

DOMINION OF CANADA

TREATY SERIES, 1931

No. 5

TRADE AGREEMENT

BETWEEN

CANADA AND AUSTRALIA

Signed at Ottawa June 5, 1931

and at

Canberra, July 8, 1931

IN FORCE AUGUST 3, 1931



OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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## TRADE AGREEMENT BETWEEN CANADA AND AUSTRALIA.

His Majesty's Government in the Dominion of Canada and His Majesty's Government in the Commonwealth of Australia, being desirous of improving and extending the commercial relations existing between Canada and Australia, and affirming the principle of granting tariff preferences the one to the other on goods of their produce or manufacture for their mutual advantage, have agreed upon the following Articles:—

### ARTICLE I.

Subject to the provisions of The Customs Tariff of Canada, except as hereinafter provided, Canada grants:

1. (a) To the goods enumerated in Schedule A hereto, being the produce or manufacture of Australia, when imported into Canada, the tariff rates and provisions indicated in the said Schedule A;
- (b) To all other goods the produce or manufacture of Australia, when imported into Canada, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods imported direct into Canada.

### ARTICLE II.

Subject to the provisions of The Customs Tariff of Australia, except as hereinafter provided, Australia grants:

1. (a) To the goods enumerated in Schedule B hereto, being the produce or manufacture of Canada, when imported into Australia, the tariff rates and provisions indicated in the said Schedule B;
- (b) To all other goods the produce or manufacture of Canada, when imported into Australia, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods that have been shipped from Canada to Australia and have not been transhipped, or, if transhipped, then only if it is proved to the satisfaction of the Collector of Customs that the intended destination of the goods when originally shipped from Canada was Australia.

### ARTICLE III.

It is hereby agreed that, in the event of the amendment of either the Canadian or the Australian tariff in force on the date on which this Agreement comes into force—

1. Canada will, in regard to the goods enumerated in Schedule A, maintain at least the actual difference between the rates charged on goods imported from Australia and those imposed by the British Preferential, Intermediate, and General Tariffs respectively; and

2. Australia will, in regard to the goods enumerated in Schedule B, maintain in respect of the goods from Canada subject to—

(a) The British Preferential Tariff, at least the actual difference between that tariff and the Intermediate and General Tariffs; and

(b) The Intermediate Tariff, at least the actual difference between that tariff and the General Tariff.

#### ARTICLE IV.

In determining the value of goods for duty purposes, Canada and Australia agree that no greater amount of inland freight charges shall be included in such value for duty than the actual amount of freight charges that would be incurred if the goods were forwarded from the point of origin of such goods to the nearest point of exit from the exporting country.

#### ARTICLE V.

1. Goods the produce or manufacture of Australia, imported under the provisions of Article I hereof, shall not be subject to the provisions of Section 6 of the Customs Tariff of Canada.

2. Goods the produce or manufacture of Canada, imported under the provisions of Article II hereof, shall not be subject to the provisions of the Customs Tariff (Industries Preservation) Act, 1921-1922, of Australia.

#### ARTICLE VI.

Nothing in this Agreement shall be construed to affect the right of either country to impose any special duty or tax (other than dumping duty) upon goods imported, provided that such special duty or tax does not exceed that imposed on similar goods imported from any other country.

#### ARTICLE VII.

For the purposes of this Agreement, goods shall be deemed to be the produce or manufacture of Canada or of Australia, as the case may be, if conforming, in respect to the proportion of home production therein, with the laws or regulations in force in the country of importation

which apply to such goods when imported under its British Preferential Tariff.

#### ARTICLE VIII.

The terms "British Preferential Tariff", "Intermediate Tariff", and "General Tariff" as used in this Agreement and the Schedules thereto shall be deemed to mean the British Preferential Tariff, Intermediate Tariff, and General Tariff of Canada or Australia in force on the date the goods are entered for home consumption.

