

# BOUNTY (DRILLING MACHINES) ACT 1978

## No. 10 of 1978

An Act to provide for the payment of a bounty on the production of certain drilling machines.

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

1. This Act may be cited as the *Bounty (Drilling Machines) Act* 1978.<sup>1</sup> Short title
2. This Act shall be deemed to have come into operation on 1 January 1978. Commence-  
ment
3. In this Act, unless the contrary intention appears— Interpret-  
ation
- “authorized person” means a person who is an authorized person by virtue of an appointment under section 13;
- “bountiable drilling machine” means a bench or pedestal drilling machine that—
- (a) is belt-driven by a motor that forms part of the machine;
  - (b) has a drilling capacity of not more than 60 millimetres; and
  - (c) is not power-fed;
- “bounty” means bounty under this Act;
- “Collector” means a Collector of Customs for a State or Territory;
- “commencing date” means the date on which this Act is to be deemed to have come into operation;
- “Comptroller-General” means the Comptroller-General of Customs;
- “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;
- “period to which this Act applies” means the period that commenced on the commencing date and ends on 30 June 1979 or on such earlier date as is fixed by Proclamation, not being a date earlier than the date on which the Proclamation is published in the *Gazette*, as the date after which bounty is not to become payable under this Act;
- “registered premises” means premises registered by the Minister under section 10.

- Factory cost**      **4. (1)** For the purposes of this Act—
- (a) the factory cost of a bountiable drilling machine is such amount as is determined by the Comptroller-General to be the factory cost of the machine to the manufacturer of the machine; and
  - (b) the factory cost of the materials and parts of a bountiable drilling machine 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 machine.
- (2) In determining the factory cost of a bountiable drilling machine, or the factory cost of the materials and parts of a bountiable drilling machine 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 is ready for use.
- Uniformity**      **5.** 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.
- Specification of bounty**      **6. (1)** Bounty is payable in accordance with this Act on the production of bountiable drilling machines.
- (2) Bounty in respect of a bountiable drilling machine is payable to the manufacturer of the machine.
- (3) A manufacturer is not entitled to receive a payment of bounty in respect of a bountiable drilling machine unless—
- (a) the manufacture of the machine was completed during the period to which this Act applies;
  - (b) the machine was manufactured at registered premises or, if the manufacture of the machine had been commenced but had not been completed before the commencing date, the manufacture of the machine was completed at registered premises;
  - (c) the factory cost of the materials and parts of the machine that were wholly manufactured in Australia is not less than 55% of the factory cost of the machine; and
  - (d) the machine has been sold by the manufacturer, during the period to which this Act applies, for use in Australia without having previously been used by the manufacturer, or by another person, otherwise than for the purpose of testing, or demonstrating the operation of, the machine.

(4) Where—

- (a) by virtue of sub-section 10 (7), the Minister determines that the registration of premises shall be deemed to have taken effect on and from the commencing date; and
- (b) the person who applied for the registration of the premises was, on the commencing date, the owner of a bountiable drilling machine that was manufactured by him at those premises before the commencing date,

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

7. (1) Subject to this Act, the bounty in respect of a bountiable drilling machine is one-third of the factory cost of the machine. Rate of bounty

(2) Where the ratio between the factory cost of the materials and parts of a bountiable drilling machine that were wholly manufactured in Australia and the factory cost of the machine, expressed as a percentage of the factory cost of the machine, is less than 85%, the reference in sub-section (1) to the factory cost of the machine shall be read as a reference to an amount equal to the factory cost of the machine reduced by 1% of that factory cost for each 1% by which the ratio as so expressed is less than 85%.

8. Bounty is not payable in respect of a bountiable drilling machine unless the Comptroller-General is satisfied that it is of good and merchantable quality. Good quality essential

9. Where an application for bounty in respect of a bountiable drilling machine is lodged in accordance with the regulations, the Minister shall— Approval of payment of bounty

- (a) if he is satisfied that bounty is payable in respect of that machine—approve the payment of the bounty; or
- (b) if he is not so satisfied—refuse to approve payment of the bounty.

10. (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 bountiable drilling machines. Registration of premises

(2) Where a person carries on, or proposes to carry on, the manufacture at any premises of bountiable drilling machines, he may apply to the Minister for the registration of those premises for the purposes of this Act.

