and CANADA

Trade Agreement (with annexes). Signed at Canberra, on 12 February 1960

Official text: English.

Registered by Australia on 20 July 1960.

et CANADA

Accord commercial (avec annexes). Signé à Canberra, le 12 février 1960

Texte officiel anglais.

Enregistré par l'Australie le 20 juillet 1960.

No. 5253. TRADE AGREEMENT¹ BETWEEN THE GOVERN-MENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF CANADA. SIGNED AT CANBERRA, ON 12 FEBRUARY 1960

The Government of the Commonwealth of Australia (hereinafter referred to as the Australian Government) and the Government of Canada (hereinafter referred to as the Canadian Government), desiring to increase the trade between their respective countries, have agreed as follows:

Article I

- 1. Subject to the provisions of the Customs laws and regulations of Canada, except as otherwise provided in this Agreement, the Canadian Government grants:
 - (a) to goods specified in Schedule A,² being the growth, produce or manufacture of Australia, when imported into Canada:
 - (i) rates of duty no higher than those set forth in Schedule A or the tariff treatment provided for in that Schedule, provided that the rates of duty on such goods shall in no case be higher than the rates chargeable on like goods imported from any other country;
 - (ii) the minimum margins of preference set forth in Schedule A;
 - (b) to all other goods, being the growth, produce or manufacture of Australia, when imported into Canada, the benefits of the British Preferential Tariff.
- 2. The margins of preference specified in Schedule A relate to the differences between the rates of duty applicable to goods, being the growth, produce or manufacture of Australia, and the rates of duty applicable to like goods entitled to entry under the Most-Favoured-Nation Tariff of Canada.

Article II

1. Subject to the provisions of the Customs laws and regulations of the Commonwealth of Australia, except as otherwise provided in this Agreement, the Australian Government grants:

Came into force on 30 June 1960, upon the exchange of the instruments of ratification, in accordance with article IX.
 See p. 98 of this volume.

- (a) to goods specified in Part I¹ of Schedule B, being the growth, produce or manufacture of Canada, when imported into Australia;
 - (i) rates of duty no higher than those set forth in Part I of Schedule B, or the tariff treatment provided for in the Part of the Schedule;
 - (ii) the minimum margins of preference set forth in Part I of Schedule B;
- (b) to all other goods, except those listed in Part II² of Schedule B, being the growth, produce or manufacture of Canada, when imported into Australia, the benefits of the British Preferential Tariff.
- 2. The margins of preference specified in Part I of Schedule B relate to the differences between the rates of duty applicable to goods, being the growth, produce or manufacture of Canada, and the rates of duty applicable to like goods imported from countries entitled to most-favoured-nation tariff treatment in Australia.

Article III

- 1. Notwithstanding the provisions of Articles I and II should either Government, in order to implement a recommendation of its Tariff Board, wish to apply a rate of duty to the goods of the other country in excess of that provided for under the terms of those Articles, it shall enter into consultations with the other Government for the purpose of seeking a mutually satisfactory adjustment.
- 2. It is agreed that consultations as provided for in paragraph 1 of this Article shall commence within a period of thirty days after a request for consultations has been made.
- 3. In any such consultations the initiating Government shall, as far as practicable, offer substantially equivalent concessions in place of the concession which is the subject of the consultation.
- 4. In the event that agreement cannot be reached within a period of ninety days after the commencement of consultations the initiating Government shall nevertheless be free to withdraw the concession.
- 5. If a concession is withdrawn by one Government in accordance with paragraph 4 of this Article, the other Government shall be free to withdraw substantially equivalent concessions.

Article IV

1. The tariff advantages provided for in clause (a) of paragraph 1 of Article I shall apply only to goods imported direct into Canada, except in special cases where goods are shipped from Australia to Canada on a through bill of lading

¹ See p. 104 of this volume.

² See p. 116 of this volume.

and the Australian Government certifies that direct shipment to Canada of such goods is not reasonably practicable.

