

No. 7017

**NEW ZEALAND
and
AUSTRALIA**

**Exchange of letters constituting an agreement regarding
anti-dumping procedures. Wellington, 29 April 1963**

Official text: English.

Registered by New Zealand on 23 December 1963.

**NOUVELLE-ZÉLANDE
et
AUSTRALIE**

**Échange de lettres constituant un accord relatif aux me-
sures antidumping. Wellington, 29 avril 1963**

Texte officiel anglais.

Enregistré par la Nouvelle-Zélande le 23 décembre 1963.

No. 7017. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF AUSTRALIA REGARDING ANTI-DUMPING PROCEDURES. WELLINGTON, 29 APRIL 1963

I

The Honourable N. L. Shelton, Minister of Customs of New Zealand, to Senator the Honourable N. H. D. Henty, Minister for Customs and Excise of the Commonwealth of Australia

OFFICE OF THE MINISTER OF CUSTOMS

Wellington, 29 April 1963

Sir,

I have the honour to refer to the discussions between the Right Honourable John McEwen and the Honourable J. R. Marshall held in Wellington from 9 to 11 April, 1963, in which the understanding was reached that goods imported into Australia from New Zealand or into New Zealand from Australia should not be subject to dumping duties without prior consultation between our two Governments.

Following our further discussions on 29 April, 1963, I now have the honour to propose on behalf of the Government of New Zealand that the understanding should be implemented as follows :

1. Except as provided in sub-paragraph 3 below :
 - A. The Government of New Zealand undertakes that Australian goods imported into New Zealand shall not be subject to the provisions of Section 11, sub-sections (2) (a) and (b), of the Customs Amendment Act 1921.
 - B. The Australian Government undertakes that New Zealand goods imported into Australia shall not be subject to the provisions of Section 7 of the Customs Tariff (Dumping and Subsidies) Act 1961.

2. If either Government considers that any product is being imported from the other country under such conditions as may cause material injury to producers of like or directly competitive products in the country of importation, and gives written notice to the other Government accordingly, the two Govern-

¹ Came into force on 29 April 1963 by the exchange of the said letters.

ments shall thereupon consult together immediately to consider measures to prevent further injury. While consultation proceeds, neither Government shall make direct inquiries concerning the matter in the territory of the other.

3. If the two Governments do not reach a mutually satisfactory solution of the matter within a period of sixty days from the commencement of the foregoing consultations, the Government which gave the notice shall no longer be bound by the provisions of sub-paragraph 1.A or 1.B above (as the case may be) in respect of the product specified in the notice.

4. Without prejudice to the due operation of the above sub-paragraphs, it is understood that the Australian Government may make a reference to its Tariff Board in the matter if a *prima facie* case of dumping into Australia from a third country has been established.

I should be glad if you would confirm that the understandings set out above are acceptable to the Australian Government. In that event I have the honour to suggest that this letter and your reply thereto shall constitute an agreement between our two Governments which shall come into force on the date of your reply, and which shall be regarded as supplementary to the Trade Agreement concluded on 5 September 1933 (as amended to date).

I have the honour to be, Sir,

Your obedient servant

N. L. SHELTON

II

Senator the Honourable N. H. D. Henty, Minister for Customs and Excise of the Commonwealth of Australia, to the Honourable N. L. Shelton, Minister of Customs of New Zealand

OFFICE OF THE HIGH COMMISSIONER
FOR THE COMMONWEALTH OF AUSTRALIA

Wellington, 29 April 1963

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which reads as follows :

[*See letter I*]

I have the honour to confirm that the understandings set out above are acceptable to the Australian Government. It is accordingly agreed that your

letter and this reply thereto shall constitute an agreement between our two Governments which shall come into force on today's date, and which shall be regarded as supplementary to the Trade Agreement concluded on 5 September 1933 (as amended to date).

I have the honour to be, Sir,

Your obedient servant,

Denham HENTY