



Bounty and Subsidy Legislation Amendment Act 1986

No. 37 of 1986

**An Act to amend certain Acts providing for the payment of
bounty or subsidy**

[Assented to 24 June 1986]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Bounty and Subsidy Legislation
Amendment Act 1986*.

Commencement

2. (1) Subject to this section, this Act shall come into operation on the
day on which it receives the Royal Assent.

(2) Section 8 shall come into operation on 1 July 1986.

(3) Section 9 shall be deemed to have come into operation on 6 July 1984.

(4) Sections 13, 14, 15, 16 and 19 shall be deemed to have come into operation on 1 July 1985.

(5) Sections 22 and 23 shall be deemed to have come into operation on 1 January 1986.

(6) Section 25 shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

PART II—AMENDMENT OF THE BOUNTY (AGRICULTURAL TRACTORS AND EQUIPMENT) ACT 1985

Principal Act

3. The *Bounty (Agricultural Tractors and Equipment) Act 1985*¹ is in this Part referred to as the Principal Act.

Application for review

4. Section 35 of the Principal Act is amended by inserting after paragraph (1) (k) the following paragraph:

“(ka) a determination by the Comptroller-General made for the purposes of sub-section 23 (4);”.

PART III—AMENDMENT OF THE BOUNTY (COMMERCIAL MOTOR VEHICLES) ACT 1978

Principal Act

5. The *Bounty (Commercial Motor Vehicles) Act 1978*² is in this Part referred to as the Principal Act.

Application for review

6. Section 22 of the Principal Act is amended by inserting after paragraph (1) (s) the following paragraph:

“(sa) a determination by the Comptroller-General made for the purposes of sub-section 14N (4);”.

PART IV—AMENDMENTS OF THE BOUNTY (COMPUTERS) ACT 1984

Principal Act

7. The *Bounty (Computers) Act 1984*³ is in this Part referred to as the Principal Act.

Interpretation

8. Section 3 of the Principal Act is amended—

- (a) by omitting “or” (last occurring) from paragraph (e) of the definition of “bountiable equipment” in sub-section (1);
- (b) by adding at the end of that definition the following paragraphs:
 - “(g) a bountiable modem; or
 - (h) a bountiable multiplexer;”; and
- (c) by inserting after that definition the following definitions:
 - “‘bountiable modem’ means a modem that—
 - (a) is of a kind that uses digital to analogue modulation and analogue to digital demodulation;
 - (b) has an operational transmission speed of not less than 300 binary digits per second; and
 - (c) if it were imported into Australia, would be goods to which item 85.13 in Schedule 3 to the Tariff Act would apply;
 - ‘bountiable multiplexer’ means a multiplexer that—
 - (a) is of—
 - (i) the time division type; or
 - (ii) the statistical type;
 - (b) has an operational transmission speed of not more than 2,500,000 binary digits per second; and
 - (c) if it were imported into Australia, would be goods to which item 85.13 in Schedule 3 to the Tariff Act would apply;”.

Declarations of classes of equipment

9. Section 5 of the Principal Act is amended by adding at the end the following sub-section:

“(8) Sub-section 23 (3) of the *Industries Assistance Commission Act 1973* does not prevent the Minister taking any action that the Minister is authorised to take under this section.”.

Value added

10. Section 6 of the Principal Act is amended—

- (a) by omitting from paragraph (5) (x) “and” (last occurring); and
- (b) by adding at the end of sub-section (5) the following word and paragraph:
 - “; and (z) such costs (if any) as are prescribed.”.

11. Section 7 of the Principal Act is repealed and the following section is substituted:

Accounting period

“7. A reference in this Act to an accounting period of a manufacturer of bountiable equipment shall be construed as a reference to—

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

PART V—AMENDMENTS OF THE BOUNTY (HIGH ALLOY STEEL PRODUCTS) ACT 1983

Principal Act

12. The *Bounty (High Alloy Steel Products) Act 1983*⁴ is in this Part referred to as the Principal Act.

Interpretation

13. Section 3 of the Principal Act is amended by omitting from sub-section (1) the definition of “bountiable product” and substituting the following definitions:

“ ‘bountiable bar product’ means—

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

‘bountiable flat product’ means—

- (a) a bountiable stainless steel plate; or
- (b) a bountiable stainless steel sheet;

‘bountiable product’ means—

- (a) a bountiable bar product; or
- (b) a bountiable flat product;”.

Amount of bounty

14. Section 8 of the Principal Act is amended—

- (a) by omitting from sub-section (3) “with the Schedule” and substituting the following:

“with—

- (a) if the bountiable product is a bountiable bar product—Schedule 1; or
- (b) if the bountiable product is a bountiable flat product—Schedule 2.”;

- (b) by omitting sub-sections (4) and (5) and substituting the following sub-sections:

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

“(4A) Bounty is not payable in respect of a bountiable bar product sold for use in Australia during a quarter for which the notional annual industry sales tonnage of bountiable bar products is greater than 23,000 tonnes.

