

1978-79

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BOUNTY (DENTAL ALLOYS) BILL 1979

NOTES ON CLAUSES

(Circulated by the Minister for Business and Consumer
Affairs, the Honourable W.C. Fife, M.P.)

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NOTES ON CLAUSES

- Clause 1 Short title.
- Clause 2 Commencement date - to be 22 December 1978.
- Clause 3 Defines a number of words and expressions (and, in particular, "dental alloy") for the purposes of the legislation.
- Clause 4 Prohibits the exercise of any power under the Act in a manner which would result in bounty not being uniform throughout the Commonwealth.
- Clause 5 Provides for bounty to be payable to the manufacturer of dental alloy on the production thereof if manufacture has been completed at registered premises during the period to which the Act applies and it has been sold during the same period for use in Australia in the preparation of dental amalgam. Stocks on hand at the beginning of the period are to be eligible for bounty if sold during that period.
- Clause 6 Provides for the rate of bounty to be \$15 per kilogram of the weight of the alloy.
- Clause 7 Limits the amount of the bounty payable in any twelve-month period to which the Act is to apply to \$45,000 and provides for payments to be made on a proportionate basis where the amount of valid claims in such period exceeds the amount of bounty available.
- Clause 8 Provides that bounty is not payable unless dental alloy is of good and merchantable quality.
- Clause 9 Imposes a duty on the Minister to pay bounty if he is satisfied that bounty is payable, and, if he is not so satisfied, he is to refuse to approve payment.
- Clause 10 Contains provisions generally standard to Bounty Acts for registration of premises subject to conditions or requirements to be observed or complied with before and after registration, including a provision which restricts registration of the

premises of manufacturers who were not engaged in the manufacture of dental alloy on 22 December 1978, unless, in the opinion of the Minister, the registration of such premises would promote the orderly development in Australia of the manufacture of dental alloy, and further provides for the Minister to be able to cancel registration on any of the grounds in sub-clause (8).

- Clause 11 Provides that eligibility for bounty is conditional upon the maintenance of appropriate commercial records by the manufacturer.
- Clause 12 Confers upon the Minister power to require a manufacturer to give security for compliance with the Act and regulations. Payment of bounty may be withheld until the required security is given.
- Clause 13 Empowers the Minister to appoint authorised persons upon whom certain administrative functions are to be conferred.
- Clause 14 Empowers an authorised person to enter premises, inspect or take stock of dental alloy, and inspect the manufacturing process, accounts, books, documents and other records involving such dental alloy. Sub-clause (2) establishes an offence for failure to provide reasonable facilities and assistance for the effective exercise of an authorised person's powers.
- Clause 15 Empowers certain senior officers of Customs, or an authorised person, to require certain persons to attend before them to answer questions and produce commercial records in relation to dental alloy and provides for withholding of bounty payment until the requirements of this clause are met. Limits the use to which self-incriminating answers given or commercial records produced may be put.
- Clause 16 Provides the power for certain senior officers of Customs, or an authorised person, to examine, on oath or affirmation, persons attending before them.

- Clause 17 Establishes offences for -
- (i) refusing or failing to attend, to be sworn or make an affirmation, to answer questions or produce records when so required under the Act; and
 - (ii) knowingly obtaining or attempting to obtain bounty that is not payable or the making of false or misleading statements.
- Clause 18 Provides for the furnishing to, and tabling in Parliament by, the Minister, of returns in relation to the bounty.
- Clause 19 Delegation powers.
- Clause 20 Provides a right to apply to the Administrative Appeals Tribunal for review of specified administrative decisions affecting the rights or entitlements of persons under the Act.
- Clause 21 Standard appropriation provision.
- Clause 22 General regulation making power.