

# BED SHEETING BOUNTY ACT 1977

## No. 29 of 1977

An Act to provide for the Payment of a Bounty on the Production of certain Bed Sheeting.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Bed Sheeting Bounty Act 1977*.<sup>1</sup> Short title.
2. This Act shall be deemed to have come into operation on 1 September 1976.<sup>1</sup> Commencement.
3. (1) In this Act, unless the contrary intention appears— Interpretation.
  - “authorized person” means a person who is an authorized person by virtue of an appointment under section 14;
  - “bed linen” means bed sheets, pillow cases or bolster cases;
  - “bed sheeting” means fabric that is used in the making-up of bed linen;
  - “bountiable bed sheeting” means printed bed sheeting that contains cotton and not less than 20% by weight of man-made fibres;
  - “bounty” means bounty under this Act;
  - “Collector” means a Collector of Customs for a State or Territory;
  - “Comptroller-General” means the Comptroller-General of Customs;
  - “man-made fibres” means fibres or filaments of organic polymers produced by either of the following manufacturing processes:—
    - (a) polymerisation or condensation of organic monomers;
    - (b) chemical transformation of natural organic polymers;
  - “manufacture”, in relation to bountiable bed sheeting, means the processes of weaving and printing the bed sheeting and all other processes carried out in making the bed sheeting;
  - “printed bed sheeting” means bed sheeting on which a pattern is printed;
  - “registered premises” means premises registered by the Minister under section 11.
- (2) For the purposes of this Act—
  - (a) the first process in the manufacture of bountiable bed sheeting shall be taken to be the weaving of the bed sheeting; and

- (b) the last process in the manufacture of bountiable bed sheeting shall be taken to be the examination of the bed sheeting after it has been printed and before it is made-up into bed linen.

(3) For the purposes of this Act, when bounty is payable in respect of bountiable bed sheeting, it shall be deemed to have become payable on the completion of the manufacture of the bed sheeting.

Periods  
during which  
bounty  
payable.

4. (1) Subject to sub-section (3), the period of 12 months commencing on 1 September 1976 and each subsequent period of 12 months are periods to which this Act applies.

(2) The Minister may, by notice published in the *Gazette*, fix a date, not being a date earlier than the publication of the notice, as the date after which bounty is not to become payable under this Act.

(3) Where a date is fixed under sub-section (2)—

- (a) no period referred to in sub-section (1) commencing after that date is a period to which this Act applies; and
- (b) if the date so fixed is not 31 August in any year—any period referred to in sub-section (1) in which the date so fixed occurs is not a period to which this Act applies but the period commencing on the date of commencement of that period and ending on the date so fixed is a period to which this Act applies.

Specification  
of bounty.

5. (1) Bounty is payable in accordance with this Act on the production of bountiable bed sheeting.

(2) Bounty in respect of bountiable bed sheeting is payable to the manufacturer of the bed sheeting.

(3) A manufacturer is not entitled to receive a payment of bounty in respect of bountiable bed sheeting unless—

- (a) the manufacturer of the bed sheeting has been carried out wholly by the manufacturer;
- (b) the manufacture of the bed sheeting has not been carried out elsewhere than at registered premises and has been completed during a period to which this Act applies; and
- (c) during that period or a later period to which this Act applies, the bed sheeting has been used by the manufacturer in the making-up in Australia of bed linen.

(4) Where bed sheeting is made-up into bed linen by normal methods, any bed sheeting wasted in the making-up shall, for the purposes of paragraph (3) (c), be treated as having been used in the making-up of bed linen.

6. A power conferred on the Governor-General or the Minister by this Act shall not be exercised in such a manner that bounty under this Act would not be uniform throughout the Commonwealth, within the meaning of paragraph (iii.) of section 51 of the Constitution. Uniformity.

7. The rate at which bounty is payable in respect of bountiable bed sheeting is 20 cents per square metre. Rate of bounty.

8. (1) The amount available for payment of bounty in respect of bountiable bed sheeting in respect of which bounty becomes payable in a period to which this Act applies is \$500,000. Limit of available bounty.

(2) Where the amount available for the payment of bounty in respect of bountiable bed sheeting in respect of which bounty becomes payable in a period to which this Act applies is insufficient for the payment in full of all valid claims in respect of that bountiable bed sheeting, the bounty otherwise payable in respect of each of those claims shall be reduced to an amount that bears the same proportion to the amount of the claim as the amount so available bears to the total amount of all those claims.

(3) If the Minister is of the opinion that the amount available for the payment of bounty in respect of bountiable bed sheeting in respect of which bounty becomes payable in a period to which this Act applies will be insufficient for the payment in full of all valid claims in respect of that bountiable bed sheeting, he may withhold payment of the whole or any part of the bounty otherwise payable upon such a claim until he has ascertained the total amount of all those claims.

9. Bounty is not payable in respect of bountiable bed sheeting unless, in the opinion of the Comptroller-General, it is of good and merchantable quality. Good quality essential.

10. Where an application for bounty in respect of bountiable bed sheeting is lodged in accordance with the regulations, the Minister shall— Approval of payment of bounty.

- (a) if he is satisfied that bounty is payable in respect of that bed sheeting—approve the payment of the bounty; or
- (b) if he is not so satisfied—refuse to approve payment of the bounty.

11. (1) The regulations may prescribe conditions to be complied with, for the purposes of this Act, in connexion with the manufacture of bountiable bed sheeting at registered premises. Registration of premises.