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

“(5A) Bounty is not payable in respect of a bountiable flat product sold for use in Australia during a quarter for which the notional annual industry sales tonnage of bountiable flat products is greater than 25,000 tonnes.”;

- (c) by omitting from sub-section (6) “the Schedule” and substituting “Schedule 1 or 2”; and
- (d) by omitting sub-section (7) and substituting the following sub-sections:

“(7) Where regulations made by virtue of sub-section (6) prescribe a factor in relation to the number 23,000 specified in column 1 of Schedule 1, sub-section (4A) has effect as if the reference in that sub-section to 23,000 were a reference to the number ascertained by multiplying 23,000 by the factor.

“(7A) Where regulations made by virtue of sub-section (6) prescribe a factor in relation to the number 25,000 specified in column 1 of Schedule 2, sub-section (5A) has effect as if the reference in that sub-section to 25,000 were a reference to the number ascertained by multiplying 25,000 by the factor.”.

15. Section 9 of the Principal Act is repealed and the following sections are substituted:

Limit of available bounty—bountiable bar products

“9. (1) Subject to sub-section (2), the amount available for payment of bounty in respect of bountiable bar products in respect of a bounty period is \$3,280,000.

“(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 bar products in respect of which bounty becomes payable during that 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 bar 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 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 bar 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 products, the Comptroller-General may withhold payment of the whole or any part of the bounty otherwise payable upon such a claim until the Comptroller-General has ascertained the total amount of all those claims.

Limit of available bounty—bountiable flat products

“9A. (1) Subject to sub-section (2), the amount available for payment of bounty in respect of bountiable flat products in respect of a bounty period is \$5,720,000.

“(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 flat products in respect of which bounty becomes payable during that 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 flat 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 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 flat 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 products, the Comptroller-General may withhold payment of the whole or any part of the bounty otherwise payable upon such a claim until the Comptroller-General has ascertained the total amount of all those claims.”.

Repeal and substitution of Schedule to Principal Act

16. The Schedule to the Principal Act is repealed and the Schedules set out in the Schedule to this Act are substituted.

PART VI—AMENDMENTS OF THE BOUNTY (METAL WORKING MACHINES AND ROBOTS) ACT 1985

Principal Act

17. The *Bounty (Metal Working Machines and Robots) Act 1985*⁵ is in this Part referred to as the Principal Act.

Claims for payment of bounty

18. Section 21 of the Principal Act is amended by omitting paragraph (2) (d) and substituting the following paragraph:

“(d) be lodged with a Collector for a State or Territory, or with the Comptroller-General—

- (i) in the case of bountiable equipment AA—within 12 months after the day on which manufacture was completed;
- (ii) in the case of bountiable equipment AB—within 12 months after the day on which the condition specified in sub-section 16 (5) or (6) was complied with in respect of that equipment; or
- (iii) in the case of bountiable equipment B—within 12 months after the day on which the condition specified in paragraph 16 (8) (e) or (f) was complied with in respect of that equipment.”.

Adjustment of claims following returns

19. Section 25 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “during” and substituting “in respect of”;
- (b) by omitting from sub-section (1) “12” and substituting “13”; and
- (c) by omitting from sub-section (3) “during” (wherever occurring) and substituting “in respect of”.

Application for review

20. Section 40 of the Principal Act is amended—

- (a) by inserting before paragraph (1) (a) the following paragraph:

“(aa) a decision of the Minister under sub-section 4 (1) in relation to modification of bountiable equipment;”;

- (b) by inserting after paragraph (1) (k) the following paragraph:

“(ka) a determination by the Comptroller-General made for the purposes of sub-section 28 (4);”.

PART VII—AMENDMENT OF THE BOUNTY (SHIPS) ACT 1980

Principal Act

21. The *Bounty (Ships) Act 1980*⁶ is in this Part referred to as the Principal Act.

Interpretation

22. Section 3 of the Principal Act is amended—

- (a) by omitting paragraph (e) of the definition of “bountiable vessel” in sub-section (1) and substituting the following paragraph:

“(e) a prescribed air-cushion vehicle; and”;

- (b) by inserting “(other than a prescribed air-cushion vehicle)” after “vessel” (first occurring) in paragraph (f) of that definition;
- (c) by inserting after the definition of “premises” in sub-section (1) the following definition:

“‘prescribed air-cushion vehicle’ means an air-cushion vehicle, or other similar craft, that—

- (a) is designed to be used wholly or principally on or over land or wetlands;
 - (b) not being a fishing vessel, is of a kind that, because of section 13 of the *Shipping Registration Act 1981*, is not required to be registered under section 12 of that Act; or
 - (c) if it were imported into Australia, would not be a vessel to which item 89.01 in Schedule 3 to the Tariff Act would apply;”;
- (d) by adding at the end of sub-section (1) the following definition:

“‘Tariff Act’ means the *Customs Tariff Act 1982*.”;
- (e) by omitting from paragraph (2) (c) “and funnel and mast spaces” and substituting “, funnel spaces, mast spaces and, in the case of an air-cushion vehicle, the area enclosed by the inflatable skirt under normal inflation;”;
- (f) by adding at the end the following sub-section:

“(4) Where the Tariff Act is proposed to be altered by a Customs Tariff alteration proposed in the Parliament in such a way that Schedule 3 to that Act would be amended, or would be deemed to have been amended, on a particular day, that Act shall, for the purposes of this Act, be deemed to have been so amended on that day.”.

