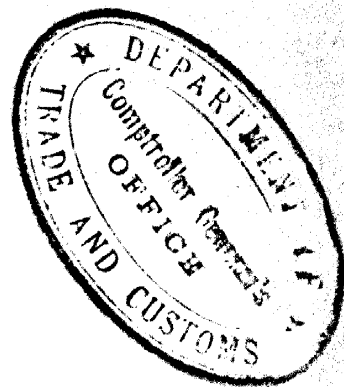


ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1881.



No. 196.

An Act to authorise the making of Conventions between South Australia and New South Wales, and arrangements between South Australia and Victoria, with reference to Border Duties, and to amend the Law relating to the Duties of Customs and the mode of Collection thereof, and for other purposes.

[Assented to, January 6th, 1881.]

WHEREAS at a Conference held at Melbourne, in the months of November and December, one thousand eight hundred and eighty, the following memorandum was agreed to by the duly-accredited representatives of the Governments of South Australia and New South Wales, that is to say—"The representatives of New South Wales and South Australia at this Conference agree that the convention entered into between these colonies, dated the thirtieth day of October, one thousand eight hundred and seventy-eight, and which was terminated on the thirtieth day of June last, shall be brought into operation and continued for a period of three years from the first day of January, one thousand eight hundred and eighty-one, subject to the following modifications, viz. :—That the Colony of South Australia shall increase her duties on imported wines and spirits and on unmanufactured tobacco to the rate now levied in New South Wales, and shall also increase the duty payable on spirits distilled in the colony to two-thirds of that now levied on imported spirits in New South Wales; and that the yearly sum to be received by New South Wales, in lieu of the collection of the duties, shall be Forty-seven Thousand Five Hundred Pounds, payable quarterly": And at the same

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same Conference the following memorandum was agreed to by the duly-accredited representatives of the Governments of South Australia and Victoria, that is to say—“The representatives of Victoria and South Australia agree not to collect duties on the border between those colonies, but to institute a system of permits in accordance with the draft agreement submitted by the Victorian Government and printed as a South Australian Parliamentary Paper, No. 130 of 1880”: And whereas it is expedient to ratify the said several agreements, and to authorise the making of conventions with New South Wales and arrangements with Victoria, pursuant to such resolutions, and for that purpose to amend the law relating to the imposition and mode of collection of the Duties of Customs, and by reason of the exceptional circumstances to give Legislative sanction to the increased duties already collected, and to indemnify the officers of Customs in manner hereinafter provided—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PART I.

Two members of Executive may make conventions.

1. Any two Members of the Executive Council, acting for and on behalf of South Australia, may make and enter into conventions with any persons acting for and on behalf of New South Wales, for the purpose of enabling all or any goods, including live-stock, to be imported from South Australia into New South Wales, and from New South Wales into South Australia, across their respective borders or boundaries, without the payment of any Customs Duties or other charges.

Conventions may stipulate for sum to be paid to New South Wales.

2. It may be stipulated by any such convention that during the continuance thereof a certain sum shall be paid by South Australia to New South Wales, and provision may be made for increasing or diminishing the said sum in any specified events.

Stipulations which may be inserted in conventions.

3. Every such convention may contain such stipulations as the persons making the same shall deem desirable for effecting the purposes thereof, and in particular, if the persons making the same shall think fit, may contain provisions similar to those contained in the conventions validated by “The Border Duties Act of 1873,” or regulating the like matters.

Period of conventions.

4. Every such convention may be made for a period not exceeding three years from the date thereof, and there may be inserted in any such convention any stipulations enabling either party to determine the convention before the expiration of the period for which the same shall be originally made.

Alteration or determination of conventions.

5. Every such convention may be altered or determined by the Governor, with the consent of any persons acting for and on behalf of New South Wales, but save as aforesaid, or as may be provided for by such convention, no such convention shall be liable to alteration or determination.

6. A

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PART I.

6. A copy of every such convention, and of every alteration thereof, shall be published in the *Government Gazette*, and every such convention, and all alterations thereof, shall have the force of law, and the operation of all laws and regulations in anywise repugnant thereto, so far as the same shall be repugnant thereto, shall be suspended, so long as any such convention, or any alteration thereof, shall continue in force; and the Treasurer of the said province, during the continuance of any such convention, or any alteration thereof, shall pay such sums as may become payable pursuant thereto, in manner appointed thereby, and a copy of every convention made under the authority of this Act shall be laid before both Houses of Parliament, within fourteen days after the same shall have been entered into, if Parliament shall then be in Session, otherwise within fourteen days after the commencement of its next Session.

