

CUSTOMS TARIFF (No. 2).

No. 20 of 1958.

An Act to amend the *Customs Tariff* 1933-1957, as amended by the *Customs Tariff* 1958, and for purposes connected therewith.

[Assented to 21st May, 1958.]

[Date of commencement, 18th June, 1958.]

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 Tariff (No. 2)* 1958. Short title and citation.

(2.) The *Customs Tariff* 1933-1957,* as amended by the *Customs Tariff* 1958,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Customs Tariff* 1958 is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Customs Tariff* 1933-1958.

2. Section three of the Principal Act is amended—

Definitions.

(a) by omitting from the definition of “British non-self-governing colony” the words “Trust Territories of the Cameroons and Togoland” and inserting in their stead the words “Trust Territory of the Cameroons”; and

(b) by inserting after the definition of “British non-self-governing colony” the following definition:—

“‘item’ includes portion of an item;”.

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 Sections nine and nine A of the Principal Act are repealed and the following sections inserted in their stead:—

“9.—(1.) The Minister may, by order published in the *Gazette*, declare that, from a specified time and date, the rate of duty set out in the column headed ‘British Preferential Tariff’ in the Schedule, or in the Schedule as proposed to be amended by a Customs Tariff alteration proposed in the Parliament, in relation to a specified item in the Schedule, or in the Schedule

Application of British Preferential Tariff to certain British countries.

* Act No. 27, 1933, as amended by No. 31, 1933; Nos. 14, 68, 76 and 80, 1936; Nos. 3, 67, 68 and 69, 1938; Nos. 2, 28, 53, 56, 59, 62 and 64, 1939; Nos. 1, 5, 9, 12 and 92, 1948; Nos. 76 and 79, 1949; Nos. 22, 32, 60 and 80, 1950; No. 82, 1952; No. 76, 1953; Nos. 3 and 4, 1954; Nos. 15, 58, 62 and 86, 1956; and Nos. 53, 54, 81 and 84, 1957.

† Act No. 15, 1958.

as so proposed to be amended, as the case may be, shall apply to goods, or to specified goods, included in that item that are the produce or manufacture of—

- (a) a specified British non-self-governing colony; or
- (b) a specified part of the Queen's dominions, being a place that was, on the fifteenth day of October, One thousand nine hundred and forty-six, a British non-self-governing colony.

“(2.) The Minister shall not make an order under this section that would have the effect of applying the rate of duty set out in the column headed ‘British Preferential Tariff’ in the Schedule in relation to sub-item (A) of item 52 in the Schedule to bananas the produce of a country other than Fiji.

Application of
Intermediate
Tariff.

“9A. The Minister may, by order published in the *Gazette*, declare that, from a specified time and date, the rate of duty set out in the column headed ‘Intermediate Tariff’ in the Schedule, or in the Schedule as proposed to be amended by a Customs Tariff alteration proposed in the Parliament, in relation to a specified item in the Schedule, or in the Schedule as so proposed to be amended, as the case may be, shall apply to goods, or to specified goods, included in that item that are the produce or manufacture of a specified country.

Orders under
sections 9 and
9A.

“9B.—(1.) Subject to the next succeeding sub-section, an order under either of the last two preceding sections has effect according to its tenor.

“(2.) Where an order under either of the last two preceding sections specifies—

- (a) an item that, by a Customs Tariff alteration proposed in the Parliament, is proposed to be inserted in the Schedule, either in lieu of an item in the Schedule or otherwise; or
- (b) an item in the Schedule that, by such a Customs Tariff alteration, is proposed to be amended,

the order, in relation to that item, shall, if the Schedule is amended by the insertion or amendment, as the case may be, of that item, have effect, and be deemed to have so had effect from the time and date specified in the order, for the purposes of the Schedule as so amended, but shall not otherwise have effect in relation to that item.

“(3.) The Minister may, by order published in the *Gazette*, vary, from a specified time and date, an order under either of the last two preceding sections (including such an order as varied by order under this section), and an order so varied has effect as varied, and, in the case of an order to which the last preceding sub-section applies, shall be deemed to have had effect as varied, from the time and date so specified.

“(4.) The Minister may, by order published in the *Gazette*, revoke, from a specified time and date, an order under either of the last two preceding sections or under the last preceding sub-section, and an order so revoked ceases to have effect, and, in the case of an order to which sub-section (2.) of this section applies, shall be deemed to have ceased to have had effect, from the time and date so specified.

“(5.) The date specified in an order under this Act shall be a date not earlier than the date on which the order is published in the *Gazette*.

“(6.) Orders under this Act shall not be deemed to be Statutory Rules within the meaning of the *Rules Publication Act 1903-1939*.

“(7.) The provisions of sections forty-eight and forty-nine of the *Acts Interpretation Act 1901-1957* (other than paragraphs (a) and (b) of sub-section (1.), sub-section (2.) and sub-section (6.) of that first-mentioned section) apply, by force of this section, to an order under this Act in like manner as those provisions apply to a regulation.

“(8.) Where an order under this Act is disallowed, or is deemed to have been disallowed, under a provision of the *Acts Interpretation Act 1901-1957* as applied by the last preceding sub-section, the disallowance of the order has effect as if that order had been revoked by an order under sub-section (4.) of this section from the time and the date of the disallowance.”

4. Section twelve of the Principal Act is amended—

Deferred duties.

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) Where a deferred duty on any goods is provided in the Schedule, the question whether the deferred duty should or should not operate on and after the date to which it has been deferred shall be referred to the Tariff Board in accordance with the *Tariff Board Act 1921-1958* for inquiry and report.”;

(b) by omitting from sub-section (3.) the words “upon receipt of a report or reports from the Tariff Board, made in pursuance of the foregoing provisions of this section” and inserting in their stead the words “upon the making by the Tariff Board of its report in respect of the deferred duty”; and

(c) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) Where the duty on any goods has been deferred by the Minister, the question whether the duty should or should not operate on and after the date to which it has been deferred shall, before that

date, be referred to the Tariff Board in accordance with the *Tariff Board Act* 1921–1958 for inquiry and report and, upon the making by the Tariff Board of its report, the Minister may, by notice published in the *Gazette*, again defer the duty to such date as is specified in the notice.”.

Proclamations
under Principal
Act.

5. A Proclamation made under, or having effect for the purposes of, section nine or nine A of the Principal Act, or a Proclamation made under Customs Tariff Proposals introduced into the House of Representatives applying rates of duty set out in the column headed “British Preferential Tariff” or “Intermediate Tariff” in the Schedule to those Proposals, being a Proclamation in force immediately before the commencement of this Act, continues in force, subject to section nine B of the Principal Act as amended by this Act, as if the Proclamation were an order made by the Minister under the Principal Act as amended by this Act.
