

# **SHIP CONSTRUCTION BOUNTY ACT 1975**

## **No. 79 of 1975**

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# SHIP CONSTRUCTION BOUNTY ACT 1975

No. 79 of 1975

An Act to provide for the Payment of a Bounty on the Production of certain Ships and other Vessels.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

- Short title.      1. This Act may be cited as the *Ship Construction Bounty Act 1975*.<sup>1</sup>
- Commence-  
ment.            2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup>
- Interpret-  
ation.           3. (1) In this Act, unless the contrary intention appears—
- “Australian tender”, in relation to the construction or modification of a vessel, means a tender for the carrying out of that construction or modification in Australia;
- “authorized person” means a person appointed by the Minister under section 18;
- “Australian waters” includes inland waters of Australia;
- “bounty” means bounty under this Act;
- “bounty price”, in relation to the construction or modification of a vessel, means—
- (a) the price determined under section 6 as the bounty price for the purposes of this Act in respect of that construction or modification; or
- (b) if that bounty price has been varied in accordance with this Act, that bounty price as so varied;
- “contract price”, in relation to the construction or modification of a vessel, means—
- (a) where a contract for that construction or modification is entered into between the shipowner and the shipbuilder—the amount payable by the shipowner to the shipbuilder under that contract, or that contract as varied from time to time, in respect of that construction or modification; or
- (b) where the construction or modification is to be carried out by the shipowner—an amount equal to the cost, or the estimated cost, to the shipowner of carrying out that construction or modification less an amount equal to the

amount of the bounty that would be payable on the completion of the construction or modification if it were carried out as proposed;

“date of commencement” means—

(a) in relation to the construction of a vessel—

(i) the date for the setting up on the construction site of a major unit from which the vessel is to be constructed, being a date that has been approved by the Minister under section 10; or

(ii) in the special circumstances referred to in paragraph 10 (1) (c), the date on which a major unit from which the vessel is being constructed was set up on the construction site; or

(b) in relation to the modification of a vessel—the date when the modification is begun;

“date of completion”, in relation to the construction or modification of a vessel, means—

(a) the date of completion for the construction or modification approved by the Minister under section 10; or

(b) if that date has been varied in accordance with this Act, that date as so varied;

“deadweight”, in relation to the tonnage of a vessel, means the difference between the displacement of the vessel loaded to its summer load line and the displacement of the vessel when it is unloaded;

“large vessel” means a vessel that is of not less than 150 gross construction tons;

“petroleum” means—

(a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;

(b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide;

“registered premises” means premises registered by the Minister under section 17;

“registered shipbuilder” means a person in whose name premises are registered under section 17;

“shipowner”, in relation to a vessel, means—

(a) where the vessel is to be, or is being, constructed—the person for whom the vessel is to be, or is being, constructed; or

(b) in any other case—the owner of the vessel;

“small vessel” means a vessel that is of less than 150 gross construction tons;

“specifications”, in relation to the construction or modification of a vessel, means—

- (a) the specifications (including drawings) forwarded to the Minister under section 4; or
- (b) if those specifications or drawings have been altered in accordance with this Act, those specifications or drawings as so altered;

“vessel” means a vessel designed for use in navigation, other than air navigation, and includes—

- (a) a barge, lighter or like vessel;
- (b) a floating structure designed for use in the exploration of, or the exploitation of the natural resources of, any submerged lands; and
- (c) a dredger,

but does not include a floating dock or a vessel of a prescribed kind.

(2) For the purposes of this Act—

- (a) the number of tons in the gross construction tonnage of a vessel shall be ascertained in accordance with the formula  $\frac{Z}{2.83}$ , where

Z is a number equal to the number of cubic metres in the total volume, measured in relation to their moulded lines, of the enclosed spaces in the vessel, including tween-deck spaces, water ballast spaces, voids, cofferdams, machinery spaces, erections, superstructures, houses, casings and funnel and mast spaces; and

- (b) where a part of the construction or modification of a vessel is carried out on behalf of a registered shipbuilder at the premises of another person—that part of that construction or modification shall be deemed to have been carried out at the registered premises of the registered shipbuilder.

