

Industrial Research and Development Grants

No. 51 of 1967

An Act to provide for the Payment by the Commonwealth of Grants in respect of Industrial Research and Development.

[Assented to 26 May 1967]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Industrial Research and Development Grants Act 1967*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. This Act is divided into Parts, as follows:—
Part I.—Preliminary (Sections 1–6).
Part II.—Administration (Sections 7–23). Parts.

Part III.—Grants (Sections 24–34).

Part IV.—Miscellaneous (Sections 35–39).

Object of Act.

4. The object of this Act is to encourage increased industrial research and development in Australia.

Interpretation.

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

“Australia”, in relation to operations for the recovery of naturally occurring petroleum, includes such areas of the sea bed adjacent to Australia as are prescribed;

“concentration”, in relation to a metal, means the separation of the metal from its ore by any process;

“contract expenditure”, in relation to a company, means—

(a) in respect of the base year—payments made by the company to a research organization for the performance of industrial research and development in that year; and

(b) in respect of a grant year—payments made by the company to a research organization for the performance of industrial research and development in that year at a time in relation to which a declaration under section 6 of this Act is applicable to the research organization;

“eligible company” means a company that is incorporated under the law of a State or of a Territory forming part of the Commonwealth and carries on in Australia in the relevant grant year the manufacture of goods or mining operations;

“grant” means a grant of financial assistance under this Act;

“grant year” means the year that commences on the first day of July, One thousand nine hundred and sixty-seven, or any of the four next succeeding years;

“increased work expenditure”, in relation to a grant year, means an excess amount ascertained in respect of that year in accordance with paragraph (a) of sub-section (2.) of section 25 of this Act;

“industrial research and development” means systematic experimentation or analysis in the fields of science, engineering and technology carried out by the company concerned, or procured by it to be carried out, in Australia with the object of—

(a) acquiring knowledge that may be of use for the purpose of devising or developing new or improved material products or new or improved processes for or in connexion with the production or use of material products; or

(b) applying knowledge for the purpose referred to in the last preceding paragraph;

“member” means a member of the Board, and includes the Chairman and an acting member;

“metal” includes a compound of a metal;

“minerals” includes petroleum;

“mining operations” includes operations for the recovery of naturally occurring petroleum;

- “ net plant expenditure ”, in relation to a grant year, means plant expenditure in respect of that year, less so much of any consideration received or receivable in respect of the disposal, loss or destruction of plant in that year or a previous grant year that has not been deducted in ascertaining the net plant expenditure in relation to a previous grant year as does not exceed the plant expenditure in relation to the first-mentioned grant year;
- “ new ”, in relation to material products, means not previously produced by the company concerned and, in relation to processes, means not previously used by the company concerned;
- “ petroleum ” includes natural gas;
- “ plant ” means—
- (a) in relation to plant expenditure—plant or equipment that is intended solely for use for the purpose of industrial research and development by the company concerned; or
 - (b) in relation to disposal, loss or destruction—plant or equipment that has been used by the company concerned solely or principally for that purpose;
- “ plant expenditure ”, in relation to a company in respect of a grant year, means expenditure by the company in the purchase, hire, construction or installation, in that year, of plant;
- “ professional qualification ” means the holding of a degree, diploma or similar qualification in a branch of science or engineering granted, whether in Australia or elsewhere, by a university or a college or other institution of technical education the holding of which constitutes a sufficient educational qualification for admission to membership of a body in Australia that is recognized by the Board for the purposes of this Act as a professional Institute;
- “ professional or technical research and development work ” means—
- (a) work by way of industrial research and development performed by a person having a professional qualification; or
 - (b) work by way of direct assistance in a technical capacity to the performance of work referred to in the last preceding paragraph;
- “ research organization ” means a person who, or a body or organization which, enters into contracts to perform industrial research and development otherwise than as an employee;
- “ salary expenditure ”, in relation to a company, means—
- (a) in respect of the base year—the total of the following amounts expended by the company:—
 - (i) the salaries or wages in respect of the base year of employees who, in the base year, were engaged solely in professional or technical research and development work; and

