

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BOUNTY (INJECTION-MOULDING EQUIPMENT) AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Minister for Industry,
Technology and Commerce, Senator the Honourable John N. Button)

Outline

This Bill proposes to amend the Bounty (Injection-Moulding Equipment) Act 1979 as a consequence of the Government's decision on 10 October 1984 to accept the Industry Assistance Commission's recommendations on long-term assistance measures to the Australian industry producing injection-moulding machines and parts for the production of moulded artificial plastic goods.

The Bill gives effect to the Government's decision to continue bounty assistance to the industry for a further four years, with the total amount of assistance over the four years from the date of the Government's announcement not to exceed \$2 million.

The proposed new bounty scheme provides for payment of bounty at a rate representing -

- (a) for the first two years -
20% of the value added by the manufacturer of the injection-moulding machine or part, with an upper limit of \$0.6 million per year,
- and
- (b) for the last two years -
10% of the value added by the manufacturer of the injection-moulding machine or part, with an upper limit of \$0.4 million per year.

The value added by manufacturers is proposed to be ascertained by reference to factory costs actually incurred by them at registered premises.

The Bill also incorporates a number of clauses which update the administrative provisions in the existing Act, similar to those sections in the Bounty (Computers) Act 1984 and Bounty (Electric Motors) Act 1984.

Financial Impact Statement

The cost of bounty assistance for the 4 year extension of the Principal Act is limited to \$2 million.

NOTES ON CLAUSES

Short Title

Clause 1 is a formal machinery clause.

Commencement

Clause 2 provides for the Act to be deemed to have come into operation on 23 November 1984 (the day following the expiry of the Principal Act), with the exception of;

- . Section 1 (dealing with the short title),
- . Section 2 (dealing with the commencement of the Act),
- . Section 9 (dealing with the repeal of Section 15 of the Principal Act and the substitution of a new Section 15 relating to the appointment of authorised officers),
- . Section 11 (dealing with two new sections relating to the statutory time limit within which a prosecution for an offence under the Act must be commenced, and a provision to permit the recovery of bounty on conviction of an offence against three specific sub-sections of the Act),
- . Section 14 (dealing with minor consequential amendments to the Principal Act), and
- . Sub-Section 4(2) (dealing with the repeal of the definition of "authorised person" and the substitution of a new definition for "authorized officer"),

which shall commence on the day on which the Act receives the Royal Assent.

Heading to Part I

Clause 3 is a technical drafting clause, introducing a new part heading into the Principal Act.

Interpretation

Clause 4 Sub-clause (1) amends Section 3 of the Principal Act by:

- . adding definitions for "accounting period" and "approved form", similar to those in Sub-Section 3(1) of the Bounty (Computers) Act 1984;

- adding a definition of "manufactured", similar to that in Sub-Section 3(1) of the Bounty (Computers) Act 1984, which, for the purpose of injection-moulding equipment that is manufactured on or after the commencement date of this Act (23 November 1984), means:
- a person who at premises registered under the Act in his name, carries out a process or processes in the manufacture of the equipment, except,
 - .. research or development,
 - .. systems engineering or systems design,
 - .. the provision of software, or
 - .. the development or testing of a prototype of the equipment, or
 - a person who arranges with another manufacturer for the carrying out by that manufacturer, at registered premises, of a substantial process, or substantial processes, in the manufacture of the equipment;
- adding a definition of "prescribed equipment," which, for the purposes of determining what equipment is to be regarded as "bountiable" equipment under this Act, incorporates,
- the existing elements of the definition of "injection-moulding equipment" in the Principal Act, and
 - a new element, which identifies such equipment by reference to item 84.59 in Schedule 3 of the Customs Tariff Act 1982;
- adding a definition of "prescribed premises, which is consequent upon the new registration of premises criteria in Section 14T;
- adding a new Sub-Section (2), similar to Sub-Section 3(2) of the Bounty (Computers) Act 1984, which deems this Act to be amended on the particular day that a Customs Tariff alteration proposed in the Parliament to amend Schedule 3 is deemed to take effect from;
- adding a new Sub-Section (3), similar to Sub-Section 3(4) of the Bounty (Computers) Act 1984, which sets out the circumstances in which 2 persons are to be deemed to be associates of each other, for the purposes of the Act.