(3) In this Act a reference to the size of a vessel shall be read as a reference to the length, breadth, depth and tonnage measurements of the vessel or to such of those measurements as are relevant in relation to a particular vessel.

Calling of  
public  
tenders.

4. (1) Where—

- (a) a shipowner desires that bounty be paid on the construction or modification of a vessel proposed to be carried out by him or on his behalf;
- (b) the vessel, or the vessel as modified, will be—
  - (i) a large vessel; or

- (ii) a small vessel having a length on the designed load water line of not less than 21 metres; and
- (c) the shipowner intends—
  - (i) where the vessel, or the vessel as modified, will be a large vessel—to use the vessel, or the vessel as modified, in operations in Australian waters, in commercial fishing operations based on a port in Australia or, as a vessel registered in Australia, in any other operations; or
  - (ii) where the vessel, or the vessel as modified, will be a small vessel—to use the vessel, or the vessel as modified, in commercial fishing operations in Australian waters or based on a port in Australia,

the shipowner may—

- (d) call public tenders, in accordance with the prescribed procedures, in respect of that construction or modification; or
- (e) request the Minister, in writing, to call public tenders, on behalf of the shipowner, in respect of that construction or modification.

(2) Where a shipowner referred to in sub-section (1) calls public tenders in respect of the construction or modification of a vessel, he shall notify the Minister, in writing, accordingly.

(3) A request by a shipowner under sub-section (1) or a notification by a shipowner under sub-section (2) shall be accompanied by specifications (including any necessary drawings) for the construction or modification to which the request or notification relates prepared by the shipowner with a view to the calling of public tenders.

(4) Where the Minister receives a request under sub-section (1), he shall call public tenders, on behalf of the shipowner, in accordance with the prescribed procedures, based on the specifications for the construction or modification to which the request relates.

5. Where a call for public tenders is made under section 4 by or on behalf of a shipowner, the shipowner may, himself, submit, in response to that call, such documents as the prescribed procedures require and, if he does so, those documents shall, for the purposes of this Act, be deemed to be a tender by him for the construction or modification the subject of the call.

*Shipowner may respond to call for public tenders.*

6. (1) Where at least 1 Australian tender is lodged in response to a call for public tenders under section 4, the Minister shall determine the bounty price in respect of the construction or modification the subject of that call and, in making that determination, he shall have regard to—

*Bounty price.*

- (a) where there is, in relation to that construction or modification, more than one acceptable Australian tender price—the lower or lowest of those acceptable Australian tender prices; or

(b) in any other case—

- (i) the cost of construction or modification work in shipyards in Australia or overseas that is comparable to the work comprised in that construction or modification; and
- (ii) if there is, in relation to that construction or modification, an acceptable Australian tender price—that price,

but may disregard, in whole or in part, any part of that price or cost having regard to the nature and extent of the work or other matters to which that part relates.

(2) In sub-section (1) “acceptable Australian tender price”, in relation to the construction or modification of a vessel, means the price specified in an Australian tender lodged in response to a call referred to in that sub-section, being a price that is acceptable to the Minister having regard to—

- (a) the specifications for the construction or modification; and
- (b) the method to be used in that construction or modification.

(3) Subject to sub-section (4), where the Minister has determined the bounty price in relation to the construction or modification of a vessel, he shall—

- (a) by notice in writing served, either personally or by post on the shipowner, inform him of the bounty price so determined; and
- (b) on receipt by the Minister under section 10 of a draft contract with respect to that construction or modification, by notice in writing served, either personally, or by post, on the shipbuilder named in that contract, inform him of that bounty price or, if that bounty price is reduced under sub-section 13 (1), that bounty price as so reduced.

