

Book Bounty

No. 83 of 1969

An Act to provide for the Payment of a Bounty in respect of the Production of certain Books.

[Assented to 26 September 1969]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Book Bounty Act 1969*. 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.
 - “ Australian book ” means a book each production process in relation to which was carried out at registered premises;
 - “ authorized person ” means a person who is, for the time being, an authorized person for the purposes of this Act by virtue of an appointment under section 12 of this Act;
 - “ book ” means a publication of a literary or educational character that is in book form, but does not include a publication that contains advertisements other than—
 - (a) advertisements relating to the book;
 - (b) advertisements relating to other books written by the author or authors of the book or published by the publisher of the book; or
 - (c) advertisements on the permanent cover or any protective cover of the book;
 - “ bounty ” means bounty under this Act, and includes an advance on account of bounty under section 10 of this Act;
 - “ Collector ” means Collector of Customs for a State or for a Territory of the Commonwealth;
 - “ document ” includes book;
 - “ manufacturer ” means a person who carries out all or any of the production processes in relation to books and, in relation to a particular book, means—
 - (a) where one person carries out all the production processes in relation to the book—that person; or

- (b) where two or more persons respectively carry out different production processes in relation to the book—each of those persons;
- “production”, in relation to a book, means the printing and binding of the book, and includes all production processes carried out in relation to the book, and “produce” has a corresponding meaning;
- “production process” means any process carried out in the course of the printing or binding of books and, in relation to a particular book, means such a process so carried out in relation to that book;
- “registered premises” means premises registered by the Minister under section 11 of this Act;
- “the Comptroller-General” means the Comptroller-General of Customs;
- “the period to which this Act applies” means the period that commenced on the first day of June, One thousand nine hundred and sixty-nine, and ends on such date as is fixed by Proclamation for the purposes of this definition;
- “the publisher”, in relation to a book, includes a publisher who is also the sole manufacturer or a manufacturer of the book;
- “the sole manufacturer”, in relation to a book, means a manufacturer of the book who carries out all the production processes in relation to the book.

(2.) A book shall not, for the purposes of this Act, be deemed not to be an Australian book by reason only that it is printed on paper not manufactured in Australia or that materials not manufactured in Australia are used in the binding of the book.

(3.) Where the publisher of a book enters into an agreement with a manufacturer for the carrying out of all or any of the production processes in relation to the book and the manufacturer arranges for all or some of those processes to be carried out by another manufacturer, those other processes shall, for the purposes of this Act, be deemed to have been carried out by the first-mentioned manufacturer.

(4.) For the purposes of this Act, a person shall be deemed to have contributed to the production of a book if—

- (a) whether or not he is the publisher of the book, he is the manufacturer or a manufacturer of the book; or
- (b) he is the publisher of the book and he supplied any paper or binding materials free of charge to the manufacturer or a manufacturer of the book for use in the production of the book.

4.—(1.) For the purposes of this Act—

Cost of
production.

- (a) the production cost component of a book, in relation to a person who has contributed to the production of the book, shall, subject to the next two succeeding sub-sections, be deemed to be—
- (i) where the person is the sole manufacturer of the book and is not the publisher of the book—the price paid or payable to him by the publisher of the book for the production of the book;
 - (ii) where the person is one of two or more manufacturers of the book and is not the publisher of the book—the price paid or payable to him by the publisher of the book for the production process or production processes carried out by him in relation to the book;
 - (iii) where the person is the sole manufacturer of the book and is also the publisher of the book—the cost to him of producing the book;
 - (iv) where the person is one of two or more manufacturers of the book and is also the publisher of the book—the cost to him of carrying out any production process or production processes in relation to the book, together with, where he supplied any paper or binding materials free of charge to another manufacturer of the book for use in the production of the book, the price paid or payable by him for that paper or those materials; or
 - (v) where the person is the publisher of the book and is not the manufacturer or a manufacturer of the book but supplied any paper or binding materials free of charge to the manufacturer or a manufacturer of the book for use in the production of the book—the price paid or payable by the publisher for that paper or those materials; and
- (b) the total cost of production of a book shall be deemed to be—
- (i) where one person only contributed to the production of the book—the amount that is the production cost component of the book in relation to that person; or
 - (ii) where two or more persons contributed to the production of the book—the sum of the amounts that are the production cost components of the book in relation to those persons.

