

No. 6418

**NEW ZEALAND
and
FEDERATION OF MALAYA**

**Trade Agreement (with Schedules and Agreed Minutes).
Signed at Wellington, on 3 February 1961**

Official texts: English and Malay.

Registered by New Zealand on 11 December 1962.

**NOUVELLE-ZÉLANDE
et
FÉDÉRATION DE MALAISIE**

**Accord commercial (avec tableaux et procès-verbal approu-
vé). Signé à Wellington, le 3 février 1961**

Textes officiels anglais et malais.

Enregistré par la Nouvelle-Zélande le 11 décembre 1962.

No. 6418. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE FEDERATION OF MALAYA. SIGNED AT WELLINGTON, ON 3 FEBRUARY 1961

The Government of New Zealand (hereinafter referred to as the New Zealand Government) and the Government of the Federation of Malaya (hereinafter referred to as the Federation Government), having resolved to establish a new trading relationship between their two countries for the purpose of facilitating and extending their commercial relations, have agreed as follows :

Article I

In this Agreement :

“New Zealand goods” means goods which are eligible, under Customs law of the Federation of Malaya, to be imported into the Federation of Malaya as the produce or manufacture of New Zealand.

“Goods of the Federation of Malaya” means goods which are eligible, under New Zealand Customs law, to be imported into New Zealand as the produce or manufacture of the Federation of Malaya.

“Goods of the other country” means New Zealand goods or goods of the Federation of Malaya, as the case may be.

“Natural rubber and latex” means raw natural rubber and latex which has been processed to a sufficient extent as to make it marketable but to a lesser extent than preformed shapes. It may be in the following forms :

- (i) Latex or rubber powder.
- (ii) Stabilised latex.
- (iii) Standard grades of dry rubber as listed in the “Green Book”—Type Descriptions and Packing Specifications for Natural Rubber Grades used in International Trade—i.e. smoked sheet, thin and thick brown crepes, palecrepe, sole crepe, flat bark crepe, blanket crepes.
- (iv) Slabs.

¹ Came into force on 8 June 1961, the date of the exchange of the instruments of ratification at Kuala Lumpur. in accordance with article XV (1).

- (v) Sheets, plates and strips which have not been vulcanised.
- (vi) Solutions and dispersions.
- (vii) Special or modified rubbers, including the following : SP rubber, high modulus rubber, softened rubber, hardened rubber, anticrystallising rubber, deproteinised rubber, copolymers with natural rubber in which rubber predominates, cyclised rubber, partly vulcanised rubber powder, prevulcanised latex.

“Synthetic rubber” means unsaturated synthetic substances, in the forms listed hereunder, which can be irreversibly transformed into non-thermo plastic substances by vulcanisation with sulphur selenium or tellurium and which, when so vulcanised as well as may be (without the addition of any substances such as plasticisers, fillers or reinforcing agents not necessary for the cross linking), can produce non-thermo plastic substances which, at a temperature between 15° and 20° centigrade, will not break on being extended to three times their original length and will return after being extended to twice their original length within a period of two hours to a length not greater than one and a half times the original length :

- (i) Emulsions (latices).
- (ii) Solid forms (powders, granules, cakes).
- (iii) Solutions and dispersions (not being prepared adhesives).
- (iv) Plates, sheets and strip, not compounded or vulcanised.

Article II

The Federation Government undertakes :

- (i) to apply to the New Zealand goods listed in Schedule A¹ rates of duty not higher than those specified in that Schedule ;
- (ii) to accord to the New Zealand goods listed in Schedule B¹ margins of preference not lower than those specified in that Schedule ; and
- (iii) to accord to all other New Zealand goods the benefits of the Preferential Tariff of the Federation of Malaya.

Article III

The New Zealand Government undertakes :

- (i) to apply to the goods of the Federation of Malaya listed in Schedule C² rates of duty not higher than those specified in that Schedule ;

¹ See p. 262 of this volume.

² See p. 264 of this volume.

- (ii) to accord to the goods of the Federation of Malaya listed in Schedule D¹ margins of preference not lower than those specified in that Schedule ; and
- (iii) to accord to all other goods of the Federation of Malaya the benefits of the British Preferential Tariff of New Zealand.

Article IV

With respect to such taxes and other charges relating to the importation or exportation of goods, or to imported or exported goods, as are not covered by Articles II and III respectively of this Agreement, each Government undertakes to accord to goods of the other country, treatment not less favourable than that accorded to like goods of any third country.

Article V

1. No prohibitions or restrictions, whether made effective through quotas, licences or other measures, shall be applied by the Government of either country to goods of the other country unless such prohibitions or restrictions are applied to like goods of all third countries.

2. In all matters relating to the allocation of foreign exchange in connection with the importation of goods, each Government shall accord to the other country treatment not less favourable than that accorded to any third country.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, either Government may take such measures consistent with its international obligations as may be necessary to safeguard its external financial position and balance of payments.

