



Bounty (Bed Sheeting) Act 1977

Act No. 29 of 1977 as amended

[Note: This Act was repealed by Act No. 9 of 2006 on 23 March 2006]

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The text of any of those amendments not in force
on that date is appended in the Notes section

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An Act to provide for the Payment of a Bounty on the Production of certain Bed Sheeting

1 Short title [see Note 1]

This Act may be cited as the *Bounty (Bed Sheeting) Act 1977*.

2 Commencement

This Act shall be deemed to have come into operation on 1 September 1976.

2A General administration of Act

The Comptroller-General has the general administration of this Act.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

accounting period, in relation to a manufacturer of bed sheeting, has the meaning given by section 4A.

approved form means a form approved by the Comptroller-General in writing.

authorized person means a person who is an authorized person by virtue of an appointment under section 14.

bed linen means bed sheets, pillow cases or bolster cases.

bed sheeting means fabric that is used in the making-up of bed linen.

bountiable bed sheeting means printed bed sheeting that contains cotton and not less than 20% by weight of man-made fibres.

bounty means bounty under this Act.

Collector has the same meaning as in the *Customs Act 1901*.

Comptroller-General means the Comptroller-General of Customs.

man-made fibres means fibres or filaments of organic polymers produced by either of the following manufacturing processes:

- (a) polymerisation or condensation of organic monomers;
- (b) chemical transformation of natural organic polymers.

manufacture, in relation to bountiable bed sheeting, means the processes of weaving and printing the bed sheeting and all other processes carried out in making the bed sheeting.

manufacturer means a person who carries out all or any of the manufacturing processes in relation to bed sheeting.

printed bed sheeting means bed sheeting on which a pattern is printed.

registered premises means premises registered under section 11.

- (2) For the purposes of this Act:
 - (a) the first process in the manufacture of bountiable bed sheeting shall be taken to be the weaving of the bed sheeting; and
 - (b) the last process in the manufacture of bountiable bed sheeting shall be taken to be the examination of the bed sheeting after it has been printed and before it is made-up into bed linen.
- (3) For the purposes of this Act, when bounty is payable in respect of bountiable bed sheeting, it shall be deemed to have become payable on the completion of the manufacture of the bed sheeting.

3A Related bodies corporate

- (1) Where a body corporate:
 - (a) is the holding company of another body corporate;
 - (b) is a subsidiary of another body corporate; or
 - (c) is a subsidiary of the holding company of another body corporate;that first-mentioned body corporate and that other body corporate shall, for the purposes of this Act, be deemed to be related to each other.

- (2) For the purposes of this section, a body corporate shall, subject to subsection (4), be deemed to be a subsidiary of another body corporate if:
- (a) that other body corporate:
 - (i) controls the composition of the board of directors of the first-mentioned body corporate;
 - (ii) is in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the first-mentioned body corporate; or
 - (iii) holds more than one-half of the issued share capital of the first-mentioned body corporate (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital); or
 - (b) the first-mentioned body corporate is a subsidiary of any body corporate that is that other body corporate's subsidiary (including a body corporate that is that other body corporate's subsidiary by another application or other applications of this paragraph).
- (3) Without limiting by implication the circumstances in which the composition of a body corporate's board of directors is to be taken to be controlled by another body corporate, the composition of a body corporate's board of directors shall be taken to be controlled by another body corporate if that other body corporate, by the exercise of some power exercisable by it with or without the consent or concurrence of any other person, can appoint or remove all or a majority of the directors, and for the purposes of this provision that other body corporate shall be deemed to have power to make such an appointment if:
- (a) a person cannot be appointed as a director without the exercise in the person's favour by that other body corporate of such a power; or
 - (b) a person's appointment as a director follows necessarily from the person being an officer of that other body corporate.
- (4) In determining whether a body corporate is a subsidiary of another body corporate:

- (a) any shares held or power exercisable by that other body corporate in a fiduciary capacity shall be treated as not held or exercisable by it;
 - (b) subject to paragraphs (c) and (d), any shares held or power exercisable:
 - (i) by a nominee for that other body corporate (except where that other body corporate is concerned only in a fiduciary capacity); or
 - (ii) by, or by a nominee for, a subsidiary of that other body corporate, not being a subsidiary that is concerned only in a fiduciary capacity;shall be treated as held or exercisable by that other body corporate;
 - (c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of the first-mentioned body corporate, or of a trust deed for securing any issue of such debentures, shall be disregarded; and
 - (d) any shares held or power exercisable by, or by a nominee for, that other body corporate or its subsidiary (not being held or exercisable as mentioned in paragraph (c)) shall be treated as not held or exercisable by that other body corporate if the ordinary business of that other body corporate or its subsidiary, as the case may be, includes the lending of money and the shares are held or the power is exercisable only by way of security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money, not being a transaction entered into with an associate of the other body corporate or its subsidiary.
- (5) A reference in this section to the holding company of a body corporate shall be read as a reference to a body corporate of which that other body corporate is a subsidiary.
- (6) In this section, *debenture* includes debenture stock, bonds, notes and any other document evidencing or acknowledging indebtedness of a body corporate in respect of money that is or may be deposited with or lent to the body corporate, whether constituting a charge on property of the body corporate or not.

4 Periods during which bounty payable

- (1) The period of 12 months that commenced on 1 September 1976 is a period to which this Act applies.
- (1A) The period of 2 months commencing on 1 September 1977 is a period to which this Act applies.
- (1B) The period of 12 months commencing on 1 November 1977 and each subsequent period of 12 months that ends before 1 November 1988 are periods to which this Act applies.
- (2) The period of 4 months commencing on 1 November 1988 is a period to which this Act applies.
- (3) The periods of 12 months commencing on 1 March 1989 and 1 March 1990, the period of 4 months commencing on 1 March 1991, and the periods of 12 months commencing on 1 July 1991, 1 July 1992, 1 July 1993 and 1 July 1994 respectively are each periods to which this Act applies.

4A Accounting period

A reference in this Act to an accounting period of a manufacturer of bed sheeting shall be construed as a reference to:

- (a) where the manufacturer has an accounting period in relation to that bed sheeting of 12 months commencing on a day other than 1 July—that accounting period; or
- (b) in any other case—a financial year.

4B Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

5 Specification of bounty

- (1) Bounty is payable in accordance with this Act on the production of bountiable bed sheeting.

- (2) Bounty in respect of bountiable bed sheeting is payable to the manufacturer who carried out the last process in the manufacture of the bed sheeting.
- (3) A manufacturer is not entitled to receive a payment of bounty in respect of bountiable bed sheeting unless:
 - (a) the manufacture of the bed sheeting has been carried out wholly by:
 - (i) where the manufacturer is a body corporate—the manufacturer, or the manufacturer and bodies corporate related to the manufacturer; or
 - (ii) in any other case—the manufacturer;
 - (b) the manufacture of the bed sheeting has not been carried out elsewhere than at registered premises and has been completed during a period to which this Act applies; and
 - (c) during that period or a later period to which this Act applies, the bed sheeting has been used in the making-up in Australia of bed linen by:
 - (i) in the case of bed sheeting the manufacture of which was completed before 27 September 1978—the manufacturer; or
 - (ii) in the case of other bed sheeting—the manufacturer or another person.
- (4) Where bed sheeting is made-up into bed linen by normal methods, any bed sheeting wasted in the making-up shall, for the purposes of paragraph (3)(c), be treated as having been used in the making-up of bed linen.

6 Uniformity

A power conferred on the Governor-General, the Minister or the Comptroller-General 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 (iii) of section 51 of the Constitution.

7 Rate of bounty

The rate at which bounty is payable in respect of bountiable bed sheeting is:

- (a) where the condition specified in paragraph 5(3)(c) is satisfied in relation to the bed sheeting before 20 August 1986—20 cents per square metre; or
- (b) where that condition is satisfied in relation to the bed sheeting on or after 20 August 1986 and before 1 July 1993—16 cents per square metre; or
- (c) where that condition is satisfied in relation to the bed sheeting on or after 1 July 1993 and before 1 July 1994—12 cents per square metre; or
- (d) where that condition is satisfied in relation to the bed sheeting on or after 1 July 1994 and before 1 July 1995—8 cents per square metre.