- 2. Notwithstanding the provisions of the Customs laws and regulations of Canada or the other provisions of this Agreement, dried currants and raisins that are the growth or produce of Australia and that are not imported into Canada in the manner provided for in paragraph 1 of this Article shall be subject to the rates of duty set forth in the Most-Favoured-Nation Tariff of Canada.
- 3. The tariff advantages provided for in paragraph 1 of Article II shall apply only to goods that have been shipped from Canada to Australia and have not been trans-shipped or, if trans-shipped, then only if it is proved to the satisfaction of the Collector of Customs that the intended destination of the goods when originally shipped from Canada was Australia.

Article V

In determining the value for duty of goods the growth, produce or manufacture of Canada or Australia, no greater amount of inland freight charges shall be included in such value for duty than the actual amount of freight charges that would be incurred if the goods were forwarded from the point of origin of such goods to the nearest point of exit from the exporting country.

Article VI

- 1. Australian goods imported into Canada shall not be subject to the provisions of Section 6 of the Customs Tariff of Canada.
- 2. Canadian goods imported into Australia shall not be subject to the provisions of Sections 4 and 5 of the Australian Customs Tariff (Industries Preservation) Act 1921-1957.
- 3. If either Government considers that any product is being imported from the other country under such conditions as to cause material injury to producers of like or directly competitive products in the country of importation, the two Governments shall after notice has been given in writing, consult together to consider measures to prevent further injury.
- 4. If a mutually satisfactory solution does not result within sixty days from the commencement of these consultations the relevant provisions of paragraph 1 or 2 of this Article shall not apply to the product specified in the notice.

Article VII

1. Notwithstanding the provisions of Article II of this Agreement, the Australian Government may admit goods under By-law items of the Australian Customs Tariff.

2. Where the admission of goods under By-law has the effect of eliminating a minimum margin of preference accorded to Canada on goods specified in Part I of Schedule B, the Australian Government will afford the Canadian Government opportunity to consult and will take into account any representations which that Government may make. This undertaking shall not limit the right of the Australian Government to determine whether any particular goods shall be admitted under By-law.

Article VIII

- 1. The Australian Government and the Canadian Government shall consult together, at the request of either, regarding the operation of this Agreement or of any provision thereof.
- 2. The two Governments recognise that matters not otherwise dealt with in this Agreement, including instability in international trade in basic primary products, shipping problems and non-tariff obstacles to trade, such as agricultural protectionism, import restrictions, surplus disposal transactions, other non-commercial trading practices and export subsidies, may have a material effect on their trade. The two Governments shall consult together about any such matters at the request of either.
- 3. The two Governments shall establish the consultative procedures necessary to achieve the purposes of this Article.

Article IX

- 1. This Agreement shall be ratified and shall enter into force on the date of exchange of instruments of ratification.
- 2. On the entry into force of this Agreement the Trade Agreement between the two Governments, signed on 5th June, 1931 in Ottawa and on 8th July, 1931 in Canberra, shall cease to have effect.
- 3. This Agreement shall remain in force for a period of three years from the date of its entry into force and thereafter until six months from the day on which either Government shall have given written notice to the other Government of its intention to terminate the Agreement.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorised for the purpose, have signed the Agreement.

Done in duplicate at Canberra this 12th day of February One thousand nine hundred and sixty.

For the Government of the Commonwealth of Australia:

