

COPPER AND BRASS STRIP BOUNTY.

No. 81 of 1962.

An Act to provide for the Payment of Bounty on the Production of Copper or Brass Strip for use in Australia.

[Assented to 12th December, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

1. This Act may be cited as the *Copper and Brass Strip Bounty Act 1962*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

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

“authorized person” means a person appointed by the Minister under section thirteen of this Act to be an authorized person for the purposes of the provision in which the expression occurs;

“bounty”

“bounty” means bounty under this Act, and includes an advance on account of bounty under section nineteen of this Act;

“brass strip” means metal strip consisting of brass;

“Collector” means Collector of Customs for a State;

“copper strip” means metal strip consisting of copper;

“metal strip” means metal strip consisting of copper or brass and not exceeding fifteen inches in width or twelve thousandths of an inch in thickness;

“registered premises” means premises registered by the Minister under section eleven of this Act;

“the Comptroller-General” means the Comptroller-General of Customs.

(2.) For the purposes of this Act, each of the following periods is a period to which this Act applies:—

(a) the year that commenced on the first day of October, One thousand nine hundred and sixty-two;

(b) the next succeeding year.

(3.) For the purposes of this Act, the production of metal strip consists of the production of the strip from copper or brass.

Appropriation.

4. The bounty specified in this Act (including advances on account of bounty) is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Specification of bounty.

5. The bounty is payable in respect of metal strip produced—

(a) in the case of copper strip—at premises registered under this Act as premises for the production of copper strip; or

(b) in the case of brass strip—at premises registered under this Act as premises for the production of brass strip,

being metal strip sold, in a period to which this Act applies, for use in Australia.

To whom bounty payable.

6. Bounty is payable to the producer of the metal strip.

Rate of bounty.

7. The rate of bounty in respect of metal strip is Forty-five pounds per ton.

Limit of available bounty.

8.—(1.) The amount available for payment of bounty in respect of metal strip sold in a period to which this Act applies is One hundred and ninety thousand pounds.

(2.) Where

(2.) Where the amount available for the payment of bounty in respect of metal strip sold in a period to which this Act applies is insufficient for the payment in full of all valid claims, 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 such claims.

(3.) If the Minister is of the opinion that the amount available for the payment of bounty in respect of metal strip sold in a period to which this Act applies will be insufficient for the payment in full of all valid claims, he may withhold payment of the whole or any part of the bounty otherwise payable upon any such claim until he has ascertained the total amount of all such claims.

9.—(1.) Where the net profit of a producer, during a period to which this Act applies, from the production and sale of metal strip for use in Australia, after taking into account bounty in respect of that strip, would exceed profit at the rate of ten per centum per annum on the capital used by the producer in that production and sale, the bounty otherwise payable in respect of that strip shall be reduced by the amount of the excess.

Reduction of
bounty where
profits exceed
ten per centum
per annum.

(2.) For the purposes of the application of the last preceding sub-section in relation to the period referred to in paragraph (b) of sub-section (2.) of section three of this Act, where the Minister is satisfied that the profit derived by the producer, during the period referred to in paragraph (a) of that sub-section, from the production and sale of metal strip for use in Australia, after taking into account bounty in respect of that strip, was less than profit at the rate of ten per centum per annum on the capital used in that production and sale, or that no such profit was derived, he may make such allowance by reason of that fact as he, in his discretion, thinks fit.

(3.) The Minister may determine the amount that is to be treated as being the amount of any net profit or capital that is required to be taken into account for the purposes of this section.

(4.) Without prejudice to the generality of the powers of the Minister under the last preceding sub-section, the Minister, in making a determination under that sub-section—

(a) may treat as net profit or capital required to be taken into account for the purposes of this section in respect of a producer the whole or a part of the amount, as determined by the Minister, of any net profit derived, or of any capital used, by another person (whether or not subsidiary to, or affiliated with, the producer) in or from the distribution or sale of metal strip produced by the producer;

(b) may,

- (b) may, where any capital is used by a producer in the production and sale of metal strip for use in Australia and also for other purposes, disregard so much of that capital as the Minister thinks proper in the circumstances;
- (c) may disregard so much of the purchase price of any materials purchased by a producer, or of any other amount expended by the producer, as, in the opinion of the Minister, exceeds a reasonable price or amount; and
- (d) shall disregard any tax upon income, and may disregard any interest, paid or payable by a producer.

(5.) The Minister may, by writing under his hand, certify the determinations or allowances made by him under this section and any such certificate is, in all courts and for all purposes, evidence of those determinations or allowances.

Good quality essential.

10. Bounty shall not be paid in respect of any metal strip unless the Comptroller-General is satisfied that it is of good and merchantable quality.

Registration of premises.

11.—(1.) Where a person carries on, or proposes to carry on, the production of copper strip or the production of brass strip at any premises, he may apply to the Minister for the registration of those premises, for the purposes of this Act, as premises for the production of copper strip or premises for the production of brass strip, as the case may be.

(2.) 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 until the information is furnished to his satisfaction.

(3.) Subject to the last preceding sub-section, if, in the opinion of the Minister, copper strip or brass strip, as the case may be, is, or is proposed to be, produced in accordance with the prescribed conditions, if any, at the premises in respect of which the application is made, he shall register those premises, for the purposes of this Act, as premises for the production of copper strip or premises for the production of brass strip, as the case may be.

(4.) If the Minister so determines, the registration shall be deemed to have taken effect from a date specified by the Minister, which may be a date before the commencement of this Act.