Article VI

Each Government undertakes to inform the other before reducing or eliminating margins of preference which are accorded at the date of entry into force of this Agreement to any goods in which the other country has an active trade interest.

Article VII

The New Zealand Government undertakes that natural rubber and latex shall be accorded tariff and import treatment not less favourable than that accorded to synthetic rubber and synthetic rubber emulsions (latices). This undertaking shall not, however, apply in respect of tariff and import treatment accorded to synthetic rubber imported for uses for which there is no technically acceptable type of natural rubber.

¹ See p. 264 of this volume.

Article VIII

Nothing in this Agreement shall require either Government to extend to goods of the other country any preference which would be inconsistent with the obligations of that Government under the provisions of the General Agreement on Tariffs and Trade.¹

Article IX

The provisions of this Agreement shall not extend to any prohibitions or restrictions which may be imposed by either Government for the protection of public security, public health, or for the prevention of disease in animals or plants.

Article X

The New Zealand Government and the Federation Government recognise that industries in each country engaged in trade with the other country may be materially injured by the competition of dumped or subsidized exports from third countries. They agree, if after consultation it is established that such injury is being 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 XI

Each Government undertakes, in respect of purchases by that Government or on its behalf, to accord to the other country treatment not less favourable than that accorded to any third country.

¹ United Nations, *Treaty Series*, Vol. 55, p. 187; Vols. 56 to 64; Vol. 65, p. 335; Vol. 66, pp. 358 and 350; Vol. 68, p. 286; Vol. 70, p. 306; Vol. 71, p. 328; Vol. 76, p. 282; Vol. 77, p. 367; Vol. 81, pp. 344 to 377; Vol. 90, p. 324; Vol. 92, p. 405; Vol. 104, p. 351; Vol. 107, p. 83; Vol. 117, p. 387; Vol. 123, p. 303; Vol. 131, p. 316; p. Vol. 135, p. 336; Vol. 138, p. 334; Vol. 141, p. 382; Vols. 142 to 146; Vol. 147, p. 159; Vol. 161, p. 365; Vol. 163, p. 375; Vol. 167, p. 265; Vol. 172, p. 340; Vol. 173, p. 395; Vol. 176, p. 3; Vol. 180, p. 299; Vol. 183, p. 351; Vol. 186, p. 314; Vol. 188, p. 366; Vol. 189, p. 360; Vol. 191, p. 364; Vol. 220, p. 154; Vol. 225, p. 258; Vol. 226, p. 342; Vol. 228, p. 366; Vol. 230, p. 430; Vol. 234, p. 310; Vol. 243, p. 314; Vols. 244 to 246; Vol. 247, p. 386; Vol. 248, p. 359; Vol. 250, p. 290; Vol. 253, p. 316; Vol. 256, p. 338; Vol. 257, p. 362; Vol. 258, p. 384; Vol. 261, p. 390; Vol. 265, p. 328; Vol. 271, p. 386; Vol. 274, p. 322; Vol. 277, p. 346; Vol. 278, p. 168; Vol. 280, p. 350; Vol. 281, p. 394; Vol. 283, p. 308; Vol. 285, p. 372; Vol. 287, p. 343; Vol. 300, p. 371; Vol. 306, p. 332; Vol. 309, p. 362; Vol. 317, p. 317; Vol. 320, p. 326; Vol. 321, p. 244; Vol. 324, p. 300; Vol. 328, p. 290; Vol. 330, p. 352; Vol. 338, p. 334; Vol. 344, p. 304; Vol. 346, p. 312; Vol. 347, p. 362; Vol. 349, p. 314; Vol. 350, p. 3; Vol. 351, p. 380; Vol. 355, p. 406; Vol. 358, p. 256; Vol. 362, p. 324; Vol. 363, p. 402; Vol. 367, p. 314; Vol. 373, p. 350; Vol. 376, p. 406; Vol. 377, p. 396; Vol. 381, p. 380; Vol. 382, p. 330; Vol. 386, p. 376; Vol. 387, p. 330; Vol. 388, p. 334; Vol. 390, p. 348; Vol. 398; p. 316; Vol. 402, p. 308; Vol. 405, p. 298; Vol. 411, p. 296; Vol. 419, p. 344; Vol. 421, p. 286; Vol. 424, p. 324; Vol. 425, p. 314; Vol. 429, p. 268; Vol. 431, p. 202; Vol. 435; Vol. 438; Vols. 440 and 441; Vol. 442, p. 302; Vol. 444, and Vol. 445.

Article XII

Each Government undertakes that it will at any time, on written request, consult with the other Government before accepting commodities offered by third countries from government stockpiles or under programmes of surplus disposal or other non-commercial arrangements.

Article XIII

1. The two Governments agree to consult together from time to time at the request of either Government, and in any event at intervals of not more than two years, regarding the operation, application or amendment of this Agreement.

2. The two Governments recognize that there are matters not expressly dealt with in this Agreement which may affect trade and commerce between New Zealand and the Federation of Malaya. They agree to consult together at any time, at the request of either, regarding any such matters.

