



Bounty (High Alloy Steel Products) Act 1983

No. 126 of 1983

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SCHEDULE



Bounty (High Alloy Steel Products) Act 1983

No. 126 of 1983

An Act to provide for the payment of bounty on the production of certain high alloy steel products

[Assented to 21 December 1983]

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

Short title

1. This Act may be cited as the *Bounty (High Alloy Steel Products) Act 1983*.

Commencement

2. This Act shall come into operation on 1 January 1984.

Interpretation

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

“approved form” means a form approved by the Comptroller-General by instrument in writing;

“authorized officer” means a person who is an authorized officer for the purposes of this Act by virtue of an appointment under section 16;

“bountiable product” means—

- (a) a bountiable stainless steel bar;
- (b) a bountiable stainless steel plate;
- (c) a bountiable stainless steel sheet;
- (d) a bountiable steel bar;
- (e) a bountiable steel billet;
- (f) a bountiable steel piece; or
- (g) a bountiable steel slab;

“bountiable stainless steel bar” means a product that—

- (a) consists of stainless steel;
- (b) was produced by—
 - (i) cold-drawing a coiled prescribed stainless steel bar; or
 - (ii) a process prescribed by the regulations for the purposes of this definition, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and
- (c) is a solid that has a cross-section—
 - (i) that—
 - (A) is of a prescribed shape; and
 - (B) has a dimension exceeding 13 mm; or
 - (ii) that is of a kind prescribed by the regulations for the purposes of this definition;

“bountiable stainless steel plate” means a product that—

- (a) consists of stainless steel;
- (b) was produced by—
 - (i) descaling—
 - (A) a prescribed coil; or
 - (B) a product that was produced in Australia from a prescribed ingot,
not being a coil or product that had been previously descaled; or
 - (ii) a process prescribed by the regulations for the purposes of this definition, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and
- (c) is a solid that has—
 - (i) a rectangular cross-section—
 - (A) the thickness of which is not less than 2.9 mm and not greater than 75 mm; and
 - (B) the width of which is not less than 500 mm; or
 - (ii) a cross-section that is of a kind prescribed by the regulations for the purposes of this definition;

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“bountiable stainless steel sheet” means a product (whether coiled or uncoiled) that—

- (a) consists of stainless steel;
- (b) was produced by—
 - (i) cold-rolling a prescribed coil; or
 - (ii) a process prescribed by the regulations for the purposes of this definition, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and
- (c) is a solid that has—
 - (i) a rectangular cross-section; or
 - (ii) a cross-section that is of a kind prescribed by the regulations for the purposes of this definition;

“bountiable steel bar” means a product that—

- (a) consists of prescribed steel;
- (b) was produced by—
 - (i) hot-rolling, cold-drawing or forging—
 - (A) a prescribed ingot; or
 - (B) a product that was produced from a prescribed ingot;
 - (ii) the continuous casting of metal that had been melted in a furnace known as an electric arc furnace;
 - (iii) hot-rolling, cold-drawing or forging a product that was produced by, or from a product that was produced by, the continuous casting of metal that had been melted in a furnace known as an electric arc furnace; or
 - (iv) a process prescribed by the regulations for the purposes of this definition, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and
- (c) is a solid that has a cross-section—
 - (i) that—
 - (A) is of a prescribed shape; and
 - (B) in the case of a product that was produced by cold-drawing—has a dimension that is greater than 13 mm; or
 - (ii) that is of a kind prescribed by the regulations for the purposes of this definition,

but does not include a bountiable stainless steel bar, a bountiable steel billet, a bountiable steel piece or a bountiable steel slab;

“bountiable steel billet” means a product that—

- (a) consists of prescribed steel;
- (b) is semi-finished;

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- (c) was produced by—
 - (i) hot-rolling or forging a prescribed ingot;
 - (ii) the continuous casting of metal that had been melted in a furnace known as an electric arc furnace;
 - (iii) hot-rolling or forging a product that was produced by, or from a product that was produced by, the continuous casting of metal that had been melted in a furnace known as an electric arc furnace; or
 - (iv) a process prescribed by the regulations for the purposes of this paragraph, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process;
- (d) is a solid that has—
 - (i) a rectangular cross-section—
 - (A) the area of which is greater than 1,225 mm²; and
 - (B) the factor obtained by dividing the thickness of which by the width of which is greater than 0.25;or
 - (ii) a cross-section that is of a kind prescribed by the regulations for the purposes of this definition; and
- (e) is intended to be—
 - (i) further hot-rolled or forged, or hot-rolled or forged, as the case may be; or
 - (ii) further treated or treated, as the case may be, by another process, being a process prescribed by the regulations for the purposes of this paragraph,

but does not include a bountiable steel piece;