Sub-clause (2) amends Section 3 of the Principal Act by:

- omitting the definition of "authorized person" and substituting a new definition for "authorized officer", which is consequent upon the new Section 15 relating to the appointment of authorized officers.

Uniformity

Part II

Clause 5 introduces

- a new Section 3A, which is a redrafted version of the Principal Act's Section 6, to prohibit the exercise of any power under this Act which would result in bounty not being uniform throughout the Commonwealth, and
- a new Part II into the Principal Act, which has the effect of placing Sections 4, 5, 7, 8, 8A, 9, 10, 11, 12, 13 and 14 of the Principal Act under this Part. The new Part II only applies to bounty on injection-moulding equipment the manufacture of which was completed before 23 November 1984, the date from which the new bounty assistance arrangements and administrative procedures contained in Part III are deemed to commence (proposed Section 3B).

Repeal of Section 6

Clause 6 repeals Section 6 of the Principal Act, as a consequence of that section's re-positioning into Part I of the Act, as new Section 3A.

Part III

Clause 7 introduces a new Part III into the Principal Act, to cater for the new bounty assistance arrangements and administrative procedures for the industry producing injection-moulding machines and parts, resulting from the Government's decision on 10 October 1984 to continue bounty assistance to the industry for a further four years. The new Part provides as follows:

Application of Part III

New Section 14A

- This section applies the new bounty assistance arrangements and administrative procedures contained in the 22 sections of Part III to injection-moulding equipment, the manufacture of which was completed on or after 23 November 1984

(the day after the expiry of the assistance arrangements under the Principal Act). The exception to this application section is new Section 14W, which is a transitional provision to cater for equipment manufactured before, but sold on or after 23 November 1984.

Periods to which this Act applies

New Section 14B

- . This section specifies the further periods for which bounty assistance is to be provided under the Act, pursuant to the Government's announcement on 10 October 1984. The new assistance will commence on 23 November 1984 (the day after the expiry of the assistance arrangements under the Principal Act) and conclude on 9 October 1988, four years after the Government's announcement.

Amendments of Tariff Act

New Section 14C

- . This new section, which is identical to Section 4 of the Bounty (Computers) Act 1984, protects manufacturers who have commenced manufacturing "bountiable" equipment from losing their eligibility for bounty through an amendment to the Tariff Act, which results in the particular goods ceasing to be classified within the tariff item nominated in the new definition for "bountiable" equipment (i.e. prescribed equipment) and thus falling outside the Act;
 - where the manufacture of such equipment is commenced before the day of the Tariff Act amendment, and completed after that day, the equipment will be deemed to be "prescribed equipment", and thus eligible for bounty, as long as the manufacture was commenced in pursuance of a firm order placed before the amendment day (proposed Sub-Sections 14C(1) and (2)),
 - for the purposes of the section, the manufacture of goods will only be taken to have commenced where a process in the manufacture of the goods has been commenced at registered premises (i.e. prescribed premises).

Value addedNew Section 14D

- . This section, which is similar to Section 6 of the Bounty (Computers) Act 1984, sets out the elements which are to be included and excluded from the value added to prescribed equipment by a manufacturer, for the purposes of calculating the amount of bounty payable on that equipment;
 - the value added to prescribed equipment by a manufacturer is deemed to be that amount which is the factory cost incurred by the manufacturer, either;
 - .. in connection with the manufacture of the equipment at his own registered premises (proposed paragraph 14D(1)(a)), or
 - .. in the course of arranging for another manufacturer to manufacture the equipment at registered premises (proposed paragraph 14D(1)(b));
 - factory cost can include,
 - .. system design and system engineering costs in Australia, or expenditure on research and development in Australia, where such costs are incurred by the manufacturer in respect of prescribed equipment of a kind that is, or is likely to be, manufactured in Australia by the manufacturer (proposed sub Section 14D(2)); and
 - .. factory overhead charges (proposed Sub-Section 14D(4));
 - factory cost is to specifically exclude,
 - .. the amounts of any grants received by the manufacturer from the Commonwealth, a State (which includes the Northern Territory proposed 14D(8)), or an authority of either one, in respect of the manufacture of, or research and development for, prescribed equipment during the relevant period (proposed Sub-Section 14D(3)); and
 - .. nineteen other classes of costs, charges or receipts in connection with the manufacture of prescribed equipment (proposed Sub-Section 14D(5));