(4) Where—

- (a) the Minister has determined a bounty price in relation to the modification of a vessel; and
- (b) that bounty price does not exceed \$500,000,

the Minister shall not take action under sub-section (3) but, instead, shall inform the shipowner that, by virtue of sub-section 8 (3), bounty is not payable on that modification.

(5) Where no Australian tender is lodged in response to a call for public tenders under section 4, the Minister shall not determine a bounty price in respect of the construction or modification the subject of the call, and shall inform the shipowner that, by reason of the lack of an Australian tender, he is unable to determine a bounty price.

Amount of  
bounty.

7. (1) Subject to this Act, the bounty in respect of the construction or modification of a vessel is an amount calculated in accordance with this section.

(2) Subject to sub-sections (4) and (5), the amount of the bounty in respect of the construction of a vessel is an amount equal to such percentage of the bounty price in respect of that construction as is calculated in accordance with sub-section (3).

(3) For the purposes of sub-section (2), the percentage is a percentage equal to 25 per centum plus 2.5 per centum for each thousand tons or part thereof of the gross construction tonnage of the vessel in excess of the first thousand tons, but so that the total percentage does not exceed the percentage set out in column 2 of the Schedule opposite to the reference in column 1 of the Schedule to the period that is the period that includes the date of commencement of the construction.

(4) The amount of the bounty in respect of the construction of a vessel that is—

- (a) a vessel of less than 1,000 gross construction tons;
- (b) a vessel of 92,000 tonnes deadweight or more; or
- (c) a vessel designed for the exploration of submerged lands in search of petroleum or for the exploitation of petroleum found in submerged lands,

is an amount equal to 25 per centum of the bounty price in respect of that construction.

(5) The amount of the bounty in respect of the construction of a vessel the date of commencement of which occurs on or after 1 January 1981 is 25 per centum of the bounty price in respect of that construction.

(6) The amount of the bounty in respect of the modification of a vessel is 25 per centum of the bounty price in respect of that modification.

8. (1) Subject to this Act, where the requirements of section 10 with respect to the construction or modification of a vessel, or such of those requirements as are applicable, have been complied with, bounty in respect of that construction or modification is payable upon the completion of that construction or modification. Specification of bounty.

(2) Bounty is not payable in respect of the construction or modification of a vessel unless—

- (a) the construction or modification was carried out at registered premises the registration of which is in respect of vessels of the kind in which the vessel, or the vessel as modified, is included; and
- (b) the construction or modification meets the specifications for that construction or modification and is completed on or before the date of completion for that construction or modification.

(3) Bounty is not payable in respect of the modification of a vessel unless the bounty price in relation to that modification exceeds \$500,000.

To whom  
bounty  
payable.

**9.** Bounty in respect of the construction or modification of a vessel is payable to the registered shipbuilder at whose registered premises the construction or modification was completed.

Bounty not  
payable  
unless  
certain  
action taken.

**10. (1)** Bounty is not payable in respect of the construction or modification of a vessel unless—

(a) the shipowner—

(i) within 60 days after the service of a notice on him under sub-section 6 (3), accepts an Australian tender lodged in response to a call for public tenders for that construction or modification under section 4 and notifies the Minister, in writing, accordingly; and

(ii) after consultation with the shipbuilder who lodged that tender, prepares, and submits to the Minister, a draft contract between the shipowner and that shipbuilder for the carrying out, in accordance with the specifications, of that construction or modification, being a draft contract that—

(A) fixes a date of completion for the construction or modification; and

(B) if, in the case of the construction of a vessel, a major unit from which the vessel is to be constructed has not been set up on the construction site, fixes a date for that setting up;

(b) the Minister, having regard to the nature and extent of the construction or modification—

(i) approves the date of completion fixed by the draft contract; and

(ii) where the draft contract fixes a date for the setting up on the construction site of a major unit from which the vessel is to be constructed—approves that date; and

(c) before the date of commencement or, if in special circumstances the Minister so approves, before the vessel is built or the modification is completed—

(i) the shipowner and the shipbuilder enter into the contract the draft of which was submitted to the Minister under sub-paragraph (a) (ii); and

(ii) the shipowner enters into such an agreement with the Minister as is required by sub-section (2).

