

Metal Working Machine Tools Bounty

No. 115 of 1972

**An Act to provide for the Payment of a Bounty on
the Production of certain Metal Working Machine Tools.**

[Assented to 31 October 1972]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Metal Working Machine Tools Bounty* Shorttitle, Act 1972.

**Commence-
ment.**

2. This Act shall be deemed to have come into operation on the eleventh day of August, One thousand nine hundred and seventy-two.

Interpretation.

3.—(1.) In this Act, unless the contrary intention appears—

- “authorized person” means a person who is, for the time being, an authorized person for the purposes of this Act by virtue of an appointment under section 13 of this Act;
- “bounty” means bounty under this Act, and includes an advance on account of bounty under section 11 of this Act;
- “Collector” means Collector of Customs for a State or for a Territory of the Commonwealth;
- “drilling capacity”, in relation to a drilling machine, means the diameter of the widest hole that the machine is capable of drilling in mild steel under continuous operation in normal working conditions;
- “machine tool” means metal working machine tool;
- “registered premises” means premises that are, for the time being, registered premises for the purposes of this Act by virtue of registration of the premises under section 12 of this Act;
- “special purpose machine tool” means a power fed machine tool capable of one or more of the functions of drilling, boring, screwing, chasing or tapping, being a machine tool that—
 - (a) has been designed or adapted for the purpose of performing, in relation to a particular kind of workpiece, a particular operation or particular operations; and
 - (b) cannot, without structural alteration, be used for any other purpose;
- “swing over bed” or “diameter of swing”, in relation to a lathe or other machine tool in which the workpiece is held between centres, means a distance equal to twice the shortest distance from the axis of rotation of the workpiece to the bed of the lathe or other machine tool;
- “the commencing date” means the date on which this Act is to be deemed to have come into operation;
- “the Comptroller-General” means the Comptroller-General of Customs;
- “the period to which this Act applies” means the period that commenced on the commencing date and ends on the thirtieth day of June, One thousand nine hundred and seventy-seven, or on such later date as, before the thirtieth day of June, One thousand nine hundred and seventy-seven, is fixed by Proclamation as the terminating date for the purposes of this Act.

(2.) Where—

- (a) application is made for payment of bounty in respect of a drilling machine, including a special purpose machine tool that is, or the essential nature of which is, a drilling machine; and
- (b) the drilling capacity of the machine is not specified in the application or, if it is so specified, the Minister is of the opinion that the drilling capacity of the machine is other than that so specified,

the drilling capacity of the machine shall, for the purposes of this Act, be deemed to be such capacity as the Minister is satisfied is the drilling capacity of the machine.

4.—(1.) Subject to the next succeeding sub-section, this Act applies to a machine tool of a kind that is specified in the Schedule to this Act as a machine tool to which this Act applies.

Machine tools
to which Act
applies.

(2.) A reference in this Act to a class of machine tools shall be read as a reference to one of the classes of machine tools into which machine tools to which this Act applies are divided in the Schedule.

(3.) This Act does not apply to a machine tool that, before it is sold by the manufacturer of the tool, has been used by the manufacturer, or by another person, otherwise than for the purpose of testing, or demonstrating the operation of, the tool.

5.—(1.) For the purposes of this Act—

Factory cost.

- (a) the factory cost of a machine tool is such amount as is determined by the Comptroller-General to be the factory cost of the tool to the manufacturer of the tool; and
- (b) the factory cost of the materials and parts of a machine tool that were manufactured in Australia is such amount as is determined by the Comptroller-General to be the factory cost of those materials and parts to the manufacturer of the tool.

(2.) In determining the factory cost of a machine tool, or the factory cost of the materials and parts of a machine tool that were wholly manufactured in Australia, the Comptroller-General shall make an allowance for factory overhead charges, but shall not make any allowance for general administration, selling costs, service charges, taxation or any cost incurred after the machine tool is ready for use.

6.—(1.) Subject to this Act, bounty is payable in respect of a machine tool manufactured in Australia, being a machine tool to which this Act applies, if, during the period to which this Act applies—

Specification
of bounty.

- (a) the tool is manufactured at registered premises, being premises registered in respect of the class of machine tools in which the tool is included or, if the manufacture of the tool had been commenced but had not been completed before the commencing date, the manufacture of the tool is completed at registered premises, being premises so registered; and

(b) the tool is sold by the manufacturer of the tool for use in Australia.