- (ii) so much of the salaries or wages in respect of the base year of employees who, in the base year, were engaged in professional or technical research and development work but were not solely so engaged as is reasonably attributable to their professional or technical research and development work,

less so much of any amount that became receivable by the company for the performance by the company of industrial research and development for another eligible company in the base year as is reasonably attributable to the professional or technical research and development work involved in the performance of that industrial research and development; and

- (b) in respect of a grant year—amounts expended by the company as salaries or wages in respect of that year of employees who, in that year, were engaged in professional or technical research and development work and were not engaged to any substantial extent in any other duties, less so much of any amount that becomes receivable by the company for the performance by the company of industrial research and development for another eligible company in that grant year as is reasonably attributable to the professional or technical research and development work involved in the performance of that industrial research and development;

“the base year” means the year that commenced on the first day of July, One thousand nine hundred and sixty-five;

“the Board” means the Australian Industrial Research and Development Grants Board established by this Act;

“the Chairman” means the Chairman of the Board, and includes an Acting Chairman of the Board.

(2.) Without either extending or restricting, by implication, the scope of the definition of “industrial research and development” in the last preceding sub-section, it is declared that the following do not constitute industrial research and development for the purposes of this Act:—

- (a) methods engineering;
- (b) operational research;
- (c) routine quality control;
- (d) routine materials testing;
- (e) exploration or prospecting for minerals;
- (f) design work that—
 - (i) arises from a need to meet the special requirements of a customer; or
 - (ii) is primarily directed to style, as distinct from the functional characteristics of a product or matters affecting the cost of production of a product; and

(g) such other operations as are prescribed, whether generally or in relation to a particular class of material products or processes.

(3.) Regulations for the purposes of paragraph (g) of the last preceding sub-section—

(a) do not apply in relation to a grant year before the grant year next commencing after the notification of the regulations in the *Gazette*; and

(b) apply in relation to the base year for the purposes only of applications under this Act in respect of a grant year in relation to which they apply.

(4.) A reference in this Act to industrial research and development, in relation to an eligible company, shall be read as a reference to such industrial research and development only as is—

(a) performed by or for the company directly in relation to the manufacture, or proposed manufacture, in Australia of goods by the company, or to mining operations, or proposed mining operations, in Australia of the company; or

(b) performed by the company, acting as a research organization, directly in relation to the manufacture, or proposed manufacture, in Australia of goods by another eligible company, or to mining operations, or proposed mining operations, in Australia of another eligible company.

(5.) In this section, a reference to consideration received or receivable in respect of the disposal, loss or destruction of plant shall be read as a reference—

(a) in the case of a sale of plant—to the sale price less the expenses of the sale;

(b) in the case of loss or destruction of plant—to the amount or value received or receivable under a policy of insurance or otherwise in respect of the loss or destruction;

(c) in the case where plant is sold with other assets and no separate value is allocated to the plant—to the amount determined by the Board; and

(d) in the case where plant is disposed of otherwise than by sale—to the value, if any, of the plant at the date of disposal.

(6.) Without limiting the generality of the references in this Act to the manufacture of goods, those references shall be deemed to include a reference to the refining of petroleum and to the concentration of a metal or the treatment or processing of a metal after its concentration, or, in the case of a metal not requiring concentration, the application to the metal of a treatment or process which, if the metal had required concentration, would not have been applied until after the concentration.

Approval of
research
organizations.

6. The Board may, by notice published in the *Gazette*—
- (a) declare that a specified research organization is, or shall be deemed to have been at or from any time, an approved research organization for the purposes of this Act; and
 - (b) revoke such a declaration so far as it has effect in relation to payments for industrial research and development performed by the research organization in a grant year commencing after the date of the revocation.

PART II.—ADMINISTRATION.

Commonwealth
Industrial
Research and
Development
Grants Board.