“bountiable steel piece” means a product that—

- (a) consists of prescribed steel;
- (b) is semi-finished;
- (c) was produced by—
 - (i) forging a prescribed ingot;
 - (ii) forging a product that was produced by, or from a product that was produced by, the continuous casting of metal that had been melted in a furnace known as an electric arc furnace; or
 - (iii) a process prescribed by the regulations for the purposes of this paragraph, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and
- (d) is of a crude shape that is intended for further substantial shaping by—
 - (i) forging;
 - (ii) machining; or

(iii) a process prescribed by the regulations for the purposes of this paragraph,

being forging or machining, or a process, that would affect all the surfaces of the product;

“bountiable steel slab” means a product that—

(a) consists of prescribed steel;

(b) is semi-finished;

(c) was produced by—

(i) hot-rolling or forging—

(A) a prescribed ingot; or

(B) a bountiable steel billet that was produced by hot-rolling or forging a prescribed ingot;

(ii) the continuous casting of metal that had been melted in a furnace known as an electric arc furnace;

(iii) hot-rolling or forging a product that was produced by, or from a product that was produced by, the continuous casting of metal that had been melted in a furnace known as an electric arc furnace; or

(iv) a process prescribed by the regulations for the purposes of this definition, being a process that was carried out in relation to a product prescribed by the regulations for those purposes in relation to that process; and

(d) is a solid that has—

(i) a rectangular cross-section—

(A) the thickness of which is not less than 6 mm;

(B) the width of which is not less than 150 mm; and

(C) the factor obtained by dividing the thickness of which by the width of which is not greater than 0.25; or

(ii) a cross-section that is of a kind prescribed by the regulations for the purposes of this definition,

but does not include a bountiable steel billet or a bountiable steel piece;

“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;

“continuous casting”, in relation to metal that had been melted in a furnace known as an electric arc furnace, means the casting of the metal by passing it through a water-cooled mould;

“descaling” means descaling by the process known as pickling;

“drawn” includes extruded;

“high alloy steel” means an alloy of steel (whether or not stainless steel) that contains, by mass—

(a) not less than 2% of manganese;

- (b) not less than 2% of silicon;
- (c) not less than 0.5% of nickel;
- (d) not less than 1% of chromium;
- (e) not less than 0.1% of molybdenum;
- (f) not less than 0.1% of vanadium;
- (g) not less than 0.3% of tungsten;
- (h) not less than 0.3% of cobalt; or
- (j) not less than 0.4% of copper,

but does not include steel that contains, by mass, not less than 2% of a precious metal or of precious metals;

“precious metal” means gold, silver, platinum, iridium, osmium, palladium, rhodium or ruthenium;

“prescribed coil” means a coiled product —

- (a) that consists of stainless steel;
- (b) that was produced by—
 - (i) hot-rolling; or
 - (ii) a process prescribed by the regulations for the purposes of this definition;
- (c) that is a solid that, in its uncoiled form, has—
 - (i) a rectangular cross-section—
 - (A) the thickness of which is not less than 1.5 mm; and
 - (B) the width of which is greater than 500 mm; or
 - (ii) a cross-section that is of a kind prescribed by the regulations for the purposes of this definition;
- (d) the mass of which is not less than 0.5 tonnes; and
- (e) that is intended for re-rolling;

“prescribed ingot” means an ingot that was produced in Australia by casting metal that had been melted in a furnace known as an electric arc furnace;

“prescribed shape” means any of the following shapes: circle; segment of a circle; oval; isosceles triangle; rectangle; hexagon; octagon; quadrilateral with 2 sides parallel and 2 sides equal in length but not parallel;

“prescribed stainless steel bar” means a product that—

- (a) consists of stainless steel;
- (b) was produced by—
 - (i) hot-rolling; or
 - (ii) a process prescribed by the regulations for the purposes of this definition; and
- (c) is a solid that has a cross-section that is of—
 - (i) a prescribed shape; or

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(ii) a kind prescribed by the regulations for the purposes of this definition;

“prescribed steel” means high alloy steel or stainless steel;

“prescribed steps”, in relation to the production of a bountiable product, has the meaning given by section 5;

“producer”, in relation to a bountiable product, means the person who carried out all the prescribed steps in the production of the bountiable product;

“product” includes ingot;

“quarter” means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October during a bounty period;

“rectangle” includes square;

“registered premises” means premises registered by the Minister under section 12;

“stainless steel” means an alloy of steel that contains, by mass—

(a) not less than 10.5% of chromium; and

(b) not more than 1.2% of carbon.