#### ARTICLE IX.

If—(a) at any time either party to this Agreement gives notice in writing to the other party that, in consequence of the importation of goods of a kind specified in the notice, being the produce or manufacture of the exporting country, into the other country, the sale of similar goods produced in that other country is being prejudicially or injuriously affected; and

(b) measures sufficient in the opinion of the Government of the importing country to remedy the conditions complained of, are not put into effect by the Government of the exporting country within three months from the date of the notice,

then, until the notice is withdrawn by the Government of the importing country, goods of the kind specified in the notice shall, when imported into such country, be subject to the rates of duty under its General Tariff.

(2) The parties agree to endeavour to reach a satisfactory arrangement, with a view to the withdrawal of the notice with the least possible delay.

(3) On the withdrawal of the notice, goods of the kind specified in the notice, shall again become subject to the tariff applicable to them before the notice was given.

#### ARTICLE X.

When this Agreement is brought into force by Proclamations as hereinafter provided, the tariff concessions mutually conceded under the Australian Trade Agreement Act of Canada assented to on the 27th June, 1925, and the Resolution passed by the Parliament of Australia on the 2nd September, 1925, shall cease to have effect, except in relation to goods which are in transit between the two countries on the date of issue of the Proclamations, and in respect of which increased duties have been imposed in pursuance of this Agreement, provided such goods are entered for home

consumption within thirty days after arrival at port of destination.

ARTICLE XI.

This Agreement shall be subject to the approval of the Parliaments of Canada and of Australia. Upon approval being given it shall be brought into force upon the date to be agreed upon between the Governments of Canada and of Australia, by Proclamations published in the *Canada Gazette* and in the *Commonwealth of Australia Gazette*. It shall remain in force for a period of one year from the date of the said Proclamations and thereafter until the expiration of six months from the date on which either Government shall have given to the other notice of its intention to terminate the Agreement.

Signed at Ottawa, Canada, this fifth day of June, one thousand nine hundred and thirty-one, on behalf of His Majesty's Government in the Dominion of Canada.

R. B. BENNETT

H. H. STEVENS.

Signed at Canberra, Australia, this eighth day of July, one thousand nine hundred and thirty-one, on behalf of His Majesty's Government in the Commonwealth of Australia.

J. H. SCULLIN

PARKER J. MOLONEY.

## SCHEDULE A.

Tariff Item		Tariff on Goods the Produce or Manufacture of Australia
Ex. 7	Meats, fresh, viz:— (a) Beef and veal..... (b) Lamb and mutton.....	3 cents per pound. 3 cents per pound.
8	Canned meats, poultry or game; extracts of meat and fluid beef, not medicated.....	15 p.c. ad valorem.
Ex. 9	Rabbits, frozen, for fox feeding.....	Free.
14	Tallow.....	Free.
16	Eggs in the shell.....	Free during the months of January and February; British Preferential Tariff during the other months of the year.
16a	Eggs, whole, egg yolk or egg albumen, frozen or otherwise prepared, not otherwise provided for, whether or not sugar or other material be added.....	5 cents per pound.
17	Cheese.....	1 cent per pound.
18	Butter.....	5 cents per pound.
35	Hops.....	6 cents per pound.
62	Rice, uncleaned, unhulled or paddy..... The Governor-in-Council, when satisfied that Australia can supply Canadian requirements, may, by Order-in-Council, direct that there be substituted for tariff item 62 in Schedule A of the Customs Tariff, 1907, and the enumeration of goods and the rates of duties of customs set opposite the said item in Schedule A the following:—	Free.
62a	Rice, uncleaned, unhulled or paddy..... British Preferential Tariff 25 p.c. ad valorem. Intermediate Tariff 25 p.c. ad valorem. General Tariff 25 p.c. ad valorem. From and after the publication of such Order-in-Council in the <i>Canada Gazette</i> tariff item 62 as it appears in the said Schedule at the time of the publication of the said Order shall be repealed and the provisions of tariff item 62a. shall be substituted therefor.	Free.
Ex. 92	Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty: (a) Apricots.....  (c) Pears.....  (i) Quinces and Nectarines.....	Free during the months of January and February; British Preferential Tariff during the other months of the year. Free during the months of February, March and April; British Preferential Tariff during the other months of the year. Free during the months of March, April and May; British Preferential Tariff during the other months of the year.
94	Grapes, fresh, in their natural state, the weight of the packages to be included in the weight for duty.	Free during the months of February, March, April, May and June; British Preferential Tariff during the other months of the year.
Ex. 96	Passion fruit ( <i>Passiflora edulis</i> ).....	Free.
Ex. 99a	Prunes, dried, unpitted, in bulk.....	Free.
Ex. 99b	Apricots, nectarines, pears and peaches, dried, desiccated, evaporated or dehydrated.....	Free.
99c	Raisins and dried currants.....	Free.