(2) For the purposes of sub-paragraph (1) (c) (ii), the agreement required to be entered into by the shipowner with the Minister is such agreement as the Minister considers necessary to ensure that, if bounty is paid in respect of the construction or modification of the vessel, an amount calculated in accordance with sub-section (4) may be recovered by Australia as a debt due to Australia if—



- (a) where the vessel is to be constructed—the vessel is used during the prescribed period otherwise than as specified in sub-paragraph 4 (1) (c) (i), in the case of a large vessel, or in sub-paragraph 4 (1) (c) (ii), in the case of a small vessel; or
- (b) where the vessel is to be modified—the vessel is used during the prescribed period, or such part of the prescribed period as the Minister considers appropriate, otherwise than as specified in sub-paragraph 4 (1) (c) (i), in the case of a large vessel, or in sub-paragraph 4 (1) (c) (ii), in the case of a small vessel.

(3) For the purposes of sub-section (2), “prescribed period”, in relation to a vessel, means a period of 10 years commencing on the day on which bounty becomes payable in respect of the construction or modification of the vessel.

(4) For the purposes of an agreement referred to in sub-section (2), the amount to be recovered by Australia is an amount that bears the same proportion to the amount of the bounty paid in respect of the construction or modification of the vessel as that part of the period to which the agreement relates that commenced when the vessel commenced to be used otherwise than as specified in sub-paragraph 4 (1) (c) (i) or 4 (1) (c) (ii), as the case may be, bears to the whole of that period.

(5) Sub-section (1), in so far as it refers to a draft contract, or a contract, for the carrying out of the construction or modification of a vessel, does not apply in relation to a shipowner who proposes to carry out a construction or modification himself, but bounty is not payable in respect of the construction or modification to be carried out by such a shipowner unless—

- (a) before, in the case of the construction of a vessel, the major unit from which the vessel is to be constructed is set up on the construction site or, in the case of the modification of a vessel, before the modification has begun, the shipowner submits to the Minister for his approval—
  - (i) a date of completion for the construction or modification; and
  - (ii) in the case of a construction of a vessel—a date for the setting up on the construction site of a major unit from which the vessel is to be constructed; and
- (b) the Minister, having regard to the nature and extent of the construction or modification, approves that date or both of those dates, as the case may be.

11. The regulations may make provision for and in relation to the procedures for the calling, whether by a shipowner or by the Minister on behalf of a shipowner, of public tenders in respect of the construction or modification of a vessel in respect of which bounty may be payable, and for the receiving and processing of such tenders and, in particular—

Procedures  
for calling  
tenders.

- (a) may prescribe an address at which such tenders shall be lodged; and
- (b) may require a shipowner who has called public tenders in respect of the construction or modification of a vessel to take such action (including the furnishing of copies of relevant documents) as is prescribed with a view to keeping the Minister informed as to any communications or negotiations between the shipowner and any person interested in lodging a tender in response to the call made by the shipowner or requesting information concerning that construction or modification.

Variation of  
date of  
completion.

12. (1) An application for approval of the variation of the date of completion for the construction or modification of a vessel may be made to the Minister at any time by—

- (a) the shipowner and the shipbuilder acting jointly or, if the Minister, having regard to the special circumstances of the case, so approves, the shipbuilder alone; or
- (b) if the shipowner is carrying out the construction or modification, the shipowner alone.

(2) The Minister shall approve a variation of a date of completion if he is satisfied that the variation is reasonable having regard to all the circumstances of the case.

Variation of  
bounty price.

13. (1) On the receipt by the Minister under section 10 of a draft contract in respect of the construction or modification of a vessel, the Minister may, having regard to the contract price specified in that draft contract, reduce the bounty price in respect of that construction or modification to such amount as he could have determined under sub-section 6 (1) if there had been, at the time of the determination, an acceptable Australian tender price equal to the aggregate of—

- (a) that contract price; and
- (b) an amount equal to the amount of the bounty that would be payable on completion of that construction or modification if it were carried out as proposed.

