

No. 3813

**AUSTRALIA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Trade Agreement. Signed at Canberra, on 26 February
1957**

Official text: English.

Registered by Australia on 16 April 1957.

**AUSTRALIE
et
ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD**

Accord commercial. Signé à Canberra, le 26 février 1957

Texte officiel anglais.

Enregistré par l'Australie le 16 avril 1957.

No. 3813. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA. SIGNED AT CANBERRA, ON 26 FEBRUARY 1957

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom Government) and the Government of the Commonwealth of Australia (hereinafter referred to as the Australian Government), having resolved to replace the Agreement between them signed at Ottawa on 20th August, 1932, except so far as is otherwise provided in this Agreement, have agreed as follows :

In this Agreement —

“ Australian goods ” means goods grown, produced or manufactured in Australia or in the external territories administered by the Australian Government, being goods which are entitled to Imperial Preference on importation into the United Kingdom;

“ United Kingdom goods ” means goods grown, produced or manufactured in the United Kingdom which are admissible into Australia at preferential rates of duty;

“ margin of preference ”—

- (a) as applied to Australian goods, means the difference between the rates of Customs duty charged on Australian goods imported into the United Kingdom and the rates of Customs duty charged on like goods imported into the United Kingdom from any other country which are not entitled to Imperial Preference; and
- (b) as applied to United Kingdom goods, means the difference between the rates of duty under the Australian Customs Tariff charged on United Kingdom goods imported into Australia and the rates of duty charged under the Australian Customs Tariff on like goods imported into Australia from the most favoured country which are not admissible at preferential rates of duty.

Article 1

The United Kingdom Government and the Australian Government reaffirm the principle of maintaining mutually advantageous tariff preferences and declare

¹ Deemed to have come into force on 9 November 1956, in accordance with article 15.

their resolve to facilitate and extend commercial relations between their respective countries.

Article 2

The United Kingdom Government undertake that Australian goods which at the date of this Agreement were free of duties (other than revenue duties) on importation into the United Kingdom shall continue to be free of such duties. This undertaking shall not apply to goods in which there is no active Australian trade interest.

Article 3

The United Kingdom Government undertake to accord to the Australian goods listed in Schedule A¹ margins of preference not lower than those specified in that Schedule.

Article 4

The United Kingdom Government undertake to consult the Australian Government before reducing margins of preference which exceed the margins specified in Schedule A or which are accorded to Australian goods not listed in that Schedule. This undertaking shall not apply to goods in which there is no active Australian trade interest.

Article 5

The provisions of the Agreement between the United Kingdom and Australian Governments signed at Ottawa on 20th August, 1932, are not affected by this Agreement in so far as they relate to the import of meat into the United Kingdom.

Article 6

1. The United Kingdom Government, noting that the traditional share of Australian wheat in the United Kingdom market has declined in consequence of changes in world wheat marketing and the increase in the level of wheat production in the United Kingdom, will consider sympathetically any measures which may be found practicable from time to time, having due regard to their domestic policies and international obligations, to improve the opportunities for the sale of Australian wheat in the United Kingdom.

2. The United Kingdom Government and the Australian Government welcome arrangements for periodical discussions between the representatives of the United Kingdom flour millers and the Australian Wheat Board regarding

¹ See p. 212 of this volume.

sales of Australian wheat. They affirm that it is their desire and expectation that sales on commercial terms of Australian wheat and flour in the United Kingdom will amount to not less than 750,000 tons per annum of wheat, inclusive of the wheat equivalent of Australian flour imported into the United Kingdom each year.

3. The two Governments agree that if in any year the quantity of Australian wheat and flour imported into the United Kingdom should fall short of 750,000 tons (wheat equivalent) or such smaller quantity as may be offered by the Australian Wheat Board on commercial terms, they will consult together at the request of either Government. In the event that such consultation is requested the two Governments will for this purpose establish an inter-Governmental Committee to meet in London to consider the reasons for the shortfall and possible solutions. The two Governments further agree that if such consultations should not lead to an outcome satisfactory to both Governments either Government may call for a renegotiation of the terms of this Agreement.

4. If at any time the United Kingdom Government should impose counter-vailing duties which are agreed between the two Governments to be effective on imports of subsidized wheat, the Australian Government will not invoke the provisions of paragraph 3 of this Article so long as such duties remain effectively in force.