(2) For the purposes of this Act—

(a) a product shall not be taken to have been produced from a prescribed ingot if the production of the product involved the melting and recasting of the ingot, or another product produced from the ingot, for a purpose other than the removal of impurities from the ingot or the other product, as the case may be, by the process known as electro slag refining; and

(b) where the production of a particular product involved 3 or more steps and—

(i) the first of those steps consisted of the production of a prescribed ingot;

(ii) the last of those steps consisted of the forging, cold-drawing, descaling, cold-rolling, hot-rolling or other process that produced the product; and

(iii) the intermediate step or steps consisted of, or included, the production of another product or other products,

the first-mentioned product shall, subject to paragraph (a), be taken to have been produced from that prescribed ingot and from that other product or those other products.

(3) For the purposes of this Act—

(a) a product shall not be taken to have been produced from a product that was produced by the continuous casting of metal that had been melted in a furnace known as an electric arc furnace if the production of the first-mentioned product involved the melting and recasting of the second-mentioned product, or another product produced from the second-mentioned product, for a purpose other than the removal of impurities from the second-mentioned product or the other product

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produced from the second-mentioned product, as the case may be, by the process known as electro slag refining; and

(b) where the production of a particular product involved 3 or more steps and—

- (i) the first of those steps consisted of the production of a product by the continuous casting of metal that had been melted in a furnace known as an electric arc furnace;
- (ii) the last of those steps consisted of the forging, cold-drawing, descaling, cold-rolling, hot-rolling, casting or other process that produced the product; and
- (iii) an intermediate step or steps consisted of, or included, the production of another product or other products,

the first-mentioned product shall, subject to paragraph (a), be taken to have been produced from the second-mentioned product and from that other product or those other products.

(4) For the purposes of this Act, a product shall not be taken not to consist of steel of a particular kind by reason only that it contains impurities normally likely to be found in steel of that kind.

Bounty periods

4. Each of the following periods is, for the purposes of this Act, a bounty period:

- (a) the year commencing on 1 January 1984;
- (b) the year commencing on 1 January 1985;
- (c) the year commencing on 1 January 1986;
- (d) the year commencing on 1 January 1987;
- (e) the year commencing on 1 January 1988.

Prescribed steps

5. For the purposes of this Act, the prescribed steps in the production of a bountiable product—

(a) commence with and include—

- (i) in the case of a bountiable stainless steel bar that was produced by cold-drawing a coiled prescribed stainless steel bar—the step next following the production of the coiled prescribed stainless steel bar;
- (ii) in the case of a bountiable stainless steel plate that was produced by descaling a prescribed coil or a product that was produced in Australia from a prescribed ingot—the descaling of the coil or product, as the case may be;
- (iii) in the case of a bountiable stainless steel sheet that was produced by cold-rolling a prescribed coil—the step next following the production of the prescribed coil;

- (iv) in the case of—
 - (A) a bountiable steel bar that was produced by forging a prescribed ingot or a product that was produced from a prescribed ingot; or
 - (B) a bountiable steel piece that was produced by forging a prescribed ingot,the step next following the production of the prescribed ingot;
- (v) in the case of—
 - (A) a bountiable steel bar that was produced by hot-rolling or cold-drawing a prescribed ingot or a product that was produced from a prescribed ingot;
 - (B) a bountiable steel billet that was produced by hot-rolling or forging a prescribed ingot; or
 - (C) a bountiable steel slab that was produced by hot-rolling or forging a prescribed ingot or a bountiable steel billet that was produced by hot-rolling or forging a prescribed ingot,the production of the prescribed ingot;
- (vi) in the case of a bountiable steel bar, a bountiable steel billet, a bountiable steel piece or a bountiable steel slab that was produced by the continuous casting of metal that had been melted in a furnace known as an electric arc furnace or by hot-rolling, cold-drawing or forging a product that was produced by, or from a product that was produced by, the continuous casting of metal that had been melted in a furnace known as an electric arc furnace—the melting of the metal in the furnace; and
- (vii) in the case of any other bountiable product—such step or process as is prescribed by the regulations for the purposes of this paragraph in relation to the bountiable product; and
- (b) end upon the completion of the last step in the forging, cold-drawing, descaling, cold-rolling, hot-rolling or casting that produced the product or, if the bountiable product was produced by another process, such process as is prescribed by the regulations for the purposes of this paragraph in relation to the bountiable product.

