

# Bounty (Injection-moulding Equipment) Act 1979

No. 78 of 1979

An Act to provide for the payment of bounty on the production of certain injection-moulding equipment.

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 (Injection-moulding Equipment) Act 1979*.<sup>1</sup> Short title
2. This Act shall be deemed to have come into operation on 23 May 1979. Commencement
3. In this Act, unless the contrary intention appears— Interpretation
- “authorized person” means a person who is an authorized person for the purposes of this Act by virtue of an appointment under section 15;
- “bounty” means bounty under this Act;
- “Collector” means a Collector of Customs for a State or Territory;
- “Comptroller-General” means the Comptroller-General of Customs;
- “injection-moulding equipment” means—
- (a) an injection-moulding machine designed for the production of moulded artificial plastic goods by the process of injecting artificial plastic material into dies; or
  - (b) a part for a machine of the kind referred to in paragraph (a), being a part designed for use solely or principally as part of such a machine, not being a die designed for use with such a machine;
- “registered premises” means premises registered by the Minister under section 12.
4. For the purposes of this Act, the year commencing on 23 May 1979 and each of the next 4 succeeding years are years to which this Act applies. Years to which this Act applies
5. (1) For the purposes of this Act, the additional value in relation to injection-moulding equipment is an amount equal to the amount (if any) by which an amount determined by the Comptroller-General to be the factory cost with respect to the manufacture of the equipment Additional value

exceeds an amount determined by the Comptroller-General to be the cost of the materials and parts supplied to the manufacturer and used by him in the manufacture of the equipment.

(2) In determining the factory cost with respect to the manufacture of injection-moulding equipment, the Comptroller-General shall make an allowance for research and development expenditure and factory overhead charges, but shall not make any allowance for general administration, selling costs, service charges, taxation or any cost incurred after the completion of manufacture.

**Uniformity**

6. 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**

7. (1) Bounty is payable in accordance with this Act on the production of injection-moulding equipment.

(2) Bounty in respect of injection-moulding equipment is payable to the manufacturer of the equipment.

(3) A manufacturer is not entitled to receive a payment of bounty in respect of injection-moulding equipment unless—

- (a) the equipment was manufactured at premises that, throughout the whole course of that manufacture, were registered premises or, if the manufacture of the equipment had been commenced but had not been completed before 23 May 1979, the manufacture of the equipment was completed at registered premises;
- (b) the manufacture of the equipment was completed during a year to which this Act applies; and
- (c) the equipment was, during a year to which this Act applies—
  - (i) in the case of an injection-moulding machine—sold by the manufacturer for use, or used by the manufacturer, in the production, in Australia, of artificial plastic goods; or
  - (ii) in any other case—
    - (A) sold by the manufacturer for use in Australia in the manufacture by another person of other injection-moulding equipment in respect of which that other person is entitled to receive, or has received, a payment of bounty; or
    - (B) sold by the manufacturer for use, or used by the manufacturer, in Australia, in the repair of, or as part of, other injection-moulding equipment that is used in the production, in Australia, of artificial plastic goods.

## (4) Where—

- (a) by virtue of sub-section 12 (6), the Minister determines that the registration of premises shall be deemed to have taken effect on and from 23 May 1979; and
- (b) on that day, the person who applied for the registration of the premises is the owner of bountiable equipment that was manufactured by him before that day, whether at those premises or at other premises,

that equipment shall, for the purposes of this Act, be deemed to have been manufactured by him at the registered premises on that day.

**8.** The bounty payable in respect of injection-moulding equipment is— Amount of bounty

- (a) where the manufacture of the equipment is completed in the year commencing on 23 May 1979—an amount equal to 45% of the additional value of the equipment;
- (b) where the manufacture of the equipment is completed in the year commencing on 23 May 1980—an amount equal to 35% of the additional value of the equipment;
- (c) where the manufacture of the equipment is completed in the year commencing on 23 May 1981—an amount equal to 25% of the additional value of the equipment;
- (d) where the manufacture of the equipment is completed in the year commencing on 23 May 1982—an amount equal to 15% of the additional value of the equipment; and
- (e) where the manufacture of the equipment is completed in the year commencing on 23 May 1983—an amount equal to 5% of the additional value of the equipment.

**9.** Bounty is not payable in respect of injection-moulding equipment unless, in the opinion of the Comptroller-General, it is of good and merchantable quality. Good quality essential

**10.** Where an application for bounty in respect of injection-moulding equipment 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 equipment—approve the payment of the bounty; or
- (b) if he is not so satisfied—refuse to approve payment of the bounty.

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

(2) If a person receives by way of advances on account of bounty in respect of injection-moulding equipment an amount greater than the

amount of bounty payable to him in respect of that equipment, he is liable to repay to the Commonwealth the amount of the excess, and the Commonwealth may recover that amount as a debt due to the Commonwealth 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 the Commonwealth the amount so received, and the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.

**Registration  
of premises**

**12.** (1) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connection with the manufacture of injection-moulding equipment at registered premises.

(2) Where a person carries on, or proposes to carry on, the manufacture of injection-moulding equipment at any premises, 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) Subject to sub-sections (3) and (4), if, in the opinion of the Minister, bountiable equipment is, or is 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.

(6) If the Minister so determines, the registration shall be deemed to have taken effect on and from a date specified by the Minister, being a date not earlier than 23 May 1979.

(7) Where the Minister is satisfied, in respect of any registered premises—

- (a) that injection-moulding equipment is not being manufactured at the premises;
- (b) that the manufacture of injection-moulding equipment 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 injection-moulding equipment that is being manufactured at registered premises is 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.

(8) 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 (7) of this section, a notice posted as a letter addressed to the occupier, or to the person who applied for the registration of the premises, at the registered premises shall be deemed to be properly addressed.

13. 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 and sale of injection-moulding equipment and such other information in relation to the equipment as the Minister requires. Accounts

14. The Minister may require a manufacturer of injection-moulding equipment 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

15. 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

16. (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 is stored injection-moulding equipment 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 injection-moulding equipment;
- (d) inspect the processes of manufacture of any injection-moulding equipment; and
- (e) inspect and make and retain copies of, or extracts from, any accounts, books, documents and other records relating to the manufacture, storage, sale or use of injection-moulding equipment.

(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.

Power to  
require  
persons to  
answer  
questions  
and produce  
documents

17. (1) The Comptroller-General, a Collector or an authorized person may, by notice in writing 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, sale or use of injection-moulding equipment 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, sale or use of injection-moulding equipment 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 19 (1) (c) or 19 (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.

18. (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 17 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

19. (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, or an advance on account of bounty, by means of a statement that he knows to be false or misleading or by means of a document that 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 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 or advance 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.

**20.** (1) The Comptroller-General shall, as soon as practicable after the end of a year to which this Act applies 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 quantity of injection-moulding equipment 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.

**21.** (1) The Minister or the Comptroller-General may, either generally or as otherwise 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**

**22.** 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 5 (1);
- (b) a decision of the Comptroller-General made for the purposes of section 9;
- (c) an approval of the Minister given under section 10 or a refusal of the Minister to give an approval under that section;
- (d) a refusal of the Minister to register premises under section 12;
- (e) a determination by the Minister made for the purposes of sub-section 12 (6) 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 12 (7); or
- (g) a requirement of the Minister under section 14.

**Appropriation**

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

**Regulations**

**24.** 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 connection with applications for bounty; and
- (c) penalties not exceeding \$100 for offences against the regulations.

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**NOTE**

1. Act No. 78, 1979; assented to 25 June 1979.