

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

BOUNTY (PHOTOGRAPHIC FILM) BILL 1989

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1987-88-89

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 21 November 1989

(Minister representing the Minister for Industry, Technology and Commerce)

A BILL

FOR

**An Act to provide for the payment of bounty on the
production of certain photographic film**

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

PART 1—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Bounty (Photographic Film) Act 1989*.

Commencement

2. This Act commences on 1 January 1990.

General administration of Act

- 3 The Comptroller has the general administration of this Act.

Interpretation

4. (1) In this Act, unless the contrary intention appears:

“**approved form**” means a form approved by the Comptroller in writing;

“**authorised officer**” means a person who is an authorised officer for the purposes of this Act by virtue of an appointment under section 19; 5

“**bountiable photographic film**” means silver halide sensitized colour photographic film that, if it were imported into Australia at the time its production is completed, would be film to which heading 3702 of Schedule 3 to the Tariff Act would apply;

“**bounty**” means bounty under this Act; 10

“**Collector**”, in relation to a State or Territory, has the same meaning as in the *Customs Act 1901*;

“**Comptroller**” means the Comptroller-General of Customs;

“**finishing operations**”, in relation to bountiable photographic film, means the slitting of sensitized rolls of colour photographic film, of a width exceeding one metre and a length exceeding 200 metres into 35 millimetre widths, and the subsequent perforating and spooling into 35 millimetre cassettes of the resulting film strips; 15

“**period to which this Act applies**” means the period from and including 1 January 1990 to and including 31 December 1994; 20

“**production**”, in relation to bountiable photographic film, means any series of operations in relation to the film that consists of or includes the sensitizing operations, and the finishing operations, in relation to the film;

“**registered person**” means a person registered by the Comptroller under section 16; 25

“**relevant activity**”, in relation to the production of a bountiable photographic film, means any activity that is a part of the sensitizing operations, or of the finishing operations, undertaken in the course of producing that film; 30

“**sensitizing operations**”, in relation to bountiable photographic film, means the preparation and coating onto rolls of film base, of a width exceeding one metre and a length exceeding 200 metres, of multi-layered light sensitive colour photographic emulsions;

“**Tariff Act**” means the *Customs Tariff Act 1987*. 35

(2) For the purposes of this Act, 2 persons are associates of each other if, and only if:

(a) both being natural persons:

(i) they are connected by a blood relationship or by marriage or adoption; or 40

(ii) one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other; or

(b) both being bodies corporate:

(i) both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate); or

(ii) both of them together control, directly or indirectly, a third body corporate; or

(iii) the same person (whether or not a body corporate) is in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them; or

(c) one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate); or

(d) one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate); or

(e) they are members of the same partnership; or

(f) they are trustees or beneficiaries, or one of them is a trustee and the other is a beneficiary, of the same trust.

(3) 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 taken to have been amended, on a particular day, that Act shall, for the purposes of this Act, be taken to have been so amended on that day.

Effect of amendments of Tariff Act

5. (1) Where:

(a) the Tariff Act is amended; and

(b) the amendment results in goods of a particular kind ceasing to be bountiable photographic film;

the production of goods of that kind commenced before, and completed after, the day on which the Tariff Act is amended is, for the purposes of this Act, to be taken to have been completed on the day immediately preceding that day.

(2) Where:

(a) the Tariff Act is amended; and

(b) the amendment results in goods of a particular kind ceasing to be bountiable photographic film; and

(c) the day on which the Tariff Act is amended (in this subsection called 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*; or

(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 production of goods of that kind:

- (d) completed after the operative day and before the day referred to in subparagraph (c) (i), (ii) or (iii) that occurred first; or 5

(e) commenced before, and completed after, the last-mentioned day; is, for the purposes of this Act, to be taken to have been completed on the day immediately preceding the operative day.

Uniformity

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6. A power conferred on any person by this Act shall not be exercised in such a manner that bounty would not be uniform throughout the Commonwealth within the meaning of paragraph 51 (iii) of the Constitution.

PART 2—BOUNTY

Specification of bounty

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

(2) Bounty in respect of the production of bountiable photographic film is payable to the producer of the film.

(3) A producer of bountiable photographic film is not entitled to be paid bounty in respect of the film unless: 20

- (a) the sensitizing operations and finishing operations in respect of the film are all carried out in Australia; and
- (b) the finishing operations in respect of the film are completed on or after 1 January 1990 and before 1 January 1993; and 25
- (c) the producer of the film is, at all times, during the period to which this Act applies, a registered person.

