

II

Treaties and international agreements

filed and recorded

from 25 August 1984 to 18 September 1984

No. 927

Traités et accords internationaux

classés et inscrits au répertoire

du 25 août 1984 au 18 septembre 1984

N° 927

No. 927

AUSTRALIA
and
NEW ZEALAND

Trade Agreement (with schedules). Signed at Canberra and Wellington on 5 September 1933

Termination (*Note by the Secretariat*)

Authentic text: English.

Filed and recorded at the request of Australia on 18 September 1984.

AUSTRALIE
et
NOUVELLE-ZÉLANDE

Accord commercial (avec listes). Signé à Canberra et à Wellington le 5 septembre 1933

Abrogation (*Note du Secrétariat*)

Texte authentique : anglais.

Classé et inscrit au répertoire à la demande de l'Australie le 18 septembre 1984.

TRADE AGREEMENT¹ BETWEEN THE COMMONWEALTH OF AUSTRALIA AND THE DOMINION OF NEW ZEALAND

His Majesty's Government in the Commonwealth of Australia and His Majesty's Government in the Dominion of New Zealand, being desirous of improving and extending the commercial relations existing between Australia and New Zealand, and affirming the principle of granting tariff preferences the one to the other on goods of their produce or manufacture for their mutual advantage, have agreed upon the following Articles:

Article I. (1) The terms "British Preferential Tariff" and "General Tariff" as used in this Agreement and the Schedules hereto shall in relation to any goods be deemed to mean the British Preferential Tariff and the General Tariff of Australia or of New Zealand in force on the date on which such goods are entered for home consumption in Australia or New Zealand, as the case may be.

(2) The items in Schedule A or Schedule B hereto shall, where taken from the Tariff of Australia or New Zealand, be interpreted in the same way as they would be interpreted in the Tariff from which they are taken.

Article II. (1) Subject to the provisions of the Customs Tariff of Australia, and except as hereinafter in this Agreement provided, Australia grants:

- (a) To goods of the kinds or classes enumerated in Schedule A hereto, being the produce or manufacture of New Zealand, when imported into Australia, the tariff rates indicated in the said Schedule A;
- (b) To all other goods being the produce or manufacture of New Zealand, when imported into Australia, the benefits of the British Preferential Tariff.

(2) The tariff advantages conceded by Clause (1) of this Article shall apply only to goods which have been shipped from New Zealand to Australia and have not been transhipped, or, if transhipped, 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 New Zealand was Australia.

Article III. (1) Subject to the provisions of the Customs Tariff of New Zealand, and except as hereinafter in this Agreement provided, New Zealand grants:

- (a) To goods of the kinds or classes enumerated in Schedule B hereto, being the produce or manufacture of Australia, when imported into New Zealand, the tariff rates and provisions indicated in the said Schedule B;
- (b) To all other goods being the produce or manufacture of Australia, when imported into New Zealand, the benefits of the British Preferential Tariff.

(2) The tariff advantages conceded by Clause (1) of this Article shall apply only to goods which after shipment from Australia have not entered into the commerce of or been subjected to any process of manufacture in any country the produce or manufactures of which are not entitled to be entered for duty under the British Preferential Tariff.

¹ Came into force on 1 December 1933, the date agreed upon by the Parties following its approval in conformity with the constitutional requirements, in accordance with article XV. See also p. 98 of this volume for two exchanges of notes amending this Agreement.

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 six calendar months' 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 six calendar months' notice to the Government of Australia.

Article V. Nothing in this Agreement shall be construed to affect the right of Australia or of New Zealand to impose new duties upon any goods for the protection of any new industry established or proposed to be established in Australia or New Zealand as the case may be; provided that such new duties do not exceed the duties for the time being in force with respect to similar goods imported from the United Kingdom into Australia or New Zealand as the case may be.

Article VI. Nothing in this Agreement shall be construed to affect the right of Australia or New Zealand to collect or impose dumping duties or analogous special duties to meet abnormal trading conditions.

Article VII. (1) Goods, the produce or manufacture of New Zealand, shall on importation into Australia be exempt from primage duty.

(2) Goods, the produce or manufacture of Australia, shall on importation into New Zealand be liable to the primage duty for the time being in force in New Zealand, provided only:

- (a) That such duty does not exceed the primage duty chargeable on similar goods, the produce or manufacture of the United Kingdom; and
- (b) That New Zealand undertakes to abolish such duty insofar as it relates to goods being the produce or manufacture of Australia as soon as financial conditions permit.

Article VIII. (1) Goods imported into Australia and thereafter shipped to New Zealand, which if they had been imported direct from the country of origin to New Zealand would have been entitled to be entered under the British Preferential Tariff in New Zealand, shall, upon production of a certificate from the Customs Department of Australia stating the country of origin of the goods and such other information as is required, be entitled to be entered under the British Preferential Tariff in New Zealand.

(2) Goods imported into New Zealand, and thereafter shipped to Australia, which if they had been imported direct from the country of origin to Australia would have been entitled to be entered under the British Preferential Tariff in Australia, shall, upon production of a certificate from the Customs Department of New Zealand stating the country of origin of the goods and such other information as is required, be entitled to be entered under the British Preferential Tariff in Australia.

Article IX. (1) Where with respect to any specific class of goods not enumerated in Schedule B to this Agreement and imported into New Zealand the rate of duty thereon under the New Zealand British Preferential Tariff is less than the rate of duty under the Australian British Preferential Tariff the following provisions shall apply:

- (a) His Majesty's Government in New Zealand may request His Majesty's Government in Australia to admit into Australia goods of such class being the produce or manu-

facture of New Zealand at the rate of duty chargeable on goods of that class under the New Zealand British Preferential Tariff.

