

THE SCHEDULE.

Section 2.

AMENDMENTS OF THE SCHEDULE TO THE PRINCIPAL ACT.

- by omitting " 8 ".
- by omitting " 17 " and inserting in its stead " 17 (B) ".
- by adding after " 54 (B) " the following :—" 54 (C) ".
- by adding after " 78 (H) (3) " the following :—" 78 (I) ".
- by omitting " 94 (B) ".
- by omitting " 112 (A) ".
- by omitting " 112 (B) (2) ".
- by omitting " 230 ".

CUSTOMS TARIFF (INDUSTRIES PRESERVATION).

No. 82 of 1936.

An Act to amend the *Customs Tariff (Industries Preservation) Act 1921-1933.*

[Assented to 7th December, 1936.]

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 Tariff (Industries Preservation) Act 1936.*

Short title and citation.

(2.) The *Customs Tariff (Industries Preservation) Act 1921-1933** 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 Tariff (Industries Preservation) Act 1921-1936.*

2. Section seven of the Principal Act is amended—

Dumping freight duty.

(a) by omitting from sub-section (1.) the words " rates of freight prevailing at the date of shipment " (first and second occurring) and inserting in their stead the words " normal rate of freight " ;

(b) by omitting from that sub-section all the words after paragraph (c) and inserting in their stead the words " or that, by reason of any circumstance, including the granting of rebates, refunds or other allowances, the amount or the net amount of freight paid or payable on goods exported

* Act No. 28, 1921, as amended by No. 20, 1922 ; and No. 30, 1933.

to Australia, of a class or kind produced or manufactured in Australia, is lower than the amount of freight which would have been or would be payable at the normal rate of freight, and that in any such case detriment may thereby result to an Australian industry, the Minister may publish a notice in the *Gazette* specifying the goods as to which he is so satisfied"; and

(c) by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

“(3.) The dumping freight duty shall be—

(a) in the case of goods which have been or are being carried freight free—the amount which would have been or would be payable as freight on those goods if they had been or were carried at the normal rate of freight; and

(b) in the case of any other goods—such amount as, in the opinion of the Minister, is equal to the sum by which the freight which would have been or would be payable on those goods if they had been or were carried at the normal rate of freight exceeds the freight or the net freight paid or payable on those goods.

“(4.) The normal rate of freight in respect of any goods to which this section applies shall, for the purposes of this section, be such as is determined by the Minister, but not exceeding the highest rate of freight payable, at the date of shipment of those goods, on similar goods carried by general cargo vessels which, in the opinion of the Minister, trade regularly with Australia.

“(5.) If any dispute arises as to the rate of freight in respect of any goods, or the amount of any rebate, refund or other allowance in respect of freight on goods to which this section applies, that rate or that amount shall, for purposes of sub-section (3.) of this section, be such rate or amount as the Minister determines.”.

3. After section twelve of the Principal Act the following section inserted:—

“12A. Notwithstanding anything contained in this Act or the *Customs Act* 1901–1935, where any amount of duty payable under section four, five or seven of this Act is calculated in any currency other than Australian currency, the equivalent amount in Australian currency of the amount so calculated shall be ascertained according to a fair rate of exchange, to be declared in case of doubt by the Minister, and the amount in Australian currency so ascertained shall be the amount of duty to be paid.”.

Duty to be paid
in Australian
currency.