

THE SCHEDULE—*continued.*

Section.	Extent of Amendment.
116	Omit " or military " insert ", military or air-force ".
118	Omit " or Military " insert ", Military or Air ".
123A	Omit " or military " (wherever occurring) insert ", military or air-force ".
123E	Omit " Military uniforms " insert " Uniforms ".
124	Omit " naval or military operation " insert " naval, military or air-force operation ".
Heading to Part XII.	Omit " OR MILITARY " insert ", MILITARY OR AIR FORCE ".
127	After " arms " (second occurring) insert " and to the Air Force ".
134	After " Military District " insert " or by the Air Board ".
137	After " vessels " (first and second occurring) insert " or upon aircraft ".
	After " waters " insert " or upon such aircraft within the territorial limits of the Commonwealth ".
138	Omit " or military " (first and second occurring) insert ", military or air-force ".
	Omit " or Military " from paragraph (d) of sub-section (1.) insert ", Military or Air ".
Heading to Part XIV.	Omit " AND MILITARY " insert ", MILITARY OR AIR FORCE ".
142A	Omit " or military " insert ", military or air-force ".
143	At end of sub-section (2.) add " or the Air Force ".

TYRE CORD BOUNTY.

No. 75 of 1939.

An Act to provide for the Payment of a Bounty on the production of Tyre Cord and Tyre Cord Fabric.

[Assented to 15th December, 1939.]

Preamble.

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

Short title.

1. This Act may be cited as the *Tyre Cord Bounty Act 1939.*

Commencement

2. This Act shall commence on a date to be fixed by Proclamation.

Definitions.

3. In this Act, unless the contrary intention appears—
 " authorized person " means any person authorized in writing by the Minister in respect of the matter in relation to which the expression is used ;
 " Collector " means the Collector of Customs for a State ;
 " Comptroller-General " means the Comptroller-General of Customs ;

- “ Customs Tariff ” means the *Customs Tariff* 1933–1939 and includes that Act as amended from time to time and any Act in substitution for that Act or for that Act as so amended and, in addition, includes any Tariff Proposal introduced into the House of Representatives for the purpose of amending that Tariff ;
- “ duty of Customs ” means the rate of duty chargeable under the British Preferential Tariff in pursuance of the Customs Tariff ;
- “ factory ” means any premises appointed by the Minister as a factory for the purposes of this Act ;
- “ tyre cord ” means cord used solely in the manufacture of pneumatic tyres ;
- “ tyre cord fabric ” means woven cord fabric which consists of a number of lengths of cord loosely held together by weft threads inserted at intervals and is used solely in the manufacture of pneumatic tyres ;
- “ year ” means a period of twelve months commencing on the date of the commencement of this Act or on any anniversary of that date.

4. There shall be payable out of the Consolidated Revenue Fund, Appropriation. which is hereby appropriated accordingly, the bounty specified in this Act.

5.—(1.) The total amount of bounty authorized to be paid under this Act, in respect of tyre cord and tyre cord fabric produced in any year, shall not— Limit of annual bounty.

- (a) exceed the sum of Three thousand two hundred and fifty pounds in respect of the first year during which this Act is in operation ;
- (b) exceed the sum of Eleven thousand pounds in respect of the second year during which this Act is in operation ; or
- (c) exceed the sum of Twenty-seven thousand pounds in respect of the third year during which this Act is in operation :

Provided that, when the maximum amount of bounty which may be paid in respect of any year during which this Act is in operation has not been paid in that year, the unpaid balance, or any portion thereof, may be paid in any subsequent year in addition to the maximum amount authorized to be paid in respect of that subsequent year.

(2.) Where the total amount available in pursuance of this section for the payment of bounty in respect of any year is insufficient for the payment in full of all valid claims for bounty in respect of that year, the bounty otherwise payable under this Act in respect of each of those claims shall be reduced to an amount which bears the same proportion to the amount of the claim as the total amount of bounty available in respect of that year bears to the total amount of valid claims in respect of that year.