(Signed) J. McEwen

For the Government of Canada: (Signed) T.W.L. MACDERMOT

SCHEDULE A

Tar iter		Rate of duty or tariff treatment	Margin oj preference
,	7 Meats, fresh, n.o.p.:		
	(a) Beef and veal per pound	3 cts.	
	(c) Lamb and mutton per pound	½ ct.	3 cts.
:	8 Canned corned beef	Free	30 p.c.
	Canned beef, n.o.p	Free	15 p.c.
8	Extracts of meat and fluid beef, not medicated	10 p.c.	15 p.c.
Ex.	Rabbits, frozen	Free	12½ p.c.
	2a Sausage skins or casings, cleaned	Free	
14		Free	17½ p.c.
10		2 cts.	1 ½ cts.
10	Eggs, whole, egg yolk or egg albumen, frozen or otherwise prepared, n.o.p., whether or not sugar or other material be added		,,
	per pound	5 cts.	5 cts.
Ex. 1	· •	British	
		Preferential	
	i	Tariff	<u> </u>
18	8 Butter	British	
		Preferential	
		Tariff	
3:	5 Hops per pound	Free	10 cts.
4:	Powdered milk, the weight of the package to		
	be included in the weight for duty	British	{
		Preferential	1
		Tariff	
6		Free	
9:	2 Fruits, fresh, in their natural state, the weight		ĺ
	of the packages to be included in the weight		
	for duty:		
	(6) Pears (during the months of February,	_	
	March and April)	Free	
	(9) Quinces and nectarines	Free	10 p.c.
9.	, orașe, arter, ar arter arter, arter arter		ĺ
	of the packages to be included in the weight		1
	for duty:		
	(a) Vitis Vinifera species	Free	
	5c Passion fruit (passiflora edulis)	Free	15 p.c.
-	9a Plums or prunes, dried, unpitted	Free	
	9c Raisins per pound	Free	3 cts.
9	Apricots, nectarines, pears and peaches, dried,	F	15
^	desiccated, evaporated or dehydrated	Free	15 p.c. 4 cts.
-	9h Dried currents per pound	Free	4 Cts.
10		Free	
10			j
10	ed, in airtight cans or other air-tight	Free	1 1/ ata
10	packages per pound	Free	1 ½ cts.
	5 Descion fruit muln avvectored		
Ex. 10		1,166	1 –
	·	1.166	

Tariff item		Rate of duty or tariff treatment	Margin of preference
	(1) Apricots per pound	½ ct.	2 cts.
	(3) Peaches per pound	1/4 ct.	2 cts.
	(4) Pears per pound	Free	2 cts.
	(5) Pineapples per pound	Free	2 cts.
	(7) Mixtures containing peaches, pears or	<u> </u>	j
	apricots per pound	1 ct.	1 ct.
	(8) N.o.p per pound	Free	1 ct.
109a	Peanuts, green, in the shell or not further	1	
	processed than shelled	Free	
x. 135	Sugar above No. 16 Dutch standard in colour		i
	when imported or purchased in bond in		
	Canada by a recognized sugar refiner, for	Í	1
	refining purposes only, under regulations by		
	the Minister, when exceeding 98 degrees, but	1	
	not exceeding 99 degrees polarization	1	
	per 100 lb.	31.64 cts.	\$1.15966
152	Fruit juices and fruit syrups, n.o.p., namely:		
	(b) Orange juice	Free	7½ p.c.
	(c) Lemon juice	Free	10 p.c.
	(d) Passion fruit juice	Free	10 p.c.
	(e) Pineapple juice	Free	i
	(i) Fruit syrups, namely: orange, lemon,]
	passionfruit and pineapple	Free	
156	(d) Brandy per proof gallon	\$3.00	\$1.00
x. 164	Wines of the fresh grape of all kinds, not		
	sparkling, containing not less than 34 and		ļ
	not more than 36 p.c. proof spirit per		
	gallon	10 cts.	60 cts.
к. 164	Wines of the fresh grape of all kinds, except		
	sparkling wines, imported in barrels or in		ĺ
	bottles: containing more than 24 but not		
	more than 26 per cent proof spirit per gallon	20 cts.	30 cts.
	containing more than 26 but not more than		
	27 per cent proof spirit per gallon	20 cts.	33 cts.
	containing more than 27 but not more than		
	28 per cent proof spirit per gallon	20 cts.	36 cts.
	containing more than 28 but not more than		
	29 per cent proof spirit per gallon	20 cts.	39 cts.
	containing more than 29 but not more than		
	30 per cent proof spirit per gallon	20 cts.	42 cts.
	containing more than 30 but not more than		
	31 per cent proof spirit per gallon	20 cts.	45 cts.
	containing more than 31 but not more than	_	
	32 per cent proof spirit per gallon	20 cts.	48 cts.
	containing more than 32 but not more than		
	33 per cent proof spirit per gallon	20 cts.	51 cts.
	containing more than 33 but not more than		
	34 per cent proof spirit per gallon	20 cts.	54 cts.
165	Champagne and all other sparkling wines:		
	(a) in bottles containing each not more than	Į.	
	a quart but more than a pint (old wine	ĺ	Ì
	measure) per dozen bottles	\$4.00	
		, *****	1