(2.) Where the Minister is of the opinion that there are reasonable grounds for believing that—

- (a) the price paid or payable to the manufacturer or a manufacturer of a book for the production of the book or for any production process or production processes carried out in relation to the book, being the price that, under sub-paragraph (i) or (ii) of

paragraph (a) of sub-section (1.) of this section, is, subject to this sub-section, the production cost component of the book in relation to that manufacturer; or

- (b) the price paid or payable by the publisher of a book for paper or binding materials supplied by him to the manufacturer or a manufacturer of the book, being the price that, under sub-paragraph (iv) or (v) of paragraph (a) of sub-section (1.) of this section, is, subject to this sub-section, a part of the production cost component, or the production cost component, as the case may be, of the book in relation to the publisher,

was fixed with a view to increasing the amount of bounty payable in respect of the book, the Minister may, by instrument in writing, determine that, for the purposes of this Act, that production cost component is such lower amount as would, in his opinion, have been the amount of that production cost component if that price had not been fixed with a view to increasing the amount of bounty so payable.

(3.) Where the Minister is of the opinion that there are reasonable grounds for believing that the amount that the publisher of a book states is the cost to the publisher of producing the book or of carrying out any production process or production processes in relation to the book, being the cost that, under sub-paragraph (iii) or (iv) of paragraph (a) of sub-section (1.) of this section, is, subject to this sub-section, the production cost component, or part of the production cost component, as the case may be, of the book in relation to the publisher, is greater than the price that, if the publisher had had the book produced or that production process or those production processes carried out by another manufacturer, would, in the ordinary course of business, have been charged by that other manufacturer for the production of the book or for that production process or those production processes, the Minister may, by instrument in writing, determine that, for the purposes of this Act, that production cost component is such lower amount as would, in his opinion, have been the amount of that production cost component if the publisher had had the book so produced or that process or those processes so carried out.

(4.) Where the Minister makes a determination under the last preceding sub-section in relation to the amount that is the production cost component of a book in relation to a person, he shall give notice of the determination to that person.

(5.) A reference in sub-section (1.) of this section to the price paid or payable to the manufacturer or a manufacturer of a book by the publisher of the book for the production of the book or for any production process or production processes carried out in relation to the book shall be read as including a reference to any part of that price that relates to the cost to the manufacturer of any paper or binding materials used by him in the production of the book or in carrying out that production process or those production processes, and a reference in that sub-section to the cost to the manufacturer or a manufacturer of a book, being the publisher of

the book, of producing the book or of carrying out any production process or production processes in relation to the book shall be read as including a reference to the cost to him of any paper or binding materials used by him in the production of the book or in carrying out that production process or those production processes.

5. Subject to this Act, bounty is payable in respect of Australian books produced during the period to which this Act applies, other than books produced in pursuance of an agreement which, or agreements all or any of which, was or were entered into before the commencement of that period between the publisher of the book and the manufacturer or manufacturers of the book. Specification of bounty.

6. The bounty in respect of a book is one-quarter of the total cost of production of the book. Rate of bounty.

7.—(1.) The bounty in respect of a book is payable—

- (a) where one person only contributed to the production of the book—to that person; or To whom bounty payable.
- (b) where two or more persons contributed to the production of the book—to those persons.

(2.) Where the bounty in respect of a book is payable to two or more persons who contributed to the production of the book, each of those persons is entitled to so much of the bounty as bears to the amount of the bounty the same proportion as the amount that is the production cost component of the book in relation to the person bears to the total cost of production of the book.

8.—(1.) Bounty is not payable in respect of a book if the printing or publishing of the book by a person, or the sending by a person of the book through the post, constitutes or would constitute an offence by the person against a law of the Commonwealth. Bounty not payable in respect of certain books.

(2.) Bounty is not payable in respect of a book produced by, for or on behalf of the Commonwealth or a State.

9. Bounty is not payable to a person in respect of a book unless he satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with by him. Bounty not payable unless Act and regulations complied with.

10.—(1.) An advance on account of bounty may be made to a person on such terms and conditions as are approved by the Minister. Advances.

(2.) If a person receives by way of advances in respect of bounty in relation to any book an amount greater than the amount of bounty payable to him in respect of the book, he is liable to repay to the Commonwealth the amount of the excess, and the Commonwealth may recover the amount of the excess as a debt due to the Commonwealth by action in a court of competent jurisdiction.

Registration of premises.

