

THE SCHEDULE—*continued*.Items—*continued*.

359 (a) (5),	376 (c),	397 (b),
359 (a) (6) (a)—Up to	376 (d),	397 (c),
and including 3rd	376 (f),	397 (f),
November, 1933,	376 (g),	398,
359 (a) (7)—Up to	380 (a) (1),	402,
and including 3rd	381 (b),	410 (b) (3),
November, 1933,	381 (c),	410 (d),
359 (a) (8)—Up to	381 (e),	411,
and including 3rd	384 (a),	419 (b),
November, 1933,	385,	419 (d),
380,	386,	420,
383,	388 (b),	422 (a),
364,	390 (a),	424 (a),
365 (A),	391,	424 (b) (1),
365 (B),	392 (a) (4),	424 (d),
365 (c),	392 (c),	425,
365 (d),	392 (d),	426 (b),
374 (B),	392 (e),	427 (c),
374 (c),	392 (f) (1),	428,
374 (d) (1),	393 (a),	429,
374 (d) (3),	393 (d),	430,
375 (B),	394 (b),	431,
375 (c),	394 (c),	432 (a),
376 (A),	394 (d),	432 (b), and
376 (B),	397 (a),	433; and

Any other goods which are from time to time, by Proclamation made by the Governor-General acting with the advice of the Federal Executive Council and published in the *Gazette*, added to the list of goods upon which primage duty at the rate of five per centum is imposed; and

4. Goods subject to primage duty at the rate of ten per centum ad valorem—

All goods whatsoever, which are not, in pursuance of the foregoing provisions of this Act—

- (i) exempt from primage duty;
- (ii) subject to primage duty at the rate of four per centum ad valorem; or
- (iii) subject to primage duty at the rate of five per centum ad valorem.

For the purposes of determining the rate of duty applicable under this Act to any goods to which Items 168 (b) (1), 179 (b) (6), 179 (e), 332 (b) or 375 (E) apply, the goods shall be deemed to be covered by the item which determines, for the purposes of the *Customs Tariffs* 1933, the rate of duty on those goods.

CUSTOMS.

No. 7 of 1934.

An Act to amend the *Customs Act* 1901-1930.

[Assented to 24th July, 1934.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Customs Act* 1934.

(2.) The *Customs Act* 1901–1930* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Customs Act* 1901–1934.

Entry of goods. 2. Section thirty-seven of the Principal Act is amended by adding at the end thereof the words “and on the delivery of the entry the goods specified therein shall, for the purposes of this Act, be deemed to be entered”.

Collector to pass entries. 3. Section thirty-nine of the Principal Act is amended by omitting the words “and on the passing of the entry the goods shall be deemed to be entered.”.

Prohibited imports. 4. Section fifty-two of the Principal Act is amended—
 (a) by omitting paragraph (a) and inserting in its stead the following paragraph:—
 “(a) Copies made out of the Commonwealth of any work in which copyright subsists which, if made in the Commonwealth, would infringe copyright, and as to which the owner of the copyright has, by himself or his agent, given to the Comptroller evidence of the existence of the copyright and of his ownership thereof and a notice in writing stating that he is desirous that such copies should not be imported into the Commonwealth.”; and
 (b) by omitting from paragraph (g) of that section the word “proclamation” and inserting in its stead the word “regulation”.

List of copyright works to be exposed at principal ports. 5. Section fifty-seven of the Principal Act is amended—
 (a) by omitting the word “printed”;
 (b) by omitting the words “which the proprietor” and inserting in their stead the words “the importation of copies of which the owner”; and
 (c) by omitting the words “that such copyright exists stating in such notice when such copyright expires” and inserting in their stead the words “of this Act”.

Ship to bring to on being signalled. 6. Section fifty-nine of the Principal Act is amended by omitting the words “one league” (wherever occurring) and inserting in their stead the words “three nautical miles”.

Complete entry of goods after sight entry. 7. Section seventy-one of the Principal Act is amended by inserting in sub-section (1.), after the word “entry” (second occurring), the words “, or within such further period as the Collector allows”.

Breaking bulk. 8. Section seventy-three of the Principal Act is amended by omitting the words “one league” and inserting in their stead the words “three nautical miles”.

Act No. 6 of 1901, as amended by No. 36, 1910; No. 19, 1914; No. 10, 1916; No. 41, 1920; No. 19, 1922; No. 12, 1923; No. 22, 1925; and No. 6, 1930.

9. Section one hundred and twelve of the Principal Act is amended—

Power to prohibit the export of goods.

- (a) by omitting from sub-section (1.) the words “by proclamation” and inserting in their stead the words “by regulation”; and
- (b) by omitting from sub-section (3.) the words “paragraph (b) and”.

10. Section one hundred and twelve A of the Principal Act is amended—

Inter-state conveyance of prohibited exports.

