

TARIFF BOARD.

No. 41 of 1960.

An Act to amend the *Tariff Board Act* 1921-1958.

[Assented to 5th September, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Tariff Board Act* 1960.

(2.) The *Tariff Board Act* 1921-1958* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Tariff Board Act* 1921-1960.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation.

3. Section four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the definition of “member”, the following definition:—

“ ‘temporary duty’ means a duty of the kind referred to in sub-section (4.) of section seventeen A of this Act; ” ; and

(b) by omitting from sub-section (1.) the definition of “the Deputy Chairman”.

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4. Section five of the Principal Act is amended by omitting the words “seven members” and inserting in their stead the words “eight members”.

Appointment of Chairman, Deputy Chairmen and Acting Chairman.

5.—(1.) Section seven of the Principal Act is amended by omitting sub-sections (2.) to (5.) (inclusive) and inserting in their stead the following sub-sections:—

“(2.) There shall be two Deputy Chairmen of the Board, who shall be appointed by the Governor-General from among the members.

“(2A.) The Governor-General may from time to time determine which of the Deputy Chairmen shall be the senior Deputy Chairman for the purposes of this section.

* Act No. 21, 1921, as amended by No. 25, 1923; No. 29, 1924; No. 5, 1929; No. 69, 1933; No. 45, 1934; No. 52, 1947; No. 13, 1950; No. 43, 1952; No. 87, 1953; and No. 14, 1958.

“(3.) Subject to the next succeeding sub-section, the senior Deputy Chairman or, if the senior Deputy Chairman is ill, suspended or absent or there is a vacancy in the office of one Deputy Chairman, the other Deputy Chairman, has all the powers and duties, and shall perform all the functions, of the Chairman (including powers and functions delegated to the Chairman by the Minister under this Act) during any illness, suspension or absence of the Chairman or during any vacancy in the office of Chairman.

“(4.) In the case of the illness, suspension or absence of the Chairman or the occurrence of a vacancy in the office of Chairman, the Governor-General may, if there is no Deputy Chairman who is not ill, suspended or absent, appoint one of the other members to be the Acting Chairman of the Board.

“(5.) The Acting Chairman ceases to hold office as Acting Chairman if the circumstances in which an Acting Chairman may be appointed cease to exist.”.

(2.) The member of the Board who held office as Deputy Chairman of the Board immediately before the commencement of this Act shall be deemed to have been appointed, immediately after the commencement of this Act, as one of the two Deputy Chairmen of the Board and, unless and until the Governor-General otherwise determines, shall be the senior Deputy Chairman for the purposes of section seven of the Principal Act, as amended by this Act.

6. Section nine of the Principal Act is amended—

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

“(1.) The Chairman may, by writing under his hand, delegate to a Deputy Chairman any of his powers, duties and functions under this Act (except this power of delegation).”; and

(b) by adding at the end thereof the following sub-section:—

“(4.) Notwithstanding anything contained in section seven of this Act, a delegation under this section continues in operation during the illness, suspension or absence of the Chairman, or during a vacancy in the office of Chairman, unless and until it is revoked by the member exercising the powers of the Chairman under that section.”.

Delegation by
Chairman to
Deputy
Chairman.

7. Section nine B of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) A member holding office as the Acting Chairman, or a member, other than the Chairman or a Deputy Chairman, presiding at meetings of the Board, may be paid, in accordance

Allowances.

with this section, an allowance by way of additional remuneration, but such an allowance shall not be taken to be part of his salary for the purposes of the last preceding section.”.

Exercise of powers of Board by persons specified by Chairman.

8. Section twelve A of the Principal Act is amended by omitting sub-sections (2A.) and (3.) and inserting in their stead the following sub-sections:—

“(2A.) If a member who has been specified in a determination under sub-section (1.) of this section in relation to an inquiry and report—

(a) becomes ill, suspended or absent; or

(b) was, at the time of the determination, or becomes, before the inquiry and report are completed, engaged in an inquiry under section seventeen A of this Act,

the Chairman may direct another member to act in the place of that member for the purposes of that inquiry and report, and that other member shall act accordingly as if he had been specified in the determination, but, unless the Chairman otherwise directs, shall cease so to act when the member in whose place he is acting ceases to be ill, suspended or absent or to be engaged in the inquiry under section seventeen A of this Act.

“(2B.) If a member specified in a determination under sub-section (1.) of this section in relation to an inquiry and report ceases to be a member of the Board before completion of the inquiry and report, the Chairman may direct another member to act in the place of that member for the purposes of the completion of the inquiry and report and that member shall act accordingly as if he had been specified in the determination.

“(2C.) The member directed by the Chairman under either of the last two preceding sub-sections to act in the place of a member specified in a determination shall not be a member referred to in sub-section (2.) of section six of this Act if any other member specified in the determination is one of the members so referred to.