7.—(1.) For the purposes of this Act, there is hereby established a Board by the name of the Australian Industrial Research and Development Grants Board.

(2.) The Board shall consist of a Chairman and two part-time members.

(3.) The members of the Board shall be appointed by the Governor-General.

(4.) A person shall not be appointed as a member unless he appears to the Governor-General to be qualified for appointment by virtue of his knowledge of, or experience in, industry (including mining), commerce or research in the field of science, engineering or technology.

(5.) Subject to this Act, a member of the Board holds office for such period, not exceeding five years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

(6.) The performance of the functions of the Board is not affected by reason only of there being a vacancy in the office of a member.

Acting
appointments.

8.—(1.) Where—

- (a) the Chairman or any other member is, or is about to be, absent or not available to perform the functions of his office; or
- (b) there is a vacancy in the office of the Chairman or any other member,

the Minister may appoint a person to be an acting member of the Board while the member is absent or not available to perform the functions of his office or until the filling of the vacancy.

(2.) Where—

- (a) the Chairman is, or is about to be, absent or not available to perform the functions of his office; or
- (b) there is a vacancy in the office of Chairman,

the Minister may appoint a member (including an acting member) to be the Acting Chairman of the Board while the Chairman is absent or not available to perform the functions of his office or until the filling of the vacancy.

(3.) An appointment under this section by reason of a vacancy in an office shall not be made or continue to have effect after the expiration of a period of six months from the date of the occurrence of the vacancy.

(4.) The Minister may at any time terminate an appointment under this section.

(5.) The validity of a decision of the Board, or of a delegate of the Board, shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section, not being an appointment by reason of a vacancy, had ceased to have effect.

9.—(1.) A member (other than an acting member) shall be paid such remuneration and allowances for expenses as the Governor-General determines. Remuneration.

(2.) An acting member shall be paid such remuneration and allowances for expenses as the Minister determines.

10. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence.

11. The Governor-General may terminate the appointment of a member for misbehaviour or physical or mental incapacity. Dismissal of members.

12. A member may resign his office by writing under his hand addressed to the Governor-General or, in the case of an acting member, to the Minister. Resignation.

13.—(1.) If a member— Vacation of office.

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Board;
- (c) being the Chairman appointed under section 7 of this Act—
 - (i) continues for more than fourteen days after the date of his appointment to be a director of a company or becomes, after his appointment, a director of a company; or
 - (ii) engages in paid employment outside the duties of his office, except with the approval of the Minister; or
- (d) without reasonable excuse, fails to comply with his obligations under the next succeeding section,

the Governor-General shall remove the member from office.

(2.) The Minister shall not give an approval for the purposes of paragraph (c) of the last preceding sub-section unless he is satisfied that the holding of the directorship or the engaging in the employment will not interfere with the proper performance of the duties of the Chairman under this Act.

Members
to notify
certain interests.

14.—(1.) A member shall, as soon as practicable, give written notice to the Minister of all direct and indirect pecuniary interests that he has or acquires in any business carried on in Australia or in any corporation carrying on any such business.

(2.) The Minister shall inform each other member of the Board of the nature of any interests of which a member has given notice in accordance with this section and, if a member who has given notice of an interest in a business or corporation notifies the Minister that he has ceased to have any direct or indirect pecuniary interest in that business or corporation, the Minister shall inform each other member of the Board accordingly.

(3.) A member who has a direct or indirect pecuniary interest in a company that has made an application under this Act, being an interest otherwise than as a member of, and in common with the other members of, a company (whether the applicant or not) consisting of not less than twenty-five persons—

- (a) shall not take part in any deliberation or decision of the Board with respect to that application; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

Rights of
Public servant
appointed as
Chairman.

15. If a person appointed as Chairman under section 7 of this Act was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as Chairman of the Board shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928-1959* applies as if this Act and this section had been specified in the Schedule to that Act.

Application of
certain Acts
in relation to
Chairman.

