



Bounty and Subsidy Legislation Amendment Act 1988

No. 28 of 1988

**An Act to amend certain Acts providing for the payment of
bounty or subsidy, and for related purposes**

[Assented to 11 May 1988]

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

Short title

1. This Act may be cited as the *Bounty and Subsidy Legislation Amendment Act 1988*.

Commencement

2. (1) Subject to this section, this Act commences on the day on which this Act receives the Royal Assent.

(2) The amendment of the *Bounty (Agricultural Tractors and Equipment) Act 1985* made by section 4 of this Act shall be deemed to have commenced on 15 September 1987.

Bounty and Subsidy Legislation Amendment No. 28, 1988

(3) The amendments of the *Bounty (Books) Act 1986* made by section 4 of this Act and amending the definition of “production run” in subsection 4 (1) of that Act, amending paragraph 5 (1) (p) of that Act, and omitting subsection 14 (3) of that Act and substituting a new subsection shall be deemed to have commenced on 1 January 1987.

(4) The amendment of the *Bounty (Metal Working Machines and Robots) Act 1985* made by section 4 of this Act and inserting a new subsection (1A) after subsection 4 (1) of that Act shall be deemed to have commenced on 1 July 1985.

(5) The amendment of the *Bounty (Ships) Act 1980* made by this Act shall be deemed to have commenced on 6 June 1985.

(6) The amendments of the *Bounty (Textile Yarns) Act 1981* made by section 4 of this Act shall be deemed to have commenced on 5 June 1987.

(7) The amendment of the *Fertilisers Subsidy Act 1986* made by section 4 of this Act and inserting a new section 14A after section 14 of that Act shall be deemed to have commenced on 20 August 1986.

Application

3. The amendments of section 4 of the *Bounty (Books) Act 1986* (other than the amendments of the definitions of “bounty period” and “production run”) and the amendments of section 5 of that Act (other than the amendments of paragraph 5 (1) (p)) that are made by this Act apply only in relation to books the production processes of which are completed after the commencement of those amendments.

Amendments of various bounty and subsidy Acts

4. The Acts specified in Schedule 1 are amended as set out in that Schedule.

Repeal

5. The Acts set out in Schedule 2 are repealed.

SCHEDULE 1

Section 4

AMENDMENT OF VARIOUS BOUNTY AND SUBSIDY ACTS

Bounty (Agricultural Tractors and Equipment) Act 1985

Subsection 4 (1) (definition of “terminating day”):

Omit the definition, substitute the following definition:

“‘terminating day’ means 15 September 1987;”.

Bounty (Books) Act 1986

Subsection 4 (1) (definition of “bounty period”):

Omit “30 June 1989”, substitute “31 December 1993”.

Subsection 4 (1) (definition of “children’s picture book”):

Omit the definition, substitute the following definition:

“‘children’s book’ means a book intended for children, whether with or without pictures, of which the text (if any) is not less than 3 millimetres in height;”.

Subsection 4 (1) (definition of “production process”):

Omit “, but does not include any step taken that relates to the advertising or promotion of the book”.

Subsection 4 (1) (definition of “production run”):

Omit the definition, substitute the following definition:

“‘production run’ means a production of a number of books, each being a book the contents of which are the same as the contents of all of the other books;”.

Paragraph 5 (1) (a):

Omit the paragraph, substitute the following paragraph:

“(a) a book that is a magazine or other periodical that is not casebound and that is issued at regular intervals that do not exceed 6 months;”

Paragraph 5 (1) (k):

Omit “picture”.

Paragraph 5 (1) (m):

Omit “picture”.

Paragraph 5 (1) (p):

Omit “and the bindings of which are identical”.

SCHEDULE 1—continued

Paragraph 5 (1) (t):

Omit the paragraph, substitute the following paragraph:

“(t) a book that is produced or published by or on behalf of an instrumentality or authority of the Commonwealth or of a State, not being a book:

- (i) that is produced or published by or on behalf of an instrumentality or authority that is declared by the Minister, under subsection (8A), to be, or to be and to have been, with effect from a particular day, an instrumentality or authority to which that subsection applies; and
- (ii) that is produced or published on or after that particular day and while that declaration remains in force.

Section 5:

After subsection (1) insert the following subsections:

“(1A) A book some only of the production processes of which are carried out by an instrumentality or authority of the Commonwealth or of a State shall not, by reason only thereof, be taken to be an ineligible book under paragraph (1) (t), but the production processes so carried out by the instrumentality or authority shall be disregarded in determining, for the payment of bounty, the production cost of the book.

