

Agricultural Tractors Bounty

No. 82 of 1966

An Act to provide for the payment of a Bounty on the
Production of Agricultural Tractors.

[Assented to 29 October 1966]

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

- Short title.** 1. This Act may be cited as the *Agricultural Tractors Bounty Act* 1966.
- Commence-
ment.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Definitions.** 3. In this Act, unless the contrary intention appears—
- “authorized person” means a person appointed by the Minister under section 12 of this Act;
 - “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;
 - “factory cost” includes an allowance for factory overhead charges, but does not include any allowance for general administration, selling costs, service charges, taxation or any cost incurred after a tractor is ready for use;

“registered premises” means premises registered by the Minister under section 11 of this Act;

“Territory of the Commonwealth” includes the Territory of Nauru;

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

“tractor” means a machine that—

(a) is of a kind ordinarily mounted on wheels;

(b) is of a kind used solely or principally in agriculture;

(c) is powered by an internal combustion engine; and

(d) is of a kind ordinarily used—

(i) for pushing or pulling equipment or machinery; or

(ii) for operating, when suitably equipped, a lifting or other device mounted on, or attached to, the machine,

but does not include a crawler tractor.

4. Subject to this Act, bounty is payable in respect of tractors the manufacture of which was or is completed during the period that commenced on the twenty-sixth day of October, One thousand nine hundred and sixty-six, and ends on the thirtieth day of June, One thousand nine hundred and seventy-one, at registered premises for sale for use in Australia or in a Territory of the Commonwealth not forming part of the Commonwealth. Specification of bounty.

5. Bounty in respect of a tractor is payable to the manufacturer of the tractor. To whom bounty payable.

6.—(1.) Subject to this Act, the bounty payable in respect of a tractor is the amount ascertained in accordance with the Schedule to this Act having regard to the power take-off horsepower of the engine of the tractor. Rate of bounty.

(2.) Where the engine of a tractor has a power take-off horsepower that includes a fraction of a horsepower, the fraction shall, for the purposes of the application in relation to the tractor of the Schedule to this Act, be disregarded.

(3.) Where the ratio between the factory cost of the materials and parts of a tractor that were wholly produced or manufactured in Australia and the factory cost of the tractor, expressed as a percentage of the factory cost of the tractor, is eighty-nine per centum or less, the bounty payable under the preceding provisions of this section shall be reduced by an amount equal to one and one-half per centum of that bounty for each one per centum by which that ratio is less than ninety per centum.

(4.) Where the factory cost of the materials and parts of a tractor that were wholly produced or manufactured in Australia is less than fifty-five per centum of the factory cost of the tractor, no bounty is payable.

(5.) Where the Minister is of the opinion that a tractor in respect of which bounty is payable has been manufactured without parts that would ordinarily form part of a tractor of the same kind, the last two preceding sub-sections have effect in relation to that tractor as if each reference in those sub-sections to the factory cost of the tractor were a reference to the factory cost of a tractor of the same kind that was manufactured with those parts.

(6.) For the purposes of this section—

- (a) a reference to the factory cost of a tractor or of the materials and parts of a tractor that were manufactured in Australia shall be read as a reference to the factory cost of the tractor or of those materials and parts as determined by the Comptroller-General; and
- (b) a reference to the power take-off horsepower of the engine of a tractor shall be read as a reference to the power take-off horsepower of the engine as determined by the Comptroller-General.

Existing bounty on tractors.

7. Bounty under the *Tractor Bounty Act* 1939–1966 is not payable in respect of tractors (as defined by that Act) the manufacture of which was or is completed on or after the twenty-sixth day of October, One thousand nine hundred and sixty-six.

Good quality essential.

8. Bounty is not payable in respect of any tractors unless the Comptroller-General is satisfied that they are of good and merchantable quality.

Bounty not payable unless Act and regulations complied with.

9. Bounty is not payable to a manufacturer unless he satisfies the Minister that the requirements of this Act and the regulations have been substantially complied with.

