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**Bounty (Computers) Act 1984 (the Act) - Late Lodgement of Return Of Factory Cost (RFC) - Administrative Appeals Tribunal (AAT) Decision**

A decision of the AAT - Unisys Australia Pty Ltd (No 12797 of 15 April 1998) has fundamentally changed the interpretation of sub-section 16 of the *Bounty (Computers) Act 1984*(the Act), in respect of the six months time limit prescribed for the lodgement of Return of Factory Cost (RFCs) - form B 330.

The AAT has found that ss16 imposes a strict time limit on bounty claimants to lodge RFCs within six months of the end of an accounting period.

Sub-section 16(1) states:

"A manufacturer of bountiable equipment shall, within six months after the end of each accounting period of the manufacturer that falls, or part of which falls, within the bounty period, furnish a return setting out particulars of the factory cost incurred by the manufacturer in relation to bountiable equipment manufactured in that accounting period by the manufacturer."

The decision clearly puts an end to Customs long-standing administrative practice of accepting RFCs after expiry of the prescribed six months time limit and continuing to process them.

The AAT's decision means that RFCs lodged more than six months after the close of an accounting period are not valid and any claim to additional computer bounty will have lapsed.

A further impact of the AAT's decision is that the penalty prescribed for late lodgement of an RFC may be imposed, subject to a manufacturer's capability of complying with the time limit.

RFCs already lodged with Customs before 20 May 1998, even though lodged outside the time limit prescribed in ss16(6), will continue to be processed. Customs however, may require manufacturers to explain the reason for late lodgement in assessing whether prescribed penalties are payable.

Inquiries concerning this notice may be directed to the Assistant Director, Industry Development on (02) 6275 5805.

(MARION GRANT)

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FOR CHIEF EXECUTIVE OFFICER CANBERRA ACT

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