11.—(1.) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the carrying out at registered premises of any production process in relation to books.

(2.) Where a person carries out, or proposes to carry out, at any premises in Australia any production process in relation to books, he may apply to the Minister for the registration of the premises for the purposes of this Act.

(3.) If any conditions have been prescribed under sub-section (1.) of this section, the Minister shall not register the premises unless he is satisfied that those conditions have been, or will be, complied with.

(4.) The Minister may require an applicant under this section to furnish to him 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.

(5.) Subject to this section, if, in the opinion of the Minister, any production process in relation to books is, or is proposed to be, carried out at the premises in respect of which the application is made, he shall register those premises for the purposes of this Act.

(6.) 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.

(7.) Where the Minister is satisfied—

- (a) that no production process in relation to books is being carried out at registered premises;
- (b) that no production process in relation to books is being carried out at registered premises by the person who applied for registration of the premises; or
- (c) if any conditions have been prescribed under sub-section (1.) of this section, that a production process in relation to books is being carried out at the premises otherwise that in accordance with those conditions,

he may, by notice in writing served either personally or by post on the occupier of the premises, and, if the occupier is not the person who applied for the registration of the premises, on that person, cancel the registration of the premises.

(8.) The Minister shall not register premises at which a production process in relation to books is carried out by the Commonwealth or a State.

(9.) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901–1966* to the service by post of a notice under sub-section (7.) of this section, a notice posted as a letter addressed to the occupier, or to the person who applied for the registration of the premises, at the registered premises shall be deemed to be properly addressed.

12. The Minister may, by writing under his hand, appoint persons to be authorized persons for the purposes of this Act.

Appointment of authorized persons.

13.—(1.) For the purposes of this Act, an authorized person may, at all reasonable times, enter—

Stocktaking and inspection of production and accounts, &c.

- (a) registered premises; or
- (b) any premises where books in respect of which bounty has been claimed, or, in the opinion of the authorized person, is likely to be claimed, are stored,

and may—

- (c) inspect or take stock of any books;
- (d) inspect any production process; and
- (e) inspect the accounts and documents relating to the production of books.

(2.) The occupier or person in charge of any registered premises or of premises referred to in paragraph (b) of 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: One hundred dollars.

14.—(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 of books to attend before him at the time and place specified in the notice and there to answer questions and to produce to him such accounts and documents in relation to the production of books as are referred to in the notice.

Power to require person to answer questions and produce documents.

(2.) The Comptroller-General, a Collector or an authorized person may make and retain copies of, or extracts from, any accounts or documents produced in pursuance of this section.

(3.) A person is not excused from answering a question or producing any accounts 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 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 sub-section (1.), or paragraph (c) of sub-section (2.) of section 17 of this Act.

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

Power to
examine on
oath.

15.—(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.

Security for
compliance
with Act and
regulations.

16. The Minister may require a manufacturer 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 manufacturer is not entitled to bounty unless he gives security accordingly.

Offences.

17.—(1.) 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 make an affirmation; or
- (c) to answer a question or produce an account or document,

when so required in pursuance of this Act.

Penalty: One hundred dollars.

(2.) 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 or document, or make to such an officer or person a statement, that is false or misleading in a material particular.

Penalty: One thousand dollars or imprisonment for twelve months.

(3.) 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.

(4.) 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.

18.—(1.) The Comptroller-General shall, as soon as practicable after the end of each financial year, furnish to the Minister a return setting forth— Return for Parliament.

- (a) the number of books produced during that year in respect of which bounty has been paid or is payable;
- (b) the name and address of each person to whom such bounty was paid or is payable and the amount of bounty paid or payable to him; and
- (c) 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.

(3.) For the purposes of this section, the period that commenced on the first day of June, One thousand nine hundred and sixty-nine, and ends on the thirtieth day of June, One thousand nine hundred and seventy, shall be deemed to be a financial year.

19.—(1.) The Minister or the Comptroller-General may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand delegate all or any of his powers and functions under this Act (except this power of delegation). Delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Comptroller-General, as the case may be.

20. Bounty is payable out of the Consolidated Revenue Fund, which is appropriated accordingly. Appropriation.

21. 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— Regulations.

- (a) the manner in which, and the time within which, applications for bounty shall be made;
- (b) the information to be furnished by applicants in connexion with applications for bounty; and
- (c) penalties not exceeding One hundred dollars for offences against the regulations.