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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PHOSPHATE FERTILIZERS BOUNTY

AMENDMENT BILL 1977

NOTES ON CLAUSES

(Circulated by the Minister for  
Business and Consumer Affairs,  
the Hon. J.W. Howard, M.P.)

# PHOSPHATE FERTILIZERS BOUNTY AMENDMENT BILL 1977

## NOTES ON CLAUSES

- clause 1    Citation; identification of the Phosphate Fertilizers Bounty Act 1963 as the Principal Act.
- clause 2    Provision for the Amendment Act to come into operation on 1 July 1977.
- clause 3    In respect of definitions -
- (a) extends range of bountiable products to include compounded or mixed fertilizers containing phosphorus, crushed or calcined phosphate rock and phosphatic materials used as supplements to stock foods;
  - (b) makes such changes as are necessary consequential to -
    - (i) adoption of present trade usage in referring to phosphatic substances by reference to available phosphorus content determined in accordance with the regulations, rather than phosphorus pentoxide content as in the present Act;

(ii) extension of the range of bountiable products; and

(c) makes a minor formal correction to the present definition of "Collector".

Clause 4 Provides for bounty to be paid on such production, at registered premises of phosphatic substances that, within the period of 5 years from 1 July 1977 -

(a) is sold by the producer for use in Australia as fertilizer; or

(b) is used by the producer in the production of fertilizer mixture for use in Australia.

Clause 5 Amends an existing provision relating to trace element additives solely to take account of the widened range of bountiable products.

Clause 6 The section proposed to be substituted as section 5 of the Principal Act is a section now standard to bounty Acts to ensure that powers conferred are not exercised in a manner that might be held to discriminate against one part of the Commonwealth as compared with another part of the Commonwealth.

The proposed section 5A is a restatement of the repealed section 5 varied only to take account of the widened range of bountiable products.

clause 7 Provides for bounty to be payable at the following rates -

- (a) for single superphosphate - \$12.00 per product tonne (the present rate of \$11.81 per product tonne rounded off to the nearest dollar);
- (b) for superphosphate, the phosphorus content of which is either lower, or higher, than the phosphorus content of single superphosphate - \$138.00 for each tonne of available phosphorus content.

The rate prescribed in para. (b) above equates with \$12.00 per product tonne for single superphosphate having a phosphorus content of 8.7% and, applied over the range of phosphatic substances preserves relativity to single superphosphate.

Clause 8 Makes payment of, or refusal to pay, bounty a clear duty of the Minister thereby providing a basis for provisions authorising

application being made for review by the Administrative Appeals Tribunal of the Minister's decision (see para. (c) of section 20A proposed to be inserted by Clause 10).

Clause 9     The purpose of the proposed insertion is to provide a basis for the amount of security determined to be reviewable by the Administrative Appeals Tribunal (see para. (g) of section 20A proposed to be inserted by Clause 10).

Clause 10    Provides the basis for directions, determinations, approvals or refusals by the Minister and decisions by the Minister or the Comptroller-General which affect eligibility for, or the amount of, bounty being reviewable by the Administrative Appeals Tribunal.

Clause 11    Saving provision in relation to entitlements or obligations arising under the existing Act.