5. Grades of Australian wheat of high protein content, superior to f.a.q. and sold at a premium, imported into the United Kingdom for milling, and Australian wheat imported into the United Kingdom for purposes other than milling, shall be regarded as being outside the scope of this Article.

6. The quantity of Australian wheat referred to in paragraphs 2 and 3 of this Article means the quantity of wheat supplied for milling on the basis of being about equal to the customary official standard established for wheat of Western Australia, South Australia, Victoria or New South Wales, according to the season and the State of origin, or wheat sold on sample to millers.

Article 7

1. The Australian Government undertake, except in respect of goods in which there is no active United Kingdom trade interest or on which no margin of preference was accorded at the date of this Agreement, to accord minimum margins of preference of—

- (a) $7\frac{1}{2}$ per cent. ad valorem on United Kingdom goods specified in Schedule B¹;

¹ See p. 218 of this volume.

(b) $7\frac{1}{2}$ per cent. ad valorem on United Kingdom goods which are subject to rates of duty under the Australian Customs Tariff of 10 per cent. ad valorem or less; and

(c) 10 per cent. ad valorem on all other United Kingdom goods;

except that, on United Kingdom goods on which the margin of preference provided for at the date of this Agreement was lower than that otherwise required under this paragraph, the minimum margin shall be such lower margin of preference.

2. The provisions of paragraph 1 of this Article shall apply to rates of duty and margins of preference expressed in other than ad valorem terms as if they were expressed in ad valorem terms.

3. The Australian Government undertake to consult the United Kingdom Government before reducing any margins of preference which exceed the minimum margins required under paragraph 1 of this Article, except in respect of the goods specified in Schedule B or where such action follows a report by the Australian Tariff Board or where there is no active United Kingdom trade interest.

Article 8

1. Notwithstanding the provisions of Article 7 of this Agreement, the Australian Government may admit goods under by-law items of the Australian Customs Tariff as at the date of this Agreement.

2. Where such action would have the effect of eliminating a margin of preference required under Article 7, the Australian Government will first consult the United Kingdom Government with a view to establishing whether suitably equivalent United Kingdom goods are reasonably available and will take into account any representations which the United Kingdom Government may make on these points. This undertaking shall not limit the right of the Australian Government to determine whether any particular goods shall be admitted under by-law.

Article 9

1. The Australian Government undertake that—

(a) protection by tariffs shall be afforded only to those industries which are reasonably assured of sound opportunities for success;

(b) the Australian Customs Tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that

in the application of such principle special consideration may be given to industries not fully established or to industries essential for defence purposes;

- (c) except as provided in paragraph 2 of this Article, no new protective duty shall be imposed and no existing protective duty shall be increased on United Kingdom goods to an amount in excess of the recommendation of the Australian Tariff Board; and
- (d) United Kingdom producers shall be entitled to full rights of audience before the Australian Tariff Board when it has under consideration matters arising under sub-paragraph (b) of this paragraph.

2. Having regard to the obligations of the Australian Government under the General Agreement on Tariffs and Trade¹ the provisions of sub-paragraph (c) of paragraph 1 of this Article shall not operate so as to prevent the imposition of a most-favoured-nation rate of duty which the Australian Tariff Board recommends as being necessary to protect Australian producers from the competition of most-favoured-nation countries. In such cases the duty on United Kingdom goods shall be fixed at the lowest level consistent with the provisions of the General Agreement on Tariffs and Trade.

Article 10

1. The Australian Government undertake that, on the basis of the reciprocity afforded by the preferential tariff treatment at present accorded to them, they will maintain, in respect of each of the dependent territories for whose international relations the United Kingdom Government are responsible, all existing preferences and preferential rights arising under the Agreement between the United Kingdom Government and the Australian Government signed at Ottawa on 20th August, 1932, or otherwise, until such time as further discussions regarding new reciprocal tariff arrangements between those territories and Australia have been held and concluded, whether by the making of a new Agreement or otherwise.

2. The United Kingdom Government have invited the Governments of the said dependent territories to maintain the preferential tariff treatment at present accorded by them under the Agreement of 20th August, 1932, or otherwise to imports of Australian goods, pending the conclusion of discussions as mentioned in the previous paragraph.

3. Paragraphs 1 and 2 of this Article do not apply in respect of the Federation of Rhodesia and Nyasaland.

¹ See footnote 1, p. 328 of this volume.