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 51 (iii) of the Constitution.

Specification of bounty

7. (1) Bounty is payable in accordance with this Act on the production in Australia of bountiable products.

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(2) Bounty in respect of a bountiable product is payable to the producer of the bountiable product.

(3) A producer of a bountiable product is not entitled to receive a payment of bounty in respect of the bountiable product unless the Comptroller-General is satisfied that—

- (a) all the prescribed steps in the production of the bountiable product were carried out—
 - (i) by the producer at registered premises; and
 - (ii) during a bounty period or during bounty periods;
- (b) the bountiable product was sold for use in Australia during a bounty period; and
- (c) the bountiable product is of good and merchantable quality.

(4) Where—

- (a) by virtue of sub-section 12 (8), the Minister determines that the registration of premises shall be deemed to have taken, or shall take, effect on and from 1 January 1984; and
- (b) the person who applied for the registration of the premises—
 - (i) was or is, on 1 January 1984, the owner of a bountiable product; and
 - (ii) had carried out all the prescribed steps in the production of the bountiable product at the registered premises before 1 January 1984,

the bountiable product shall, for the purposes of this Act, be deemed to be a bountiable product all the prescribed steps in the production of which were carried out by the person at the registered premises on 1 January 1984.

(5) Bounty is not payable under this Act in respect of any bountiable product produced, in whole or in part, from a product in respect of which bounty has been paid, or is or becomes payable, under this Act or the *Bounty (Steel Products) Act 1983*.

(6) Bounty is not payable in respect of any bountiable product produced by the Commonwealth, a State or an authority of the Commonwealth or a State (including an educational institution established by the Commonwealth or a State).

(7) In sub-section (6), “State” includes the Northern Territory.

Amount of bounty

8. (1) The bounty payable in respect of a bountiable product is an amount equal to the relevant percentage of—

- (a) the price paid or payable for the bountiable product; or
- (b) if the Comptroller-General is satisfied that the amount of the price referred to in paragraph (a) was influenced by reason of a commercial, financial or other relationship between the producer or a business associate of the producer and the purchaser or a business associate of

the purchaser, not being a relationship created by the sale itself—such amount as the Comptroller-General, in accordance with sound accounting principles, determines, by instrument in writing, to be the amount that would have been the amount of that price if that relationship had not existed.

(2) Where the Comptroller-General makes a determination under paragraph (1) (b) determining an amount in relation to a bountiable product, he shall cause to be served, either personally or by post, on the producer of the bountiable product, notice in writing of the determination.

(3) For the purposes of this section, the relevant percentage in relation to a bountiable product is such percentage as, having regard to the notional annual industry sales tonnage for the quarter during which the bountiable product was sold for use in Australia, is applicable in accordance with the Schedule.

(4) A reference in this Act to the notional annual industry sales tonnage for a quarter is a reference to the tonnage ascertained by multiplying the total tonnage of the bountiable products sold for use in Australia during the quarter, being the total tonnage of the bountiable products so sold as determined by the Comptroller-General by instrument in writing, by 4.

(5) Bounty is not payable in respect of a bountiable product sold for use in Australia during a quarter for which notional annual industry sales tonnage is greater than 39,000 tonnes.

(6) The regulations may prescribe a factor in relation to a number specified in column 1 or 2 of the Schedule and, where a factor is so prescribed, then, for the purpose of calculating the bounty payable in respect of bountiable products in respect of which bounty becomes payable during a quarter in relation to which the regulations prescribing the factor are applicable, the number in relation to which the factor is so prescribed shall be multiplied by the factor.