- where the Comptroller-General is unable to verify the value-added figure, or where he forms the opinion that the factory cost from which the value-added figure has been ascertained is incorrect, overestimated or inflated in any way, he may determine the value-added to the prescribed equipment by the manufacturer (proposed Sub-Section 14D(6));
- where a manufacturer manufactures prescribed equipment from other equipment in respect of which bounty under this Act, the Principal Act or the Bounty (Computers) Act 1984 has become payable, the value-added figure for the prescribed equipment does not include any value added by the manufacturer on that other equipment (proposed Sub-Section 14D(7));

Accounting Period

New Section 14E

- . This section, which is identical to Section 7 of the Bounty (Computers) Act 1984, specifies that for the purposes of the Act;
 - an accounting period of a manufacturer is to be a financial year (proposed Sub-Section 14E(1)), unless the manufacturer,
 - .. elects to alter that accounting period, or introduce new accounting periods, subject to his giving written notice to the Comptroller-General, specifying the new period and setting out the reasons for the change (proposed Sub-Sections 14E(2) and (3)).

Specification of bounty on prescribed equipment

New Section 14F

- . This section, which is similar to Section 9 of the Bounty (Computers) Act 1984, sets out the eligibility criteria for the payment of bounty to the manufacturer, or manufacturers of prescribed equipment;
 - bounty is payable to the manufacturer, or manufacturers, of prescribed equipment on the production in Australia of such equipment (proposed Sub-Sections 14F(1) and (2)) where;

- .. all the processes in the manufacture of the equipment carried out in Australia by the manufacturer are carried out at registered premises (proposed paragraph 14F(3)(a)),
- .. the last substantial process in the manufacture of the equipment is completed at registered premises during a period to which the Act applies (see new Section 14B) (proposed paragraph 14F(3)(b)); and,
- .. the equipment is, during a period to which the Act applies, sold or otherwise disposed of by the manufacturerr for an end use in the production of artificial plastic goods, or in the manufacture of other prescribed equipment or the repair of such equipment for that end use (proposed paragraph 14F(3)(c));
- where bounty is payable on prescribed equipment, it is deemed to have become payable on the day on which the end use condition in paragraph 14F(3)(c) is satisfied (proposed Sub-Section 14F(4));
- bounty is not payable on any bountiable equipment manufactured by the Commonwealth, a State (which includes the Northern Territory, proposed Sub-Section 14F(6)) or an authority of the Commonwealth or a State (including an educational institution established by the Commonwealth or a State). This is for the reason that the bounty is designed to assist non-government enterprises compete more effectively against import competition.

Amount of bounty on prescribed equipment

New Section 14G

- . This section specifies the rates at which bounty is to be payable during the assistance periods of this Act;
- a rate of 20% is payable on the value added to prescribed equipment by the manufacturer, when the end use condition in paragraph 14F(3)(c) is satisfied between 23 November 1984 (the day after the expiry of the Principal Act) and 9 October 1986 (proposed paragraph 14G(a));

- a rate of 10% is payable on the value added to prescribed equipment by the manufacturer, when the end use condition in paragraph 14F(3)(c) is satisfied between 10 October 1986 and 9 October 1988 (proposed paragraph 14G(b)).