16.—(1.) For the purposes of sub-sections (3A.) and (4.) of section 4 of the *Superannuation Act 1922-1966*, the Chairman appointed under section 7 of this Act shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office.

(2.) For the purposes of the *Commonwealth Employees' Compensation Act 1930-1964*, the Chairman appointed under section 7 of this Act shall be deemed to perform his functions under this Act under a contract of service with the Commonwealth.

Duties of
Chairman.

17. It is the duty of the Chairman to ensure the efficient and orderly conduct of the business of the Board, and for that purpose the Chairman—

- (a) shall make, or cause to be made, such inquiries into applications under this Act or into any other matter relevant to the operation of this Act as he thinks necessary;
- (b) may make, or cause to be made, to the Board such reports in relation to applications under this Act as he thinks fit; and
- (c) may determine the form of the records to be kept by the Board and the procedure to be adopted at meetings of the Board.

18.—(1.) Meetings of the Board shall be convened by the Chairman, but if there is no Chairman, or the Chairman is not available to convene a meeting, the Minister may convene a meeting.

Meetings
of the Board.

(2.) At a meeting of the Board, two members constitute a quorum.

(3.) Subject to this section, questions arising at a meeting of the Board shall be determined by a majority of votes of the members present.

(4.) At a meeting of the Board at which the Chairman is present—

(a) the Chairman shall preside; and

(b) the Chairman has a deliberative vote and, in the event of an equality of votes, has a casting vote.

(5.) If, at a meeting of the Board at which the Chairman is not present, the two members present are unable to agree on a question, the question shall be deferred to a meeting at which the Chairman is present.

19.—(1.) The Board may, by resolution notified to the Minister by the Chairman, delegate to the Chairman or to a member of the staff assisting the Board, either generally or to the extent specified in the resolution, any of its powers and functions under this Act (except this power of delegation).

Delegation.

(2.) The powers or functions so delegated may be exercised or performed by the delegate in accordance with the resolution.

(3.) A delegation under this section is revocable by resolution of the Board notified to the Minister by the Chairman, and does not prevent the exercise of a power or the performance of a function by the Board.

(4.) Section 34A of the *Acts Interpretation Act* 1901-1966 applies in relation to a delegation under this section as if the Board were a person.

20.—(1.) Subject to this section, the Minister may, from time to time, by notice in writing delivered to the Chairman and expressed to be given under this section, give directions to the Board with respect to the policies and practices to be followed by the Board, and the Board shall comply with any such direction that is in force.

Policies and
practices of
the Board.

(2.) The Minister shall forthwith cause to be published in the *Gazette* particulars of any direction given under the last preceding sub-section, and of any revocation of such a direction.

(3.) A direction of the Minister under this section shall not operate so as to affect prejudicially—

(a) any application for a grant in relation to a grant year that commenced before the date of publication in the *Gazette* of particulars of the direction; or

(b) the making of a grant in pursuance of an approval given by the Board under section 33 of this Act before that date.

(4.) Nothing in this section authorizes the Minister to give a direction to the Board in relation to a particular company or a particular application.

(5.) A decision of the Board is not invalidated, and shall not be called in question, on the ground that the Board has limited the exercise of its discretion in particular cases by reference to any general policy or practice adopted or announced by the Board.

Advisory
Committee.

21.—(1.) For the purposes of this Act, there shall be an advisory committee to be known as the Australian Industrial Research and Development Grants Advisory Committee.

(2.) The Committee shall consist of not more than eight members, who shall be appointed by the Minister to hold office during the pleasure of the Minister.

(3.) The Board may, if it thinks fit, and shall, if required by the Minister, refer to the Committee for advice a matter relating to an application under this Act or otherwise relating to the operation of this Act.

(4.) Members of the Committee shall be paid such allowances for expenses as the Minister determines.

Staff.

22. The staff necessary to assist the Board shall be persons employed under the *Public Service Act* 1922–1967.

Secrecy.