(5.) Where the Minister is satisfied that—

- (a) copper strip is not being produced at premises registered as premises for the production of copper strip or is not being so produced in accordance with the prescribed conditions, if any; or

(b) brass

- (b) brass strip is not being produced at premises registered as premises for the production of brass strip or is not being so produced in accordance with the prescribed conditions, if any,

he may, by notice in writing served by post on the occupier of the premises, cancel the registration of the premises as premises registered for the production of copper strip or for the production of brass strip, as the case may be.

(6.) Nothing in this section shall be construed as preventing the registration of premises for the purposes of this Act both as premises for the production of copper strip and as premises for the production of brass strip.

12.—(1.) A producer of metal strip is not entitled to bounty unless he keeps, to the satisfaction of the Minister, accounts, books and documents showing, from time to time, the capital used in, and the costs of, the production and sale of the strip, the selling prices and receipts from sales of the strip and the profits derived from the production and sale of the strip. Accounts.

(2.) A producer of metal strip is not entitled to bounty unless he furnishes to the Comptroller-General, in respect of each period to which this Act applies—

- (a) a balance sheet, profit and loss account, manufacturing account and trading account, and such other information in relation to the strip as the Minister requires; and
- (b) a certificate signed by the producer that the documents referred to in the last preceding paragraph are true and correct in every particular and a certificate, signed by an auditor, that those documents are true and correct to the best of the auditor's knowledge and belief.

13. The Minister may, by writing under his hand, appoint a person to be an authorized person for the purposes of a provision of this Act. Appointment of authorized persons.

14.—(1.) For the purposes of this Act, an authorized person may, at all reasonable times, enter registered premises, any premises where there is stored metal strip in respect of which bounty is, in the opinion of the authorized person, likely to be claimed or any premises in which any accounts, books or documents are kept by the proprietor of registered premises and may— Stocktaking and inspection of production and accounts.

- (a) inspect or take stock of any metal strip;
- (b) inspect the processes of production of metal strip;
- (c) take samples of metal strip; and
- (d) inspect the accounts, books and documents relating to the production and sale of metal strip.

(2.) The

(2.) The occupier or person in charge of any premises referred to in the last preceding sub-section shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: Fifty pounds.

Power to
require person
to answer
questions and
produce
documents.

15.—(1.) The Comptroller-General, a Collector or an authorized person may, by notice in writing, require a person whom he believes to be capable of giving information, relevant to the operation of this Act, in relation to the production, storage, sale or use of metal strip to attend before him at the time and place specified in the notice and then and there to answer questions and to produce to him such accounts, books and documents in relation to the production, storage, sale or use of metal strip as are referred to in the notice.

(2.) The Comptroller-General, the Collector or the authorized person to whom any accounts, books or documents are produced in pursuance of this section may make and retain copies of, or extracts from, those accounts, books or documents.

(3.) A person is not excused from answering a question or producing any accounts, books or documents when required so to do under this section on the ground that the answer to the question or the production of the accounts, books or documents 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 (c) of section seventeen, or paragraph (c) of sub-section (1.) of section twenty-two, of this Act.

(4.) Where a producer or a person employed by a producer has failed to attend or to answer a question, or to produce any account, book or document, when required so to do under this section, bounty is not payable to the producer, unless the Minister otherwise directs, until the producer or that person has attended, answered the question or produced the account, book or document, as the case may be.

Power to
examine on
oath.

16.—(1.) The Comptroller-General, a Collector or an authorized person may administer an oath to a person required to attend before him in pursuance of the last preceding section and may examine that person on oath.

(2.) Where any such person conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth to all questions asked him.

(3.) An affirmation so made is of the same force and effect, and entails the same penalties, as an oath.

17. A person

17. A person shall not refuse or fail—

- (a) to attend before the Comptroller-General, a Collector or an authorized person;
- (b) to be sworn or to make an affirmation; or
- (c) to answer a question or produce an account, book or document,

Penalty for refusing to answer questions, &c.

when so required in pursuance of this Act.

Penalty: Fifty pounds.

18. The Minister may require a producer to give security 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 performance of an undertaking given by him for the purposes of this Act or the regulations, and the producer shall give security accordingly.

Security for compliance with Act.

19.—(1.) The Minister may authorize the making of an advance to a producer on account of bounty.

Advance of bounty.

(2.) If a person receives by way of advances in respect of any metal strip an amount greater than the amount of bounty payable in respect of that strip, 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.

20. Bounty payable to a producer may, subject to such conditions and restrictions, if any, as are prescribed, be paid to a person authorized by the producer to receive the bounty.

Bounty may be paid to person authorized by the producer.

21. Bounty is not payable to a producer unless he satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with.

Bounty not payable unless Act complied with.

22.—(1.) A person shall not—

- (a) obtain bounty that is not payable;
- (b) obtain payment of bounty by means of a false or misleading statement; or
- (c) present to an officer or other person doing duty in relation to this Act or the regulations an account, book or document, or make to such an officer or person a statement, that is false or misleading in a material particular.

Offences.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2.) Where

(2.) Where a person is convicted of an offence against the last preceding sub-section, 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.

(3.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of 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.

**Return for
Parliament.**

23.—(1.) The Comptroller-General shall, as soon as practicable after the end of each period to which this Act applies, furnish to the Minister a return setting forth—

- (a) the name and address of each producer to whom bounty that became payable during that period was paid;
- (b) the quantity of copper strip, and the quantity of brass strip, in respect of which bounty was paid to each producer;
- (c) the amount of bounty paid to each producer; and
- (d) such other particulars, if any, as are prescribed.

(2.) The Minister shall cause a copy of the return to be tabled in each House of the Parliament within fifteen sitting days of that House after the return is received by him.

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 form and manner in which, and the time within which, applications for bounty shall be made;
- (b) the notice to be given by producers of their intention to claim bounty; and
- (c) penalties not exceeding Fifty pounds for breaches of the regulations.