“(3.) For the purposes of the inquiry into and report on a matter in relation to which the Chairman has made a determination under sub-section (1.) of this section, the Board shall be deemed to consist of the Chairman and the other members specified in the determination, but the Chairman is not required to attend a meeting of the Board as so constituted (including a meeting at which the report to be made by the Board is considered) if he does not think fit to do so.”.

Power of Board to inquire and report.

9. Section seventeen of the Principal Act is amended by adding at the end thereof the words “ or in paragraph (a) or (c) of section sixteen of this Act ”.

10. After section seventeen of the Principal Act the following section is inserted:—

“17A.—(1.) Where it appears to the Minister that urgent action may be necessary to protect an Australian industry, in relation to the importation of any goods, pending receipt and consideration of a report of the Board in relation to those goods, he may request the Chairman to arrange for a Deputy Chairman of the Board to undertake an inquiry, either in relation to the importation of those goods generally or in relation to the importation of those goods from a particular country or countries, and to report to the Minister—

Action pending
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report.

- (a) whether it is necessary that urgent action be taken to protect that Australian industry in relation to the importation of those goods; and
- (b) if such urgent action is necessary, whether, having regard to the public interest, the protection can appropriately be provided by means of a temporary duty and, if so, what should be the rate of that duty.

“(2.) Upon receipt of a request under the last preceding sub-section, the Chairman shall nominate a Deputy Chairman to conduct the inquiry, and that Deputy Chairman shall forthwith undertake the inquiry.

“(3.) The Deputy Chairman undertaking an inquiry under this section in relation to any goods—

- (a) shall not have taken part, and shall not take part, in an inquiry by the Board in relation to those goods that is pending when the inquiry under this section commences, or, if no such inquiry is so pending, shall not take part in the next inquiry by the Board in relation to those goods;
- (b) except as provided in the last preceding paragraph, is not precluded from taking part, during or after the inquiry, in any other business of the Board;
- (c) shall conduct the inquiry in such manner as he thinks fit; and
- (d) shall, as soon as practicable but not later than thirty days after the date of receipt by the Chairman of the request for the inquiry, report to the Minister on the inquiry.

“(4.) Notwithstanding sub-section (1.) of section fifteen of this Act, where—

- (a) a Deputy Chairman has, under this section, reported that it is necessary that urgent action be taken to protect an Australian industry in relation to the importation of any goods, and that the protection can appropriately be provided by means of a temporary duty; and

- (b) the Minister has referred to the Board for inquiry and report the matter of the necessity for new or increased duties on those goods,

the Minister may take action for the purpose of the collection of a duty on those goods (in addition to any existing duty) at a rate not exceeding the rate specified in the report of the Deputy Chairman and expressed not to operate after the expiration of a period of three months from the date upon which the Minister receives the final report of the Board upon that reference.

“(5.) Where the Minister takes action for the purpose of the collection of a temporary duty, he shall cause a copy of the relevant report under this section to be laid before the House of Representatives—

- (a) if that House is sitting on the day on which the temporary duty commences to be collected—on or before that day; or
(b) in any other case—within seven sitting days of that House after that day.

“(6.) The Minister shall, on the day on which a copy of a report is laid before the House of Representatives under the last preceding sub-section (or, if that day is not a sitting day of the Senate, on the next sitting day of the Senate), cause a copy of that report to be laid before the Senate.

“(7.) Where a temporary duty has commenced to be collected on any goods, the Minister shall, as soon as practicable after receipt by him of the final report of the Board upon the reference to the Board with respect to those goods that was pending on the date as from which the duty commenced to be collected, notify in the *Gazette* the fact that he has received the final report of the Board upon that reference and the date upon which he received that report.

“(8.) The Deputy Chairman conducting an inquiry under this section shall, for the purposes of the inquiry, have the use of the services of such of the officers and employees referred to in sub-section (3.) of section eight of this Act as the Chairman, after discussion with that Deputy Chairman, decides, and the use of those services for the purposes of the inquiry is not subject to the control of the Chairman.

“(9.) Sections nineteen to thirty-four (inclusive) of this Act apply to and in relation to an inquiry under this section in like manner as they apply to and in relation to inquiries by the Board, and for that purpose—

- (a) sub-section (1.) of section nineteen of this Act shall be read as if the words ‘on resolution of the Board’ were omitted;

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- (b) a reference in any of those sections to the Board, any member of the Board, any of the members of the Board or the Chairman shall be read as a reference to the Deputy Chairman conducting the inquiry; and
 - (c) the reference in section twenty-five of this Act to a meeting of the Board shall be read as a reference to a sitting of the Deputy Chairman conducting the inquiry.”
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