

No. 23078

**AUSTRALIA
and
NEW ZEALAND**

Exchange of letters constituting an agreement amending the Trade Agreement between the Commonwealth of Australia and the Dominion of New Zealand of 5 September 1933. Canberra, 30 September 1952

Exchange of letters constituting an agreement amending the Trade Agreement between the Commonwealth of Australia and the Dominion of New Zealand of 5 September 1933, as amended. Canberra, 27 April 1970

Termination (*Note by the Secretariat*)

Authentic texts: English.

Registered by Australia on 18 September 1984.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NEW ZEALAND AMENDING THE TRADE AGREEMENT BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE DOMINION OF NEW ZEALAND OF 5 SEPTEMBER 1933²

I

OFFICE OF THE HIGH COMMISSIONER FOR NEW ZEALAND
CANBERRA

30 September 1952

6/E/1/3

Sir,

I have the honour to refer to the proposals which have been under consideration by our respective Governments following upon suggestions put forward on behalf of the Government of the Commonwealth of Australia for amendment of Article X of the Trade Agreement between the Commonwealth of Australia and New Zealand concluded on 5 September, 1933.²

The proposal is that Article X should be amended by adding thereto the following paragraph:

“(3) In relation to goods which do not fulfil the requirements of paragraphs (1) or (2) above and which have been partially produced or partially manufactured in Australia and imported into New Zealand therefrom or which have been partially produced or partially manufactured in New Zealand and imported into Australia therefrom, the expenditure in material produced or manufactured in Australia, New Zealand and the United Kingdom and/or labour performed in Australia, New Zealand and the United Kingdom in each and every article shall not be less than seventy-five per centum of the factory or works cost of such article in its finished state.”

It is also proposed that the following interpretation of that paragraph should be adopted regarding materials imported from the United Kingdom into Australia or New Zealand and admitted under the preference regulations of the importing country as being wholly produced or wholly manufactured in the United Kingdom:

“Where material which is used in the manufacture of goods in Australia or New Zealand is regarded on importation into Australia or New Zealand, under the preference provisions of the country concerned, as being wholly produced or wholly manufactured in the United Kingdom, the value of such material shall be regarded by New Zealand or Australia, as the case may be, as expenditure in material produced or manufactured in the United Kingdom for the purpose of calculating the seventy-five per centum Australian, New Zealand and United Kingdom content referred to in the proposed Article X (3).”

¹ Came into force on 30 September 1952 by the exchange of the said letters.

² See p. 281 of this volume.

My Government is agreeable to these proposals subject however to the understanding that, as the operation of import control in New Zealand and other conditions affecting imports render it impossible at this stage to make a reliable estimate of the effect of such an amendment, it will be necessary for the New Zealand Government to keep the position under review in case action to protect local industries should be required. The Australian Government would, however, be consulted before any such action was taken.

It shall be understood also that, if your Government should at any time consider that the effect of the amendment required action to protect Australian industries, my Government would be consulted before any such action was taken.

I should be glad if you would advise me whether these proposals are acceptable to the Government of the Commonwealth of Australia on the above understandings. In such event, I suggest that this letter and your reply to that effect be regarded as constituting an agreement to amend Article X accordingly.

I have the honour to be, Sir, your obedient servant,

[Signed]

LISLE ALDERTON

High Commissioner for New Zealand

Rt. Hon. R. G. Casey, C. H.
Minister for External Affairs
Canberra

II

30th September, 1952

Sir,

I have the honour to acknowledge receipt of your letter of 30th September, 1952 which reads as follows:

[See letter I]

I have the honour to inform you that the proposals as set out in the above-mentioned letter are acceptable to the Government of the Commonwealth of Australia on the understandings referred to.

My Government therefore regards your letter and this reply as constituting an Agreement to amend Article X accordingly.

I have the honour to be, Sir, your obedient servant,

R. G. CASEY

His Excellency G. E. L. Alderton, Esq.
High Commissioner for New Zealand in Australia
Canberra

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NEW ZEALAND AMENDING THE TRADE AGREEMENT BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE DOMINION OF NEW ZEALAND OF 5 SEPTEMBER 1933,² AS AMENDED³

I

MINISTER FOR EXTERNAL AFFAIRS
CANBERRA

27 April 1970

My dear High Commissioner,

With reference to the recent discussions between representatives of our two Governments concerning the revision of paragraphs 1 and 2 of Article IV of the Trade Agreement between the Commonwealth of Australia and New Zealand of 5 September 1933² (as subsequently amended), I have the honour to propose that Article IV be amended to read as follows:

“Article IV. (1) With respect to goods of the kinds or classes enumerated in schedule A hereto, and being the produce or manufacture of New Zealand, the Government of Australia shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering Australia from New Zealand, except in either such case by mutual agreement or until after thirty days’ notice to the Government of New Zealand.

(2) With respect to the goods of the kinds or classes enumerated in schedule B hereto, and being the produce or manufacture of Australia, the Government of New Zealand shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering New Zealand from Australia, except in either such case by mutual agreement or until after thirty days’ notice to the Government of Australia.”

If this proposal is acceptable to your Government, I propose that this letter and your reply shall be regarded as constituting an agreement between our two Governments to amend the Trade Agreement accordingly, with effect from the date of your reply.

Yours sincerely,

[Signed]

WILLIAM MCMAHON

His Excellency Mr. Luke Hazlett
High Commissioner for New Zealand
Canberra

¹ Came into force on 27 April 1970, the date of the letter in reply, in accordance with the provisions of the said letters.

² See p. 281 of this volume.

³ See p. 100 of this volume.

II

NEW ZEALAND HIGH COMMISSION
CANBERRA CITY, AUSTRALIA

27 April 1970

My dear Minister,

I acknowledge receipt of your letter of today's date, proposing that the Trade Agreement between the Commonwealth of Australia and New Zealand of 5 September 1933 (as subsequently amended) be further amended, in paragraphs 1 and 2 of Article IV, to read as follows:

[See letter I]

I am glad to confirm that this proposal is acceptable to my Government and that your letter and this reply shall be regarded as constituting an agreement between our two Governments to amend the Trade Agreement of 1933 (as subsequently amended), with effect from the date of this reply.

Yours sincerely,

[Signed]

LUKE HAZLETT
High Commissioner

The Right Honourable W. McMahon, M.P.
Minister for External Affairs of Australia
Canberra

TERMINATION (*Note by the Secretariat*)

The Government of Australia registered on 11 August 1983 the Australia New Zealand Closer Economic Relations Trade Agreement signed at Canberra on 28 March 1983.¹

The said Agreement, which came into force on 28 March 1983 by signature, with effect from 1 January 1983, in accordance with its article 26, provides, in its article 19(*b*) and (*d*), for the termination of the two Agreements of 30 September 1952² and 27 April 1970³ between the Government of Australia and the Government of New Zealand amending the Trade Agreement between the Commonwealth of Australia and the Dominion of New Zealand of 5 September 1933.⁴ The said termination took effect upon entry into force of the Agreement of 28 March 1983.

(18 September 1984)

¹ United Nations, *Treaty Series*, vol. 1329, No. I-22307.

² See p. 100 of this volume.

³ See p. 102 of this volume.

⁴ See p. 281 of this volume.