(7) Where regulations made by virtue of sub-section (6) prescribe a factor in relation to the number 39,000 specified in column 1 of the Schedule, sub-section (5) has effect as if the reference in that sub-section to 39,000 were a reference to the number ascertained by multiplying 39,000 by the factor.

(8) For the purposes of this section, the price paid or payable for a bountiable product shall be taken to be the gross price that the purchaser is charged for that product less the amount of any rebate or discount allowable in respect of the price, not being a rebate or discount for cash payment or prompt payment.

(9) A reference in this section to the price paid or payable for a bountiable product includes a reference to a price paid or payable for the cost of any—

- (a) heat treatment of the product;
- (b) surface treatment of the product, including, but without limiting the generality of the foregoing, any machining, polishing, grinding, shot blasting, annealing or pickling of the product;

- (c) cold-rolling of the product (whether or not for the purpose of embossing the product);
- (d) application of a protective coating to the product;
- (e) marking of the product for the purposes of identifying the product;
- (f) straightening or stretching of the product;
- (g) cutting, slitting or sawing of the product—
 - (i) for the purpose of trimming the product;
 - (ii) into shorter lengths or narrower widths;
 - (iii) where the product is a bountiable stainless steel plate or a bountiable stainless steel sheet—in such a manner as to produce pieces of any shape; or
 - (iv) where the product is a bountiable product other than a bountiable product referred to in sub-paragraph (iii)—in such a manner as to produce pieces the largest surface of which—
 - (A) in the case of a product that is of a cross-section that is not a rectangular cross-section—is either rectangular or of the same shape and dimensions as that cross-section; or
 - (B) in any other case—is rectangular;
- (h) packaging of the product for the purposes of transport or sale;
- (j) delivery of the product; or
- (k) processing or treatment of the product prescribed by the regulations for the purposes of this sub-section,

carried out by the producer after the completion of the last step in the forging, cold-drawing, descaling, cold-rolling, hot-rolling, casting or other process that produced the product.

(10) For the purposes of this section, 2 persons shall be taken to be business associates if—

- (a) one has an interest, whether direct or indirect, in the business or property of the other;
- (b) both have an interest, whether direct or indirect, in the same business or property; or
- (c) another person has an interest, whether direct or indirect, in the business or property of each of them.

Limit of available bounty

9. (1) Subject to sub-section (2), the amount available for payment of bounty in respect of bountiable products in respect of a bounty period is \$9,000,000.

(2) The regulations may prescribe a factor for the purposes of this section in respect of a bounty period and, where a factor is so prescribed, then, for the purpose of calculating the amount available for payment of bounty in respect of bountiable products in respect of which bounty becomes payable during that

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bounty period, the amount specified in sub-section (1) shall be multiplied by that factor.

(3) Where the amount available for payment of bounty in respect of bountiable products in respect of which bounty becomes payable during a bounty period is insufficient for the payment in full of all valid claims in respect of those bountiable products, the bounty otherwise payable in respect of each of those claims shall be reduced to an amount that bears the same proportion to the amount of the claim as the amount so available bears to the total amount of all those claims.

(4) If the Comptroller-General is of the opinion that the amount available for payment of bounty in respect of bountiable products in respect of which bounty will become payable during a bounty period will be insufficient for the payment in full of all valid claims in respect of those bountiable products, he may withhold payment of the whole or any part of the bounty otherwise payable upon such a claim until he has ascertained the total amount of all those claims.

Advances on account of bounty

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

(2) If, at the expiration of a bounty period, a person has received an amount, by way of advances on account of bounty that may become payable to him during that bounty period, greater than the amount of bounty that became payable to him during that bounty period, he is liable to repay to the Commonwealth the amount of the excess.

(3) If a person receives, by way of advances on account of bounty in respect of a particular product, an amount greater than the amount of bounty payable to him in respect of that product, he is liable to repay to the Commonwealth the amount of the excess.

(4) If a person receives an amount by way of advances on account of bounty that may become payable to him and the bounty does not become payable to him, he is liable to repay to the Commonwealth the amount so received.

(5) Where a person is liable to repay an amount to the Commonwealth under this section, the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.

(6) Where a person is liable to repay an amount to the Commonwealth under this section, the amount may be deducted from any other amount that is payable to the person under this Act, the *Bounty (Steel Products) Act 1983* or the *Bounty (Steel Mill Products) Act 1983* and, where an amount is so deducted, the other amount shall, notwithstanding the deduction, be deemed to have been paid in full to the person.