23.—(1.) This section applies to every person who is or has been a member of the Board or of the Australian Industrial Research and Development Grants Advisory Committee.

(2.) Subject to this section, a person to whom this section applies shall not, either directly or indirectly, except for the purposes of this Act—

(a) make a record of, or divulge or communicate to any person, any information concerning industrial research and development undertaken by or for a company or otherwise concerning the affairs of a company acquired by him by reason of his office under this Act; or

(b) produce to any person an application or other document furnished by a company for the purpose of obtaining a grant under this Act.

Penalty: One thousand dollars or imprisonment for six months.

(3.) The last preceding sub-section does not apply to the disclosure of information, or the production of a document, to the Minister, or to the Secretary to the Department of Trade and Industry or an officer of that Department designated by the Secretary.

(4.) A person to whom this section applies shall not be required to divulge or communicate to a court any information referred to in sub-section (2.) of this section, or to produce in a court any document referred to in that sub-section, except when it is necessary to do so for the purposes of, or of a prosecution under or arising out of, this Act.

(5.) In this section—

“ court ” includes any tribunal, authority or person having power to require the production of documents or the answering of questions; and

“ produce ” includes permit access to, and “ production ” has a corresponding meaning.

PART III.—GRANTS.

24.—(1.) Grants of financial assistance to eligible companies in respect of expenditure on industrial research and development shall be made as authorized by the Board in accordance with this Act. Grants.

(2.) Notwithstanding anything contained in this Act, the Board is not required or empowered to authorize a grant unless the Board is satisfied as to all matters relevant to the eligibility of the company for, and the amount of, the grant.

25.—(1.) For the purpose of calculating the eligible expenditure of a company in respect of a grant year, the following classes of expenditure of the company in respect of that year and in respect of the base year shall be taken into account in accordance with this section, namely:— Eligible expenditure.

- (a) salary expenditure;
- (b) contract expenditure; and
- (c) plant expenditure.

(2.) Subject to this Part, the eligible expenditure of a company for a grant year is the sum of—

- (a) the excess, if any, of the total of any salary expenditure and contract expenditure of the company in respect of that grant year over the total of any salary expenditure and contract expenditure of the company in respect of the base year; and
- (b) the amount of any net plant expenditure of the company in respect of that grant year.

26.—(1.) This section applies in relation to so much of the eligible expenditure of a company in respect of a grant year as does not exceed Fifty thousand dollars. General grants.

(2.) Where—

- (a) an eligible company has duly applied for a grant in respect of a grant year; and
- (b) there is an amount of eligible expenditure of the company in respect of that grant year,

the Board shall, subject to this Act and to any relevant directions of the Minister under section 20 of this Act, authorize payment of a grant to the company in respect of so much of that amount as is eligible expenditure in relation to which this section applies.

(3.) The amount of a grant authorized under this section shall be one-half of the amount of eligible expenditure in respect of which it is made, or such lesser fraction of that amount as the Minister fixes, by a direction under section 20 of this Act, for the purposes of grants under this section in respect of the grant year concerned.

Selective grants.

27.—(1.) This section applies in relation to so much of the eligible expenditure of a company in respect of a grant year as exceeds Fifty thousand dollars.

(2.) Where—

- (a) an eligible company has duly applied for a grant in respect of a grant year; and
- (b) there is an amount of eligible expenditure of the company in respect of that grant year that is eligible expenditure in relation to which this section applies,

the Board may, in its discretion but subject to this Act and to any relevant directions of the Minister under section 20 of this Act, authorize payment of a grant to the company in respect of the whole or a part of that amount of eligible expenditure.

(3.) The amount of a grant authorized under this section shall be such amount, not exceeding one-half of the amount of eligible expenditure in respect of which it is made, as the Board, in its discretion but subject to any relevant directions of the Minister under section 20 of this Act, determines.