“(1B) Nothing in subsection (1A) shall be taken to imply that a book in respect of which some only of the production processes are carried out by an instrumentality or authority of the Commonwealth or of a State may not be an ineligible book by reason that the book is produced on behalf of an instrumentality or authority of the Commonwealth or of a State or is published by or on behalf of such an instrumentality or authority.”.

Paragraph 5 (2):

Omit “picture”.

Paragraph 5 (3):

Omit “picture”.

Section 5:

After subsection (8) insert the following subsections:

“(8A) Where the Minister is satisfied that of the books produced or published, or likely to be produced or published, by or on behalf of a particular instrumentality or authority of the Commonwealth or of a State on or after a particular day all or most are, or will be, available for purchase by the public at a price that is not less than the cost to the instrumentality or authority of all production processes involved in the manufacturing of those books, the Minister may, by notice in writing, a copy of which shall be forwarded to the instrumentality or authority concerned, declare that

SCHEDULE 1—continued

particular instrumentality or authority to be, or to be and to have been, with effect from that day, an instrumentality or authority to which this subsection applies.

“(8B) The Minister shall not declare a particular instrumentality or authority of the Commonwealth or of a State to have been an instrumentality or authority to which subsection (8A) applies with effect from a day occurring more than 12 months before the making of the declaration.

“(8C) The Minister shall not declare a particular instrumentality or authority of the Commonwealth or of a State to be, or to be and to have been, with effect from a particular day, an instrumentality or authority to which subsection (8A) applies if:

- (a) that particular instrumentality or authority is the official printer of the Commonwealth or of a State; or
- (b) of the books produced or published or likely to be produced or published by or on behalf of that particular instrumentality or authority on or after that day, most are or will be books produced or published by the official printer of the Commonwealth or of a State on behalf of that particular instrumentality or authority.”

Section 11:

Repeal the section, substitute the following section:

Rates of bounty

“11. (1) Bounty in respect of a bountiable book is payable at an amount equal to:

- (a) if the book is produced before 1 January 1989—20%;
- (b) if the book is produced on or after 1 January 1989 and before 1 January 1990—18%;
- (c) if the book is produced on or after 1 January 1990 and before 1 January 1991—16%;
- (d) if the book is produced on or after 1 January 1991 and before 1 January 1992—14%; and
- (e) if the book is produced on or after 1 January 1992—13.5%;

of the publisher’s production cost of the book.

“(2) Where the publisher of a book in respect of which bounty is payable under this Act supplied any paper or binding materials free of charge to the manufacturer or a manufacturer of the book for use in the production of the book, bounty in respect of the book ascertained in accordance with subsection (1) shall be increased by an amount equal to:

- (a) if the book is produced before 1 January 1989—16.7%;
- (b) if the book is produced on or after 1 January 1989 and before 1 January 1990—15.3%;

SCHEDULE 1—continued

- (c) if the book is produced on or after 1 January 1990 and before 1 January 1991—13.8%;
 - (d) if the book is produced on or after 1 January 1991 and before 1 January 1992—12.3%; and
 - (e) if the book is produced on or after 1 January 1992—11.9%;
- of the publisher's paper cost in relation to the book.”.

Subsection 14 (2):

Omit “\$200, or such other amount as the Comptroller determines in writing,” substitute “\$500, or, if another amount is prescribed, that other amount.”.

Subsection 14 (3):

Omit the subsection, substitute the following subsection:

“(3) A person shall not make more than one claim for an amount in respect of the bounty on books produced in a particular production run.”.

Subsection 32 (1):

After “*Customs Act 1901*” insert “or to an officer of the Australian Public Service performing duty in the Department”.

Bounty (Metal Working Machines and Robots) Act 1985

Subsection 4 (1) (paragraph (a) of the definition of “manufacturer”):

Omit all the words after “manufacture of the equipment” (last occurring), substitute “was the provision of a production service; or”.

Subsection 4 (1) (paragraph (a) of the definition of “modifier”):

Omit all the words after “modification of the equipment” (last occurring), substitute “was the provision of a production service; or”.

After subsection 4 (1):

Insert the following subsection:

“(1A) For greater certainty, and without, by implication, affecting the application of paragraph (c) of the definition of a ‘variable definition’ in any other respect, the modification of bountiable equipment B is declared to be a kind of process within the meaning of that paragraph.”.