Copy of convention and alterations to be published.

7. In the event of the determination of any such convention, before the expiration of the period for which the same shall be originally made, such determination shall be made known by Proclamation published in the *Government Gazette*.

Determination of convention to be made known by Proclamation.

PART II.

PART II.

8. The Governor may make any arrangement with the Governor in Council of Victoria to admit of goods being sent thereto from South Australia, by land over the boundary between the said colony and South Australia, without payment of Duties of Customs on their importation into Victoria; and in like manner to admit of goods being brought from Victoria into South Australia, by land over the said boundary, without payment of Duties of Customs on their importation into South Australia. Every such arrangement shall, when published in the *Government Gazette*, have the same effect in law as if a portion of this Act, and shall, within fourteen days of its date, be laid on the tables of both Houses of Parliament, if then in Session, and if not in Session, then within fourteen days after the assembling thereof.

Power to make arrangements and regulations for goods crossing the border to and from adjacent colonies without payment of duties.

9. When any person desires to take by land over the boundary between South Australia and Victoria any goods chargeable with duty on their importation into Victoria, any officer in that behalf appointed by the Governor may grant to such person a permit under the provisions of this Act. From and after the date, and throughout the period on and during which any such permit shall entitle the holder thereof to import the goods therein mentioned into Victoria without payment of duty, a permit of a like character granted by any duly appointed officer of Victoria shall entitle the holder thereof to bring into South Australia from Victoria, by land over the said boundary without payment of duty, the goods specified in such permit.

Permits may be granted.

10. No

PART II.

Permits to be produced.

10. No goods shall under the provisions of this part of this Act be admitted into South Australia from Victoria without payment of duty, unless the permit for such goods be produced to any officer of Customs or police in South Australia, who shall at any time demand to see the same.

Record of permits to be made.

11. An exact record of all permits granted by any officer shall be kept by the officer granting them, together with such particulars of the goods in respect of which permits may be granted as any regulations made under the provisions of this Act shall prescribe.

Adjustment of accounts.

12. At such times and in such manner as shall be fixed by any arrangement made under the provisions of this part of this Act an account shall be made up of all goods imported into Victoria and South Australia respectively, under permits as aforesaid, and if it shall appear that the amount of Duties of Customs which would have been chargeable (except for the provisions of this part of this Act) on the goods imported into South Australia under permit from Victoria during the period for which such account is so made up is greater than that on the goods admitted into Victoria under permits from South Australia, then the difference in amounts shall be deemed to be a debt due by the Government of Victoria to South Australia, but if less then the difference shall be deemed to be a debt due by the Government of South Australia to Victoria.

Discretion as to refusal of permits.

13. Any officer vested with the power of granting any such permit shall refuse to grant the same if he shall have cause to believe that such permit is intended to be used for the purpose of forwarding goods across the border between the said two colonies with the intention of taking advantage of the dissimilarity of the respective tariffs of the said colonies, and not for the purposes of *bonâ fide* border trade.

PART III.

Repeal of portion of Act 34 of 1876, and substitution of other duties.

PART III.

14. The Duties of Customs, authorised by Act No. 34 of 1876, to be raised, levied, collected, and paid in respect of the goods specified in the First Schedule hereto, shall not hereafter be raised, levied, collected, or paid, and in lieu thereof there shall be raised, levied, collected, and paid unto Her Majesty, for the use of the said province and support of the Government thereof, the several Duties of Customs set forth in the Second Schedule hereto.

Indemnity to Collector of Customs.

15. The Collector of Customs and all officers of Customs are hereby indemnified, protected, and held harmless against any action, claim, or damage to which he or they might otherwise have been liable by reason of any refusal to deliver any goods imported into the said province on and after the third day of December, one thousand

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thousand eight hundred and eighty, or in bond on that day, without payment of the duties set forth in the Second Schedule hereto, or without payment of the duties authorised to be levied by any Act in force within the said province at the time of the coming into operation of this Act.