Article XIV

The provisions of this Agreement shall not apply to the Cook Islands (including Niue), the Tokelau Islands or the Trust Territory of Western Samoa, nor to any advantages which the New Zealand Government accords or may hereafter accord to those territories or to any of them.

Article XV

1. This Agreement shall be subject to ratification by each Government and shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for a period of three years and, unless notice of termination has been given six months before the expiry of that period, shall remain in force thereafter until the expiry of six months from the date on which notice of termination is given by either Government.

2. As from the date of entry into force of this Agreement, it shall supersede and replace any provisions of the Trade Agreement between the United Kingdom and New Zealand Governments signed at Ottawa on 20 August 1932, which may hitherto have been in force in relations between the Federation Government and the New Zealand Government.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Agreement.

DONE at Wellington on this Third day of February 1961 in four originals, two being in the English language, and two in the Malay language. In the event of there being a difference of meaning between the English and the Malay language texts, the English text shall prevail.

For the Government
of New Zealand :

Keith HOLYOAKE
Prime Minister
and Minister of External Affairs
of New Zealand

[L. S.]

For the Government
of the Federation of Malaya :

M. K. JOHARI
Minister of Commerce and Industry
Federation of Malaya

[L. S.]

SCHEDULE A

<i>Federation of Malaya Tariff Item</i>	<i>Description of Goods</i>	<i>Rate of Duty</i>
011 010	Meat of bovine cattle : beef and veal (fresh, chilled or frozen)	free
011 020	Meat of sheep or lamb : mutton and lamb (fresh, chilled or frozen)	free
022 022	Milk powdered, skimmed for human consumption	free
022 023	Milk powdered, skimmed for animal consumption	free
023 012	Butter, fresh, whether salted or not, not in airtight containers	6c p. lb.
024 011	Cheese	7½%
029 093	Milk based infant food	free
411 021	Tallow, animal.	free
641 011	Newsprint in rolls	free

SCHEDULE B

<i>Federation of Malaya Tariff Item</i>	<i>Description of Goods</i>	<i>Margin of Preference</i>
022 021	Milk powdered, full cream	\$4 p. 100 lb.
022 022	Milk powdered, skimmed for human consumption	\$4 p. 100 lb.
022 023	Milk powdered, skimmed for animal consumption	\$4 p. 100 lb.
023 011	Butter, in airtight containers	4 c p. lb.
023 012	Butter, fresh, whether salted or not, not in airtight containers	4 c p. lb.
Ex 053 012	Preserved fruits in airtight containers, viz. : pears, peaches, apricots, and apples	15%
641 011	Newsprint in rolls	10%

SCHEDULE C

<i>New Zealand Tariff Item</i>	<i>Description of Goods</i>	<i>Rate of Duty</i>
39(1)	Pineapples, preserved in juice or syrup	10%
Ex 67(2)	Sago and tapioca	free
Ex 205(1)	Natural rubber (including natural latex, whether or not stabilised)	free
Ex 357(1)	Tin in billets, blooms, ingots, or pigs,	free
Ex 399(a)	Logs, round, unworked, viz. : Keruing, Red Meranti, Balau, Melawis, Punah, Jelutong, Kapur, Kempas, Nyatoh	3%
Ex 404(1) (a)	Timber, rough sawn or rough hewn, viz. : Keruing, Red Meranti, Balau, Melawis, Punah, Jelutong, Kapur, Kempas, Nyatoh	3%

SCHEDULE D

<i>New Zealand Tariff Item</i>	<i>Description of Goods</i>	<i>Margin of Preference</i>
39(1)	Pineapples, preserved in juice or syrup	20%
Ex 67(2)	Sago and tapioca	$\frac{3}{4}$ d. per lb.
Ex 196	Canvas and rubber footwear :	
Ex (1)	Children's sizes 0 to $8\frac{1}{2}$ inclusive	20%
Ex (2)	Children's exceeding size $8\frac{1}{2}$ but not exceeding size 13	20% or $\frac{1}{6}$ per pair whichever rate returns the higher duty
Ex (3)	Other.	25% or $\frac{3}{-}$ per pair whichever rate returns the higher duty

AGREED MINUTES

Article VI

An "active trade interest" will be deemed to exist when there is evidence that commercial transactions in the goods concerned have been taking place between the two countries during the two years immediately before the date at which the tariff change is being considered.

Article XIII

Both delegations expressed the concern of their Governments about the obstacles and uncertainties in international commodity trade which confront primary exporting countries, and the effects of these difficulties upon their economic stability. It was agreed that there is an urgent need to find means of producing a greater degree of stability in the prices of primary products and in particular to reduce the tendency for the

prices of primary products to fall more rapidly and to a greater extent than the prices of manufactured goods. To this end their Governments would give sympathetic consideration to international action designed to improve conditions of international trade in primary products of direct interest to either country.

Keith HOLYOAKE

Prime Minister
and Minister of External Affairs
of New Zealand

M. K. JOHARI

Minister of Commerce and Industry
Federation of Malaya