Claims for payment of bounty

11. (1) A person who claims to be entitled to be paid an amount of bounty in respect of bountiable products may lodge a claim for payment to him of the amount.

(2) The claim shall—

- (a)** be in accordance with the appropriate approved form;
- (b)** include such information as is required by the form;
- (c)** be signed and witnessed as required by the form; and
- (d)** be lodged with—
 - (i)** the Collector for the State or Territory in which the bountiable products were produced; or
 - (ii)** if there is no such Collector—the Comptroller-General, within 4 months after the end of the quarter in which the bountiable products were sold for use in Australia.

(3) As soon as practicable after the lodgment of the claim, the Comptroller-General shall, after examining the claim and causing such inquiries as he considers necessary to be made (including inquiries under sections 17 and 18)—

- (a)** if he is satisfied that the claim complies with sub-section (2) and that the claimant is otherwise entitled to be paid an amount of bounty in respect of bountiable products to which the claim relates—approve, by instrument in writing, payment of the amount; or
- (b)** if he is not so satisfied—refuse, by instrument in writing, to approve payment of bounty in respect of the products to which the claim relates.

(4) Where the Comptroller-General makes a decision under sub-section (3) approving, or refusing to approve, payment of bounty, he shall cause to be served on the person who lodged the claim, either personally or by post, a notice in writing setting out the decision.

Registration of premises

12. (1) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in relation to the production of bountiable products at registered premises.

(2) Where a person carries on, or proposes to carry on, the production of a class of bountiable products at any premises, the Minister may—

- (a)** of his own motion; or
 - (b)** upon application to do so being made to him by the person,
- register the premises, for the purposes of this Act, in respect of that class of bountiable products.

(3) If conditions have been prescribed under sub-section (1) that are applicable to the production of that class of bountiable products at registered premises, the Minister shall not register the premises in respect of that class of

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bountiable products unless he is satisfied that the conditions will be complied with.

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

(5) Where an applicant under this section was not, on 7 February 1983, engaged, at the premises to which the application relates, in the production of bountiable products included in the class of bountiable products to which the application relates, the Minister shall refuse to register those premises in respect of that class of bountiable products unless, in the opinion of the Minister, the registration of those premises in respect of that class of bountiable products will promote the orderly development in Australia of the industry producing bountiable products included in that class of bountiable products.

(6) Where the Minister makes a decision under this section refusing an application to register premises in respect of a class of bountiable products, he shall cause to be served, either personally or by post, on the applicant a notice in writing setting out the decision.

(7) Subject to sub-sections (3), (4) and (5), if, in the opinion of the Minister, bountiable products included in the class of bountiable products to which the application relates are, or are proposed to be, produced at the premises to which the application relates, he shall, by notice in writing served, either personally or by post, on the applicant, register those premises in the name of the applicant, for the purposes of this Act, in respect of that class of bountiable products.

(8) If the Minister so determines by instrument in writing, the registration shall be deemed to have taken, or shall take, effect on and from a date specified by the Minister, being a date not earlier than 1 January 1984.

(9) Upon application in writing made to the Minister by—

- (a) the person in whose name premises are registered under this section; and
- (b) a person who carries on, or proposes to carry on, the production, at those premises, of bountiable products included in a class of bountiable products in respect of which those premises are registered,

the Minister shall, by notice in writing served, either personally or by post, on the person referred to in paragraph (b), transfer the registration of those premises in respect of that class of bountiable products to the name of that person, with effect from such date as the Minister specifies in the notice, being a date not earlier than 6 months before the day on which that application was made.

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

- (a) that bountiable products are not being produced at those premises; or

- (b) that the production of bountiable products at those premises is not being carried on by a person in whose name those premises are registered,

the Minister may, by notice in writing served, either personally or by post, on the occupier of those premises, and, if the occupier is not the person in whose name those premises are registered, on that person, cancel the registration of those premises.