PART III.

16. The words—“ Note—In all cases where duty is charged at per gallon, one dozen reputed quart bottles will be taken as two gallons, and one dozen reputed pint bottles as one gallon,” contained at the end of the Schedule to Act No. 34 of 1876, are hereby repealed, so far as regards any of the goods mentioned in the Second Schedule hereto, without prejudice to any act that may have been done under the authority of such words.

Repeal of part of
Schedule to Act
34 of 1876.

PART IV.

PART IV.

17. From and after the coming into operation of this Act the duty payable upon all spirits that may be distilled in the said province from grapes, fruit, or wine, shall be Eight Shillings for every gallon in lieu of Six Shillings and Ninepence for every gallon heretofore charged; and “ The Distillation Act, 1876,” shall hereafter be read and construed as if the words “ Eight Shillings ” were inserted in the 40th section thereof in lieu of the words “ Six Shillings and Ninepence.”

Duty on spirits dis-
tilled in the province
to be increased from
six shillings and nine-
pence per gallon to
eight shillings per
gallon.

18. The Collector of Customs and other officers of Customs are hereby indemnified, protected, and held harmless against any action, claim, or damage to which he or they might otherwise have been liable by reason of any refusal to deliver any such spirits in bond on or since the third day of December, one thousand eight hundred and eighty, without payment of the said duty of Eight Shillings for every gallon thereof, or without payment of the duty authorised by “ The Distillation Act, 1876.”

Indemnity to officers.

PART V.

PART V.

19. The Governor may make regulations for carrying out the provisions of this Act, and such regulations, when published in the *Government Gazette*, shall have the same effect in law as if they were a portion of this Act and shall be judicially noticed. A copy of all such regulations shall be laid on the tables of the Legislative Council and House of Assembly, if then in Session, within fourteen days of their date, and if not in Session, then within fourteen days of the assembling thereof.

Regulations.

20. Any

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Penalty.

20. Any person who shall contravene any such regulation, shall for every offence forfeit and pay a penalty not exceeding One Hundred Pounds, in addition to any other penalty to which he may by law be liable.

Additional duty to be added to price of goods.

21. Every person who shall on or before the coming into operation of this Act have made or entered into any contract or agreement for the sale or delivery at any time thereafter of any goods whereupon any additional duty shall be payable under the provisions hereof, or for the sale or delivery of any tobacco manufactured in the said province from imported leaf, shall be at liberty to add to the price contracted for so much money as will be equivalent to the additional duty which shall by reason of such provisions have been paid or made payable on such goods, or on such imported leaf tobacco, and shall be entitled by virtue of this Act to be paid the same accordingly by the purchaser of such goods or tobacco, and to sue for and recover the same against such purchaser: Provided that in every case where the price contracted for shall be so added to, it shall be at the option of such purchaser, by notice in writing under his hand to be served on the other party to such contract within fourteen days after the passing of this Act, to declare the contract null and void, and the same shall be null and void accordingly.

Commencement of Act.

22. This Act shall be deemed to have come into operation on the third day of December, one thousand eight hundred and eighty.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES.

FIRST SCHEDULE BEFORE REFERRED TO.

<i>Spirits</i> .—Brandy, rum, gin, whisky, geneva, or strong waters of any kind or strength, including spirituous compounds, bitters, cordials, or strong waters sweetened or mixed with any article not exceeding the strength of proof by Sykes's hydrometer, and so on in proportion for any greater strength than the strength of proof	per gallon	10s.
“ Methylated.....	“	3d.
<i>Tobacco</i> —Unmanufactured	per lb.	9d.
<i>Wine</i> —Sparkling	per gallon	6s.
“ Other.....	“	4s.

SECOND SCHEDULE REFERRED TO.

	£	s.	d.
On all kinds of spirits, the strength of which can be ascertained by Sykes's hydrometer—the proof gallon	0	12	0
On all spirits and spirituous compounds, the strength of which cannot be ascertained by Sykes's hydrometer—the liquid gallon	0	12	0
On spirits methylated—per gallon.....	0	2	0
<i>Tobacco</i> —Unmanufactured—per lb.....	0	1	0
On all sparkling wines—per gallon	0	10	0
On all other kinds of wines—per gallon	0	5	0