Tariff item		Rate of duty or tariff treatment	Margin of preference
	(b) in bottles containing not more than a pint each, but more than one-half pint (old wine measure) . per dozen bottles	\$2.00	_
	(c) in bottles containing one-half pint each or less (old wine measure)		
	per dozen bottles	\$1.00	_
	(d) in bottles containing over one quart each (old wine measure) . per gallon	\$2.00	
232c	Gelatine, edible	5 p.c.	17½ p.c.
232d	Casein	12½ p.c.	71/
x. 264 <i>a</i> 295 <i>a</i>	Eucalyptus oil	Free Free	7½ p.c.
x. 506	Zirconium silicate	Free	
 500	other Australian woods	Free	
507 <i>d</i>) x. 507 <i>a</i> \	Veneers, namely: Australian blackwood, walnut, silky oak, silkwood, blackbean, maple, Tasmanian myrtle, and eucalyptus, single ply, not more than five-sixteenths of an		101/
x. 511	inch in thickness	Free	12½ p.c.
549a	Wool, not further prepared than scoured	10 p.c. Free	<u> </u>
x. 599 x. 624a	Sheep skins, raw	Free	
x. 024a	bears	Free	
642	Hatters' furs, not on the skin	Free	
x. 648	Australian opals, not mounted or set	Free	_
x. 711	Catgut, adapted for use in the manufacture of sporting goods	Free	
	Note: Schedule A does not affect "additional duties" which Canada levies on alcoholic beverages as an offset to domestic excise taxes.		

SCHEDULE B PART I

51	<u> </u>	treatment	Margin of preference
	Fish, viz.: (C) Preserved in tins or other air-tight vessels including the weight of liquid contents —		
	(1) Salmon per lb. (2) Crustaceans per lb.	1d. British Preferential	1 ½d.
	(3) Sardines, sild, brisling and similar	Tariff	3d.
	small immature fish per lb.	ld.	ld.
	(4) Other per lb.	British Preferential Tariff	2d.
90	Sausage casings: (A) Hog, natural	Free Free	
136	Iron and steel: Ex. (D) Plate and sheet (plain), viz.: Stainless steel per ton	British Preferential Tariff	70 s.
137	(A) (1) Aluminium viz.: Blocks, cubes, ingots, pigs, scrap and granulated	British Preferential Tariff	
Ex. 139	Brass, Britannia metal, bronze, German silver, gilding metal, nickel silver, phosphor tin, yellow metal, and other non-ferrous alloys n.e.i., viz.: Aluminium alloys	1 21111	71/2%
	(A) Blocks, ingots, pigs	British Preferential Tariff	71/2%
	Note: Aluminium alloys are metal alloys in which aluminium is the metal which predominates by weight and which do not contain more than 10 per cent by weight of nickel or iron.		. , , 2 , 0
168	Machinery, viz.: Ex. (A)(2) Buttonhole punching and sewing machines; darning machines; garment drafting machines; knitting machines n.e.i.; straw envelope-making machines		
	viz.: knitting machine needles	Free	71/2%
169	Machinery, viz.: Ex.(A)(3) Adding and computing machines and all attachments, viz.: book-keeping machines	Free	71/2%