Limit on amount of bounty

New Section 14H

- . The total amount of money available for the payment of bounty under this Act is \$1,928,000 (proposed Sub-Section 14H(3));
 - the limit of \$2 million announced by the Government from 10 October 1984 to 9 October 1988 has been slightly reduced on a proportional basis in the first year (i.e. from 10 October 1984 to 9 October 1985) to cater for the fact that the Principal Act does not expire until 22 November 1984. The amount available for the payment of bounty in the "yearly" periods to which the Act applies is ;
 - .. \$528,000 in the period 23 November, 1984 (the day after the expiry of the Principal Act) to 9 October 1985,
 - .. \$600,000 in the period 10 October 1985 to 9 October 1986,
 - and .. \$400,000 in each of the periods 10 October 1986 to 9 October 1987 and 10 October 1987 to 9 October 1988 (proposed Sub-Section 14H(1));
 - the yearly limits can be varied in any period (proposed Sub-Sections 14H(2) and (4)), provided the total of all yearly amounts does not exceed the pro-rated \$2 million figure in proposed Sub-Section 14H(3);

Good Quality of prescribed equipment

New Section 14J

- . This section, which is identical to Section 11 of the Bounty (Computers) Act 1984, ensures that equipment which is eligible for the payment of bounty is of good and merchantable quality;
 - where the Comptroller-General declares in writing that, in his or her opinion, the equipment is not of such quality, with the result that bounty is not payable in respect

of that equipment, that declaration is reviewable by the Administrative Appeals Tribunal (see clause 13).

Advances on account of bounty prescribed equipment

New Section 14K

- . This section, which is identical to Section 12 of the Bounty (Computers) Act 1984, authorises advances on account of bounty, on such conditions as are approved by the Minister in writing (proposed Sub-Section 14K(1));
- where the amount of bounty received by way of advances exceeds the amount of bounty that subsequently becomes payable on the prescribed equipment, or where bounty never becomes payable in respect of the equipment, the amount of the excess, or the entire amount, as the case may be, is repayable to the Commonwealth (proposed Sub-Sections 14K(2) to (4)).

Claims for payment of bounty

New Section 14L

- . This section, which is identical to Section 13 of the Bounty (Computers) Act 1984, sets out the procedures to be followed by a person claiming bounty;
- such a person is required to ;
 - .. lodge a claim for bounty on an approved form, providing such information as is required by the form,
 - .. sign and witness the form as required, and
 - .. lodge the form with the Collector for the State or Territory in which the manufacture was completed, within 12 months of the day on which the end use condition of paragraph 14F(3)(c) is satisfied (proposed Sub-Section 14L(2));
- the Comptroller-General is then obliged to examine the claim and either;
 - .. approve the payment of bounty in respect of the equipment to which the claim relates, or,

- .. refuse to approve such payment
(proposed Sub-Section 14L(3)),
- .. the above decisions of the Comptroller-General are reviewable by the Administrative Appeals Tribunal (see clause 13),
- the Comptroller-General is obliged to furnish the successful or the unsuccessful claimant a notice in writing setting out the decision (proposed Sub-Section 14L(4)).

Variation of inadequate claims

New Section 14M

- . This section, which is identical to Section 14 of the Bounty (Computers) Act 1984, provides a mechanism for the variation of claims for the payment of bounty where the claimant considers that, by reason of inadvertent error, the original claim is less than what the claimant is entitled to (proposed Sub-Section 14M(1));
- the procedure for the lodgement of a subsequent claim for the balance of bounty which it is considered is owing is identical to the procedure applying to original claims for bounty (see Sub-Section 14L(2) - proposed Sub-Section 14M(2));
- again, similar to the procedure applying to original claims for bounty, (Sub-Section 14L(3)), the Comptroller-General is obliged to examine the further claim for bounty and either ;
 - .. approve the further payment of bounty, or refuse to do so (proposed Sub-Section 14M(4));
 - .. the above decisions of the Comptroller-General are reviewable by the Administrative Appeals Tribunal (see clause 13),
- the Comptroller-General is obliged to furnish the successful or unsuccessful claimant a notice in writing setting out the decision (proposed Sub-Section 14M(5));