Certain circumstances in which bounty is not payable

8. Bounty is not payable in respect of the production of bountiable photographic film that the Comptroller is satisfied was, or will be, exported, either directly or indirectly through another country or other countries, to New Zealand on or after 1 July 1990. 30

PART 3—PAYMENT OF BOUNTY

Claims for payment of bounty

9. (1) A person who claims to be entitled to be paid an amount of bounty may lodge a claim for payment of the amount. 35

(2) A claim under subsection (1) in respect of the production of bountiable photographic film must:

- (a) be in accordance with the appropriate approved form; and

- (b) include such information as is required by the form; and
- (c) be signed and witnessed as required by section 15; and
- (d) be lodged with a Collector for a State or Territory, or with the Comptroller at any time after the production of that film is completed and before 1 April 1993.

(3) As soon as practicable after the lodgment of the claim the Comptroller must, after examining the claim and causing such inquiries as the Comptroller considers necessary to be made (including inquiries involving the exercise of powers under sections 20 and 22):

(a) if the Comptroller is satisfied that the claim complies with subsection (2) and that the claimant will, if the claimant does not cease to be a registered person before 1 January 1995, be entitled to be paid an amount of bounty on that day in respect of the photographic film to which the claim relates:

(i) except where subparagraph (ii) applies—approve, in writing, payment of the amount on 1 January 1995 unless the claimant has earlier ceased to be a registered person; or

(ii) where:

(A) the amount is different from the amount for which the claim was made; and

(B) the difference between those amounts is less than \$200; and

(C) the Comptroller is satisfied that the difference is not attributable to the person who made the claim deliberately overclaiming or underclaiming the amount of bounty;

approve, in writing, payment of the amount claimed on 1 January 1995 unless the claimant has earlier ceased to be a registered person; or

(b) in any other case—refuse, in writing, to approve payment of bounty in respect of the photographic film to which the claim relates.

(4) Where the Comptroller makes a decision under subsection (3) in relation to a claim conditionally approving, or refusing to approve, payment of bounty, not being a decision conditionally approving the payment of the amount of bounty claimed that is made within 30 days after the lodging of the claim, the Comptroller must cause to be served on the person who lodged the claim a notice in writing setting out the decision.

Rate of bounty

10. The bounty payable in respect of the production of bountiable photographic film is an amount equal to \$3.75 for each square metre of bountiable photographic film produced.

Advances on account of bounty

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

(2) If a person receives, by way of advances on account of bounty in respect of particular bountiable photographic film, an amount that exceeds the amount of bounty that may become payable to the person in respect of that film, the person is liable to repay to the Commonwealth the amount of the excess. 5

(3) If a person receives an amount by way of advances on account of bounty that may become payable to the person and the bounty does not become payable to the person, the person is liable to repay to the Commonwealth the amount so received. 10

Availability of money for payment of bounty or advances

12. (1) Despite any other provision of this Act, if the Comptroller is of the opinion that the amount available in a financial year for payment of advances on account of bounty will be insufficient to meet valid claims in that year for advances on account of bounty the Comptroller may, subject to the regulations: 15

(a) defer the making of such advances as the Comptroller considers appropriate; and 20

(b) make payment of such advances in such order as the Comptroller considers appropriate.

(2) Despite any other provision of this Act, if money is not appropriated by the Parliament in respect of a financial year for the purposes of making payments of bounty or advances on account of bounty, a person is not entitled to be paid bounty or advances on account of the bounty in that year. 25

Variation of excessive claim

13. (1) Where a person who has lodged a claim under section 9 (whether or not the claim has been dealt with under subsection 9 (3)) becomes aware that the claim is or was for an amount of bounty in respect of the production of bountiable photographic film that exceeds the amount of bounty that the person is or was entitled to claim in respect of that production by more than \$200, the person must, within 28 days after discovering the excess, lodge an acknowledgment of the excess, being an acknowledgment that complies with subsection (2). 30 35

Penalty: \$3,000.

(2) An acknowledgment under subsection (1) shall:

(a) be in accordance with the appropriate approved form; and

(b) include such information as is, and such estimates as are, required by the form; and 40

(c) be signed and witnessed as required by section 15; and

(d) be lodged with a Collector for a State or Territory or with the Comptroller.