Article 11

The provisions of this Agreement do not affect the Agreement between the United Kingdom Government and the Australian Government signed at Ottawa on 20th August, 1932, as in force between the Governments of Ceylon and Australia.

Article 12

The United Kingdom Government and the Australian Government recognize that industries in each country engaged in trade with the other may be materially injured by the competition of dumped or subsidized exports from third countries. They declare their intention to introduce legislation at the earliest possible opportunity which will enable them, consistently with their international obligations, to impose anti-dumping or countervailing duties where such material injury is caused or threatened. They agree, if after consultation it is established that such injury is caused or threatened, to consider taking action consistent with their own legislation and with their international obligations to remedy the injury or prevent the threatened injury.

Article 13

The United Kingdom Government and the Australian Government agree that opportunity will be afforded for full consultation between them in respect of their agricultural production and marketing policies and in respect of the food and feeding stuffs import policy of the United Kingdom Government. In particular, the two Governments will each year exchange statements of agricultural production trends; and each Government will give full weight to the views of the other in the formulation of their agricultural production marketing and import policies.

Article 14

The United Kingdom Government and the Australian Government recognize that there are other matters, such as transport and communications, the disposal of surpluses and restrictive business practices, not otherwise dealt with in this Agreement, which may have a material effect on the level of trade and commerce between the United Kingdom and Australia. The two Governments agree to consult together about any such matters at the request of either.

Article 15

1. This Agreement shall be deemed to have come into force on 9th November, 1956, and, except as provided in Articles 5 and 11 of this Agreement, supersedes the Agreement between the two Governments signed at Ottawa on 20th August, 1932.

2. The operation of this Agreement shall be reviewed from time to time at the request of either Government. The terms of the Agreement may be renegotiated in accordance with the provisions of paragraphe 3 of Article 6 and in any event shall be the subject of negotiation between the two Governments during the fifth year of its operation.

3. Subject to paragraph 2 of this Article, after the expiration of a period of five years from the date on which this Agreement is deemed to have come into force, either Government may terminate this Agreement by giving to the other Government six months' notice.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in duplicate at Canberra this twenty-sixth day of February, One thousand nine hundred and fifty-seven.

For the Government
of the United Kingdom
of Great Britain
and Northern Ireland :
CARRINGTON

For the Government
of the Commonwealth
of Australia :
J. McEWEN

SCHEDULE A

(a) The margins of preference referred to in Article 3 are in the case of sugar and wine the amounts shown in Column 2 of this Schedule. The margins of preference on other goods are the amounts shown in that column except as provided in (b) below.

(b) In the case of goods containing ingredients liable to revenue duties the margin of preference is the amount shown in Column 2 less any such revenue duties at the rates from time to time in force—except that in cases marked* the amounts shown in Column 2 shall not be reduced by the duty on the sugar ingredient.

<i>Class or description of goods</i> 1	<i>Margin of Preference</i> 2
Butter	15s. per cwt.
Cheese :	
(a) Blue-veined	10 per cent. ad valorem
(b) Other	15 per cent. ad valorem
Fresh or raw fruits :	
Apples (excluding apples consigned direct to a registered cider manufacturer for use in making cider)—from 16th April to 15th August	4s. 6d. per cwt.
Pears—from 1st August to 31st January	3s. per cwt.
from 1st February to 31st July	4s. 6d. per cwt.
Oranges—from 1st April to 30th November	3s. 6d. per cwt.
Grapefruit—from 1st April to 30th November	5s. per cwt.
Grapes (other than hothouse) — from 1st February to 30th June	1½ d. per lb.
Fruits preserved in syrup :	
Fruit salad, of the following description :	5s. 6d. per cwt.*
mixtures of fruit (but not including mixed fruit pulp) containing not less than four separate descriptions of fruit, in which each of at least four descriptions constitutes at least 8 per cent., and no one description represents more than 50 per cent., by weight, of all the fruit in the mixture (excluding syrup) except where not less than 80 per cent. by weight of all the fruits in the mixture (excluding syrup) consists of all or any of the following fruits, viz. : peaches, nectarines, pears, apricots, cherries	
Apples	2s. 3d. per cwt.*
Loganberries	4s. per cwt.*
Pineapples	5s. per cwt.*
Peaches	12 per cent. ad valorem*
Pears	12 per cent. ad valorem*
Apricots	12 per cent. ad valorem*