(2) Where a person carries on or proposes to carry on, the manufacture of bountiable bed sheeting 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), the Minister shall not register 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 to him 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) Where an applicant under this section was not, on 1 September 1976, engaged in the manufacture of bountiable bed sheeting at the premises to which the application relates, the Minister shall refuse to register those premises unless, in the opinion of the Minister, the registration of those premises will promote the orderly development of the manufacture of bountiable bed sheeting in Australia.

(6) Subject to sub-sections (3), (4) and (5), if, in the opinion of the Minister, bountiable bed sheeting is, or is 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.

(7) If the Minister so determines, the registration shall be deemed to have taken effect on and from a date specified by the Minister which, in the case of the registration of premises at which the manufacture of bountiable bed sheeting was carried out before 1 September 1976, may be a date earlier than 1 September 1976.

(8) Where the Minister is satisfied, in respect of any registered premises—

- (a) that the manufacture of bountiable bed sheeting is not being carried out at the premises;
- (b) that the manufacture of bountiable bed sheeting is not being carried out at the premises by the person who applied for the registration of the premises; or
- (c) if any conditions have been prescribed under sub-section (1), the manufacture of bountiable bed sheeting is being carried out at the premises otherwise than in accordance with those conditions,

the Minister may, by a 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.

(9) For the purposes of the application of section 29 of the *Acts Interpretation Act* 1901 to the service by post of a notice under sub-section (8) of this section, a notice posted as a letter addressed to the occupier or the person who applied for the registration of the premises, at the registered premises shall be deemed to be properly addressed.

(10) A reference in this section to the manufacture of bountiable bed sheeting includes a reference to any process in the manufacture of the bed sheeting.

12. A person is not entitled to bounty unless he keeps, to the satisfaction of the Minister, accounts, books, documents and other records showing, from time to time, particulars of the manufacture, and of the use or disposal, of bountiable bed sheeting and such other information in relation to the bountiable bed sheeting as the Minister requires. Accounts.

13. The Minister may require a manufacturer of bountiable bed sheeting to give security in an amount determined by the Minister 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 purpose 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. Securities.

14. The Minister may, by writing signed by him, appoint a person to be an authorized person for the purposes of this Act. Appointment of authorized persons.

15. (1) For the purposes of this Act, an authorized person may, at all reasonable times, enter— Stock-taking and inspection of manufacture and accounts, &c.

- (a) registered premises; or
- (b) premises where there is stored bountiable bed sheeting 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 bountiable bed sheeting;
- (d) inspect any process in the manufacture of any bountiable bed sheeting; and
- (e) inspect the accounts, books, documents and other records relating to the manufacture, storage, use or disposal of bountiable bed sheeting.

(2) The occupier or person in charge of registered premises, or of premises referred to in paragraph (1) (b), shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: \$100.

Power to require persons to answer questions and produce documents.

16. (1) The Comptroller-General, a Collector or an authorized person may, by notice signed by him, 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, use or disposal of bountiable bed sheeting 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, documents and other records in relation to the manufacture, storage, use or disposal of bountiable bed sheeting 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, documents or other records produced in pursuance of this section.

(3) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, documents or other records, 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 18 (1) (c) or 18 (2) (c).

(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, document or other record, 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, document or other record, as the case may be.

Power to examine on oath, &c.

17. (1) The Comptroller-General, a Collector or an authorized person may examine, on oath or affirmation, a person attending before him in pursuance of section 16 and, for that purpose, may administer an oath or affirmation to that person.

(2) The oath or affirmation to be made by a person for the purposes of sub-section (1) is an oath or affirmation that the answers he will give to questions asked him will be true.

Offences.

18. (1) A person shall not, without reasonable excuse, 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, book, document or other record,

when so required in pursuance of this Act.

Penalty: \$1,000 or imprisonment for 3 months.

(2) A person shall not—

- (a) knowingly obtain or attempt to obtain bounty that is not payable;
- (b) obtain or attempt to obtain payment of bounty by means of a statement that he knows to be false or misleading or by means of a document which to his knowledge contains information that is false or misleading; or
- (c) make to an officer or other person doing duty in relation to this Act or the regulations, including the Comptroller-General, a Collector or an authorized person when exercising his powers under section 16, a statement that is false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 3 months.

(3) Where a person is convicted of an offence against sub-section (2), 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 by him.

(4) Where a court has made an order under sub-section (3), 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.

**19.** (1) The Comptroller-General shall, as soon as practicable after the end of each period to which this Act applies, furnish to the Minister a return setting forth— Return for Parliament.

- (a) the name and address of each person to whom bounty was paid in that period;
- (b) the amount of bounty paid to each person in that period and the quantity of bountiable bed sheeting in respect of which the bounty was paid; 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 15 sitting days of that House after the return is received by him.

**20.** (1) The Minister or the Comptroller-General, may, either generally or otherwise as provided in the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act, other than this power of delegation. Delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister or the Comptroller-General, as the case may be.

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

Applications  
for review.

**21.** Applications may be made to the Administrative Appeals Tribunal for review of—

- (a) a decision of the Comptroller-General made for the purposes of section 9;
- (b) an approval of the Minister given under section 10 or a refusal of the Minister to give an approval under that section;
- (c) a refusal of the Minister to register premises under section 11, not being a refusal by virtue of sub-section 11 (5);
- (d) a determination by the Minister made for the purposes of sub-section 11 (7) or a refusal of the Minister to make a determination for the purposes of that sub-section;
- (e) a decision of the Minister made for the purposes of sub-section 11 (8); or
- (f) a determination by the Minister of an amount of security made for the purposes of section 13.

Appropriation.

**22.** Bounty is payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Regulations.

**23.** 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—

- (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 \$100 for offences against the regulations.

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#### NOTE

1. Act No. 29, 1977; assented to 16 May 1977.