## SCHEDULE A—Concluded

Tariff Item		Tariff on Goods the Produce or Manufacture of Australia
Ex. 101	Oranges.....	Free during the months of May, June, July, August, September and October; British Preferential Tariff during the other months of the year.
Ex. 105	Fruit pulp, other than grape pulp, not sweetened, in air-tight cans or other air-tight packages....	Free.
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:	
	(a) Apricots, peaches and pears.....	1 cent per pound.
	(b) Pineapples.....	1 cent per pound.
	(c) Not otherwise provided for.....	1 cent per pound.
109a	Peanuts, green, in the shell or not further processed than shelled.....	Free.
	The Governor-in-Council, when satisfied that Australia can supply Canadian requirements, may, by Order-in-Council, direct that there be substituted for tariff item 109a in Schedule A of the Customs Tariff, 1907, and the enumeration of goods and the rates of duties of customs set opposite the said item in Schedule A the following:—	
109b	Peanuts, green, in the shell or not further processed than shelled.....	Free.
	British Preferential Tariff 4 cents per pound.	
	Intermediate Tariff 4 cents per pound.	
	General Tariff 4 cents per pound.	
	From and after the publication of such Order-in-Council in the <i>Canada Gazette</i> tariff item 109a as it appears in the said Schedule at the time of the publication of the said Order shall be repealed and the provisions of tariff item 109b shall be substituted therefor.	
Ex. 135	Sugar, above No. 16 Dutch standard in colour when imported or purchased in bond in Canada by a recognized sugar refiner, for refining purposes only, under regulations by the Minister, when exceeding 98 degrees, but not exceeding 99 degrees polarisation.....	31.64 cents per 100 pounds.
Ex. 152	Orange, lemon and passion fruit ( <i>passiflora edulis</i> ) juices.....	Free.
Ex. 156	Brandy.....	\$8.00 per proof gallon.
Ex. 163	Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles, containing more than 23% proof spirit and less than 35% proof spirit.....	25 cents per gallon.
165	Champagne and all other sparkling wines:	
	(a) In bottles containing each not more than a quart but more than a pint (old wine measure).....	\$7.44 per dozen bottles.
	(b) In bottles containing not more than a pint each, but more than one-half pint (old wine measure).....	\$3.72 per dozen bottles.
	(c) In bottles containing one-half pint each or less (old wine measure).....	\$1.86 per dozen bottles.
	(d) In bottles containing over one quart each (old wine measure).....	\$3.60 per gallon.
Ex. 507	Veneers, viz.:— Australian blackwood, walnut, silky oak, silkwood, blackbean, maple, Tasmanian myrtle, and eucalyptii, single ply and not over three thirty-seconds of an inch in thickness..	Free.
Ex. 711	Gelatine, edible.....	12½% ad valorem
782	Eucalyptus oil.....	Free.