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

- (a) that bountiable products are being produced at those premises, but that bountiable products included in a class of bountiable products in respect of which those premises are registered are not being produced at those premises;
- (b) that the production of bountiable products at those premises is being carried on by a person in whose name those premises are registered, but that the production of bountiable products included in a class of bountiable products in respect of which those premises are registered is not being carried on by the person in whose name those premises are registered in respect of that class of bountiable products; or
- (c) if any conditions have been prescribed under sub-section (1) that are applicable to the production of a class of bountiable products in respect of which those premises are registered—that bountiable products included in that class of bountiable products are being produced at those premises otherwise than in accordance with those conditions,

the Minister may, by notice in writing served, either personally or by post, on the person in whose name those premises are registered in respect of that class of bountiable products, cancel the registration of those premises in respect of that class of bountiable products.

(12) 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 (10) of this section, such a notice posted as a letter addressed to the occupier, or to the person in whose name those premises are registered, at those premises shall be deemed to be properly addressed.

Accounts, &c.

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 production (including the cost of production) and sale of bountiable products and such other information in relation to bountiable products as the Minister, by notice in writing served, either personally or by post, on the person, requires.

Securities

14. The Minister may by notice in writing served, either personally or by post, on a person to whom bounty could become payable, require the person 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, where a person is so required to give security, he is not entitled to bounty, or an advance on account of bounty, unless he gives security in accordance with the requirement.

Producers to furnish returns

15. (1) Within 28 days after the end of each month of the year during a bounty period, a producer of bountiable products shall lodge a return with respect to the bountiable products produced by him and the bountiable products that he proposes to produce.

(2) The return 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 the form; and
- (d)** be lodged with the Comptroller-General or a Collector.

(3) A producer of bountiable products shall not—

- (a)** refuse or fail to comply with this section to the extent that he is capable of complying with it; or
- (b)** in purported compliance with this section, furnish information that is or estimates that are, to his knowledge, false or misleading in a material particular.

Penalty for contravention of this sub-section: \$1,000.

Appointment of authorized officers

16. (1) The Minister may, by writing signed by him, 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 authorized officer, or authorized officers, for the purposes of this Act.

(2) In sub-section (1), “officer” means an officer of the Department.

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

17. (1) For the purposes of this Act, an authorized officer may, at all reasonable times, enter—

- (a)** registered premises;
- (b)** premises where there is stored a bountiable product in respect of which bounty has been claimed, or, in the opinion of the authorized officer, is likely to be claimed; or

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- (c) premises where there are kept any accounts, books, documents or other records relating to the production, storage, sale or other disposal, or use, of a bountiable product,

and may—

- (d) inspect or take stock of any bountiable product;
- (e) inspect any process in the production of any bountiable product; and
- (f) inspect the accounts, books, documents and other records relating to the production (including the cost of production), sale or other disposal, or use, of a bountiable product,

and may make and retain copies of, or take and retain extracts from, any such accounts, books, documents and other records.

(2) The occupier or person in charge of registered premises, or of premises referred to in paragraph (1) (b) or (c), shall provide the authorized officer with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty for contravention of this sub-section: \$1,000.

Power to require persons to answer questions and produce documents

18. (1) A Collector or an authorized officer 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 production (including the cost of production), sale or other disposal, or use, of bountiable products 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 production (including the cost of production), sale or other disposal, or use, of bountiable products as are referred to in the notice.

(2) A notice under sub-section (1) requiring a person to produce an account, book, document or record shall set out the effect of sub-section (3).

(3) A person who, in pursuance of a notice under sub-section (1), produces an account, book, document or record kept, made or prepared by another person that, to the knowledge of the first-mentioned person, is false or misleading in a material particular shall, upon so producing the account, book, document or record, give to the person to whom the first-mentioned person is required to produce the account, book, document or record, a statement in writing signed by the first-mentioned person or, in the case of a body corporate, by a competent officer of the body corporate—

- (a) stating that the account, book, document or record is, to the knowledge of the first-mentioned person, false or misleading in a material particular; and
- (b) setting out, or referring to, the material particular in respect of which the account, book, document or record is, to the knowledge of the first-mentioned person, false or misleading.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(4) A Collector or an authorized officer may make and retain copies of, or take and retain extracts from, any accounts, books, documents or other records produced in pursuance of this section.

(5) A person is not excused from answering a question or producing any accounts, books, documents or other records when required to do so 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, or the production of any such account, book, document or other record is not admissible in evidence against him in criminal proceedings other than proceedings under, or arising out of, sub-section (3) of this section, sub-section 20 (1) by virtue of paragraph 20 (1) (c) or sub-section 20 (3) by virtue of paragraph 20 (3) (a), being that last-mentioned paragraph in its application to the making of a statement in pursuance of this section.