8 Limit of available bounty

- (1) The amount available for payment of bounty in respect of bountiable bed sheeting in respect of which bounty becomes payable in a period to which this Act applies is:
 - (a) in the case of the period that commenced on 1 September 1976—\$500,000;
 - (b) in the case of the period commencing on 1 September 1977—\$83,300;
 - (c) in the case of a period referred to in subsection 4(1B)—\$600,000.
 - (d) in the case of the period referred to in subsection 4(2)—\$200,000; and
 - (e) in the case of a period referred to in subsection 4(3)—\$3,200,000.

9 Good quality essential

Bounty is not payable in respect of bountiable bed sheeting unless, in the opinion of the Comptroller-General, it is of good and merchantable quality.

10 Advances on account of bounty

- (1) An advance on account of bounty may be made to a person on such terms and conditions as are approved by the Comptroller-General in writing.

- (2) If a person receives, by way of advances on account of bounty in respect of particular bountiable bed sheeting, an amount that exceeds the amount of bounty payable to the person in respect of that bed sheeting, the person is liable to repay to the Commonwealth the amount of the excess.
- (3) If a person receives an amount by way of advances on account of bounty that may become payable to the person and the bounty does not become payable to the person, the person is liable to repay to the Commonwealth the amount so received.
- (4) If, at the expiration of an accounting period of a manufacturer of bountiable bed sheeting, the manufacturer has received, by way of advances on account of bounty that may become payable to the manufacturer during that period in respect of bountiable bed sheeting, an amount that exceeds the sum of:
 - (a) the amount of bounty that became payable to the manufacturer during that period in respect of bountiable bed sheeting; and
 - (b) the amount or amounts (if any) paid to the manufacturer during that period in respect of bountiable bed sheeting that the manufacturer is liable to repay to the Commonwealth by virtue of subsection (2) or (3);the manufacturer is liable to repay to the Commonwealth the amount of the excess.

10AA Availability of bounty

- (1) Subject to subsection (2), but notwithstanding any other provision of this Act, if the Comptroller-General is of the opinion that the amount available in a period to which this Act applies will be insufficient to meet all valid claims for:
 - (a) bounty payable in that period; and
 - (b) bounty to be paid in that period by virtue of any previous operation of this subsection;the Comptroller-General may, subject to the regulations:
 - (c) defer the making of such payments of bounty as the Comptroller-General considers appropriate; and
 - (d) make payments of bounty in such order as the Comptroller-General considers appropriate.

- (2) Notwithstanding any other provision of this Act, if money is not appropriated by the Parliament for the purpose of the payment of bounty in a financial year, a person is not entitled to be paid bounty in that year.

10A Claims for payment of bounty

- (1) A person who claims to be entitled to be paid an amount of bounty in respect of bountiable bed sheeting may lodge a claim for payment to the person of the amount.
- (3) A claim under subsection (1) in respect of bountiable goods shall:
- (a) be in accordance with the appropriate approved form;
 - (b) include such information as is, and such estimates as are, required by the form;
 - (c) be signed and witnessed as required by section 10E; and
 - (d) be lodged with a Collector for a State, or with the Comptroller-General, within 12 months after the day on which the last condition for the payment of bounty in respect of those goods became satisfied.
- (4) As soon as practicable after the lodgment of the claim, the Comptroller-General shall, after examining the claim and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries involving the exercise of powers under sections 15 and 16):
- (a) if the Comptroller-General is satisfied that the claim complies with subsection (3) and that the claimant is, or, if certain estimates are correct, is, otherwise entitled to be paid an amount of bounty in respect of the bountiable goods to which the claim relates:
 - (i) except where subparagraph (ii) applies—approve, in writing, payment of the amount; or
 - (ii) where:
 - (A) the amount is different from the amount for which the claim was made;
 - (B) the difference between those amounts is less than \$50; and
 - (C) the Comptroller-General is satisfied that the difference is not attributable to the person who