(2.) Where the factory cost of the materials and parts of a machine tool that were wholly manufactured in Australia is less than fifty-five per centum of the factory cost of the tool, bounty is not payable in respect of the tool.

(3.) Where—

(a) by virtue of sub-section (7.) of section 12 of this Act, the Minister determines that the registration of premises in respect of a class of machine tools to which this Act applies shall be deemed to have taken effect on and from the commencing date; and

(b) at the commencement of this Act, the person who applied for the registration of the premises in respect of that class of machine tools is the owner of a machine tool included in that class of machine tools, being a machine tool manufactured in Australia before the commencing date, whether at those premises or at other premises and whether by that person or by another person,

that machine tool shall, for the purposes of this Act, be deemed to be a machine tool manufactured by the first-mentioned person at the registered premises on the commencing date.

To whom
bounty is
payable.

7. Bounty in respect of a machine tool is payable to the manufacturer of the tool.

Rate of bounty.

8.—(1.) Subject to this Act, the bounty in respect of a machine tool is one-third of the factory cost of the tool.

(2.) Where the ratio between the factory cost of the materials and parts of a machine tool that were wholly manufactured in Australia and the factory cost of the tool, expressed as a percentage of the factory cost of the tool, is less than eighty-five per centum, the reference in the last preceding sub-section to the factory cost of the tool shall be read as a reference to an amount equal to the factory cost of the tool reduced by one per centum of that factory cost for each one per centum by which the ratio as so expressed is less than eighty-five per centum.

Good quality
essential.

9. Bounty is not payable in respect of a machine tool unless the Comptroller-General is satisfied that it is of good and merchantable quality.

Bounty not
payable unless
Act and
regulations
complied with.

10. Bounty is not payable to a person in respect of a machine tool unless he satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with.

Advances on
account of
bounty.

11.—(1.) An advance on account of bounty may be made to a person on such terms and conditions as are approved by the Minister.

(2.) If a person receives by way of advances on account of bounty in respect of a machine tool an amount greater than the amount of bounty payable to him in respect of the tool, he is liable to repay to the Commonwealth the amount of the excess, and the Commonwealth may recover the amount of the excess as a debt due to the Commonwealth by action in a court of competent jurisdiction.

12.—(1.) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the manufacture at registered premises of a class of machine tools to which this Act applies. Registration
of premises.

(2.) Where a person carries on, or proposes to carry on, the manufacture at any premises of a class of machine tools to which this Act applies, he may apply to the Minister for the registration of those premises, for the purposes of this Act, in respect of that class of machine tools.

(3.) If conditions have been prescribed under sub-section (1.) of this section in connexion with the manufacture of the class of machine tools to which the application relates, the Minister shall not register the premises in respect of that class of machine tools unless he is satisfied that those conditions have been, or will be, complied with.

(4.) The Minister may require the applicant to furnish such information as the Minister considers necessary for the purposes of this Act, and may refuse to register the premises in accordance with the application until the information is furnished to his satisfaction.

(5.) Where—

- (a) machine tools of the class to which the application relates were not, in the opinion of the Minister, being manufactured at the premises on the fourteenth day of April, One thousand nine hundred and seventy-two; or
- (b) machine tools of that class were, in the opinion of the Minister, being manufactured at the premises on that date but the application for registration is not made within six months after this Act receives the Royal Assent,

the Minister may refuse to register the premises in respect of that class of machine tools unless, in the opinion of the Minister and the Minister of State for Trade and Industry, the registration of the premises in respect of that class of machine tools would promote the orderly development of the manufacture in Australia of metal working machine tools of that class.

(6.) Subject to the last three preceding sub-sections, if, in the opinion of the Minister, machine tools of the class to which the application relates are, or are proposed to be, manufactured at the premises in respect of which the application is made, he shall register those premises, for the purposes of this Act, in respect of that class of machine tools.

(7.) If the Minister so determines, the registration shall be deemed to have taken effect on and from such date, being a date not earlier than the commencing date, as is specified by the Minister.

(8.) Where the Minister is satisfied—

- (a) that a class of machine tools in respect of which premises are registered premises are not being manufactured at those premises;
- (b) that the manufacture of a class of machine tools at premises that are registered premises in respect of that class of machine tools is not being carried on by the person who applied for the registration of the premises; or
- (c) if any conditions have been prescribed under sub-section (1.) of this section in connexion with the manufacture of a class of machine tools at registered premises—that machine tools of that class that are being manufactured at premises that are registered premises in respect of that class of machine tools are being manufactured otherwise than in accordance with those conditions,

the Minister may, by notice in writing served either personally or by post on the occupier of the premises, and, if the occupier is not the person who applied for the registration of the premises in relation to the manufacture of that class of machine tools, on that person, cancel the registration of the premises in respect of that class of machine tools.