(2) Subject to sub-section (3), where the contract price for the construction or modification of a vessel in respect of which a bounty price has been determined is increased to take account of increases in the cost of materials or labour, the Minister may increase the bounty price by such amount, not being an amount in excess of the amount of the increase in the contract price, as he determines.

(3) In making a determination under sub-section (2), the Minister shall have regard to—

- (a) the nature and extent of the work or other matter to which the increase in the contract price relates;

- (b) where the increase in the contract price relates in whole or in part to an increase in the cost of labour—corresponding labour costs incurred by other employers in the area where the work is being carried out; and
  - (c) the rate of progress of the work of construction or modification.
- (4) Where—
- (a) an alteration to the specifications for the construction or modification of a vessel is made under sub-section 14 (3); and
  - (b) the Minister is satisfied that the alteration is required on the ground of safety,

the Minister may vary the bounty price by such amount as he thinks fit having regard to the nature and extent of that alteration and its effect (if any) on work completed before the alteration was made.

- (5) Where—
- (a) an alteration to the specifications for the construction or modification of a vessel is made under sub-section 14 (3);
  - (b) the Minister is not satisfied that the alteration is required on the ground of safety; and
  - (c) the Minister would, if the alteration had been made before the bounty price was determined, have determined a lower bounty price,

the Minister may reduce the bounty price by such amount as he thinks fit having regard to the nature and extent of the alteration.

**14. (1)** At any time before the closing of public tenders called under section 4, a shipowner may alter the specifications for the construction or modification of a vessel and, if he does so, he shall notify the Minister, in writing, accordingly. Alterations to specifications.

(2) Where a shipowner has, in accordance with sub-section (1), altered the specifications for the construction or modification of a vessel, the shipowner, if he called public tenders in respect of that construction or modification, or the Minister, if he called public tenders in respect of that construction or modification, shall forward to each person to whom the specifications in respect of that construction or modification have been given a notice setting out the alteration, and that person may, if he has lodged a tender before receiving the notice, alter that tender to take account of the alteration.

(3) Subject to sub-section (4), a shipowner may, at any time after the determination of the bounty price in respect of the construction or modification of a vessel, alter the specifications for that construction or modification and, if he does so, he shall notify the Minister, in writing, accordingly.

(4) Where a contract for the construction or modification of a vessel is in force, an alteration referred to in sub-section (3) shall not be made

unless the shipbuilder who is a party to the contract consents, and the notification under that sub-section shall include a statement signed by the shipbuilder that he has so consented.

Bounty not payable unless Act and regulations complied with.

**15.** Bounty is not payable to a person in respect of the construction or modification of a vessel unless he satisfies the Minister that the requirements of this Act and the regulations, in so far as those requirements relate to the construction or modification, have been substantially complied with.

Advances on account of bounty.

**16. (1)** An advance on account of bounty may be made to a person on such terms and conditions, including terms and conditions relating to the insurance of the vessel, as are approved by the Minister.

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

(3) If a person receives an amount by way of advances on account of bounty and the bounty does not become payable, he is liable to repay to Australia the amount so received and Australia may recover that amount as a debt due to Australia by action in a court of competent jurisdiction.

Registration of premises.

**17. (1)** The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the construction, or modification, at registered premises, of vessels generally or vessels of a particular kind.

(2) Where a person carries on, or proposes to carry on, the construction or modification at any premises of a vessel or vessels, he may apply to the Minister for the registration in his name of those premises for the purposes of this Act.

(3) An application under sub-section (2) may be accompanied by such information with respect of the kind or kinds of vessel constructed or modified or proposed to be constructed or modified at the premises as the applicant thinks fit.