- made the claim deliberately overclaiming or underclaiming the amount of bounty;
 - approve, in writing, payment of the amount claimed; or
 - (b) if the Comptroller-General is not so satisfied—refuse, in writing, to approve payment of bounty in respect of the goods to which the claim relates.
- (5) Where the Comptroller-General makes a decision under subsection (4) in relation to a claim approving, or refusing to approve, payment of bounty, not being a decision approving payment of the amount of bounty claimed that is made within 30 days after the lodging of the claim, the Comptroller-General shall cause to be served on the person who lodged the claim a notice in writing setting out the decision.

10B Variation of inadequate claim

- (1) Where a person who has lodged a claim under section 10A (whether or not the claim has been dealt with under subsection 10A(4)) considers that the claim was, because of an inadvertent error, a claim for an amount of bounty in respect of bountiable bed sheeting that was less than the amount of bounty that the person was entitled to claim in respect of those goods, the person may lodge a claim for payment to the person of the difference between the 2 amounts.
- (2) A claim under subsection (1) in respect of bountiable bed sheeting shall:
- (a) be in accordance with the appropriate approved form;
 - (b) include such information as is, and such estimates as are, required by the form;
 - (c) be signed and witnessed as required by section 10E; and
 - (d) be lodged with a Collector for a State, or with the Comptroller-General, within 12 months after the day on which the last condition for the payment of bounty in respect of those goods became satisfied.
- (3) Where a claim under subsection (1) relates to a claim under section 10A that has not been dealt with under subsection 10A(4), the 2 claims shall be dealt with under subsection 10A(4) as if they were one claim under section 10A.

- (4) As soon as practicable after the lodgment of a claim under subsection (1) to which subsection (3) does not apply, the Comptroller-General shall, after examining the claim and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries involving the exercise of powers under sections 15 and 16):
 - (a) if the Comptroller-General is satisfied that the claim complies with subsection (2) and that the claimant is, or, if certain estimates are correct, is, otherwise entitled to be paid an additional amount of bounty in respect of the bountiable bed sheeting to which the claim relates—approve, in writing, payment of the additional amount; or
 - (b) if the Comptroller-General is not so satisfied—refuse, in writing, to approve payment of an additional amount of bounty in respect of the goods to which the claim relates.
- (5) Where the Comptroller-General makes a decision under subsection (4) in relation to a claim approving, or refusing to approve, payment of an additional amount of bounty, not being a decision approving payment of the additional amount claimed that is made within 30 days after the lodging of the claim, the Comptroller-General shall cause to be served on the person who lodged the claim a notice in writing setting out the decision.

10C Variation of excessive claim

- (1) Where a person who has lodged a claim under section 10A (whether or not the claim has been dealt with under that section) subsequently knows that the claim is for an amount of bounty in respect of bountiable bed sheeting that exceeds the amount of bounty that the person was entitled to claim in respect of that bed sheeting by more than \$100, the person shall, within 28 days after discovering the excess, lodge an acknowledgment of the excess, being an acknowledgment that complies with subsection (2).

Penalty:

- (a) in the case of a natural person—\$1,000; or
 - (b) in the case of a body corporate—\$5,000.
- (2) An acknowledgment under subsection (1) in respect of bountiable bed sheeting shall:
 - (a) be in accordance with the appropriate approved form;

- (b) include such information as is, and such estimates as are, required by the form;
 - (c) be signed and witnessed as required by section 10E; and
 - (d) be lodged with a Collector for a State or Territory or with the Comptroller-General.
- (3) Where an acknowledgment relates to a claim under section 10A that has not been dealt with under that section, the application shall be dealt with under that section as if it had been amended in accordance with the acknowledgment.
- (4) Where the Comptroller-General, after examining an acknowledgment under subsection (1) to which subsection (3) does not apply and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries under sections 15 and 16), is satisfied that there has been an overpayment of an application by more than \$100, the Comptroller-General shall cause to be served on the person who lodged the application a demand for the repayment of the amount of the overpayment, and that person is liable to repay that amount to the Commonwealth.