- (a) by omitting the words “A proclamation” and inserting in their stead the words “Any regulation or proclamation”; and
- (b) by inserting, before the word “proclamation” (second occurring), the words “regulation or”.

11. After section one hundred and thirty-one of the Principal Act the following section is inserted :—

“131A. Fish and other goods the produce of the sea which are caught or gathered by a vessel which—

Fish caught by Australian vessel not subject to duty or Customs control.

- (a) is registered in Australia, and
- (b) was fitted out for the voyage during which those fish or goods were caught or gathered at a port or place in Australia,

shall not, when brought into Australia by that vessel, or by a tender (which is registered in Australia) of that vessel, be liable to any duty of Customs, or be subject to the control of the Customs.”.

12. Section one hundred and forty of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

Duty on parts.

“(2.) When the duty on the complete goods is specific only or either specific or *ad valorem*, according to whichever returns the higher duty, or both specific and *ad valorem*, the Minister may fix the proportion of the specific rate that shall be applied in determining the amount of duty payable on any part of such goods.”.

13. Section one hundred and fifty-one A of the Principal Act is repealed and the following section inserted in its stead :—

“151A.—(1.) For the purposes of any Customs Tariff, whether passed before or after the commencement of this section, the following goods shall, subject to this section, be deemed to be the produce or manufacture of the United Kingdom :—

Conditions relating to application of Preferential Tariff.

- (a) Goods which are wholly produced or wholly manufactured in the United Kingdom from materials in one or more of the following classes :—
 - (i) Materials wholly produced or wholly manufactured in the United Kingdom or in Australia ;
 - (ii) Imported unmanufactured raw materials ;
 - (iii) Imported manufactured raw materials as determined by the Minister ;

- (b) Goods of the factory or works cost of which not less than seventy-five per centum is represented—
- (i) by labour or material of the United Kingdom; or
 - (ii) by labour or material of the United Kingdom and labour or material of Australia;
- (c) Goods of a class or kind not commercially produced or manufactured in Australia and of the factory or works cost of which not less than twenty-five per centum is represented—
- (i) by labour or material of the United Kingdom; or
 - (ii) by labour or material of the United Kingdom and labour or material of Australia.

“(2.) Where in relation to any class or kind of goods to which paragraph (c) of the last preceding sub-section applies the Minister is satisfied that it is desirable that fifty per centum should be substituted for the percentage specified in that paragraph, the Minister may so determine and thereupon that paragraph shall apply to that class or kind of goods as if fifty per centum were so substituted accordingly.

“(3.) No goods shall be deemed to be the produce or manufacture of the United Kingdom unless the final process of their production or manufacture was performed in the United Kingdom.

“(4.) The provisions of this section shall apply *mutatis mutandis* in relation to goods imported from any country with which the Commonwealth has a preferential Tariff Agreement in like manner as they apply in relation to goods imported from the United Kingdom.

“(5.) For the purposes of the last four preceding sub-sections the Minister may, from time to time, determine—

- (a) what shall be deemed to be manufactured raw materials;
- (b) the method of determining factory or works cost and the value of labour or material; and
- (c) whether any goods are of a class or kind not commercially produced or manufactured in Australia.

“(6.) Any determination of the Minister in pursuance of sub-section (2.) or (5.) of this section shall be notified in the *Gazette*.

“(7.) In this section ‘unmanufactured raw materials’ means natural and primary products which have not been subjected to any industrial processes except the ordinary processes of primary production, as, for example, animals (including parts obtained in the killing thereof, for instance, bones, hides and skins, raw or sun dried), minerals in their natural state, ores, plants (including parts of plants as, for example, barks, fruits, nuts, grain or seeds, in their natural state), unwrought logs, crude petroleum, greasy wool, raw cotton and other natural and primary products.

"(8.) Where, in the application of this section, any question arises—

(a) as to whether a material is an unmanufactured raw material ;
or

(b) as to the country of production or manufacture of any goods, the question shall be determined by the Minister and his decision thereon shall be final.

"(9.) Notwithstanding anything contained in this section, the Minister may admit, as the produce or manufacture of the United Kingdom, any cinematograph film which is, under any law of the United Kingdom relating to the registration of cinematograph films, certified by the Board of Trade of the United Kingdom to be registered as a British film."

14. Section one hundred and sixty-two of the Principal Act is amended by omitting the word "six" and inserting in its stead the word "twelve".

Deposits.

15. Section one hundred and sixty-three of the Principal Act is amended by adding at the end thereof the following sub-section:—

Refund of duty.

"(3.) This section shall not debar the Customs from enforcing the terms of securities given for the protection or custody of goods which are subject to the control of the Customs."

16. Section one hundred and eighty-five of the Principal Act is amended by omitting the words "one league" and inserting in their stead the words "three nautical miles".

