

Customs (No. 2)

No. 82 of 1965

An Act to amend the *Customs Act* 1901–1963,
as amended by the *Customs Act* 1965.

[Assented to 30 November, 1965]

BE it enacted by the Queen'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* (No. 2) 1965. Short title and citation.

(2.) The *Customs Act* 1901–1963,* as amended by the Customs Act 1965,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Customs Act* 1965 is amended by omitting sub-section (3.).

* Act No. 6, 1901, as amended by No. 21, 1906; Nos. 9 and 36, 1910; No. 19, 1914; No. 10, 1916; No. 19, 1922; No. 12, 1923; No. 22, 1925; No. 6, 1930; Nos. 7 and 45, 1934; No. 7, 1935; No. 85, 1936; No. 54, 1947; No. 45, 1949; Nos. 56 and 80, 1950; No. 56, 1951; No. 108, 1952; No. 47, 1953; No. 66, 1954; No. 37, 1957; No. 54, 1959; Nos. 42 and 111, 1960; and No. 48, 1963.

(4.) The Principal Act, as amended by this Act, may be cited as the *Customs Act 1901-1965*.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Interpretation.

3. Section 4 of the Principal Act is amended by inserting in sub-section (1.), after the definition of "Justice", the following definition:—

“ ‘ Less developed country ’ has the same meaning as in the *Customs Tariffs 1965*.”

4. Sections 151 and 151A of the Principal Act are repealed and the following sections inserted in their stead:—

When goods
to be treated as
the produce
or manufacture
of a country.

“ 151.—(1.) For the purposes of this Act and the *Customs Tariffs 1965* (other than section nineteen of the *Customs Tariffs 1965*), goods shall be treated as the produce of a country if they are unmanufactured raw products of the country.

“ (2.) For the purposes of this Act and the *Customs Tariffs 1965* (other than section nineteen, or a direction under section twenty A, of the *Customs Tariffs 1965*), goods shall be treated as the manufacture of a country—

(a) if the goods were wholly manufactured in the country from materials of one or more of the following classes:—

- (i) unmanufactured raw products;
- (ii) materials wholly manufactured in the country or in Australia, or in the country and in Australia; and
- (iii) imported materials that the Minister has, in relation to the country, determined, by notice published in the *Gazette*, to be manufactured raw materials; or

(b) if the goods were partly manufactured in the country, the process last performed in the manufacture of the goods was performed in the country and—

- (i) not less than three-quarters, or, in a case where the country is New Zealand, one-half, of the factory or works cost of the goods is represented by the value of labour or materials, or of labour and materials, of the country or of the country and Australia;
- (ii) in a case where the goods are goods of a class or kind not commercially manufactured in Australia, not less than one-quarter of the factory or works cost of the goods is represented by the value of labour or materials, or of labour and materials, of the country or of the country and Australia; or

- (iii) in a case where the country is New Zealand, not less than three-quarters of the factory or works cost of the goods is represented by the value of labour or materials, or of labour and materials, of New Zealand and the United Kingdom or of New Zealand, Australia and the United Kingdom.

“(3.) For the purposes of a direction under section twenty A of the *Customs Tariffs* 1965, goods shall be treated as the manufacture of a country if—

- (a) the process last performed in the manufacture of the goods was performed in the country; and
- (b) not less than one-half of the factory or works cost of the goods is represented by the value of labour or materials, or of labour and materials, of the country or of the country and one or more of the following countries, that is to say, Australia and countries that, at the time the goods are entered for home consumption, are less developed countries, other than a country that, by virtue of a direction under sub-section (2.) of section nine A of the *Customs Tariffs* 1965, is not to be treated as a less developed country in relation to the class of goods in which the goods are included.

“(4.) For the purposes of the last two preceding sub-sections, the Minister may, by notice published in the *Gazette*—

- (a) specify the manner in which the factory or works cost of goods is to be determined; and
- (b) specify the manner in which the value of labour, the value of materials or the value of labour and materials is to be determined.

“(5.) For the purposes of sub-paragraph (ii) of paragraph (b) of sub-section (2.) of this section, the Minister may, by notice published in the *Gazette*, determine that goods specified in the notice, or goods included in a class of goods so specified, shall be deemed to be goods of a class or kind not commercially manufactured in Australia.

“(6.) The Minister may, by notice published in the *Gazette*, determine that the reference in sub-paragraph (ii) of paragraph (b) of sub-section (2.) of this section to one-quarter shall, in relation to goods specified in the notice, or goods included in a class of goods so specified, be read as a reference to one-half.

“(7.) For the purposes of sub-paragraph (iii) of paragraph (b) of sub-section (2.) of this section, material that, under the laws of New Zealand relating to duties of Customs, is treated as having been wholly produced or manufactured in the United Kingdom shall be deemed to be material of the United Kingdom.

“(8.) Notwithstanding anything contained in this section—

- (a) the Minister may, subject to the next succeeding paragraph, direct that, for the purposes of this Act and the *Customs Tariffs* 1965 (other than section nineteen, or a direction under section twenty A, of the *Customs Tariffs* 1965), a cinematograph film that is, under the laws 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 shall be treated as the manufacture of the United Kingdom; and
- (b) a cinematograph film printed in the United Kingdom shall not, for the purposes of this Act or the *Customs Tariffs* 1965 (other than section nineteen, or a direction under section twenty A, of the *Customs Tariffs* 1965), be treated as the manufacture of the United Kingdom unless it was printed from a negative the manufacture of the United Kingdom.

“(9.) This section does not apply for the purposes of determining whether goods are the produce, or the manufacture, of Australia.

“(10.) In this section, ‘unmanufactured raw products’ means natural or primary products that have not been subjected to an industrial process, other than an ordinary process of primary production, and includes, without limiting the generality of the foregoing—

- (a) animals, and parts of animals obtained by killing, including bones, hides and skins (raw or sun-dried);
- (b) greasy wool;
- (c) plants, and parts of plants, including raw cotton, bark, fruit, nuts, grain, seeds (in their natural state) and unwrought logs;
- (d) minerals in their natural state and ores; and
- (e) crude petroleum.

Direct shipment
to Australia
required for
certain
preferences.

“151A.—(1.) For the purposes of this Act and the *Customs Tariffs* 1965 (other than section nineteen, or a direction under section twenty A, of the *Customs Tariffs* 1965), goods shall not be treated as the produce or manufacture of the United Kingdom, Canada, New Zealand, Ireland, Malawi, Southern Rhodesia, Zambia, the Territory of Papua or the Territory of New Guinea unless they have been shipped from that country to Australia

and, except where the Collector is satisfied that the intended destination of the goods when originally shipped from that country was Australia, have not been transhipped.

“(2.) The last preceding sub-section does not apply—

- (a) to goods the produce or manufacture of a country other than New Zealand that are imported into Australia from New Zealand; or
- (b) to goods the produce or manufacture of a country other than the Territory of Papua or the Territory of New Guinea that are imported into Australia from the Territory of Papua or the Territory of New Guinea.

“(3.) For the purposes of a direction under section twenty A of the *Customs Tariffs* 1965, goods shall not be treated as the produce or manufacture of a country unless they have been shipped from that country to Australia and, except where the Collector is satisfied that the intended destination of the goods when originally shipped from that country was Australia, have not been transhipped.

“(4.) For the purposes of this section—

- (a) goods may be treated as having been shipped from the Territory of Papua or the Territory of New Guinea if they have been shipped from either of those territories; and
 - (b) goods may be treated as having been shipped from Malawi, Southern Rhodesia or Zambia if they have been shipped from any of those countries or from Lourenço Marques or Beira in Mozambique.”.
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