23. After section 3 of the Principal Act the following section is inserted:

Effect of amendments of Tariff Act

“3A. (1) Where—

- (a) the Tariff Act is amended; and

- (b) the amendment results in a vessel of a particular kind ceasing to be a bountiable vessel,

the construction or modification of a vessel of that kind the construction or modification of which was commenced before, and completed after, the day on which the Tariff Act is amended shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding that day.

“(2) Where—

- (a) the Tariff Act is amended;
- (b) the amendment results in a vessel of a particular kind ceasing to be a bountiable vessel; and
- (c) the day on which the Tariff Act is amended (in this sub-section referred to as the ‘operative day’) is earlier than—
 - (i) the day (if any) on which notice of intention to propose a Customs Tariff alteration by way of that amendment was published in the *Gazette* in accordance with section 273EA of the *Customs Act 1901*;
 - (ii) the day (if any) on which a Customs Tariff alteration by way of that amendment was proposed in the Parliament; or
 - (iii) the day on which the Bill for the Act making that amendment was introduced into the Parliament,

whichever occurred first,

the construction or modification of a vessel of that kind the construction or modification of which was—

- (d) completed after the operative day and before the day referred to in sub-paragraph (c) (i), (ii) or (iii) that occurred first; or
- (e) commenced before, and undertaken in pursuance of a firm order placed before, and completed after, the last-mentioned day,

shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding the operative day.”.

PART VIII—AMENDMENTS OF THE SUBSIDY (GRAIN HARVESTERS AND EQUIPMENT) ACT 1985

Principal Act

24. The *Subsidy (Grain Harvesters and Equipment) Act 1985*⁷ is in this Part referred to as the Principal Act.

Variation of excessive claims

25. Section 20 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, because of an inadvertent error,”; and

- (b) by omitting from sub-section (1) "error" (second and third occurring) and substituting "excess".

SCHEDULE

Section 16

SCHEDULE 1

BOUNTIABLE BAR PRODUCTS

Column 1	Column 2
Number of tonnes in the notional annual industry sales tonnage for the quarter	Percentage
10,500 or less	20
more than 10,500 but not more than 11,000	19
more than 11,000 but not more than 11,500	18
more than 11,500 but not more than 12,000	17
more than 12,000 but not more than 12,500	16
more than 12,500 but not more than 13,000	15
more than 13,000 but not more than 13,500	14
more than 13,500 but not more than 14,000	13
more than 14,000 but not more than 14,500	12
more than 14,500 but not more than 15,000	11
more than 15,000 but not more than 16,000	10
more than 16,000 but not more than 17,000	9
more than 17,000 but not more than 18,000	8
more than 18,000 but not more than 19,000	7
more than 19,000 but not more than 20,000	6
more than 20,000 but not more than 21,000	5
more than 21,000 but not more than 22,000	4
more than 22,000 but not more than 23,000	2

SCHEDULE—continued

SCHEDULE 2

BOUNTIABLE FLAT PRODUCTS

Column 1	Column 2
Number of tonnes in the notional annual industry sales tonnage for the quarter	Percentage
10,000 or less	20
more than 10,000 but not more than 10,500	19
more than 10,500 but not more than 11,000	18
more than 11,000 but not more than 11,500	17
more than 11,500 but not more than 12,000	16
more than 12,000 but not more than 12,500	15
more than 12,500 but not more than 13,000	14
more than 13,000 but not more than 13,500	13
more than 13,500 but not more than 14,000	12
more than 14,000 but not more than 15,000	11
more than 15,000 but not more than 16,000	10
more than 16,000 but not more than 17,000	9
more than 17,000 but not more than 18,000	8
more than 18,000 but not more than 19,000	7
more than 19,000 but not more than 20,000	6
more than 20,000 but not more than 21,000	5
more than 21,000 but not more than 22,000	4
more than 22,000 but not more than 23,000	3
more than 23,000 but not more than 24,000	2
more than 24,000 but not more than 25,000	1

NOTES

1. No. 134, 1985.
2. No. 208, 1978, as amended. For previous amendments, see No. 26, 1982; and Nos. 10, 39 and 182, 1985.
3. No. 113, 1984, as amended. For previous amendments, see Nos. 39 and 65, 1985.
4. No. 126, 1983, as amended. For previous amendments, see No. 39, 1985.
5. No. 133, 1985.
6. No. 48, 1980, as amended. For previous amendments, see Nos. 26 and 145, 1982; and Nos. 39 and 76, 1985.
7. No. 183, 1985.

*[Minister's second reading speech made in—
House of Representatives on 17 April 1986
Senate on 8 May 1986]*