10D Other adjustments of claims

- (1) Subject to subsection (2), if the Comptroller-General becomes satisfied, otherwise than after examining an acknowledgment under section 10C, that there has been an overpayment of a claim for bounty by more than \$100, the Comptroller-General shall cause to be served on the person who lodged the claim a demand for repayment of the amount of the overpayment, and that person is liable to repay that amount to the Commonwealth.
- (2) Where:
 - (a) the amount of an overpayment of a claim for bounty, being an overpayment referred to in subsection (1), is not higher than \$25,000; and
 - (b) the Comptroller-General is satisfied:
 - (i) that:
 - (A) the overpayment was due to an error that did not involve any failure on the part of the person who lodged the claim to comply with this Act; and

- (B) the repayment of the amount of the overpayment would be unreasonable or would cause undue hardship to that person; or
 - (ii) that:
 - (A) the cost of endeavouring to recover the overpayment is so high; and
 - (B) the amount likely to be recovered as a result of endeavouring to recover the overpayment is so low;
- that taking action to recover the overpayment would not be justified;
- the Comptroller-General may refrain from causing a demand for repayment of the amount of the overpayment to be served in accordance with that subsection.
- (3) Where, in accordance with subsection (2), the Comptroller-General refrains from causing a demand for repayment of the amount of an overpayment to be served in accordance with subsection (1), particulars of the amount shall be included in the return under section 19 for the year in which the Comptroller-General so refrained.

10E Forms

- (1) Where, under this Act, a claim, acknowledgment, return or statement lodged by a person in accordance with an approved form is required to be signed and witnessed as required by this section, the form shall:
 - (a) where the person is a natural person, be signed personally in the presence of a witness by:
 - (i) the person; or
 - (ii) another natural person authorised by the first-mentioned person to sign forms under this Act on behalf of the first-mentioned person;
 - (b) where the person is a body corporate, be:
 - (i) under the seal of the first-mentioned person; or
 - (ii) signed personally in the presence of a witness by a natural person authorised by the first-mentioned person to sign forms under this Act on behalf of the first-mentioned person; and

- (c) where the form is required to be signed by a natural person in the presence of a witness, state the name and address of the witness and contain a declaration signed by the witness stating that the form was signed in the presence of the witness.
- (2) For the purposes of this section, a person shall be taken to have authorised another person to sign forms under this Act on behalf of the first-mentioned person if, and only if, the first-mentioned person has so authorised the other person in writing delivered to the Comptroller-General, being writing:
 - (a) where the first-mentioned person is a natural person, that:
 - (i) is signed personally in the presence of a witness by the first-mentioned person; and
 - (ii) states the name and address of the witness and contains a declaration signed by the witness stating that the writing was signed in the presence of the witness; or
 - (b) where the first-mentioned person is a body corporate—under the seal of the first-mentioned person.

10F Recovery of repayments

- (1) Where a person is liable to repay an amount to the Commonwealth under section 10, 10C or 10D, the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.
- (2) Where a person is liable to repay an amount to the Commonwealth under section 10, 10C or 10D, that amount may be deducted from any other amount that is payable to the person under this Act and, where the first-mentioned amount is so deducted, the other amount shall, notwithstanding the deduction, be deemed to have been paid in full to the person.