(3.) If the Minister is of the opinion that the total amount of bounty available in pursuance of this section for the payment of bounty in respect of any year will be insufficient for the payment in full of all valid claims in respect of that year, he may withhold payment of the whole or any part of all bounties otherwise payable under this Act in respect of that year until he has ascertained the total amount of valid claims in respect of that year.

To whom
bounty payable.

6. The bounty shall, subject to this Act, be payable to the manufacturer of the tyre cord or tyre cord fabric.

Specification
of bounty.

7. The bounty under this Act shall be payable in respect of tyre cord or tyre cord fabric which, during a period of three years commencing on the date of the commencement of this Act, has been produced in a factory, in accordance with the prescribed conditions, for sale for use in the Commonwealth.

Rate of bounty.

8.—(1.) The rate of bounty payable under this Act in respect of the production of tyre cord or tyre cord fabric shall, subject to this Act, be twopence farthing per pound.

(2.) If the duty of Customs applicable to tyre cord or tyre cord fabric is increased above the duty applicable to tyre cord or tyre cord fabric on the date of the commencement of this Act, the Minister shall forthwith cause to be made such reduction in the rate of bounty specified in sub-section (1.) of this section in respect of tyre cord or tyre cord fabric produced in a factory on or after the date of the increase as is equivalent to that increase.

(3.) Where, after the rate of bounty has been reduced in pursuance of sub-section (2.) of this section, any reduction or increase occurs in the duty of Customs in respect of tyre cord or tyre cord fabric, the Minister shall forthwith cause to be made, in respect of tyre cord or tyre cord fabric produced in a factory thereafter, such increase or reduction, as the case may be, in the rate of bounty theretofore payable as is equivalent to that reduction or increase in the duty :

Provided that nothing in this sub-section shall authorise any increase in the rate of bounty so as to exceed the rate specified in sub-section (1.) of this section.

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

9.—(1.) Where the net profit of a manufacturer from the manufacture and sale of tyre cord and tyre cord fabric during any financial year or part thereof exceeds the rate of ten per centum per annum on the capital actually used by the manufacturer in that manufacture and sale, the Minister may withhold from the manufacturer payment of bounty in respect of the production of tyre cord and tyre cord fabric during that financial year or part thereof, and may recover any bounty which has been paid in respect thereof.

(2.) Where the payment of any bounty has resulted or would result in the net profit of a manufacturer, after taking the bounty into account, from the manufacture and sale of tyre cord and tyre cord fabric during any financial year or part thereof exceeding the

rate of ten per centum per annum on the capital actually used by the manufacturer in that manufacture and sale, the Minister may—

- (a) require the manufacturer to refund the portion of the bounty paid to him which has resulted in the net profit, after taking the bounty into account, having exceeded the rate of ten per centum per annum on that capital, and that portion shall thereupon be recoverable ; or
- (b) withhold from the manufacturer payment of such further bounty as would result in the net profit, after taking the bounty into account, exceeding the rate of ten per centum per annum on that capital.

(3.) Notwithstanding anything contained in this section, where the Minister finds that a manufacturer has, after taking into account the bounty which would, but for this section, have been payable to him, made a net profit which has exceeded the rate of ten per centum per annum on the capital actually used in the manufacture and sale of tyre cord and tyre cord fabric, the Minister may, in taking action under this section, make such allowance as he, in his absolute discretion, thinks fit in respect of any net profit of less than ten per centum per annum, or any loss, which the manufacturer may have made during any previous financial year or part thereof (after taking into account the bounty paid to him in respect of that financial year or part thereof) during which this Act is in operation.

(4.) For the purposes of this section, the Minister may—

- (a) determine what amount of capital is from time to time actually used, and what amount of net profit is derived thereon, by any manufacturer in the manufacture and sale of tyre cord and tyre cord fabric ;
- (b) determine, and include with the amount of capital actually used and net profit thereon derived by the manufacturer, any amount of capital actually used and the net profit thereon derived by any other person (whether subsidiary to or affiliated with the manufacturer or not) in the distribution or sale of tyre cord and tyre cord fabric to users thereof ; and
- (c) where a manufacturer of tyre cord or tyre cord fabric uses the tyre cord or tyre cord fabric for the production of pneumatic tyres, deem the tyre cord or tyre cord fabric so used to have been sold for the purposes of that production at such prices as the Minister determines.