(6) Where a producer of bountiable products, or a person employed by a producer of bountiable products, 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 producer, unless the Minister otherwise directs by instrument in writing, until the producer or that person, as the case may be, 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.

19. (1) A Collector or an authorized officer may examine, on oath or affirmation, a person attending before him in pursuance of section 18 and, for that purpose, may administer an oath or affirmation to the 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 of him will be true.

Offences

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

- (a) to attend before a Collector or an authorized officer;
- (b) to take an oath 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.

(2) A person shall not knowingly obtain or attempt to obtain bounty that is not payable.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(3) A person shall not—

- (a) make to an authorized officer or other person exercising a power, or performing a function or duty, in relation to this Act a statement,

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either orally or in writing, that is to his knowledge false or misleading in a material particular; or

- (b) present (otherwise than in pursuance of sub-section 18 (1)) to an authorized officer or other person exercising a power, or performing a function or duty, in relation to this Act an account, book, document or other record that is to his knowledge false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(4) Where a person is convicted of an offence against sub-section (2) or (3), 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.

(5) Where a court has made an order under sub-section (4), 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 refundable may be filed in a court having civil jurisdiction to the extent of the amount and is thereupon enforceable in all respects as a final judgment of that court.

(6) In this section, "bounty" includes an advance on account of bounty under section 10.

Return for Parliament

21. (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
- (c) such other particulars (if any) as are prescribed.

(2) The Minister shall cause a copy of the return to be laid before 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 under section 10.

Delegation

22. (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 all or 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 or the Comptroller-General, as the case may be.

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(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.

Application for review

23. (1) Applications may be made to the Administrative Appeals Tribunal for review of—

- (a) a determination by the Comptroller-General under paragraph 8 (1) (b);
- (b) a decision of the Comptroller-General under sub-section 11 (3) approving, or refusing to approve, payment of bounty;
- (c) a decision of the Minister under section 12 refusing to register premises, not being a refusal by virtue of sub-section 12 (5);
- (d) a decision of the Minister under sub-section 12 (7), (8), (9), (10) or (11); or
- (e) a requirement by the Minister under section 14.

(2) In sub-section (1), “decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Statement to accompany notice of decision

24. (1) Where the Minister, a delegate of the Minister, the Comptroller-General or a delegate of the Comptroller-General makes a determination, decision or requirement of a kind referred to in sub-section 23 (1) and gives to the person or persons whose interests are affected by the determination, decision or requirement notice in writing of the making of the determination, decision or requirement, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the determination, decision or requirement to which the notice relates by or on behalf of the person or persons whose interests are affected by the determination, decision or requirement.

(2) Any failure to comply with the requirements of sub-section (1) in relation to a determination, decision or requirement does not affect the validity of the determination, decision or requirement.

Appropriation

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

Regulations

26. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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(2) The power to make regulations conferred by this Act shall not be taken, by implication, not to include the power to make provision for or in relation to a matter by reason only of the fact that provision is made by this Act in relation to that matter or another matter.

(3) The power to make regulations conferred by this Act may be exercised—

- (a) in relation to all cases to which the power extends, all those cases subject to specified exceptions or any specified cases or classes of cases; and
- (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or a different provision for different cases or classes of cases.

SCHEDULE

Section 8

Column 1	Column 2
Number of tonnes in the notional annual industry sales tonnage for the quarter	Percentage
20,000 or less	20
more than 20,000, but not more than 21,000	19
more than 21,000, but not more than 22,000	18
more than 22,000, but not more than 23,000	17
more than 23,000, but not more than 24,000	16
more than 24,000, but not more than 25,000	15
more than 25,000, but not more than 26,000	14
more than 26,000, but not more than 27,000	13
more than 27,000, but not more than 28,000	12
more than 28,000, but not more than 29,000	11
more than 29,000, but not more than 30,000	10
more than 30,000, but not more than 31,000	9
more than 31,000, but not more than 32,000	8
more than 32,000, but not more than 33,000	7
more than 33,000, but not more than 34,000	6
more than 34,000, but not more than 35,000	5
more than 35,000, but not more than 36,000	4
more than 36,000, but not more than 37,000	3
more than 37,000, but not more than 38,000	2
more than 38,000, but not more than 39,000	1