11 Registration of premises

- (1) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the manufacture of bountiable bed sheeting at registered premises.
- (2) Where:

- (a) a person carries on, or proposes to carry on, all the processes in the manufacture of bountiable bed sheeting at any premises; or
 - (b) a person, being a body corporate, carries on, or proposes to carry on, a process or processes in the manufacture of bountiable bed sheeting at any premises, and all of the other processes in the manufacture of the bountiable bed sheeting are being carried on, or are proposed to be carried on, by bodies corporate related to the person;
- the person may apply to the Comptroller-General for the registration of those premises for the purposes of this Act.
- (3) If any conditions have been prescribed under subsection (1), the Comptroller-General shall not register premises unless he is satisfied that those conditions have been, or will be, complied with.
- (4) The Comptroller-General may require an applicant under this section to furnish such information to him as the Comptroller-General considers necessary for the purposes of this Act, and may refuse to register the premises until the information is furnished to his satisfaction.
- (5) Where an applicant under this section was not, on 1 September 1976, engaged in the manufacture of bountiable bed sheeting at the premises to which the application relates, the Comptroller-General shall refuse to register those premises unless, in the opinion of the Comptroller-General, the registration of those premises will promote the orderly development of the manufacture of bountiable bed sheeting in Australia.
- (6) Subject to subsections (3), (4) and (5), if, in the opinion of the Comptroller-General:
 - (a) the applicant carries on, or proposes to carry on, all the processes in the manufacture of bountiable bed sheeting at the premises in respect of which the application is made; or

- (b) the applicant, being a body corporate, carries on, or proposes to carry on, a process or processes in the manufacture of bountiable bed sheeting at the premises in respect of which the application is made, and all of the other processes in the manufacture of the bountiable bed sheeting are being carried on, or are proposed to be carried on, by bodies corporate related to the person;

the Comptroller-General shall register those premises for the purposes of this Act.

- (7) If the Comptroller-General so determines, the registration shall be deemed to have taken effect on and from a date specified by the Comptroller-General which, in the case of the registration of premises at which the manufacture of bountiable bed sheeting was carried out before 1 September 1976, may be a date earlier than 1 September 1976.
- (8) Where the Comptroller-General is satisfied, in respect of any registered premises:
 - (a) that no process in the manufacture of bountiable bed sheeting is being carried out at the premises;
 - (aa) if the person who applied for the registration of the premises is not a body corporate—that there is no bountiable bed sheeting all the processes in whose manufacture are being carried out at the premises by the person;
 - (b) if the person who applied for the registration of the premises is a body corporate—that there is no bountiable bed sheeting:
 - (i) all the processes in whose manufacture are being carried out at the premises by the person; or
 - (ii) a process or processes in whose manufacture is or are being carried out at the premises by the person, and all of the other processes in whose manufacture are being carried out at the premises or at other registered premises by bodies corporate related to the person; or
 - (c) if any conditions have been prescribed under subsection (1), the manufacture of bountiable bed sheeting is being carried out at the premises otherwise than in accordance with those conditions;

the Comptroller-General 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, on that person, cancel the registration of the premises.

- (9) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901* to the service by post of a notice under subsection (8) of this section, a notice posted as a letter addressed to the occupier or the person who applied for the registration of the premises, at the registered premises shall be deemed to be properly addressed.
- (10) A reference in this section to the manufacture of bountiable bed sheeting includes a reference to any process in the manufacture of the bed sheeting.

12 Accounts

A person is not entitled to bounty unless he keeps, to the satisfaction of the Comptroller-General, accounts, books, documents and other records showing, from time to time, particulars of the manufacture, and of the use or disposal, of bountiable bed sheeting and such other information in relation to the bountiable bed sheeting as the Comptroller-General requires.

13 Securities

The Comptroller-General may require a manufacturer of bountiable bed sheeting to give security in an amount determined by the Comptroller-General 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 manufacturer is not entitled to bounty unless he gives security accordingly.

14 Appointment of authorised persons

- (1) The Comptroller-General may, by writing signed by him or her, appoint:
 - (a) a specified officer;
 - (b) the officer for the time being holding, or performing the duties of, a specified office; or

- (c) officers included in a specified class of officers;
to be an authorised person, or authorised persons, for the purposes
of this Act.
- (2) In subsection (1), **officer** means an Officer of Customs within the
meaning of the *Customs Act 1901*.