5 (3) Where an acknowledgment under subsection (1) relates to a claim under section 9 that has not been dealt with under subsection 9 (3), the claim shall be dealt with under that subsection as if it had been amended in accordance with the acknowledgment.

10 (4) Where the Comptroller, after examining an acknowledgment under subsection (1) that has been dealt with under subsection 9 (3) and causing such inquiries as the Comptroller considers necessary to be made (including inquiries involving the exercise of powers under sections 20 and 22), is satisfied that there has been an overpayment of bounty under a claim, or of an advance on account of bounty under a claim, by more than \$200, the Comptroller shall cause to be served on the person who lodged the claim a demand for the repayment of the amount of the overpayment, and that
15 person is liable to repay that amount to the Commonwealth.

Other adjustments of claims

20 14. (1) Subject to subsection (2), if the Comptroller becomes satisfied, otherwise than after examining an acknowledgment under subsection 13 (1), that there has been an overpayment of bounty under a claim, or of an advance on account of bounty under a claim, by more than \$200, the Comptroller must cause to be served on the person who lodged the claim a demand for repayment of the amount of the overpayment, and that person is liable to repay that amount to the Commonwealth.

(2) Where:

25 (a) the amount of an overpayment referred to in subsection (1) is not higher than \$25,000; and

(b) the Comptroller is satisfied:

(i) that:

30 (A) the overpayment was due to an error that did not involve any failure on the part of the person who lodged the claim to comply with this Act or the regulations; and

(B) the repayment of the amount of the overpayment would be unreasonable or would cause undue hardship to that person; or

35 (ii) that:

(A) the cost of endeavouring to recover the overpayment is so high; and

40 (B) the amount likely to be recovered as a result of endeavouring to recover the overpayment is so low;

that taking action to recover the overpayment would not be justified;

the Comptroller may refrain from causing a demand for repayment of the amount of the overpayment to be served in accordance with that subsection.

(3) Where, in accordance with subsection (2), the Comptroller refrains from causing a demand for repayment of the amount of an overpayment to be served in accordance with subsection (1), particulars of the amount must be included in the return under section 28 for the year in which the Comptroller so refrained.

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Forms

15. (1) Where, under this Act, a claim or acknowledgment lodged by a person in accordance with an approved form is required to be signed and witnessed as required by this section, the form must:

- (a) where the person is a natural person, be signed personally in the presence of a witness by:
 - (i) the person; or
 - (ii) another natural person authorised by the first-mentioned person to sign forms under this Act on behalf of the first-mentioned person; and
- (b) where the person is a body corporate, be:
 - (i) under the seal of the body corporate; or
 - (ii) signed personally in the presence of a witness by a natural person authorised by the body corporate to sign forms under this Act on behalf of the body corporate; and
- (c) where the form is required to be signed by a natural person in the presence of a witness, state the name and address of the witness and contain a declaration signed by the witness stating that the form was signed in the presence of the witness.

(2) For the purposes of this section, a person is to be taken to have authorised another person to sign forms under this Act on behalf of the first-mentioned person if, and only if, the first-mentioned person has so authorised the other person in writing delivered to the Comptroller, being writing:

- (a) where the first-mentioned person is a natural person, that:
 - (i) is signed personally in the presence of a witness by the first-mentioned person; and
 - (ii) states the name and address of the witness and contains a declaration signed by the witness stating that the writing was signed in the presence of the witness; or
- (b) where the first-mentioned person is a body corporate—under the seal of the body corporate.

PART 4—ADMINISTRATION

Registration of persons

16. (1) Subject to this section, a person may be registered under this section for the purposes of this Act.

(2) An application for registration under this section may be made at any time before 1 March 1990 to the Comptroller, in accordance with the

appropriate approved form, by a person who at that time produces bountiable photographic film at premises in Australia that are used solely or principally for industrial or commercial purposes.

(3) Subject to subsections (6), (8) and (10), where an application for registration is made under subsection (2) by a person (in this subsection called the “**applicant**”) who, in the opinion of the Comptroller, is entitled under subsection (2) to make such an application, the Comptroller must:

(a) register the applicant for the purposes of this Act by:

(i) signing a notice, in writing, specifying the day on which it was signed and stating that the applicant has been registered for the purposes of this Act; and

(ii) causing the notice to be served on the applicant; or

(b) refuse to register the applicant for the purposes of this Act and cause a notice, in writing, stating that the Comptroller has refused to register the applicant for those purposes to be served on the applicant.