(9.) For the purpose of the application of section 29 of the *Acts Interpretation Act* 1901–1966 to the service by post of a notice under the last preceding sub-section, a notice posted as a letter addressed to the occupier, or to the person who applied for the registration of the premises, at the registered premises shall be deemed to be properly addressed.

Appointment
of authorized
persons.

13. The Minister may, by writing under his hand, appoint persons to be authorized persons for the purposes of this Act.

Accounts.

14. A person is not entitled to bounty unless he keeps, to the satisfaction of the Minister, accounts, books, documents and other records showing, from time to time, particulars relating to the manufacture (including the cost of manufacture) and sale of machine tools and such other information in relation to the machine tools as the Minister requires.

Stock-taking
and inspection
of manufacture
and accounts,
&c.

15.—(1.) For the purposes of this Act, an authorized person may, at any reasonable time, enter—

- (a) registered premises; or
- (b) premises where there are stored machine tools in respect of which bounty has been claimed, or, in the opinion of the authorized person, is likely to be claimed,

and may—

- (c) inspect or take stock of any machine tools to which this Act applies;

- (d) inspect the processes of manufacture of any machine tools to which this Act applies; and
- (e) inspect the accounts, books, documents and other records relating to the manufacture and sale of machine tools to which this Act applies.

(2.) The occupier or person in charge of registered premises, or of premises referred to in paragraph (b) of the last preceding sub-section, shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: One hundred dollars.

16.—(1.) The Comptroller-General, a Collector or an authorized person may, by notice in writing, require a person whom he believes to be capable of giving information relevant to the operation of this Act in relation to the manufacture (including the cost of manufacture), storage, sale or use of machine tools to attend before him at the time and place specified in the notice and there to answer questions and to produce to him such accounts, books, documents and other records in relation to the manufacture (including the cost of manufacture), storage, sale or use of machine tools as are referred to in the notice.

Power to require person to answer questions and produce documents.

(2.) The Comptroller-General, a Collector or an authorized person may make and retain copies of, or extracts from, any accounts, books, documents or other records produced in pursuance of this section.

(3.) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, documents or other records, might tend to incriminate him or make him liable to a penalty, but his answer to any such question is not admissible in evidence against him in proceedings other than proceedings for an offence against paragraph (c) of sub-section (1.), or paragraph (c) of sub-section (2.), of section 19 of this Act.

(4.) Where a manufacturer, or a person employed by a manufacturer, has failed to attend or to answer a question, or to produce any account, book, document or other record when required to do so under this section, bounty is not payable to the manufacturer, unless the Minister otherwise directs, until the manufacturer or that person has attended, answered the question or produced the account, book, document or other record, as the case may be.

17.—(1.) Subject to the next succeeding sub-section, the Comptroller-General, a Collector or an authorized person may administer an oath to a person required to attend before him in pursuance of the last preceding section and may examine that person on oath.

Power to examine on oath.

(2.) If the person conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.

(3.) An affirmation so made is of the same force and effect, and entails the same penalties, as an oath.

Security for
compliance
with Act and
regulations.

18. The Minister may require a manufacturer of machine tools to give security by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by him with the provisions of this Act and the regulations or for the performance of an undertaking given by him for the purposes of this Act or the regulations, and the manufacturer is not entitled to bounty unless he gives security accordingly.

Offences.

19.—(1.) A person shall not refuse or fail—

- (a) to attend before the Comptroller-General, a Collector or an authorized person;
- (b) to be sworn or make an affirmation; or
- (c) to answer a question or produce an account, book, document or other record,

when so required in pursuance of this Act.

Penalty: One hundred dollars.

(2.) A person shall not—

- (a) obtain bounty that is not payable;
- (b) obtain payment of bounty by means of a false or misleading statement; or
- (c) present to an officer or other person doing duty in relation to this Act or the regulations an account, book, document or other record, or make to such an officer or person a statement, that is false or misleading in a material particular.

Penalty: One thousand dollars or imprisonment for twelve months.

(3.) Where a person is convicted of an offence against the last preceding sub-section, the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Commonwealth the amount of any bounty wrongfully obtained.