Tariff item		Rate of duty or tariff treatment	Margin of preference
169	(A)(4) Typewriters (including covers)	_	71/2%
169 174	 (B) Cash registers	Free	7½%
176	therefor	Free	71/2%
	hanger blocks	British Preferential Tariff	71/2%
273	Carbide of calcium per lb.	British Preferential Tariff	1¹/₄d.
281 281	 (A) Cyanide of sodium and calcium cyanide . Drugs and chemicals, viz.: (L) N.E.I.: Ex.(1) When not packed for retail sale, viz.: Acetic anhydride, pentaerythritol, styrene monomer, vinyl acetate monomer 	Free British Preferential	
291	Timber, viz.: (F) Timber, undressed, n.e.i., viz.: Redwood (Sequoia Sempervirens) and western red cedar (Thuja Plicata)	Tariff	7½%
	per 100 super feet	_	2s.
	(H) Timber, undressed, n.e.i., viz.: Other per 100 super feet (M) Plywood including plywood veneered with any material:—		ls.
	(1) Not exceeding three-sixteenths of an inch in thickness per 100 square feet or		2s. 10%
	(2) Exceeding three-sixteenths of an inch in thickness but not exceeding seven-eighths of an inch in thickness		2s.
	ness in excess of three-sixteenths of an inch per 100 square feet	_	6d.
	or, alternatively		10% 10%

Tariff item		Rate of duty or tariff treatment	Margin oj preference
	Note: With regard to items 291 (M)(1) and 291 (M)(2), the specific margin shall be applicable to goods subject to specific rates of duty and the ad valorem margin to goods subject to ad valorem rates of duty. (N) Veneers:		
	(1) The value for duty of which does not exceed 44 s. per 100 square feet (2) The value for duty of which exceeds 44 s. per 100 square feet	_	71/2%
328	(A) Goloshes, rubber sand boots and shoes and plimsolls:		2s.8d.
334	(1) Children's	_	7½% 7½%
331	(C) Newsprinting, not glazed mill-glazed or coated, in sheets not less than 20 inches by 25 inches (or its equivalent) or in rolls not less than 10 inches in width per ton	British Preferential Tariff	£4
	(D) (2) Tissue paper toilet tissue paper tissue cap paper toilet tissue cap paper, creped or uncreped, and paper for paper patterns, in sheets or rolls, weight not to exceed 9 lb. for 480 sheets 20 inches by 30 inches: (a) As prescribed by Departmental By-laws per ton	British Preferential Tariff British Preferential	£2
	 (F) Irrespective of size or shape but not ruled or printed in any way, viz.: (2) Printing paper n.e.i. writing and type-writing paper not including duplicating paper, in sheets not less than 21 inches by 16½ inches (or its equivalent) or in rolls not less than 13 inches in width: 	Tariff	£2
	(a) As prescribed by Departmental By-laws per ton	British Preferential Tariff	£4

Tariff item		Rate of duty or tariff treatment	Margin of preference
	(b) The free on board price per ton of which is not less than the price per ton as defined by Departmental By-laws per ton	British Preferential Tariff	£4
	(c) Other per ton	British Preferential Tariff	C4 10-
	(O) (2) Paperhangings or wall papers	British Preferential	£4 10s.
	Ex. (Q) Strawpaper, strawboard other than corrugated, and boards n.e.i., viz.: boards n.e.i.:	Tariff	7 1/2%
	(1) As prescribed by Departmental By-laws per ton	British Preferential Tariff	£4 or 7½ whichever the lower
	(2) The free on board price per ton of which is not less than the price per ton as defined by Departmental		
	By-laws per ton	British Preferential Tariff	£4 or 7½ whichever the lower
	(3) Other per ton	British Preferential Tariff	£5 or 7½ whichever the lower
351 358	 (B) (1) Brake and transmission linings (B) Parts and materials, used in the manufacture or repair of aeroplanes and other aircraft, 		71/2%
	as prescribed by Departmental By-laws .	British Preferential Tariff	71/2%
359	Vehicle Parts, viz.: (D) Vehicle components whether the Tariff otherwise provides or not (excepting when imported separately, lamps covered by item 181(D)(1)(b) and commutators and parts therefor and excepting the following components whether imported separately or otherwise:		
	batteries covered by item 180 (G) (2)		
	cigarette and cigar lighters and parts therefor parts for axle assemblies of the		
	"I" beam type covered by item 359 (G)		