Variation of excessive claims

New Section 14N

- . This section, which is identical to Section 15 of the Bounty (Computers) Act, 1984, imposes an obligation on a recipient of bounty to lodge an acknowledgement of error, within 28 days, where the recipient becomes aware that the original claim for bounty exceeds by more than \$100 what the claimant is entitled to (proposed Sub-Section 14N(1));
 - the penalty for contravening Sub-Section (1) is \$1,000,
 - the procedure for the lodgement of an acknowledgement form is similar to that governing original claims (see Sub-Section 14L(2) - proposed Sub-Section 14N(2));
 - upon examination of the acknowledgement, where the Comptroller-General is satisfied there has been an overpayment by more than \$100, he shall cause to be served on the claimant a demand for the repayment of the amount of the overpayment (proposed Sub-Section 14N(4));
 - .. the decision of the Comptroller-General for the above purposes is reviewable by the Administrative Appeals Tribunal (see clause 13).

Manufacturers to furnish return of costs

New Section 14P

- . This section, which is identical to Section 16 of the Bounty (Computers) Act 1984, imposes an obligation on manufacturers of prescribed equipment to furnish returns, within six (6) months of each of their accounting periods, setting out particulars of the factory costs incurred by them in relation to prescribed equipment manufactured in those periods (proposed Sub-Section 14P(1));
 - the procedure for the lodgement of a return of costs is similar to that governing original claims (see Sub-Section 14L(2) - proposed Sub-Section 14P(2));
 - the Comptroller-General may require a manufacturer who furnishes a return to provide a certificate, signed by a qualified accountant approved by the Comptroller-

General, to the effect that the particulars set out in the return are correct (proposed Sub-Section 14P(3));

.. when considering whether a manufacturer of prescribed equipment should be requested to furnish a certificate, the Comptroller-General shall have regard to ,

- (a) the extent of the claims for bounty made by the manufacturer during the relevant period,
- (b) the expense of obtaining such a certificate, and,
- (c) the relation that expense bears to the claims (proposed Sub-Section 14P(4));

.. the Comptroller-General shall not refuse to approve a qualified accountant, unless it is considered inappropriate to do so because of an association between the accountant and the manufacturer (proposed Sub-Section 14P(5));

- where a manufacturer;

.. refuses or fails to furnish a return of costs in accordance with the appropriate approved form, he shall be liable to a penalty of \$1,000 (proposed Sub-Section 14P(6));

.. furnishes information or estimates which, to the knowledge of the manufacturer, are false or misleading in a material particular, he shall be liable to a penalty of \$1,000, or six (6) months imprisonment, or both (proposed Sub-Section 14P(7)).

Adjustment of claims following returns

New Section 14Q

. This section, which is identical to Section 17 of the Bounty (Computers) Act 1984, provides a procedure for the adjustment of claims for bounty resulting from any differences in factory costs which appear in a manufacturer's claim for bounty (Section 14(L)), and that manufacturer's subsequent return of costs (Section 14P);

- in the event of such a difference, the manufacturer is required to lodge with his Section 14P return of costs a statement in respect of the difference. Failure to do so renders him liable to a penalty of \$1000 (proposed Sub-Section 14Q(1));
- the procedure for the lodgement of an adjustment statement is similar to that governing original claims (see Sub-Section 14L(2) - proposed Sub-Section 14Q(2));
- after examining the statement the Comptroller-General may either
 - .. approve the payment of any additional amount owing to the manufacturer as a result of balancing the claim and return; or
 - .. serve on the manufacturer a demand for the repayment of any overpayment in excess of \$100; or
 - .. decline to adjust the payments of bounty made in respect of claims lodged by the manufacturer (proposed Sub-Section 14Q(3));
 - .. the decision of the Comptroller-General for the above purposes is reviewable by the Administrative Appeals Tribunal (see Clause 13);
- the Comptroller-General is required to give notice in writing to the manufacturer setting out the decision under Sub-Section 3 (proposed Sub-Section 14Q(4)).

