

1978-79

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BOUNTY (ROTARY CULTIVATORS) BILL 1979

NOTES ON CLAUSES

(Circulated by the Minister for Business and Consumer
Affairs, the Honourable W.C. Fife, M.P.)

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NOTES ON CLAUSES

- Clause 1 Short title.
- Clause 2 Commencement date - to be 5 February 1979.
- Clause 3 Defines a number of words and expressions for the purposes of the legislation.
- Clause 4 States the periods during which bounty is payable and provides for termination of the bounty scheme on a date notified in the Gazette by the Minister.
- Clause 5 Provides for the determination by the Comptroller-General of the local cost content of a bountiable prime mover or a rotary attachment for such a prime mover.
- Clause 6 Sets out the formula to be used in determining the local cost content of a bountiable prime mover and a rotary attachment for such prime mover.
- Clause 7 Prohibits the exercise of any power under the Act in a manner which would result in bounty not being uniform throughout the Commonwealth.
- Clause 8 Provides for bounty to be payable to the manufacturer of bountiable prime movers on the production of the prime mover if -
- (i) the manufacture of the prime mover and at least one rotary attachment therefor has been completed at registered premises during a period to which the Act applies;
 - (ii) the prime mover together with a rotary attachment has been sold by the manufacturer for use in Australia; and
 - (iii) the Australian content of the prime mover together with a rotary attachment with which it is sold is not less than 60% of the total factory cost of that prime mover and rotary attachment.

- Clause 9 Provides for the rate of bounty to be \$40 per kilowatt of the power output of the prime mover's engine, such power output to be determined by reference to a standard approved by the Comptroller-General.
- Clause 10 Limits the amount of bounty payable in any period to which the Act is to apply to \$60,000 and provides for payments to be made on a proportionate basis where the amount of valid claims in a period exceeds the amount of bounty available.
- Clause 11 Provides for advances to be made on account of bounty and further provides that, if advances paid exceed the amount of bounty payable, any excess payments may be recovered as a debt due to the Commonwealth by action in a Court of competent jurisdiction.
- Clause 12 Provides that bounty is not payable unless the bountiable prime mover and rotary attachments sold with it are of good and merchantable quality.
- Clause 13 Imposes a duty on the Minister to pay bounty if he is satisfied that bounty is payable, and, if he is not so satisfied, he is to refuse to approve payment.
- Clause 14 Contains provisions generally standard to Bounty Acts for registration of premises subject to conditions or requirements to be observed or complied with before and after registration, including a provision which restricts registration of the premises of manufacturers who were not engaged in the manufacture of bountiable prime movers or rotary attachments on 4 February 1979, unless, in the opinion of the Minister, the registration of such premises would promote the orderly development in Australia of the industry manufacturing rotary cultivators, and further provides for the Minister to be able to cancel registration on any of the grounds in sub-clause (7).
- Clause 15 Provides that eligibility for bounty is conditional upon the maintenance of appropriate commercial records by the manufacturer.

- Clause 16 Confers upon the Minister power to require a manufacturer to give security for compliance with the Act and regulations. Payment of bounty may be withheld until the required security is given.
- Clause 17 Empowers the Minister to appoint authorised persons, upon whom certain administrative functions are to be conferred.
- Clause 18 Empowers an authorised person to enter premises, inspect or take stock of bountiable prime movers or rotary attachments for bountiable prime movers, and inspect the manufacturing process, accounts, books, documents and other records involving such prime movers and rotary attachments. Sub-clause (2) creates an offence for failure to provide reasonable facilities and assistance for the effective exercise of an authorised person's powers.
- Clause 19 Empowers certain senior officers of Customs, or an authorised person, to require certain persons to attend before them to answer questions and produce documents in relation to bountiable prime movers and provides for withholding of bounty payment until the requirements of this clause are met. Limits the use to which self-incriminating answers given or documents produced may be put.
- Clause 20 Provides the power for certain senior officers of Customs, or an authorised person, to examine, on oath or affirmation persons attending before them.
- Clause 21 Creates offences for-
- (i) refusing or failing to attend, to be sworn or make an affirmation, to answer questions or produce records when so required under the Act; and
 - (ii) obtaining or attempting to obtain bounty that is not payable or the making of false or misleading statements.
- Clause 22 Provides for the furnishing to, and tabling in Parliament by, the Minister, of returns in relation to the bounty.

Clause 23 Delegation powers.

Clause 24 Provides a right to apply to the Administrative Appeals Tribunal for review of specified administrative decisions affecting the rights or entitlements of persons under the Act.

Clause 25 Standard appropriation provision.

Clause 26 General regulation making power.