(4) The registration of a person under this section has effect from and including 1 January 1990.

(5) The regulations may prescribe conditions to be met by an applicant for registration under this section, including, without limiting the generality of the foregoing, a condition requiring the applicant to be a person included in a specified class of persons.

(6) If conditions have been prescribed for the purposes of subsection (5), the Comptroller must not register the person under this section unless:

(a) the Comptroller is satisfied that the conditions are, or will be, met by the person; or

(b) registration of the person is otherwise permitted under the regulations.

(7) The regulations may prescribe conditions to be complied with by a person registered under this section in connection with the production of, or sensitising or finishing operations in respect of, bountiable photographic film of a particular kind.

(8) If conditions have been prescribed for the purposes of subsection (7), the Comptroller must not register a person under this section unless:

(a) the Comptroller is satisfied that the conditions have been, or will be, complied with by the person; or

(b) registration of the person is otherwise permitted under the regulations.

(9) Nothing in subsection (5) or (7) is to be taken to imply that different conditions may not be prescribed under that subsection in respect of different periods during which a person is registered under this section.

(10) The Comptroller may require an applicant for registration under this section to give such information as the Comptroller considers necessary

for the purposes of this Act and may refuse to register the person until the information is given to the satisfaction of the Comptroller.

(11) Where, at any time, the Comptroller becomes satisfied, in respect of a person registered under this section, that the person has failed to comply with a condition prescribed under subsection (5) or (7), the Comptroller may cancel the registration of the person by causing a notice, in writing, stating that the registration of the person has been cancelled to be served on the person. 5

Accounts

17. (1) A person is not entitled to bounty unless: 10

- (a) the person keeps, in writing, in the English language, such accounts, books, documents and other records as correctly record and explain:
 - (i) such particulars relating to the production of bountiable photographic film in respect of which bounty is, or may become, payable as are specified by the Comptroller in a notice published in the *Gazette*; and 15
 - (ii) such other particulars (if any) in relation to the production of bountiable photographic film as are specified by the Comptroller by notice in writing served on the person; and
- (b) the person retains those accounts, books, documents and other records at least until the end of the period to which this Act applies or the end of the period of 3 years after the day on which a claim under subsection 9 (1) for bounty was made in respect of the production of the bountiable photographic film concerned, whichever period last ends. 20 25

(2) For the purposes of this section, accounts, books, documents or other records shall be taken to be kept, in writing, in the English language, if they are kept in a form in which they are readily accessible and readily convertible into writing in the English language.

Securities 30

18. The Comptroller may, by notice in writing served on a person to whom bounty could become payable, require the person to give security, in an amount determined by the Comptroller, by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by the person with the provisions of this Act and the regulations, or for the purpose of an undertaking given by the person for the purposes of this Act or the regulations and, where a person is so required to give security, the person is not entitled to bounty unless the person gives security in accordance with the requirement. 35

Appointment of authorised officers 40

19. (1) The Comptroller may, by writing signed by him or her, appoint:
- (a) a specified officer; or
 - (b) the officer for the time being holding, or performing the duties of, a specified office; or

(c) an officer included in a specified class of officers;
to be an authorised officer for the purposes of this Act.

(2) In subsection (1):

5 “officer” means an Officer of Customs within the meaning of the
 Customs Act 1901.

Entry on premises occupied by registered person

20. (1) For the purpose of this Act, an authorised officer may, at all
reasonable times, enter premises occupied by a registered person, other than
residential premises, and may, upon so entering:

- 10 (a) inspect any bountiable photographic film in respect of which a
 relevant activity has been, is being, or is intended to be, carried out;
 and
 (b) inspect any step in the carrying out of a relevant activity in respect
 of bountiable photographic film; and
15 (c) inspect the accounts, books, documents and other records relating
 to a relevant activity in respect of bountiable photographic film,
 and may make and retain copies of, or take extracts from, any such
 accounts, books, documents or other records.

20 (2) The occupier or person in charge of premises that may be entered
under subsection (1) shall provide the authorised officer with all reasonable
facilities and assistance for the effective exercise of the powers of the officer
under this section.

Penalty: \$3,000.

Entry on other premises

25 21 (1) An authorised officer may, with the consent of the occupier of
any premises, enter the premises and exercise the powers of an authorised
officer under this section in relation to those premises.