Other adjustment of claims

New Section 14R

- . This section, which is identical to Section 18 of the Bounty (Computers) Act 1984, provides that the Comptroller-General shall serve a demand for repayment of an overpayment of a claim for bounty in excess of \$100, where the Comptroller-General discovers such an overpayment in a situation other than through an acknowledgement under Section 14N or a statement under Section 14Q;
- the decision of the Comptroller-General is reviewable by the Administrative Appeals Tribunal (see Clause 13).

Recovery of Repayments

New Section 14S

- . This section, which is identical to Section 19 of the Bounty (Computers) Act 1984, allows the Commonwealth to recover amounts owing to it (by action in court for a debt due) in situations where;
 - a person claims bounty which is not or does not become payable to him (Section 14L), a person has overclaimed for bounty (Section 14N), an overpayment is discovered following adjustment to claims made after returns have been lodged (Section 14Q), or the Comptroller-General discovers an overpayment of bounty (Section 14R) (proposed Sub-Section 14(S)(1));
 - amounts owing to the Commonwealth by a person in any of the situations described in Sub-Section (1) may be deducted from any amount that is payable to that person under the Act, and where such a deduction is made the balance which is paid will be deemed to have been the full amount (proposed Sub-Section 14(S)(2))).

Registration of premises as prescribed premises

New Section 14T

- . This section, which is identical to Section 20 of the Bounty (Computers) Act 1984, sets out the various requirements for the registration of premises under the Act. A pre-requisite for the payment of bounty under the Act is that the prescribed equipment is manufactured in registered premises (see Section 14F);
 - registrable premises are restricted to premises that are used solely or principally for industrial or commercial purposes (proposed Sub-Section 14T(1))).
 - applications for the registration of premises are to be made to the Minister, in writing (proposed Sub-Section 14T(2));
 - .. the Minister may require an applicant for registration to furnish such further information as the Minister considers necessary and he may refuse registration until such further information is provided (proposed Sub-Section 14T(7));

- on receipt of an application for registration, the Minister shall either;
 - .. register the premises and cause a notice to that effect to be served on the applicant; or
 - .. refuse to register the premises and cause a notice to that effect to be served on the applicant (proposed Sub-Section 14T(3));
 - (a) where premises are registered, the registration shall date from the date the Notice of Registration is signed by the Minister (proposed Sub-Section 14T(4));
- the registration of premises which were not engaged in the manufacture of prescribed equipment prior to 23 November 1984 (the commencement date of this Act) will not be permitted unless the Minister forms the opinion that the new registration will permit the orderly development in Australia of the industry manufacturing prescribed equipment (proposed Sub-Section 14T(8));
 - .. premises that were registered on 22 November 1984 (the expiry date of the Principal Act) will be deemed to be registered as from 23 November under this Act (proposed Sub-Section 14T(9)). This will preclude the necessity of having to register under this Act;
- registrations may be transferred on the submission of a joint application to the Minister (proposed Sub-Sections 14T(10) and (11));
- the Minister may cancel the registration of premises where he becomes satisfied that any one of the following applies;
 - .. prescribed equipment is not being manufactured at the premises;
 - .. the manufacture of prescribed equipment is being carried on by someone other than the person in whose name the premises are registered;
 - .. the manufacture is not being carried out in accordance with prescribed conditions; or

.. the premises are not being used solely or principally for industrial or commercial uses (proposed Sub-Section 14T(12)).

- the decision of the Minister refusing the registration of premises (Sub-Section 14T(3)), or cancelling the registration of premises (Sub-Section 14T(12)) is reviewable by the Administrative Appeals Tribunal (see clause 13).

Accounts relating to prescribed equipment

New Section 14U

- . This section, which is identical to Section 21 of the Bounty (Computers) Act 1984, makes eligibility for bounty conditional upon the maintenance of appropriate commercial records;
 - such records are required to be;
 - .. kept in writing in the English language (or be readily accessible and convertible into writing in the English language (proposed Sub-Section 14U(2)); and
 - .. retained for at least 3 years after the completion of the manufacture of the equipment (proposed Sub-Section 14U(1)).