15 Stock-taking and inspection of manufacture and accounts etc.

- (1) For the purposes of this Act, an authorized person may, at all
reasonable times, enter:
 - (a) registered premises; or
 - (b) premises where there is stored bountiable bed sheeting 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 bountiable bed sheeting;
 - (d) inspect any process in the manufacture of any bountiable bed
sheeting; and
 - (e) inspect the accounts, books, documents and other records
relating to the manufacture, storage, use or disposal of
bountiable bed sheeting.
- (2) The occupier or person in charge of registered premises, or of
premises referred to in paragraph (1)(b), shall provide the
authorized person with all reasonable facilities and assistance for
the effective exercise of his powers under this section.

Penalty: \$100.

16 Power to require persons to answer questions and produce documents

- (1) The Comptroller-General, a Collector or an authorized person may,
by notice signed by him, require a person whom he believes to be
capable of giving information relevant to the operation of this Act
in relation to the manufacture, storage, use or disposal of
bountiable bed sheeting 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, storage, use or disposal of bountiable bed sheeting as are referred to in the notice.

- (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 18(1)(c) of this Act or a prosecution for an offence against section 136.1, 137.1 or 137.2 of the *Criminal Code* that relates to 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 so to do under this section, bounty is not payable to the manufacturer, unless the Comptroller-General 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 Power to examine on oath etc.

- (1) The Comptroller-General, a Collector or an authorized person may examine, on oath or affirmation, a person attending before him in pursuance of section 16 and, for that purpose, may administer an oath or affirmation to that person.
- (2) The oath or affirmation to be made by a person for the purposes of subsection (1) is an oath or affirmation that the answers he will give to questions asked him will be true.

18 Offences

- (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: \$1,000 or imprisonment for 3 months.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2), see subsection 13.3(3) of the *Criminal Code*.

- (3) Where a person is convicted of an offence against section 135.2, 136.1, 137.1 or 137.2 of the *Criminal Code* that relates to this Act, the Court may, in addition to imposing a penalty, order the person to refund to the Commonwealth the amount of any bounty wrongfully obtained by him.
- (4) Where a court has made an order under subsection (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.

19 Return for Parliament

- (1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth:
 - (a) the name and address of each person to whom bounty was paid in that financial year;
 - (b) the amount of bounty paid to each person in that financial year and the quantity of bountiable bed sheeting in respect of which the bounty was paid; and
 - (c) 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 15 sitting days of that House after the return is received by him.

20 Delegation

- (1) The Minister may, either generally or otherwise as provided in the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act, other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.
- (3) A delegation under this section does not prevent the exercise of a power by the Minister.

21 Applications for review

Applications may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision of the Comptroller-General made for the purposes of section 9;
- (b) a decision of the Comptroller-General under paragraph 10A(4)(a) approving payment of bounty;
- (ba) a decision of the Comptroller-General under paragraph 10A(4)(b) refusing to approve payment of bounty;
- (bb) a decision of the Comptroller-General under paragraph 10B(4)(a) approving a payment;
- (bc) a decision of the Comptroller-General under paragraph 10B(4)(b) refusing to approve a payment;
- (bd) a decision of the Comptroller-General for the purposes of subsection 10C(4);
- (be) a decision of the Comptroller-General for the purposes of subsection 10D(1);
- (c) a refusal of the Comptroller-General to register premises under section 11, not being a refusal by virtue of subsection 11(5);
- (d) a determination by the Comptroller-General made for the purposes of subsection 11(7) or a refusal of the Comptroller-General to make a determination for the purposes of that subsection;
- (e) a decision of the Comptroller-General made for the purposes of subsection 11(8); or

- (f) a determination by the Comptroller-General of an amount of security made for the purposes of section 13.

22 Appropriation

Bounty is payable out of money appropriated by the Parliament for the purpose.

23 Regulations

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:

- (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 \$100 for offences against the regulations.