(4) Subject to sub-sections (5) and (6), where an application under sub-section (2) is received by the Minister, the Minister shall, if he is satisfied that—

- (a) the registration of the premises to which the application relates in respect of vessels of a particular kind would permit the orderly development of the shipbuilding industry in Australia; or
- (b) where the application is made before the expiration of 6 months after the commencement of this Act—the construction of a vessel

of a particular kind was begun on the premises to which the application relates on or before 18 December 1973, register those premises in respect of vessels of that kind.

(5) If conditions have been prescribed under sub-section (1) in connexion with the construction or modification of vessels generally or of vessels of a particular kind, the Minister shall not register the premises or shall not register premises in respect of vessels of that kind, as the case may be, unless he is satisfied that those conditions will be complied with in respect of those premises.

(6) The Minister may require an applicant under sub-section (2) to furnish such information, or such further information, as the Minister considers necessary for the purposes of this Act, and may postpone any further consideration of the application until information is furnished to his satisfaction.

(7) A registration under this section may be expressed to have taken effect on and from such date, being a date not earlier than the date of commencement of this Act, as is specified by the Minister.

(8) The Minister may cancel the registration of registered premises or may vary the registration of registered premises by excluding vessels of a particular kind from that registration if he is satisfied that—

- (a) no vessel of a kind to which the registration relates or no vessel of a kind that he proposes to exclude from the registration, as the case may be, has been constructed or modified at the premises at any time during the period of 5 years ending on the day on which he proposes to cancel or vary the registration of the registered premises; and
  - (b) that cancellation or variation would permit the orderly development of the shipbuilding industry in Australia.
- (9) Where the Minister is satisfied that—
- (a) there has been, or is being, constructed or modified at registered premises a vessel in respect of the construction or modification of which a bounty price has been determined; and
  - (b) that construction or modification—
    - (i) was, or is being, carried out at those premises otherwise than by or on behalf of the registered shipbuilder; or
    - (ii) did not, or does not, comply with a condition prescribed under sub-section (1),

the Minister may cancel the registration of the premises.

(10) A registered shipbuilder may request the Minister to cancel the registration of his premises or vary that registration by excluding from that registration vessels of a particular kind, and the Minister shall cancel or vary that registration accordingly.

(11) The cancellation or variation of the registration of registered premises under sub-section (8), (9) or (10) shall be effected by notice in writing served, either personally or by post, on the registered shipbuilder or, if the registered shipbuilder is not the occupier of the premises, on both the registered shipbuilder and the occupier of the premises.

(12) For the purposes of the application of section 29 of the *Acts Interpretation Act* 1901-1973 to the service by post of a notice under sub-section (11), a notice posted as a letter addressed to the registered shipbuilder, or to the occupier, at the registered premises shall be deemed to be properly addressed.

Appoint-  
ment of  
authorized  
persons.

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

Accounts.

19. A person is not entitled to bounty in respect of the construction or modification of a vessel unless he keeps, to the satisfaction of the Minister, accounts, books, documents and other records showing, from time to time, particulars relating to the construction or modification of the vessel and such other information in relation to the vessel as the Minister requires.

Securities.

20. The Minister may require a registered shipbuilder 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 purpose of an undertaking given by him for the purposes of this Act or the regulations, and the shipbuilder is not entitled to bounty unless he gives security accordingly.

Uniformity.

21. A power conferred on the Governor-General or the Minister by this Act shall not be exercised in such a manner that bounty under this Act would not be uniform throughout the Commonwealth, within the meaning of paragraph 51 (iii) of the Constitution.

Power to  
require  
persons to  
answer  
questions.

22. (1) 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 construction, modification, sale or use of a vessel to attend before him at the time and place specified in the notice and there to answer questions in relation to the construction, modification, sale or use of that vessel.

(2) A person is not excused from answering a question when required so to do under this section on the ground that the answer to the question 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 24 (1) (b) or 24 (2) (c).

(3) Where a registered shipbuilder, or an employee of a registered shipbuilder, has failed to attend or to answer a question in connexion

with the construction or modification of a vessel when required so to do under this section, the registered shipbuilder, unless the Minister otherwise directs, is not entitled to bounty in respect of that construction or modification unless the shipbuilder or that employee attends or answers the question, as the case may be.

