



**Statutory Rules 1987 No. 53<sup>1</sup>**

## **Bounty (Ship Repair) (Registration) Regulations**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Bounty (Ship Repair) Act 1986*.

Dated 2 April 1987.

**N. M. STEPHEN**  
Governor-General

By His Excellency's Command,

**JOHN N. BUTTON**  
Minister of State for Industry,  
Technology and Commerce

### **Citation**

**1.** These Regulations may be cited as the *Bounty (Ship Repair) (Registration) Regulations*.

### **Interpretation**

**2.** In these Regulations, unless the contrary intention appears:

“industrial agreement” means an industrial agreement made pursuant to the *Conciliation and Arbitration Act 1904* or a law of a State or Territory that exercises any power of conciliation or arbitration with reference to industrial disputes within the limits of that State or Territory;

“industrial award” means any award within the meaning of that Act or any award or order made under such a law of a State or Territory;

“the Act” means the *Bounty (Ship Repair) Act 1986*.

**Conditions for the purposes of subsection 19 (6) of the Act**

3. For the purposes of subsection 19 (6) of the Act, the conditions to be met by an applicant for registration under section 19 of the Act in relation to the repair of a ship, or class of ships, are that:

- (a) the applicant possesses the workshop facilities and technical and management skills (including, without limiting that generality, skills in marine engineering, ship pipe work, ship structural fabrication and financial management) required to carry out that repair successfully and on time;
- (b) the applicant possesses the financial means, or credit worthiness, required to fund the successful and timely carrying out of that repair and to meet, when they fall due, all financial liabilities (actual or contingent) likely to be incurred in so carrying out that repair;
- (c) the applicant specifies in the form of application for that registration the names of all subcontractors that the applicant may employ in carrying out that repair;
- (d) the applicant is a party to any industrial agreement, or industrial award, applicable to the carrying out of that repair or any aspect of that repair; and
- (e) the applicant manifests to the satisfaction of the Minister an unambiguous intention:
  - (i) to be principally engaged in the business of ship repair throughout the period of that registration;
  - (ii) to continue throughout the period of that registration to be a party to any industrial agreement, or industrial award, referred to in paragraph (d); and
  - (iii) to comply throughout the period of that registration in all respects with any provisions referred to in subparagraph 4 (1) (f) (i), (ii), (iii) or (iv) applicable to that repair or any aspect of that repair.

**Conditions for the purposes of subsection 19 (8) of the Act**

4. (1) For the purposes of subsection 19 (8) of the Act, the conditions to be complied with in connection with the eligible repair of bountiable ships are that:

- (a) the repairer shall comply in all respects with the *Trade Practices Act 1974*;
- (b) the repairer shall comply in all respects with at least the minimum requirements for registration, and become registered, under the Standards Association of Australia Supplier Assessment Scheme in accordance with Australian Standard 1821, 1822 or 1823 as in force when these Regulations come into operation;
- (c) where, after the repairer's application for registration as a registered repairer is made to the Minister under subsection 19 (2) of the Act, the repairer proposes that a subcontractor not specified in that application in accordance with paragraph 3 (c) may be employed

in carrying out that repair, the repairer shall submit the name of that subcontractor to the Minister for approval;

- (d) the repairer shall not lodge in connection with the eligible repair of a bountiable ship a claim for payment to the repairer of an amount of bounty in respect of any repair carried out by a subcontractor whose name:
  - (i) is not specified in accordance with paragraph 3 (c) in the form of application for registration of that repairer as a registered repairer; or
  - (ii) is not approved by the Minister in accordance with paragraph (c);
- (e) the repairer shall not make to or in respect of an employee any payment known in the ship repair, the ship building or the building and construction industry as a cash in hand or an all in payment; and
- (f) the repairer shall comply in all respects with the provisions of:
  - (i) any industrial agreement;
  - (ii) any industrial award;
  - (iii) any Commonwealth, State or Territory industrial arbitration authority decision; or
  - (iv) any occupational health and safety requirement in force under a law of the Commonwealth or of a State or Territory; applicable to that repair or any aspect of that repair.

(2) In paragraph (1) (e) "cash in hand payment" includes the payment of remuneration to or in respect of an employee in a manner that contravenes any of the provisions of the *Income Tax Assessment Act 1936*.

(3) In paragraph (1) (e) "all in payment" includes any payment that is made, otherwise than in accordance with an industrial agreement or industrial award, in lieu of another payment due under an industrial agreement or industrial award or in lieu of the fulfilment of a condition of employment applicable under an industrial agreement or industrial award.

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#### NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 9 April 1987.