Table of Acts**Notes to the *Bounty (Bed Sheeting) Act 1977*****Note 1**

The *Bounty (Bed Sheeting) Act 1977* as shown in this compilation comprises Act No. 29, 1977 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 24 November 2000 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Bed Sheeting Bounty Act 1977</i>	29, 1977	16 May 1977	1 Sept 1976	
<i>Bounty (Bed Sheeting) Amendment Act 1979</i>	79, 1979	25 June 1979	Ss. 4 and 6: 1 Sept 1977 S. 5: 27 Sept 1978 Remainder: Royal Assent	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i>	26, 1982	7 May 1982	Part X (s. 72): 4 June 1982 (a)	S. 72(2) and (3)
<i>Customs Administration (Transitional Provisions and Consequential Amendments) Act 1985</i>	39, 1985	29 May 1985	10 June 1985 (see s. 2 and <i>Gazette</i> 1985, No. S194)	S. 4
<i>Customs Administration (Transitional Provisions and Consequential Amendments) Act 1986</i>	10, 1986	13 May 1986	13 May 1986	Ss. 2(2) and 4
<i>Bounty and Subsidy Legislation Amendment Act (No. 2) 1986</i>	119, 1986	2 Dec 1986	S. 15: 20 Aug 1986 S. 16: 30 Dec 1986 Remainder: Royal Assent	Ss. 17 and 18

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Bounty and Subsidy Legislation Amendment Act 1987</i>	54, 1987	5 June 1987	Part II (ss. 4-8): 5 Sept 1986 Ss. 10(a) and 12: 1 Jan 1987 Part V (ss. 16-19): 20 Aug 1986 Part VI (ss. 20, 21): 15 Apr 1986 Remainder: Royal Assent	S. 2(6)-(8)
<i>Bounty and Subsidy Legislation Amendment Act (No. 2) 1988</i>	145, 1988	26 Dec 1988	S. 4(2): 1 Jan 1988 Remainder: Royal Assent	S. 2(2) and (3)
<i>Bounty Legislation Amendment Act 1991</i>	117, 1991	27 June 1991	1 July 1991	—
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1-3 and Schedule 1 (items 1, 4, 6, 7, 9-11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419) [see Table A]
<i>Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Act 2001</i>	140, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]

Act Notes

- (a) The *Bounty (Bed Sheeting) Act 1977* was amended by Part X (section 72) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 1	rs. No. 79, 1979
S. 2A	ad. No. 39, 1985
S. 3	am. No. 39, 1985; No. 119, 1986; No. 54, 1987
S. 3A	ad. No. 54, 1987
S. 4	am. No. 79, 1979; No. 145, 1988; No. 117, 1991
S. 4A	ad. No. 119, 1986
S. 4B	ad. No. 140, 2001
S. 5	am. No. 79, 1979; No. 54, 1987
S. 6	am. No. 39, 1985
S. 7	rs. No. 119, 1986 am. No. 117, 1991
S. 8	am. No. 79, 1979; No. 39, 1985; No. 54, 1987; No. 145, 1988
S. 10	am. No. 39, 1985 rs. No. 119, 1986
S. 10AA	ad. No. 54, 1987
S. 10A	ad. No. 119, 1986 am. No. 117, 1991
S. 10B	ad. No. 119, 1986
S. 10C	ad. No. 119, 1986 am. No. 140, 2001
Ss. 10D-10F	ad. No. 119, 1986
S. 11	am. No. 39, 1985; No. 54, 1987
Ss. 12, 13	am. No. 39, 1985
S. 14	am. No. 39, 1985 rs. No. 119, 1986
S. 16	am. No. 10, 1986; No. 137, 2000
S. 18	am. No. 137, 2000; No. 140, 2001
S. 19	am. No. 26, 1982
S. 20	am. No. 39, 1985
S. 21	am. No. 39, 1985; No. 119, 1986
S. 22	rs. No. 54, 1987

Table A

Table A

Application, saving or transitional provisions

Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 (No. 137, 2000)

Schedule 2

418 Transitional—pre-commencement offences

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
 - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
 - (c) any matter connected with, or arising out of, such proceedings;
- as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

419 Transitional—pre-commencement notices

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
 - (b) any or all of those other provisions are repealed by this Schedule; and
 - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.

Industry, Science and Resources Legislation Amendment (Application of

Table A

Criminal Code) Act 2001 (No. 140, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.