23. (1) For the purposes of this Act, an authorized person may, at all reasonable times, enter registered premises and may—

Inspection of construction or modification of vessel, &c.

- (a) inspect any vessel in respect of the construction or modification of which a bounty price has been determined;
- (b) inspect the processes of construction or modification of that vessel; and
- (c) inspect the accounts, books, documents and other records relating to the construction or modification of that vessel and to the expenditure incurred in the course of that construction or modification.

(2) An authorized person may make and retain copies of, or take extracts from, any accounts, books, documents or other records referred to in paragraph (1) (c).

(3) The occupier or person in charge of registered premises shall provide an authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: \$100.

24. (1) A person shall not, without reasonable excuse, refuse or fail—

Offences.

- (a) to attend before an authorized person; or
- (b) to answer a question,

when so required in pursuance of this Act.

Penalty: \$100.

(2) A person shall not—

- (a) knowingly obtain, or attempt to obtain, bounty that is not payable;
- (b) obtain, or attempt to obtain, bounty by means of a statement that he knows to be false or misleading; or
- (c) make to a person doing duty in relation to this Act or the regulations a statement that he knows to be false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 12 months.

(3) Where a person is convicted of an offence against sub-section (2), the Court may, in addition to imposing a penalty under that sub-section, order the person to refund to Australia the amount of any bounty wrongfully obtained by him.

(4) Where a court has made an order under sub-section (3), 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 judgment of that court.

(5) In this section, “bounty” includes an advance on account of bounty.

Return for  
Parliament.

**25.** (1) The Secretary to the Department of Transport shall, as soon as practicable after the end of each financial year, furnish to the Minister a return setting forth—

- (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 particulars of the construction or modification of each vessel in respect of which bounty was paid to that person; and
- (c) such other particulars, if any, as are prescribed.

(2) The Minister shall cause a copy of a return under sub-section (1) to be tabled in each House of the Parliament within 15 sitting days of that House after the return is received by him.

(3) In this section, “bounty” includes an advance on account of bounty.

Delegation.

**26.** (1) The Minister 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).

(2) 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.

Appropriation.

**27.** Bounty or an advance on account of bounty is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Act not to  
apply if  
contract in  
force under  
Australian  
Coastal  
Shipping  
Commission  
Act.

**28.** This Act does not apply in relation to the construction or modification of a vessel that is the subject of a contract under section 47 of the *Australian Coastal Shipping Commission Act* 1956, or that Act as amended at any time, under which Australia agrees, on the delivery of the vessel to the shipowner on completion of construction or modification, to purchase the vessel, or the vessel as modified, from the shipowner and the shipowner agrees to re-purchase the vessel from Australia.



29. The Governor-General may make regulations, not inconsistent Regulations. 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—

- (a) the manner in which, and the time within which, applications under this Act shall be made;
- (b) the information to be furnished by applicants in connexion with applications under this Act; and
- (c) penalties not exceeding \$100 for offences against the regulations.

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### SCHEDULE

Section 7

#### Percentage of Adjusted Price

Column 1	Column 2
Period	Maximum percentage
Commencing on any date (whether before or after the commencement of this Act) and ending on 30 June 1975 . . . . .	40%
Commencing on 1 July 1975 and ending on 31 December 1975 . . . . .	37.5%
Commencing on 1 January 1976 and ending on 31 December 1976 . . . . .	35%
Commencing on 1 January 1977 and ending on 31 December 1977 . . . . .	33%
Commencing on 1 January 1978 and ending on 31 December 1978 . . . . .	31%
Commencing on 1 January 1979 and ending on 31 December 1979 . . . . .	29%
Commencing on 1 January 1980 and ending on 31 December 1980 . . . . .	27%

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### NOTE

1. Act No. 79, 1975; assented to 20 June 1975.