(5.) In the determination under sub-section (4.) of this section of the amount of net profit derived by a manufacturer from the manufacture and sale of tyre cord and tyre cord fabric, income tax assessed under any Act or State Act shall not be deducted from the profit so derived by that manufacturer.

10. Bounty shall not be paid on the production of any tyre cord or tyre cord fabric unless the Comptroller-General is satisfied that it is of good and merchantable quality.

Good quality
essential.

Factories to
be appointed
by the
Minister.

11.—(1.) Where, in the opinion of the Minister, tyre cord or tyre cord fabric is, or is proposed to be, manufactured at premises under such conditions as are from time to time prescribed, he shall appoint those premises as a factory for the purposes of this Act.

(2.) The Minister may require any person applying for the appointment of his premises as a factory under this section to furnish information as to the nature of the business or proposed business, the marketing possibilities of the tyre cord or tyre cord fabric, and such other matters as the Minister thinks fit.

Rates of wages
and conditions
of employment.

12.—(1.) Where, in the locality where tyre cord or tyre cord fabric in respect of the production of which bounty is claimed is manufactured, any standard rates of wages or conditions of employment to be paid or observed in respect of any persons employed in the manufacture of that tyre cord or tyre cord fabric have been—

(a) prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory; or

(b) declared to be fair and reasonable in accordance with the provisions of sub-section (2.) of this section,

a manufacturer when making any claim for bounty in respect of the production of any tyre cord or tyre cord fabric shall certify to the Collector that the rates of wages paid and the conditions of employment observed by him in respect of the persons employed in the manufacture of tyre cord or tyre cord fabric were not less favorable to the persons so employed than the rates and conditions so prescribed or declared.

(2.) If, in the locality where tyre cord or tyre cord fabric in respect of the production of which bounty is claimed is manufactured, the rates of wages and conditions of employment to be paid and observed in respect of any persons employed in the manufacture of that tyre cord or tyre cord fabric have not been prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory, the Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration, for a declaration as to what rates of wages and conditions of employment are fair and reasonable for persons employed in the manufacture of tyre cord or tyre cord fabric in that locality.

(3.) If the Minister finds that the rates of wages paid to, or the conditions of employment, or any of them, observed in respect of, persons employed in the manufacture of tyre cord or tyre cord fabric upon which bounty is claimed were less favorable to those persons than the rates and conditions prescribed or declared as specified in

paragraph (a) or paragraph (b), as the case may be, of sub-section (1.) of this section, he may direct that the whole or any part of any bounty shall not be payable and that whole or part, as the case may be, shall thereupon not be payable.

13.—(1.) A manufacturer shall keep, to the satisfaction of the Minister, separate accounts, books and documents showing, from time to time, in relation to tyre cord and tyre cord fabric subject to bounty, the capital actually used in, and the costs of, the manufacture and sale of the tyre cord and tyre cord fabric, the selling prices and revenue from sales thereof, and the profits derived from the manufacture and sale.

Separate accounts;

(2.) A manufacturer shall, in respect of each half-year ending on the thirty-first day of December and in respect of each financial year, furnish to the Comptroller-General a balance-sheet, profit and loss account, manufacturing account and trading account, and such other information in relation to the manufacture and sale of tyre cord and tyre cord fabric subject to bounty as the Minister requires.

(3.) The accounts and information so furnished, together with the stocks of tyre cord and tyre cord fabric recorded therein as having been held at the end of each such period, shall be certified by the manufacturer and his auditor to be true and correct in every particular.

14.—(1.) Any authorized person may, at all reasonable times, enter upon any factory or premises where tyre cord or tyre cord fabric in respect of which bounty has been paid or claimed, is manufactured or stored, and may—

Stocktaking and inspection of manufacture and accounts.

- (a) inspect or take stock of the tyre cord or tyre cord fabric therein ;
- (b) inspect the processes of manufacture of the tyre cord or tyre cord fabric ;
- (c) take samples of the tyre cord or tyre cord fabric ; and
- (d) inspect the accounts, books and documents relating to the manufacture and sale of the tyre cord or tyre cord fabric.