- (b) If within three calendar months after the receipt of such request His Majesty's Government in Australia does not comply therewith His Majesty's Government in New Zealand may, without further notice, impose on goods of such class being the produce or manufacture of Australia a rate of duty not greater than the rate of duty for the time being in force in Australia on the like goods under the Australian British Preferential Tariff.

(2) Where with respect to any specific class of goods not enumerated in Schedule A to this Agreement and imported into Australia the rate of duty thereon under the Australian British Preferential Tariff is less than the rate of duty under the New Zealand British Preferential Tariff the following provisions shall apply:

- (a) His Majesty's Government in Australia may request His Majesty's Government in New Zealand to admit into New Zealand goods of such class being the produce or manufacture of Australia at the rate of duty chargeable on goods of that class under the Australian British Preferential Tariff.
- (b) If within three calendar months after the receipt of such request His Majesty's Government in New Zealand does not comply therewith His Majesty's Government in Australia may, without further notice, impose on goods of such class being the produce or manufacture of New Zealand a rate of duty not greater than the rate of duty for the time being in force in New Zealand on the like goods under the New Zealand British Preferential Tariff.

Article X. For the purposes of this Agreement, goods shall be deemed to be the produce or manufacture of Australia or of New Zealand, as the case may be, if conforming with the laws or regulations in force in the country of importation which apply to such goods when imported under its British Preferential Tariff except that:

- (1) In relation to goods imported into New Zealand which have been partially produced or partially manufactured in Australia the expenditure in material produced in Australia and/or labour performed within Australia in each and every article shall not be less than one-half of the factory or works cost of such article in its finished state.
- (2) In relation to goods imported into Australia from New Zealand paragraph (b) of sub-section 1 of Section 151A of the Customs Act 1901-1930 shall be read as if fifty per centum were substituted for seventy-five per centum.

Article XI. (1) If in Australia goods of any class or kind the produce or manufacture of Australia are exempt from sales tax, goods of that class or kind the produce or manufacture of New Zealand shall, if imported into or sold in Australia, be exempt from sales tax.

(2) If in New Zealand goods of any class or kind the produce or manufacture of New Zealand are exempt from sales tax goods of that class or kind the produce or manufacture of Australia shall, if imported into or sold in New Zealand, be exempt from sales tax.

Article XII. No special rebate or bounty shall be granted by Australia or any State Government or any officially constituted body in Australia or by the Government of New Zealand or any officially constituted body in New Zealand in respect of the sugar contained in any goods exported from Australia or New Zealand as the case may be to New Zealand or Australia, if the result of such rebate or bounty would in effect be to reduce the price of refined sugar below the import parity of similar types of sugar (such import

parity to include the amount of import duty on refined sugar for the time being levied in New Zealand).

Article XIII. (1) Nothing in this Agreement shall apply to goods being the produce or manufacture of Norfolk Island imported into New Zealand or to goods being the produce or manufacture of New Zealand imported into Norfolk Island.

(2) Nothing in this Agreement shall apply to goods being the produce or manufacture of the Cook Islands imported into Australia or to goods being the produce or manufacture of Australia imported into the Cook Islands.

(3) Cocoa beans the produce of Western Samoa imported into Australia shall not be subjected to any higher duties of Customs than those paid on cocoa beans the produce of any British non-self-governing Colony or Protectorate or of any Territory governed under British mandate.

Article XIV. (1) Publicity films (either positives or negatives) produced by or for the Government of the Commonwealth of Australia or produced by or for the Government of any State of the Commonwealth of Australia shall be admitted free of duty into New Zealand.

(2) Publicity films (either positives or negatives) produced by or for the Government of New Zealand shall be admitted free of duty into Australia.

(3) The exemption from duty stipulated in paragraphs (1) and (2) of this Article shall have effect, irrespective of the ownership of the films at the time of importation or whether or not they are to be exhibited through public theatres, provided that a certificate is given by a Department of State in the country in which the films were manufactured that such films were produced by or for the Government of that country for publicity purposes.

Article XV. This Agreement shall be subject to the approval of the Parliaments of Australia and New Zealand. Upon approval being given it shall be brought into force upon a date to be agreed upon between the Governments of Australia and New Zealand and shall remain in force until the expiration of six months from the date on which either Government shall have given to the other notice in writing of its intention to terminate the Agreement.

Article XVI. On this Agreement being brought into force as herein provided, the Agreement made between the Commonwealth of Australia and the Dominion of New Zealand on the eleventh day of April, one thousand nine hundred and twenty-two, shall cease to have effect.

DATED this fifth day of September one thousand nine hundred and thirty-three.

Signed on behalf of His Majesty's Government in the Commonwealth of Australia:

[Signed — Signé]¹

[Signed — Signé]²

Signed on behalf of His Majesty's Government in the Dominion of New Zealand:

[Signed — Signé]³

[Signed — Signé]⁴

SCHEDULE A⁵

SCHEDULE B⁵

¹ Signed by J. A. Lyons — Signé par J. A. Lyons.

² Signed by Thomas W. White — Signé par Thomas W. White.

³ Signed by J. G. Coates — Signé par J. G. Coates.

⁴ Signed by E. A. Ransom — Signé par E. A. Ransom.

⁵ Not reproduced, pursuant to the provisions of article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolution 33/141 of 19 December 1978.

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 (a) for the termination of the above-mentioned Agreement of 5 September 1933.

(18 September 1984)

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