Securities relating to prescribed equipment

New Section 14V

- . This section, which is identical to Section 22 of the Bounty (Computers) Act 1984, confers upon the Minister the power to require a person to whom bounty could become payable to give security for compliance with the Act and regulations. Payment of bounty may be withheld until the required security is given;
 - a decision of the Minister requiring a person to give a security is reviewable by the Administrative Appeals Tribunal (see clause 13).

Transitional

Equipment manufactured before, but sold on or after 23 November 1984; and

Equipment manufactured partly before and partly on or after 23 November 1984

New Sections 14W and 14X

- These two sections prescribe the transitional arrangements which are to apply in the change-over from the administrative provisions of the Principal Act to those new arrangements contained in Part III of this Act;
 - where the manufacture of equipment is completed before the commencement of this Act (i.e. 23 November 1984), but the end use condition for the payment of bounty (Sub-Section 14F(3)) is satisfied on or after that day;
 - .. the manufacture of the equipment will be deemed to have been completed on that later day, so that this Act can apply for the purposes of the payment of bounty (proposed Section 14W).
 - where the last substantial process in the manufacture of prescribed equipment was completed after the commencement of this Act (i.e. 23 November 1984), but a prior process was carried out before that date at premises registered under the Principal Act,
 - .. that prior process shall be deemed to have been carried out at premises registered under this Act, so that this Act can apply for the purposes of the payment of bounty (proposed Section 14X).

Heading to Part IV

Clause 8 is a technical drafting clause introducing a new part heading into the Principal Act.

Appointment of Authorized Officers

Clause 9 Sub-clause (1) repeals Section 15 of the Principal Act and substitutes a new Section 15 which;

- empowers the Minister to appoint authorized officers upon whom certain administrative functions can be conferred for the purposes of

the Act (proposed Sub-Sections 15(1) and (2));

Sub-clause (2) is a transitional provision, which deems authorized persons under the Principal Act immediately prior to the commencement of this Act, to be authorized officers for the purposes of this Act.

Offences

Clause 10 amends Section 19 of the Principal Act by omitting Sub-Sections (2), (3) and (4) and substituting new sub-sections, similar to those in Section 27 of the Bounty (Computers) Act 1984, which;

- . create offences for;
 - obtaining or attempting to obtain bounty that is not payable, which is to be liable to a penalty of \$2,000 or imprisonment for 12 months or both (proposed Sub-Section 19(2));
 - the making of false or misleading statements, or the presentation of certain records, that are known to be false or misleading in a material particular. Both situations are to be liable to a penalty of \$1,000 or 6 months imprisonment, or both (proposed Sub-Section 19(3)).

Time for prosecutions

Recovery of bounty on conviction

Clause 11 introduces two new sections into the Principal Act, as follows;

New Section 19A

- . This section provides that a prosecution for an offence against the Act may be commenced at any time within 3 years of the commission of the offence;

New Section 19B

- . This section empowers a court to order a person convicted of an offence against Sub-Section 14N(1) (relating to a claim for bounty that is excessive) or Sub-Sections 19(2) or (3) (relating to the submission of false or misleading information) to
 - refund to the Commonwealth the amount of bounty wrongfully obtained, in addition to imposing the prescribed penalty in those

sub-sections (proposed Sub-Section 19B(1))).

Return for Parliament

Clause 12 effects minor technical drafting changes to Section 20 of the Principal Act.

Application for review

Clause 13 amends Section 22 of the Principal Act (relating to those situations under the Act which are reviewable by the Administrative Appeals Tribunal) by the addition of a further 13 areas for review. All of these relate to the new administrative provisions inserted into the Principal Act in Part III.

Minor Amendments

Clause 14 effects minor drafting amendments to various sections of the Principal Act, by way of a Schedule.