(2) Where an authorised officer has reasonable grounds for believing
that premises are:

- 30 (a) premises where there is bountiable photographic film in respect of
 which a relevant activity has been, is being, or is intended to be,
 carried out; or
 (b) premises on which any step in the carrying out of a relevant activity
 in respect of bountiable photographic film is taking, or is intended
35 to take, place; or
 (c) premises where there are kept any accounts, books, documents or
 other records relating to a relevant activity in respect of bountiable
 photographic film;

40 the authorised officer may make an application to a Magistrate for a warrant
authorising the authorised officer to enter the premises and to exercise the
powers of an authorised officer under this section in relation to those
premises.

(3) If, on an application under subsection (2), the Magistrate is satisfied, by information on oath or affirmation, that:

- (a) there is reasonable ground for believing that the premises to which the application relates are premises referred to in paragraph (2) (a), (b) or (c); and 5
- (b) those premises are not premises that may be entered under subsection 20 (1); and
- (c) the occupier of the premises has not given consent for the authorised officer to enter the premises and exercise the powers of an authorised officer under this section in relation to those premises; 10

the Magistrate must grant a warrant authorising the authorised officer, with such assistance as the authorised officer thinks necessary, to enter the premises, during such hours of the day or night as the warrant specifies, or, if the warrant so specifies, at any time, and if necessary by force, and to exercise the powers of an authorised officer under this section in relation to those premises. 15

(4) The powers of an authorised officer under this section in relation to premises are:

- (a) to inspect any bountiable photographic film in respect of which a relevant activity has been, is being, or is intended to be, carried out; and 20
- (b) to inspect any step in the carrying out of a relevant activity in respect of bountiable photographic film; and
- (c) to inspect accounts, books, documents and other records relating to a relevant activity in respect of bountiable photographic film; 25

and extend to making and retaining copies of, or taking and retaining extracts from, any such accounts, books, documents and other records.

Power to require persons to answer questions and produce documents

22. (1) An authorised officer may, by notice signed by him or her, require a person whom he or she believes on reasonable grounds to be capable of giving information relevant to the operation of this Act in relation to a relevant activity in respect of bountiable photographic film, to attend at a reasonable time and place specified in the notice and there to answer questions and to produce such accounts, books, documents and other records in relation to the activity as are referred to in the notice. 30 35

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

(3) A person who, under a notice under subsection (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 must, 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 40

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: Imprisonment for 6 months.

(4) An authorised officer may make and retain copies of, or take and retain extracts from, any accounts, books, documents or other records produced under this section.

(5) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, documents or other records, might tend to incriminate the person or make the person liable to a penalty, but the answer of the person to any such question, the production by the person of any such account, book, document or other record, or any information or thing (including any account, book, document or other record) obtained as a direct or indirect consequence of the answer or the production, is not admissible in evidence against the person in criminal proceedings other than proceedings under, or arising out of or by virtue of, subsection (3) or paragraph 24 (3) (a).

(6) Where a director, servant or agent of a registered person 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, neither bounty nor amounts on account of bounty are payable to the person, unless the Comptroller otherwise directs in writing, until that person has attended, answered the question or produced the account, book, document or other record, as the case may be.

Power to examine on oath etc.

23. (1) An authorised officer may examine, on oath or affirmation, a person attending in accordance with a requirement under section 22 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 subsection (1) is an oath or affirmation that the answers he or she will give to questions asked of him or her will be true.

Offences

24. (1) A person must not, without reasonable excuse, refuse or fail:

- (a) to attend before an authorised officer; or
- (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 under this Act.

Penalty: Imprisonment for 6 months.

- (2) A person must not knowingly obtain or attempt to obtain bounty that is not payable. 5

Penalty: Imprisonment for 5 years.

- (3) A person must not:

- (a) knowingly or recklessly make to an authorised officer or other person exercising a power or performing a function or duty in relation to this Act a statement, either orally or in writing, that is false or misleading in a material particular; or 10

- (b) knowingly or recklessly present (otherwise than in accordance with a requirement under subsection 22 (1)) to an authorised 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 false or misleading in a material particular. 15

Penalty: Imprisonment for 6 months.