(4.) The Minister shall exercise his powers of direction in relation to the operation of this section, and the Board shall exercise its discretion under this section with a view to the allocation of the moneys available for grants in accordance with this section in such manner as appears most likely to contribute, in the national interest, to the attainment of the following objectives:—

- (a) the development and use of Australian physical resources;
- (b) the expansion of exports;
- (c) import saving and improvement of the ability of Australian products to compete with imported products;
- (d) the improvement of productivity and reduction of costs in Australian industry; and
- (e) the development of the Australian economy in a manner conducive to the defence of the Commonwealth.

Limitation of grants in respect of plant.

28.—(1.) A grant shall not be made to an eligible company in respect of net plant expenditure in respect of a grant year if the sum of the salary expenditure and contract expenditure of the company in respect of that year is less than the sum of the salary expenditure and contract expenditure of the company in respect of the base year.

(2.) The Board shall not authorize under this Act payment to a company in respect of net plant expenditure of a grant year of an amount or amounts which, when added to the payments to the company authorized under this Act in respect of net plant expenditure of previous grant years, would result in a total in excess of the total of the payments authorized to be made to the company in respect of increased work expenditure of that year and previous grant years.

(3.) For the purposes of this section, where, in respect of a grant year, a grant is authorized to be made to a company the eligible expenditure of which for that year includes both increased work expenditure and net plant expenditure, the Board shall determine and specify the amount, if any, comprised in the grant that is to be regarded as being in respect of increased work expenditure and the amount, if any, comprised in the grant that is to be regarded as being in respect of net plant expenditure.

(4.) In the case of a grant under section 26 of this Act, the Board shall not so determine in relation to net plant expenditure an amount the payment of which would have been authorized by the Board if there had been no net plant expenditure in respect of the company for the grant year.

29.—(1.) For the purposes of the application of this Act in respect of a grant year, the Board shall, where it is appropriate to do so by reason of increases in prevailing rates of salaries or wages since the base year, adjust, in accordance with this section, the amount of the salary expenditure of a company in respect of the base year, and the adjusted amount shall be deemed to be the salary expenditure of the company in respect of the base year.

Adjustment
of salary
expenditure
of base year.

(2.) The adjusted amount shall be the amount determined by the Board to be approximately the amount that would have been the salary expenditure of the company in respect of the base year if the rates of salaries or wages prevailing at any time in the grant year concerned for work of the class to which any of the salary expenditure of the base year related had also been the prevailing rates for work of that class at the corresponding time in the base year.

30. Where an approved research organization has received financial assistance from the Commonwealth, or out of moneys provided by the Commonwealth, and it appears to the Board that a company that has incurred contract expenditure in respect of industrial research and development performed, in a grant year, by that approved research organization has received an indirect benefit from that financial assistance by way of lower charges for that industrial research and development, the Board may, for the purposes of this Act, reduce the amount of that contract expenditure to such extent as it thinks appropriate by reason of that indirect benefit.

Adjustment of
contract
expenditure by
reason of
Commonwealth
financial
assistance.

Abuse of Act.

31. Where the Board is satisfied that—

(a) an act or thing (including the making of an agreement, arrangement or payment, the incorporation of a company or the allocation of expenditure as between different years) has been done with a view to the obtaining of, or to affecting the amount of, a grant to a company under this Act; and

(b) the act or thing is of such a nature that, having regard to the object of this Act, it constitutes an attempt to abuse this Act,

the Board may, for the purposes of this Act, disregard any expenditure in or in relation to the doing of that act or thing or make such adjustment to the amount of the eligible expenditure of the company as it thinks necessary to prevent the abuse.

Applications.

32.—(1.) A company desiring to obtain a grant or an approval under the next succeeding section shall make an application in writing to the Board for the grant or approval.

(2.) Subject to the regulations, an application shall be in accordance with a form approved by the Board.

(3.) The Board may refuse to consider an application unless the applicant furnishes such further information, or makes available to the Board such books or records, as the Board specifies, being information, books or records that the Board requires for the performance of its functions under this Act, including the preparation of a report of the Board under section 38 of this Act.

