

1978-79

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BOUNTY (INJECTION-MOULDING EQUIPMENT) 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 23 May 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.

Clause 5 Provides that -

- (i) additional value for the purposes of calculation of bounty payable shall be the amount by which the factory cost of injection-moulding equipment (as determined by the Comptroller-General) exceeds the cost of materials and parts (as determined by the Comptroller-General) used by the manufacturer of that injection-moulding equipment; and
- (ii) in determining the factory cost, the Comptroller-General shall make an allowance for research and development expenditure and factory overhead charges; but no allowance shall be made for general administration expenses, selling costs, service charges, taxation or any cost incurred after the completion of manufacture.

Clause 6 Prohibits the exercise of any power under the Act in a manner which would result in bounty not being uniform throughout the Commonwealth.

Clause 7 Provides for bounty to be payable to the manufacturer of injection-moulding equipment on the production of the equipment only if -

- (i) the manufacture of the equipment has been carried out, or deemed to have been carried out, at registered premises and completed either before the commencement date of the Act or during the period to which the Act applies;
- (ii) in the case of an injection-moulding machine it has been used or sold by the manufacturer for use in Australia in the production of artificial plastic goods; and
- (iii) in any other case it has been -
 - (a) sold by the manufacturer for use in Australia by another person in the manufacture or repair of injection-moulding equipment; or
 - (b) used by the manufacturer in Australia, in the repair of, or as part of injection-moulding equipment.

Clause 8 Specifies, in relation to each of the years to which the Act applies, the rate of bounty in relation to the value added to equipment by the manufacturer, viz:

- (i) in the first year - an amount equal to 45% of added value; and
- (ii) in the 2nd, 3rd, 4th and 5th years - an amount equal to 35%, 25%, 15% and 5%, respectively, of added value.

Clause 9 Provides that bounty is not payable unless the equipment is of good and merchantable quality.

Clause 10 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 11 Provides for advances to be made on account of bounty and further provides that if advances paid exceed the amount of bounty payable the excess is to be repaid to the Commonwealth.

Clause 12 Contains provisions generally standard to Bounty Acts which provide manufacturers with a right to registration of premises subject to conditions or requirements to be observed or complied with before and after registration and further provides for the Minister to cancel registration on any of the grounds in sub-clause (7).

Clause 13 Provides that eligibility for bounty is conditional upon the maintenance of appropriate commercial records by the manufacturer.

Clause 14 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 15 Empowers the Minister to appoint authorised persons upon whom certain administrative functions are to be conferred.

Clause 16 Empowers an authorised person to enter premises, inspect or take stock of injection-moulding equipment, and inspect the manufacturing process, accounts, books, documents and other records involving such equipment. 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 17 Empowers certain senior officers of Customs, or an authorised person, to require certain persons to attend before them to answer questions and produce commercial records in relation to injection-moulding equipment 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 commercial records that have been supplied under this provision, may be put.

Clause 18 Provides the power for certain senior officers of Customs, or an authorised person, to examine, on oath or affirmation, persons attending before them.

Clause 19 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) knowingly obtaining or attempting to obtain bounty that is not payable or the making of false or misleading statements.

Clause 20 Provides for the furnishing to, and tabling in Parliament by, the Minister, of returns in relation to the bounty.

Clause 21 Delegation powers.

Clause 22 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 23 Standard appropriation provision.

Clause 24 General regulation making power.