Officers may board ships hovering on coast.

17.—(1.) Section two hundred and twenty-six of the Principal Act is amended by adding at the end thereof the words "or before the expiration of six months after such Tariff or Tariff alteration is proposed, whichever first happens".

Time for commencing action.

(2.) This section shall commence on the first day of January One thousand nine hundred and thirty-five.

18. Section two hundred and twenty-eight of the Principal Act is amended by omitting the words "one league" (wherever occurring) and inserting in their stead the words "three nautical miles".

Forfeited ships and aircraft.

19. Section two hundred and twenty-nine of the Principal Act is amended by inserting in paragraph (b), before the word "proclamation" (wherever occurring), the words "regulation or".

Forfeited goods.

20. Section two hundred and thirty-one of the Principal Act is repealed and the following section inserted in its stead:—

"231.—(1.) All persons to the number of two or more assembled for the purpose of—

Assembles for unlawful purposes.

(a) importing prohibited imports ; or

(b) smuggling ; or

(c) preventing the seizure, or rescuing after seizure, of any prohibited imports or smuggled goods,

shall be guilty of an offence and shall be liable, upon summary conviction, to imprisonment for any period not exceeding two years.

“(2.) This section, insofar as it relates to prohibited imports, shall apply to all prohibited imports to which the Governor-General by proclamation declares that it shall apply.”.

Collusive seizures and bribes.

21. Section two hundred and thirty-two of the Principal Act is amended by omitting paragraphs (c) and (d).

22. After section two hundred and thirty-two of the Principal Act the following section is inserted:—

Rescuing goods and assaulting officers.

“232A. Whoever—

- (a) rescues any goods which have been seized, or, before or at or after seizure, staves, breaks or destroys any goods or documents relating thereto to prevent the seizure thereof or the securing of the same or the proof of any offence; or
- (b) assaults or by force resists, molests or obstructs or endeavours to intimidate any officer or any person acting in his aid or assistance, in the execution of his duties,

shall be guilty of an offence and shall be liable, upon summary conviction, to imprisonment for any period not exceeding two years.”.

23. After section two hundred and fifty-eight of the Principal Act the following section is inserted:—

Offender may be committed to gaol if security not enforced.

“258A.—(1.) Where any convicted person has, whether before or after the commencement of this section, been released in pursuance of section two hundred and fifty-eight of this Act upon his giving security for the payment of the pecuniary penalty adjudged to be paid by him, and the penalty has not been paid, or part only thereof has been paid, the prosecutor or plaintiff may apply to the Court for an order committing the offender to gaol until the penalty, or the balance thereof, as the case may be, has been paid, and the Court shall, if it is satisfied that enforcement of the security is impracticable or would occasion hardship to the surety, make an order accordingly.

“(2.) The provisions of section two hundred and sixty of this Act shall apply to the imprisonment of an offender for whose committal to gaol an order has been made in pursuance of this section :

Provided that, in the calculation of the period at the expiration of which the defendant is to be discharged, there shall be taken into account any period of imprisonment served by the defendant prior to his release upon his giving security for the payment of the penalty :

Provided further, that where the penalty has been paid in part, the amount of penalty, for the purposes of the table contained in section two hundred and sixty of this Act, shall be the unpaid balance of the penalty.

“(3.) Notice of an application under this section shall be served upon the convicted person.”.

24. After section two hundred and seventy-seven of the Principal Act the following section is inserted :—

“278. Where, prior to the commencement of this section, the importation or exportation of any goods has been prohibited by proclamation, and the proclamation is in force immediately prior to such commencement, any such proclamation may be re-enacted, cancelled or varied by regulation, and until cancellation shall remain in force according to the terms in which it was issued, and, if varied, shall have effect according to its terms as so varied. Any such proclamation not re-enacted by regulation within six months after the commencement of this section shall cease to have effect.”

Proclamations prohibiting import or export may be re-enacted, cancelled or varied by regulation.

DISTILLATION.

No. 8 of 1934.

An Act to amend the *Distillation Act 1901-1931*.

[Assented to 27th July, 1934.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Distillation Act 1934*.

Short title and citation.

(2.) The *Distillation Act 1901-1931** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Distillation Act 1901-1934*.

2. Section fifty-nine of the Principal Act is amended by inserting therein, after the word spirit (last occurring), the following subsections :—

Maximum strength of wine.

“(3.) Notwithstanding anything contained in this section, Australian wine which is intended for export may be fortified so as to contain not more than forty-two per centum of proof spirit.

“(4.) Australian wine which has been fortified so as to contain more than forty per centum of proof spirit shall not be entered for home consumption.”

Act No. 8, 1901, as amended by No. 21, 1906; No. 34, 1918; No. 9, 1923; No. 13, 1925; and No. 3, 1931.