Advance approval of grants.

33.—(1.) The Board may, before or during a grant year, on the application of a company, approve conditions (being conditions consistent with this Act) subject to compliance with which the Board will authorize a grant to the company under section 27 of this Act in respect of that grant year and approve the amount of the grant or any matter affecting the amount of the grant.

(2.) Where the conditions specified in an approval under the last preceding sub-section have been complied with, the Board shall authorize a grant in accordance with the approval.

Advances in respect of grants.

34.—(1.) The Board may, in its discretion, authorize the payment to a company of an advance in respect of a grant that may become payable to the company (whether in pursuance of an approval under the last preceding section or otherwise).

(2.) Where an advance has been made to a company in pursuance of this section in respect of a grant, the company is liable, upon demand made by the Treasurer at any time after the end of the grant year concerned, to repay to the Commonwealth so much of the advance as exceeds the amount of any grant to the company in respect of that grant year that has been authorized by the Board before the time of the demand or, if no such grant has been so authorized, the whole of the advance.

(3.) An amount repayable under the last preceding sub-section is recoverable by the Commonwealth in a court of competent jurisdiction from the company as a debt due to the Commonwealth.

PART IV.—MISCELLANEOUS.

35. Payments of grants under this Act, and of advances in respect of such grants, shall be made out of moneys appropriated by the Parliament for the purposes of this Act. Moneys to be appropriated.

36.—(1.) A person shall not, in or in connexion with an application under this Act, knowingly make to the Board, or to a person having duties or functions under this Act, a statement, whether oral or in writing, or present to the Board or to such a person a book, record or document, that is false or misleading. Offences.

Penalty: One thousand dollars or imprisonment for six months.

(2.) For the purposes of the application of this section in relation to a company, but without prejudice to the liability of any person other than the company—

- (a) a statement made, or a book or document presented, by a person acting on behalf of the company shall be deemed to be made or presented by the company; and
- (b) the knowledge of any person employed by, or concerned in the management of, the company shall be deemed to be knowledge of the company.

(3.) An offence against this section shall not be prosecuted without the written consent of the Minister or a person authorized in writing by the Minister to consent to prosecutions for such offences.

37.—(1.) Where any amount of grant to a company has been authorized in consequence of the making of a statement, or the presentation of a book, record or document, by or on behalf of the company that was, whether or not to the knowledge of the company or the person making the statement or presenting the book, record or document, false or misleading and that amount has been paid to the company, an amount equal to the amount so paid is recoverable by the Commonwealth in a court of competent jurisdiction from the company as a debt due to the Commonwealth. Recovery of over-payments to a person.

(2.) For the purposes of this section, a certificate under the hand of the Chairman that an amount of grant has been authorized in consequence of the making of a statement, or the presentation of a book, record or document, is evidence of the matters stated in the certificate.

38.—(1.) The Board shall, as soon as practicable after the end of each grant year, furnish to the Minister a report on the operation of this Act, with particular reference to its operation in respect of that grant year. Reports.

(2.) Reports under this section—

- (a) may include information or comments concerning the effect of this Act, including the extent to which the objectives referred to in sub-section (4.) of section 27 of this Act have been, or are likely to be, achieved;
- (b) shall include statements of the names of companies to which the Board has authorized the payments of grants and the respective amounts of the grants; and
- (c) shall include such information concerning the classes of manufacturing or mining in relation to which grants have been authorized as the Board is satisfied can be included in those reports without disclosing matters relating to the operations or affairs of particular companies the disclosure of which would be likely to prejudice the business interests of those companies.

(3.) The Minister shall cause a copy of each report under this section to be laid before each House of Parliament within fifteen sitting days of that House after receipt of the report by the Minister.

Regulations.

39. 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—

- (a) for prescribing matters relating to the time, manner and form of making applications under this Act; and
 - (b) requiring an application under, or a document, book or record furnished for the purposes of, this Act to be verified by statutory declaration.
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