(3) If conditions have been prescribed under sub-section (1), the Minister shall not register the premises 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 until the information is furnished to his satisfaction.

(5) Where—

- (a) an applicant under this section was not, on 30 September 1977, engaged in the manufacture of bountiable drilling machines at the premises to which the application relates; or
- (b) an applicant under this section was, on that date, engaged in the manufacture of bountiable drilling machines at the premises to which the application relates but the application for registration is not made within 6 months after this Act receives the Royal Assent,

the Minister may refuse to register the premises unless, in the opinion of the Minister, the registration of the premises would promote the orderly development of the manufacture in Australia of bountiable drilling machines.

(6) Subject to sub-sections (3), (4) and (5), if, in the opinion of the Minister, bountiable drilling machines 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.

(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, in respect of any registered premises—

- (a) that bountiable drilling machines are not being manufactured at the premises;
- (b) that the manufacture of bountiable drilling machines at the premises 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), that bountiable drilling machines that are being manufactured at registered premises 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, on that person, cancel the registration of the premises.

(9) For the purpose of the application of section 29 of the *Acts Interpretation Act 1901* to the service by post of a notice under sub-section (8) of this section, such 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.

**11.** 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 bountiable drilling machines and such other information in relation to the machines as the Minister requires. Accounts

**12.** The Minister may require a manufacturer of bountiable drilling machines to give security in an amount determined by the Minister 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. Securities

**13.** The Minister may, by writing signed by him, appoint a person to be an authorized person for the purposes of this Act. Appointment of authorized persons

**14.** (1) For the purposes of this Act, an authorized person may, at all reasonable times, enter— Stock-taking and inspection of manufacture and accounts, &c.

- (a) registered premises; or
- (b) premises where there are stored bountiable drilling machines 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 drilling machines;
- (d) inspect any process in the manufacture of any bountiable drilling machines; and
- (e) inspect the accounts, books, documents and other records relating to the manufacture, storage, sale or use of bountiable drilling machines.

(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.

**15.** (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 (including the cost of manufacture), storage, sale or use of bountiable drilling machines 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 bountiable drilling machines as are referred to in the notice. Power to require persons 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 17 (1) (c) or 17 (2) (c).

(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 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.

Power to  
examine on  
oath, &c.

**16. (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 15 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 sub-section (1) is an oath or affirmation that the answers he will give to questions asked him will be true.

Offences

**17. (1)** A person shall not, without reasonable excuse, 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) A person shall not—

- (a) knowingly obtain or attempt to obtain bounty that is not payable;
- (b) obtain or attempt to obtain payment of bounty by means of a statement that he knows to be false or misleading or by means of a document which to his knowledge contains information that is false or misleading; or

- (c) make to an officer or other person doing duty in relation to this Act or the regulations including the Comptroller-General, a Collector or an authorized person when exercising his powers under section 15, a statement that is false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 3 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 the Commonwealth the amount of any bounty wrongfully obtained by him.

(4) Where a court has made an order under sub-section (3), a certificate signed by 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.

**18.** (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 bountiable drilling machines in respect of which the bounty was paid;
- (c) in relation to the manufacture by each manufacturer of bountiable drilling machines 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 machines; 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 15 sitting days of that House after the return is received by him.

**19.** (1) The Minister or the Comptroller-General, 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. 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 or the Comptroller-General, as the case may be.

(3) A delegation under this section does not prevent the exercise of a power by the Minister or the Comptroller-General, as the case may be.

Applications  
for review

**20.** Applications may be made to the Administrative Appeals Tribunal for review of—

- (a) a determination by the Comptroller-General made for the purposes of sub-section 4 (1);
- (b) a decision of the Comptroller-General made for the purposes of section 8;
- (c) an approval of the Minister given under section 9 or a refusal of the Minister to give an approval under that section;
- (d) a refusal of the Minister to register premises under section 10, not being a refusal by virtue of sub-section 10 (5);
- (e) a determination by the Minister made for the purposes of sub-section 10 (7) or a refusal of the Minister to make a determination for the purposes of that sub-section;
- (f) a decision of the Minister made for the purposes of sub-section 10 (8); or
- (g) a determination by the Minister of an amount of security made for the purposes of section 12.

Appropriation

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

Regulations

**22.** 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.

---

#### NOTE

1. Act No. 10, 1978; assented to 9 April 1978.