Subsection 28 (9):

Omit the subsection.

Paragraph 40 (1) (m):

Omit “(other than a decision made under subsection 28 (9));”.

SCHEDULE 1—continued

Bounty (Ships) Act 1980

Section 12A:

Repeal the section.

Bounty (Ship Repair) Act 1986

Subsection 4 (1) (paragraph (b) of the definition of “bountiable ship”):

Omit the paragraph, substitute the following paragraph:

“(b) a ship that has been solely engaged in the Australian coastal trade during the period of 12 months preceding the date of the repair contract; or”.

Bounty (Textile Yarns) Act 1981

Section 3AA:

Repeal the section, substitute the following section:

Increased factory cost

“3AA. Where:

- (a) the last condition for the payment of bounty in respect of bountiable yarn (in this section called the ‘eligible yarn’) of a particular kind referred to in a paragraph of the definition of ‘bountiable yarn’ in subsection 2 (1) is satisfied on or after 1 July 1987 and in a qualifying accounting period of a producer of the eligible yarn; and
- (b) in the same qualifying accounting period of that producer, bountiable yarn of the same kind as the eligible yarn, produced by the same producer is sold, or otherwise disposed of, for export from Australia;

the factory cost, whether or not incurred after 1 July 1987, in connection with the process or processes carried out by that producer in the production of the eligible yarn is increased by an amount equal to 30% of the factory cost incurred in connection with the process or processes of producing the bountiable yarn referred to in paragraph (b).”.

Fertilisers Subsidy Act 1986

Sub-subparagraph 9 (3) (b) (ii) (A):

After “production” insert “in Australia”.

Sub-subparagraph 9 (3) (b) (ii) (B):

After “producing” insert “in Australia”.

Sub-subparagraph 9 (3) (b) (iii) (A):

After “production” insert “in Australia”.

SCHEDULE 1—continued

Sub-subparagraph 9 (3) (b) (iii) (B):

After “producing” insert “in Australia”.

After section 14:

Insert the following section:

Availability of subsidy

“14A. (1) Notwithstanding any other provision of this Act, if the Comptroller is of the opinion that the amount available in a financial year for payment of subsidy will be insufficient to meet all valid claims for subsidy payable in that year, the Comptroller may, subject to the regulations:

- (a) defer the making of such payments of subsidy as the Comptroller considers appropriate; and
- (b) make payments of subsidy in such order as the Comptroller considers appropriate.

“(2) Notwithstanding any other provision of this Act, if money is not appropriated by the Parliament for the purpose of the payment of subsidy in a financial year, a person is not entitled to be paid subsidy in that year.”.

Subsidy (Cultivation Machines and Equipment) Act 1986

Paragraph 17 (4) (a):

Omit “subsection (2)”, substitute “subsection (3)”.

Subsection 23 (8):

Omit the subsection.

Paragraph 35 (1) (k):

Omit “(other than a decision made under subsection 23 (8))”.

Subsidy (Grain Harvesters and Equipment) Act 1985

Subsection 23 (9):

Omit the subsection.

Paragraph 35 (1) (k):

Omit “(other than a decision made under subsection 23 (9))”.

SCHEDULE 2

Section 5

Automatic Data Processing Equipment Bounty Act 1977
Automatic Data Processing Equipment Bounty Amendment Act 1984
Automatic Data Processing Equipment Bounty Amendment Act (No. 2)
1984
Agricultural Tractors Bounty Act 1966
Agricultural Tractors Bounty Act 1970
Agricultural Tractors Bounty Act 1972
Agricultural Tractors Bounty Act 1973
Agricultural Tractors Bounty Amendment Act 1977
Bounty (Agricultural Tractors) Amendment Act 1978
Bounty (Agricultural Tractors) Amendment Act 1983
Bounty (Agricultural Tractors) Amendment Act 1984
Bounty (Electric Motors) Act 1984
Bounty (Penicillin) Act 1980
Bounty (Room Air Conditioners) Act 1983
Bounty (Room Air Conditioners) Amendment Act 1983
Bounty (Tractor Cabs) Act 1983
Bounty (Tractor Cabs) Amendment Act 1984
Bounty (Two-Stroke Engines) Act 1984

[*Minister's second reading speech made in—*
House of Representatives on 16 March 1988
Senate on 15 April 1988]