## SCHEDULE B.

Tariff Item	—	Tariff on Goods the Produce or Manufacture of Canada
DIVISION IV—AGRICULTURAL PRODUCTS AND GROCERIES		
51	(C) Fish preserved in tins or other air-tight vessels including the weight of liquid contents.	British Preferential Tariff.
57	(A) Wheat.....	General Tariff.
58	(B) Wheaten flour.....	General Tariff.
DIVISION VI—METALS AND MACHINERY		
162	Chaffcutters and horse gears; corn shellers; corn huskers; cultivators, n.e.i.; harrows; ploughs, other; ploughshares; plough mouldboards; scarifiers.....	General Tariff.
163	(A) Combined corn sheller husker and bagger; combined corn sheller and husker; disc cultivators; drills (fertilizer seed and grain), n.e.i.; stump jump ploughs; winnowers (horse and other power); seats, poles, swingle-bars, yokes, and trees for agricultural machines, when imported separately.....	General Tariff.
165	(A) Reaper threshers and harvesters, n.e.i.....	General Tariff.
	(B) Stripper harvesters.....	General Tariff.
167	Metal parts of reaper threshers, stripper harvesters, strippers, and harvesters, n.e.i.....	General Tariff.
171	Machinery, machines, and appliances:—	
	(A) Hay rakes, horse.....	General Tariff.
	(B) Reapers and binders.....	General Tariff.
	(C) Mowers.....	General Tariff.
	(D) Metal parts, n.e.i., of—	
	(1) Reapers and binders.....	General Tariff.
	(2) Hay rakes (horse) and mowers.....	General Tariff.
DIVISION IX—DRUGS AND CHEMICALS		
273	Carbide of Calcium.....	British Preferential Tariff.
DIVISION X—WOOD, WICKER, AND CANE		
Ex. 291	Timber, viz.:—	
	(C) Logs, not sawn, viz.:—	
	(2) For use in the manufacture of plywood and veneers, as prescribed by Departmental by-laws.....	Intermediate Tariff.
	(3) Other.....	Intermediate Tariff.
	(D) Spars, in the rough.....	Intermediate Tariff.
	(F) Timber, undressed, n.e.i., viz.:—Redwood ( <i>Sequoia Sempervirens</i> ) and Western Red Cedar ( <i>Thuja Plicata</i> )—	
	(1) In sizes of 12 inches x 6 inches (or its equivalent) and over.....	Intermediate Tariff.
	(2) In sizes of 8 inches x 2 inches (or its equivalent) and upwards, and less than 12 inches x 6 inches (or its equivalent).....	Intermediate Tariff.
	(3) In sizes less than 8 inches x 2 inches (or its equivalent).....	Intermediate Tariff.
	(H) Timber, undressed, n.e.i., viz.:—	
	Other—	
	(1) In sizes of 12 inches x 10 inches (or its equivalent) and over.....	Intermediate Tariff.
	(2) In sizes of 7 inches x 2½ inches (or its equivalent) and upwards, and less than 12 inches x 10 inches (or its equivalent).....	Intermediate Tariff.
	(3) In sizes less than 7 inches x 2½ inches (or its equivalent).....	Intermediate Tariff.

