to be payable.

“(4.) Where a Proclamation has been made under the last preceding sub-section, then, for the purposes of this Act, the period commencing on the first day of April, One thousand nine hundred and sixty-five, and ending on the date specified in the Proclamation shall be deemed to be, and at all times from the first day of April, One thousand nine hundred and sixty-five, to have been, a period to which this Act applies in lieu of the year commencing on the last-mentioned date.”.

4. Section seven of the Principal Act is repealed and the following section inserted in its stead:—

“ 7. The rate of bounty—

Rate of bounty.

- (a) in respect of sulphate of ammonia sold before the twenty-first day of May, One thousand nine hundred and sixty-four, is Two pounds per ton; and
- (b) in respect of sulphate of ammonia sold on or after that date is Four pounds per ton.”.

5. Section eight of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Limit of available bounty.

“ (1.) The amount available for payment of bounty—

- (a) in respect of sulphate of ammonia sold in each of the first two periods to which this Act applies is Two hundred and twenty-five thousand pounds;
- (b) in respect of sulphate of ammonia sold in the third period to which this Act applies is Four hundred and twenty thousand pounds; and
- (c) in respect of sulphate of ammonia sold in the fourth period to which this Act applies—
 - (i) if that period ends on the thirty-first day of March, One thousand nine hundred and sixty-six—is Four hundred and fifty thousand pounds; or
 - (ii) where a Proclamation has been made under sub-section (3.) of section three of this Act—is the amount that bears to Four hundred and fifty thousand pounds the same proportion as the number of days in the period from and including the first day of April, One thousand nine hundred and sixty-five, to the date specified in the Proclamation bears to three hundred and sixty-five.”.

6. Section nine of the Principal Act is repealed and the following section inserted in its stead:—

“ 9.—(1.) Where—

- (a) a financial year of a producer or a part of such a financial year falls within a period to which this Act applies; and
- (b) the net profit of the producer in that financial year or part of a financial year derived from the production and sale of sulphate of ammonia for use in Australia as fertilizer, after taking into account bounty in

Reduction of bounty where profits exceed ten per centum per annum.

respect of that sulphate of ammonia, would exceed profit at the rate of ten per centum per annum on the capital used by the producer in that production and sale,

the bounty otherwise payable in respect of sulphate of ammonia sold for use in Australia as fertilizer in that financial year or part of a financial year shall be reduced by the amount of the excess.

“(2.) For the purposes of the last preceding sub-section, where the Minister is satisfied that the net profit derived by the producer during an earlier financial year, or part of a financial year, of that producer, that fell within a period to which this Act applies, from the production and sale of sulphate of ammonia for use in Australia as fertilizer, after taking into account bounty in respect of that sulphate of ammonia, was less than profit at the rate referred to in paragraph (b) of the last preceding sub-section, or that no such profit was derived, he may make such allowance by reason of that fact as he, in his discretion, thinks fit.

“(3.) The Minister may determine the amount that is to be treated as being the amount of any net profit or capital that is required to be taken into account for the purposes of this section.

“(4.) Without prejudice to the generality of the powers of the Minister under the last preceding sub-section, the Minister, in making a determination under that sub-section—

- (a) may treat as net profit or capital required to be taken into account for the purposes of this section in respect of a producer the whole or a part of the amount, as determined by the Minister, of any net profit derived, or of any capital used, by another person (whether or not subsidiary to, or affiliated with, the producer) in or from the distribution, or sale, for use in Australia as fertilizer, of sulphate of ammonia produced by the producer;
- (b) may, where any capital is used by a producer in the production and sale of sulphate of ammonia for use in Australia as fertilizer and also for other purposes, disregard so much of that capital as the Minister thinks proper in the circumstances;
- (c) may disregard so much of the purchase price of any materials purchased by a producer, or of any other amount expended by a producer, as, in the opinion of the Minister, exceeds a reasonable price or amount;
- (d) may disregard any interest paid or payable by a producer; and
- (e) shall disregard any tax upon income paid or payable by a producer.

“(5.) The Minister may, by writing under his hand, certify the determinations or allowances made by him under this section and any such certificate is, in all courts and for all purposes, evidence of those determinations or allowances.

“(6.) For the purposes of this section, ‘financial year’, in relation to a producer, means a year that is a year of income for the purposes of the law relating to income tax in its application to that producer.”.

7. Section twenty-three of the Principal Act is repealed and the following sections are inserted in its stead:—

“23.—(1.) The Comptroller-General shall, as soon as practicable after the thirtieth day of June in each year in which bounty is payable, furnish to the Minister a return setting forth—

Return for
Parliament.

- (a) the name and address of each producer to whom bounty was paid during the preceding twelve months;
- (b) the quantity of sulphate of ammonia in respect of which bounty was paid to each producer;
- (c) the amount of bounty paid to each producer; and
- (d) such other particulars (if any) as are prescribed.

“(2.) The Minister shall cause a copy of the return to be tabled in each House of the Parliament within fifteen sitting days of that House after the return is received by him.

“(3.) The first such return made under this section shall include the information referred to in sub-section (1.) of this section in relation to the period that commenced on the first day of April, One thousand nine hundred and sixty-three, and ended on the thirtieth day of June in that year.

“23A.—(1.) The Minister or the Comptroller-General may either generally or in relation to a matter or class of matters and either in relation to the whole of the Commonwealth or to a State or part of the Commonwealth, by writing under his hand, delegate all or any of his powers and functions under this Act (except this power of delegation).

Delegation.

“(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

“(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Comptroller-General, as the case may be.”.