Tariff item		Rate of duty or tariff treatment	Margin of preference
	radio receivers and transmitters and parts therefor sparking plugs covered by item 180 (H) and parts therefor tyres and tubes covered by item 333 for use as original equipment in the assembly or manufacture of vehicles of the types covered by item 360 (D)		
	(1) As prescribed by Departmental By-laws	British Preferential Tariff	7½%
	Departmental By-laws under paragraph (1), as prescribed by Departmental By-laws	British Preferential Tariff British	7½%
	 (E) Vehicle parts for vehicles of the types covered by item 360(D): (2) Other, as prescribed by Departmental By-laws 	Preferential Tariff British	71/2%
	(F) U-bolts; shackle bolts; high tension ignition coils; front and rear lampware for vehicles of the types covered by item 360 (D); warning devices of the types used in vehicles covered by item 360 (D); vehicle parts n.e.i., whether malleable iron castings or not	Preferential Tariff	7½% 7½%
	 (G) Parts for axle assemblies of the "I" beam types, viz.: Axle beams, stub axles and steering arms for operating stub axles, for vehicles of the types covered by item 360(D), whether imported separately or otherwise than when incorporated in goods covered by item 360(D): (2) Other, as prescribed by Departmental By-laws 	British Preferential	
	(3) Other	Tariff	7½%

Tariff item		Rate of duty or tariff treatment	Margin preference
360	(A) Trucks, propelled by self-contained power, designed principally for loading unloading stacking or tiering of goods by means of fork or other attachments to elevating masts, including any of the following equipment or attachments imported with and for use with such trucks, viz., special forks, crane attachment, boom attachment, scoop attachment, roll-over or revolving head attachment, drum carrying attachment, side shifting attachment, squeeze gripping attachment, steady attachment or clamp lift, brick forks, bale carrying attachment, platform attachment, drum handling attachment, coal grab attachment, pusher attachment, case grab attachment, and end or side dumping skip:		
	(1) Of lifting capacities up to and including 10,000 lb. weight (2) Of lifting capacities in excess of	· · · · · · · · · · · · · · · · · · ·	5%
	10,000 lb. weight		5%
	form elevation not exceeding 12 inches (D) Vehicles, n.e.i. with self-contained power, including assembled incomplete vehicles n.e.i. with self-contained power, which the Minister directs shall be deemed to be complete: (1) As prescribed by Departmental		5%
	By-laws	_	7½% 7½%
369	Goods not included under any other heading in the Tariff, viz.: (C) Synthetic resins, not processed, or processed to a lesser extent than the state of blocks films rods sheeting sheets strips tubes or other preformed shapes, and synthetic resin moulding compounds, viz.:		
	(5) Of polyethylene: (a) As prescribed by Departmental By-laws	Free British Preferential Tariff	71/,0/
374 379	(E) Asbestos, crude, viz.: Chrysotile asbestos Felts and wires for paper making machines.	Free Free	7½%

PART II

Goods covered by the following items of the Australian Customs Tariff 1933-1959

57 (A) 58 (B) 110 (A)(5) 157 162 163 (A) 165 167 171 (A) 171 (B) 171 (C) 171 (D) 176 (O) Ex. 177 (C)	Rotary cultivators hoes and tillers, of the types used with	291 C) 291 (I) 291 (J) 291 (K) 291 (L) 292 (B) 292 (C) 292 (F) 293 (B) 294 (A) 294 (B) 303 (C) 328 (B)
Ex. 1// (C)	Rotary cultivators hoes and tillers, of the types used with tractors or rotary cultivators hoes and tillers not exceeding 10 belt pulley horse-power, whether imported separately or otherwise.	333 334 (G)(1) 334 (G)(5) 334 (T)
	• •	359 (I)(2)
178 (B)(2)		365
180 (H)(1)		380 (A)(2)