## SCHEDULE B—Continued

Tariff Item	—	Tariff on Goods the Produce or Manufacture of Canada
	(J) (1) Timber, undressed, n.e.i., in sizes not less than 4 inches in width and not less than 3 inches in thickness for the manufacture of boxes, as prescribed by Departmental by-laws.....	Intermediate Tariff.
	(2) Timber, undressed, cut to size for making boxes.....	Intermediate Tariff.
	(J) Timber, for making boxes, being cut to size, and dressed or partly dressed.....	Intermediate Tariff.
	(K) Timber, bent or cut into shape, dressed or partly dressed, n.e.i.....	Intermediate Tariff.
	(L) Timber, dressed or moulded, n.e.i.; timber tongued or grooved or tongued and grooved; weather-boards.....	Intermediate Tariff.
	(M) Plywood including plywood veneered with any material:—	
	(1) Not exceeding three-sixteenths of an inch in thickness.....	Intermediate Tariff.
	(2) Exceeding three-sixteenths of an inch in thickness but not exceeding seven-eighths of an inch in thickness.....	Intermediate Tariff.
	(3) N.e.i.....	Intermediate Tariff.
	(N) Veneers.....	Intermediate Tariff.
Ex. 292	Timber, viz.:—	
	(B) Laths for plastering.....	Intermediate Tariff.
	(C) Palings.....	Intermediate Tariff.
	(F) Shingles.....	Intermediate Tariff.
293	(A) Timber, undressed, in sizes less than 7 feet 6 inches x 10½ inches x 2½ inches for use in the manufacture of doors, as prescribed by Departmental by-laws.....	Intermediate Tariff.
	(B) Doors of wood (including fly doors) wholly or partly made up.....	Intermediate Tariff.
	(C) Plywood door panels of redwood ( <i>Sequoia Sempervirens</i> ) and Douglas fir ( <i>Pseudotsuga Douglasii</i> ) cut to sizes not exceeding 2 feet x 2 feet (or its equivalent) for use in the manufacture of doors, as prescribed by Departmental by-laws.....	Intermediate Tariff.
294	(A) Staves, undressed, n.e.i.....	Intermediate Tariff.
	(B) Staves, dressed or partly dressed, but not shaped.....	Intermediate Tariff.
303	(C) Wood wool.....	British Preferential Tariff.
	DIVISION XII—HIDES, LEATHER, AND RUBBER.	
328	Goloshes, rubber sand boots and shoes and plimsolls.....	Intermediate Tariff.
330	Boots, rubber, viz.:—gum and wading boots....	General Tariff.
333	(A) Pneumatic rubber tyres, and tubes therefor, valved or unvalved.....	General Tariff.
	(B) Rubber tyres other than pneumatic, including compositions made up in form and size suitable for use with pneumatic tyre covers as a substitute for the inner tube.....	General Tariff.
	DIVISION XIII—PAPER AND STATIONERY.	
334	Paper, viz.:—	
	(G) (1) Wrapping, of all colours, (glazed, unglazed, or millglazed), browns, caps not elsewhere specified, casings, sealings, nature or ochre browns, sulphites, sugars, and all other bag papers, candle carton paper; paper felt and carpet felt paper irrespective of weight.....	General Tariff.

SCHEDULE B—*Concluded*

Tariff Item	—	Tariff on Goods the Produce or Manufacture of Canada
	DIVISION XIV—VEHICLES.	
Ex. 359	Vehicle parts, viz.:— (D) Parts of vehicles with self-contained power propelled by petrol, steam, electricity, oil, gas, or alcohol, n.e.i., whether incorporated in the complete vehicle or separate, viz:— (1) Single seated bodies..... (2) Double seated bodies..... (3) Bodies with fixed or moveable canopy tops, e.g., landaulette, limousine, taxi-cab, and similar types, and n.e.i..... (4) Chassis, but not including rubber tyres and tubes, storage batteries, shock absorbers, steering dampers, bumper bars, sparking plugs, springs, spring hangers, shackle bolts pins and assemblies, U bolts, king pins, tie rod pins, tie rod ball pins, tie rod ball studs, high tension ignition coils, gaiters for springs, bonnets, instrument boards, and radiator shells— (a) Unassembled..... (b) Assembled..... The word "Bodies" in paragraphs (1), (2), and (3) of this sub-item includes dashboards, footboards, and mudguards, when imported with bodies of which they form a part. (E) Parts of bodies enumerated in sub-items (D) (1), (D) (2), and (D) (3), being complete sets of Metal panels:— (1) For single-seated bodies..... (2) For double-seated bodies..... (3) For bodies with fixed or moveable canopy tops and bodies, n.e.i..... (F) (4) Gears for motor vehicles other than railway and tramway vehicles, viz.:— —crown wheels and pinions, transmission gears, differential gears, worms and worm wheels, internal tooth gears, jack shaft pinions and flywheel starter bands..... (17) Shock absorbers.....	General Tariff. General Tariff. General Tariff. Intermediate Tariff. Intermediate Tariff. General Tariff. General Tariff. General Tariff. General Tariff. General Tariff.
	DIVISION XV—MUSICAL INSTRUMENTS.	
365	Pianos and parts thereof— (A) Grand, with or without player mechanism (B) Upright, player or with provision for incorporating the player mechanism..... (C) Upright, n.e.i..... (D) Key boards, complete or incomplete..... (E) Parts, n.e.i., as prescribed by Departmental by-laws.....	General Tariff. General Tariff. General Tariff. General Tariff. General Tariff.
	DIVISION XVI—MISCELLANEOUS	
380	(B) Vacuum cleaners for use in the household	British Preferential Tariff.