Class or description of goods 1	Margin of Preference 2
Cherries, not stoned :	
(a) preserved by a solution of sulphur dioxide and sugar . . .	10 per cent. ad valorem*
(b) other	15 per cent. ad valorem*
Stoned cherries	10 per cent. ad valorem*
Other fruits, <i>except</i> —	15 per cent. ad valorem*
(i) grapefruit;	
(ii) fruit salad of the following description :	
mixtures of fruit (but not including mixed fruit pulp) containing not less than four separate descriptions of fruit, in which each of at least four descriptions constitutes at least 8 per cent., and no one description represents more than 50 per cent., by weight, of all the fruit in the mixture (excluding syrup), and where not less than 80 per cent. by weight of all the fruit in the mixture (excluding syrup) consists of all or any of the following fruits, viz. : peaches, nectarines, pears, apricots, cherries	
Dried fruits :	
Currants	2s. per cwt.
Figs	6s. per cwt.
Raisins	8s. 6d. per cwt.
Apricots (but not including apricot pulp)	8s. per cwt.
Pineapples	5 per cent. ad valorem
Other dried fruit (except apples, bilberries, pears, peaches, nectarines, prunes and stoned dates)	10 per cent. ad valorem
Eggs in shell—not exceeding 14 lb. in weight per 120	1s. per 120
—over 14 lb. but not exceeding 17 lb. in weight per 120	1s. 6d. per 120
—over 17 lb. in weight per 120	1s. 9d. per 120
Condensed milk, whole, sweetened	5s. per cwt.*
Condensed milk, whole, not sweetened	6s. per cwt.
Milk powder and other preserved milk excluding condensed milk, not sweetened	6s. per cwt.
Honey	3s. 6d. per cwt. or 10 per cent. ad valorem, whichever is the greater, but not more than 5s. per cwt.
Leather :	
(a) Patent leather not forming part of another article	7½ per cent. ad valorem
(b) Other	10 per cent. ad valorem
Tallow	10 per cent. ad valorem
Canned meat (except pigs' tongues) :	
Ground or chopped meat consisting wholly of pork	5 per cent. ad valorem
Other	10 per cent. ad valorem
Zinc, unwrought, in pigs, ingots, blocks, bars, slabs and cakes (but not including alloys of zinc)	30s. per ton or 10 per cent. ad valorem, whichever is the less

Class or description of goods 1	Margin of Preference 2
Lead, unwrought, in pigs, ingots, blocks, bars, slabs and cakes (but not including alloys of lead)	7s. 6d. per ton or 10 per cent. ad valorem, whichever is the less
Barley, in grain	10 per cent. ad valorem
Wheat flour	10 per cent. ad valorem
Macaroni	10 per cent. ad valorem
Dried peas	10 per cent. ad valorem
Dressed poultry	3d. per lb.
Casein	10 per cent. ad valorem
Eucalyptus oil	10 per cent. ad valorem
Meat extracts and essences	10 per cent. ad valorem
Copra	10 per cent. ad valorem
Lactose	3d. per lb.
Sausage casings (prepared animal gut), other than hog casings	10 per cent. ad valorem
Wattle bark	10 per cent. ad valorem
Asbestos, crude	10 per cent. ad valorem
Oats, in grain	3s. per cwt.
Rice, whole, further processed after husking, but not including broken rice or manufactured products of or including rice	6s. per cwt.
Frozen or dried egg (whole or yolk), not in shell	10 per cent. ad valorem
Coconut oil	15 per cent. ad valorem
Millet and sorghums, in grain	10 per cent. ad valorem
Tomato juice, unconcentrated	10 per cent. ad valorem
Jams	10 per cent. ad valorem
Pineapple juice	10 per cent. ad valorem
Sugar— of a polarisation—	
Exceeding 99 degrees	5s. 10d. per cwt.
Exceeding 98 degrees but not exceeding 99 degrees	6s. 10. 8d. per cwt.
Exceeding 97 degrees but not exceeding 98 degrees	3s. 11. 3d. per cwt.
Exceeding 96 degrees but not exceeding 97 degrees	3s. 10. 0d. per cwt.
Exceeding 95 degrees but not exceeding 96 degrees	3s. 8. 8d. per cwt.
Exceeding 94 degrees but not exceeding 95 degrees	3s. 7. 6d. per cwt.
Exceeding 93 degrees but not exceeding 94 degrees	3s. 6. 3d. per cwt.
Exceeding 92 degrees but not exceeding 93 degrees	3s. 5. 1d. per cwt.
Exceeding 91 degrees but not exceeding 92 degrees	3s. 3. 9d. per cwt.
Exceeding 90 degrees but not exceeding 91 degrees	3s. 2. 6d. per cwt.
Exceeding 89 degrees but not exceeding 90 degrees	3s. 1. 4d. per cwt.
Exceeding 88 degrees but not exceeding 89 degrees	3s. 0. 2d. per cwt.
Exceeding 87 degrees but not exceeding 88 degrees	2s. 11. 1d. per cwt.
Exceeding 86 degrees but not exceeding 87 degrees	2s. 10. 1d. per cwt.
Exceeding 85 degrees but not exceeding 86 degrees	2s. 9. 2d. per cwt.
Exceeding 84 degrees but not exceeding 85 degrees	2s. 8. 3d. per cwt.
Exceeding 83 degrees but not exceeding 84 degrees	2s. 7. 3d. per cwt.
Exceeding 82 degrees but not exceeding 83 degrees	2s. 6. 4d. per cwt.
Exceeding 81 degrees but not exceeding 82 degrees	2s. 5. 6d. per cwt.
Exceeding 80 degrees but not exceeding 81 degrees	2s. 4. 8d. per cwt.
Exceeding 79 degrees but not exceeding 80 degrees	2s. 4. 0d. per cwt.
Exceeding 78 degrees but not exceeding 79 degrees	2s. 3. 1d. per cwt.