Advances on account of bounty.

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

(2.) If a person receives by way of advances in respect of bounty on any tractors an amount greater than the amount of bounty payable in respect of those tractors, 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 manufacture of tractors at registered premises.

(2.) Where a person carries on, or proposes to carry on, the manufacture of tractors at any premises, he may apply to the Minister for the registration of those 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 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 the last two preceding sub-sections, if, in the opinion of the Minister, tractors are, or are proposed to be, manufactured 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.

(7.) Any premises that, immediately before the commencement of this Act, were premises appointed as a factory for the purposes of the *Tractor Bounty Act 1939-1966* shall be deemed to have been registered by the Minister under this section on the application of the person who applied for the appointment of the premises as such a factory and shall be deemed to have been so registered from and including the twenty-sixth day of October, One thousand nine hundred and sixty-six.

(8.) Where the Minister is satisfied—

- (a) that tractors are not being manufactured at registered premises;
- (b) that tractors are not being so manufactured 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 tractors are not being so manufactured in accordance with those conditions,

he may, by notice in writing served either personally or by post on the occupier, 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.

(9.) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901-1964* to the service by post of a notice under the last preceding sub-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.

Appointment
of authorized
persons.

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

Accounts.

13. A manufacturer is not entitled to bounty unless he keeps, to the satisfaction of the Minister, accounts, books and documents showing, from time to time, the manufacture (including the cost of manufacture) and sale of tractors and such other information in relation to the tractors as the Minister requires.

Stocktaking
and inspection
of manufacture
and accounts,
&c.

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

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

and may—

- (c) inspect or take stock of any tractors;
- (d) inspect the processes of manufacture of any tractors; and
- (e) inspect the accounts, books and documents relating to the manufacture and sale of tractors.

(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.

Power to
require person
to answer
questions and
produce
documents.

15.—(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 manufacture, storage, sale or use of tractors 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, books and documents in relation to the manufacture, storage, sale or use of tractors as are referred to in the notice.

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

(3.) A person is not excused from answering a 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 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 18 of this Act.

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

16.—(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.

Power to examine 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.

17. 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.

Security for compliance with Act and regulations.

18.—(1.) A person shall not refuse or fail—

Offences.

- (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, book 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, book 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.

Return for Parliament.

19.—(1.) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is payable, furnish to the Minister a return setting forth—

- (a) the name and address of each manufacturer to whom bounty was paid in that year;
- (b) the amount of bounty paid to each manufacturer and the number and value of tractors on which bounty was paid;
- (c) in relation to the manufacture by each manufacturer of tractors on which bounty was paid—the ratio of the factory cost of materials and parts produced or manufactured in Australia to the total factory cost of materials and parts; and
- (d) 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.

Delegation.

20.—(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).

(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.

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

22. The Governor-General may make regulations, not Regulations. 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—

- (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.

THE SCHEDULE

Section 6.

Power Take-off Horsepower of Engine of Tractor	Bounty per Tractor	Power Take-off Horsepower of Engine of Tractor	Bounty per Tractor	Power Take-off Horsepower of Engine of Tractor	Bounty per Tractor
	\$		\$		\$
20	520	44	616	68	712
21	524	45	620	69	716
22	528	46	624	70	720
23	532	47	628	71	724
24	536	48	632	72	728
25	540	49	636	73	732
26	544	50	640	74	736
27	548	51	644	75	740
28	552	52	648	76	744
29	556	53	652	77	748
30	560	54	656	78	752
31	564	55	660	79	756
32	568	56	664	80	760
33	572	57	668	81	764
34	576	58	672	82	768
35	580	59	676	83	772
36	584	60	680	84	776
37	588	61	684	85	780
38	592	62	688	86	784
39	596	63	692	87	788
40	600	64	696	88	792
41	604	65	700	89	796
42	608	66	704	90 and above	800
43	612	67	708		