(2.) The manufacturer and the owner or occupier of the premises shall provide the authorized person with all reasonable facilities and assistance to enable him to give effect to any or all of the matters specified in sub-section (1.) of this section.

Penalty (for any contravention of this sub-section) : Fifty pounds.

15.—(1.) The Comptroller-General, a Collector or any authorized person may, by notice in writing, require any person whom he believes to be capable of giving any information in relation to the manufacture or sale of tyre cord or tyre cord fabric to attend before him at the time and place named in the notice, and then and there to answer questions and to produce to him such accounts, books and documents in relation to the manufacture or sale as the Comptroller-General, Collector or authorized person thinks necessary.

Power to require persons to answer questions and produce documents.

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

(3.) No person shall be excused from answering any question or producing any accounts, books or documents, when required so to do under this section, on the ground that the answer to the question or the production of the accounts, books or documents might tend to criminate him or make him liable to a penalty ; but his answer shall not be admissible in evidence against him in any civil or criminal proceeding other than a proceeding for an offence against this Act.

(4.) Where a manufacturer has failed to attend or to answer any question or to produce any accounts, books or documents, when required so to do under this section, the Minister may, if he thinks fit, withhold payment of any bounty payable to the manufacturer until he has attended, answered the question or furnished the required accounts, books or documents, as the case may be.

Power to
examine on
oath.

16. The Comptroller-General, a Collector or any authorized person may administer an oath to any person required to attend before him in pursuance of section fifteen of this Act and may examine that person upon oath.

Affirmation in
lieu of oath.

17.—(1.) Where any person required to attend before the Comptroller-General, a Collector or authorized person in pursuance of section fifteen of this Act 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 that may be asked him.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same penalties, as an oath.

Penalty for
refusing to
answer
questions, &c.

18. Any person who refuses or fails—

- (a) to attend before the Comptroller-General, a Collector or an authorized person ;
- (b) to be sworn or to make an affirmation ; or
- (c) to answer questions or produce accounts, books or documents, when so required in pursuance of this Act, shall be guilty of an offence.

Penalty : Fifty pounds.

Security for
compliance
with Act.

19. The Minister may require any manufacturer to give security by bond, guarantee or cash deposit, or by all or any of these methods, for due compliance by him with the provisions of this Act and the regulations or for the performance of any undertaking given by him in pursuance of this Act or the regulations.

20. No bounty shall be authorized to be paid on the production of any tyre cord or tyre cord fabric unless the manufacturer furnishes proof to the satisfaction of the Minister that the requirements of this Act and the regulations have been substantially complied with.

Bounty not payable unless Act complied with.

21.—(1.) Any person who—

Offences.

- (a) obtains any bounty which is not payable ;
- (b) obtains payment of any bounty by means of any false or misleading statement ; or
- (c) presents to any officer or other person doing duty in relation to this Act or the regulations any account, book or document, or makes to any such officer or person any statement, which is false in any particular,

shall be guilty of an offence.

Penalty: Five hundred pounds or imprisonment for twelve months.

(2.) Where a person is convicted under sub-section (1.) of this section, the Court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Minister the amount of any bounty wrongfully obtained.

22.—(1.) A return shall be prepared, not later than the thirty-first day of August of each year, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the preparation of the return.

Return for Parliament.

(2.) The return shall set forth in respect of the preceding financial year—

- (a) the name and address of each manufacturer to whom bounty was paid ;
- (b) the total amount of bounty paid to each manufacturer and the weight and value of the tyre cord and tyre cord fabric on which bounty was paid ; and
- (c) such other particulars as are prescribed.

23. The Governor-General may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing—

Regulations.

- (a) the form in which applications for bounty shall be made ;
- (b) the conditions to be observed by manufacturers in respect of giving notice of their intention to claim bounty and the time or times within which applications for bounty shall be lodged with the Collector ;
- (c) the conditions of manufacture of tyre cord and tyre cord fabric at factories ; and
- (d) penalties not exceeding Fifty pounds for any breach of the regulations.