<i>Class or description of goods</i> 1	<i>Margin of Preference</i> 2
Exceeding 77 degrees but not exceeding 78 degrees	2s. 2. 3d. per cwt.
Exceeding 76 degrees but not exceeding 77 degrees	2s. 1. 5d. per cwt.
Not exceeding 76 degrees	2s. 0 ² / ₃ d. per cwt.
Light wine (wine not exceeding 27 degrees proof spirit)	2s. per gallon
Heavy wine (wine exceeding 27 degrees and not exceeding 42 degrees proof spirit)	The existing margin of 10s. per gallon shall not be reduced without the consent of the Australian Government except, if the United Kingdom Government so desire, in the event of a reduction in the United Kingdom duties on wine of this strength or in so far as it may be necessary to make marginal changes in the duties; and the margin of preference shall not in any event be reduced below 4s. per gallon without the consent of the Australian Government.

SCHEDULE B

Original equipment components for motor vehicles.

Goods covered by By-law Items of the Australian Customs Tariff.

Goods covered by the following items of the Australian *Customs Tariff* 1933-1956 as proposed to be amended by Customs Tariff Proposals No. 8 introduced on 31st October, 1956, viz. :

122 (D) (3)	176 (D) (1)	179 (B) (3)	Ex 303 (A), Hand Tools
136 (F) (3)	176 (F) (3)	179 (B) (4)	360 (A)
137	176 (K) (2) (b)	179 (B) (5)	360 (B)
139 (A)	176 (L)	179 (B) (7)	369 (C)
147	176 (M)	179 (B) (8)	369 (D)
148 (B)	176 (N)	179 (C)	369 (E) (2)
160 (B) (1) (b)	176 (U)	179 (D) (1)	374 (D)
161 (A)	176 (W)	179 (D) (2)	379
161 (C)	176 (X)	181 (A) (1) (a)	388 (B)
162	177 (A)	181 (A) (1) (b) (2)	392 (A) (1)
163 (A)	177 (B) (3) (b)	194	392 (A) (3)
163 (C)	177 (B) (3) (c)	219	392 (G) (1) (b)
168 (A) (1)	178 (F)	231 (A) (2) (b)	392 (G) (2)
168 (A) (2)	178 (I)	234 (A)	393 (C) (2) and
170	178 (J)	237	424 (B) (2)
171 (C)	178 (K)	269 (A)	
174	179 (B) (1) (a) (1)	269 (B)	
176 (A)	179 (B) (1) (b) (1)	271 (B)	
176 (C) (3)	179 (B) (2)	281 (L) (1)	