- (4) Where, in proceedings for an offence against subsection (2) or (3) in respect of any conduct engaged in by a body corporate, it is necessary to establish the state of mind of the body, it is sufficient to show that a director, servant or agent of the body, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind. 20

- (5) Any conduct engaged in on behalf of a body corporate: 25

- (a) by a director, servant or agent of the body within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent; 30

is to be taken, for the purposes of subsections (2) and (3), to have been engaged in by the body.

- (6) A reference in subsection (4) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose. 35

- (7) A person must not be convicted of:

- (a) both an offence against or arising out of subsection (2) and an offence against or arising out of subsection 13 (1); or 40
- (b) both an offence against or arising out of subsection (2) and an offence against or arising out of subsection (3);

in respect of the same claim for bounty.

(8) A reference in subsection (7) to a person being convicted of an offence includes a reference to an order being made under section 19B of the *Crimes Act 1914* in relation to the person in respect of an offence.

5 **Time for prosecutions**

25. Notwithstanding anything in any other law, proceedings for an offence against this Act may be instituted within the period of 3 years after the commission of the offence.

Recovery of bounty on conviction

10 **26. (1)** Where a person is convicted of an offence against subsection 13 (1) or 24 (2) or (3), the court may, in addition to imposing a penalty under that subsection, order the person to refund to the Commonwealth the amount of any bounty wrongfully obtained by the person because of the commission of the offence.

15 **(2) Where:**

(a) a court makes an order under subsection (1) ordering a person to refund to the Commonwealth the amount of any bounty; and

(b) the court has civil jurisdiction to the extent of the amount;

20 the order is enforceable in all respects as a final judgment of the court in favour of the Commonwealth.

(3) Where:

(a) a court makes an order under subsection (1) ordering a person to refund to the Commonwealth the amount of any bounty; and

(b) the court:

25 (i) does not have civil jurisdiction; or

(ii) has civil jurisdiction otherwise than to the extent of the amount;

the proper officer of the court must issue to the Comptroller a certificate in the prescribed form containing the prescribed particulars.

30 **(4)** The certificate may, in the prescribed manner and subject to the prescribed conditions (if any), be registered in a court having civil jurisdiction to the extent of the amount ordered to be refunded to the Commonwealth.

(5) Upon registration under subsection (4), the certificate is enforceable in all respects as a final judgment of the court in favour of the Commonwealth.

(6) The costs of registration of the certificate and other proceedings under this section are, subject to the prescribed conditions (if any), to be taken to be payable under the certificate.

Recovery of repayments

27. (1) Where a person is liable to repay an amount to the Commonwealth under subsection 13 (4) or 14 (1), the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.

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(2) Where a person is liable to repay an amount to the Commonwealth under subsection 13 (4) or 14 (1), that amount may be deducted from any other amount that is payable to the person under this Act and, where the first-mentioned amount is so deducted, the other amount is, notwithstanding the deduction, to be taken to have been paid in full to the person.

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PART 5—MISCELLANEOUS**Return for Parliament**

28. (1) The Comptroller must, as soon as practicable after the end of the financial year ending on 30 June 1990 and of each subsequent financial year, give to the Minister a return setting forth:

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- (a) the name and address of each person to whom bounty was paid or advances on account of bounty in that financial year; and
- (b) the amount of bounty or advances on account of bounty paid to each person in that financial year; and
- (c) such other particulars (if any) as are prescribed.

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(2) The Minister must 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 the Minister.

Application for review

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

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- (a) a decision of the Comptroller under paragraph 9 (3) (a) conditionally approving payment of bounty; or
- (b) a decision of the Comptroller under paragraph 9 (3) (b) refusing to approve payment of bounty; or
- (c) a decision of the Comptroller for the purposes of subsection 13 (4); or
- (d) a decision of the Comptroller for the purposes of subsection 14 (1); or
- (e) a decision of the Comptroller under subsection 16 (3); or
- (f) a decision of the Comptroller under subsection 16 (11) to cancel the registration of a person; or
- (g) a requirement by the Comptroller under section 18.

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(2) In this section:

“decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

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Statement to accompany notice of decisions

5 **30. (1)** Where the Comptroller makes a determination, decision or requirement of a kind referred to in subsection 29 (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
10 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 subsection (1) in relation to a determination, decision or requirement does not affect the validity of the determination, decision or requirement.

15 **Appropriation**

31. Payments of bounty or advances on account of bounty must be made out of money appropriated by the Parliament for the purpose.

Regulations

20 **32.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

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