(4.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the appropriate officer of the court specifying the amount ordered to be refunded and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgement of that court.

20.—(1.) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is payable, furnish to the Minister a return setting forth—

Return for
Parliament.

- (a) the name and address of each person to whom bounty was paid in that year;
- (b) the amount of bounty paid to each person in that year and the number and value of the machine tools in respect of which the bounty was paid;
- (c) in relation to the manufacture by each manufacturer of machine tools in respect of which bounty was paid in that year—the ratio of the factory cost of the materials and parts manufactured in Australia to the total factory cost of the machine tools; 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.

21.—(1.) The Minister or the Comptroller-General may, either generally or otherwise as provided in the instrument of delegation, 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.

22. Bounty is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Appropriation.

23. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing—

Regulations.

- (a) the manner in which, and the time within which, applications for bounty shall be made;
- (b) the information to be furnished by applicants in connexion with applications for bounty; and
- (c) penalties not exceeding One hundred dollars for offences against the regulations.

THE SCHEDULE

Section 4.

MACHINE TOOLS TO WHICH THIS ACT APPLIES

Class 1

Power fed drilling machine (not being a special purpose machine tool) of one of the following kinds:—

- (a) Vertical drilling machine having, or equipped for use with, multiple spindle heads.
- (b) Bench or pedestal drilling machine having a drilling capacity of not more than 6 centimetres, not being a drilling machine having, or equipped for use with, multiple spindle heads.

Class 2

Power fed grinding machine (not being a special purpose machine tool) of one of the following kinds:—

- (a) Centre type external cylindrical grinding machine having a diameter of swing of not less than 20 centimetres and not more than 35 centimetres, and having a minimum distance between centres of not less than 25 centimetres and a maximum distance between centres of not more than 150 centimetres.
- (b) Tool and cutter grinding machine having a diameter of swing of not more than 30 centimetres and having a maximum distance between centres of not more than 95 centimetres.
- (c) Surface grinding machine fitted with a reciprocating table the width of which is not less than 15 centimetres and not more than 40 centimetres, and the length of which is not less than 40 centimetres and not more than 100 centimetres.

Class 3

Power fed lathe (not being an automatic lathe or a special purpose machine tool) of one of the following kinds:—

- (a) General purpose lathe of the sliding, surfacing and screw cutting type, having a swing over bed of not less than 20 centimetres and not more than 65 centimetres.
- (b) Capstan lathe having a swing over bed of not less than 20 centimetres and not more than 65 centimetres.

Class 4

Special purpose machine tool, not being a machine tool of the kind known as a numerically controlled machining centre or a machine tool that is, or the essential nature of which is, a tool of one of the following kinds:—

- (a) Bench or pedestal drilling machine having a drilling capacity of not more than 6 centimetres.
- (b) Radial drilling machine the radius of swing of which is not more than 2,440 millimetres.
- (c) Twin opposed horizontal drilling machine having a drilling capacity of not more than 16 millimetres, and a maximum distance between chucks of not more than 915 millimetres.
- (d) Vertical drilling machine having, or equipped for use with, multiple spindle heads.
- (e) Single-ended horizontal borer having a stroke of not more than 305 millimetres, whether having a single spindle head or having, or equipped for use with, multiple spindle heads.
- (f) Vertical borer having a stroke of not more than 254 millimetres, and having a single spindle head.
- (g) Reborer for the repair of, and of parts for, internal combustion engines.
- (h) External cutting, screwing or chasing machine of the radial die type, being a machine having a thread-cutting capacity in mild steel to cut a thread on a workpiece of a diameter of not more than 100 millimetres.
- (i) External cutting, screwing or chasing machine of the tangential die type, being a machine having a thread-cutting capacity in mild steel to cut a thread on a workpiece of a diameter of not more than 200 millimetres.

THE SCHEDULE—continued

- (j) Tapping machine, having a thread-cutting capacity, in mild steel, to cut thread in a hole of a diameter of not more than 12.5 millimetres.
- (k) Lathe, chucking machine or turning machine, having a horizontal bed.

Class 5

Numerically controlled machining centre (not being a special purpose machine tool) consisting of a bed-type boring machine and a control unit, being a boring machine that—

- (a) is also capable of milling, drilling, reaming and tapping;
 - (b) has a horizontal spindle; and
 - (c) has point to point positioning with at least the longitudinal movement of the table, the vertical movement of the spindle and the movement of the spindle along its own axis capable of being controlled by the control unit.
-