

TARIFF BOARD (No. 2).

No. 86 of 1962.

An Act to amend the *Tariff Board Act* 1921-1960, as amended by the *Tariff Board Act* 1962.

[Assented to 14th December, 1962.]

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 *Tariff Board Act* (No. 2) 1962. Short title and citation.

(2.) The *Tariff Board Act* 1921-1960,* as amended by the *Tariff Board Act* 1962,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Tariff Board Act* 1962 is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Tariff Board Act* 1921-1962.

2. This

* 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; No. 14, 1958; and No. 41, 1960.

† Act No. 21, 1962.

Commence
ment.

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

Meetings of
the Board.

3. Section eleven of the Principal Act is amended—

(a) by omitting from sub-section (3.) the words “ sub-section (4.) of section twelve A ” and inserting in their stead the words “ sub-section (6.) of section twelve A ”;

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

“ (4.) An inquiry conducted by the Board relating to—

(a) a revision of the Tariff;

(b) a proposal for a bounty;

(c) a question referred to in paragraph (h) of sub-section (1.) of section fifteen of this Act; or

(d) a question referred to in paragraph (a) of section sixteen of this Act,

shall be held in public and evidence in the inquiry shall, subject to this section, be taken in public on oath.”;

(c) by inserting after sub-section (5.) the following sub-section:—

“ (5A.) In an inquiry referred to in sub-section (4.) of this section, the Board may, if it thinks fit, permit a person appearing as a witness before the Board to give evidence on oath in the form of a written statement and, where evidence is so given, the Board shall make available to the public in such manner as the Board thinks fit the contents of the statement other than any matter—

(a) that the person who gave the evidence objects to being made public; and

(b) the evidence of which the Board is satisfied would have been taken in private if that evidence had been given orally and the witness had objected to giving it in public.”; and

(d) by omitting sub-section (7.).

4.—(1.) Section

4.—(1.) Section twelve A of the Principal Act is repealed and the following section inserted in its stead:—

“ 12A.—(1.) Where a matter has been referred to the Board for inquiry and report, the Chairman may, by writing under his hand, determine that the powers of the Board under this Act may, for the purposes of the inquiry and report on that matter or on such part of that matter as is specified in the determination, be exercised by a Division of the Board constituted by the Chairman and such other members as, subject to sub-section (3.) of this section, are specified in the determination.

Chairman may
authorize the
Board to sit
in Divisions.

“ (2.) Where the Chairman has made a determination under the last preceding sub-section, he may, by writing under his hand, at any time before the Division of the Board specified in the determination has completed the inquiry and report, revoke the determination or, subject to the next succeeding sub-section, amend the determination in relation to the membership of the Division or in any other respect, and, where the membership of a Division of the Board is changed, the Division as constituted after the change may complete the inquiry and report.

“ (3.) The members, other than the Chairman, of a Division of the Board shall be not less than two nor more than four in number and shall not include more than one of the members referred to in sub-section (2.) of section six of this Act.

“ (4.) For the purposes of an inquiry and report on a matter, or a part of a matter, specified in a determination made under sub-section (1.) of this section, the Board shall be deemed to consist of the Division of the Board specified in the determination.

“ (5.) The Chairman is not required to attend a meeting of a Division of the Board (including a meeting at which a report to be made by the Division is considered) if he does not think fit to do so.

“ (6.) At a meeting of a Division of the Board at which the Chairman is not present, a member nominated for the purpose by the Chairman shall preside.

“ (7.) Notwithstanding the last preceding section, at a meeting of a Division of the Board, two members, of whom at least one is a member other than a member referred to in sub-section (2.) of section six of this Act, form a quorum.

“ (8.) A meeting of a Division of the Board may be held notwithstanding that a meeting of another Division of the Board is being held at the same time.”

(2.) Where

(2.) Where, before the commencement of this Act, the Chairman of the Tariff Board made a determination under sub-section (1.) of section twelve A of the Principal Act in relation to a matter referred to the Board for inquiry and report and the inquiry and report had not been completed before the commencement of this Act, the provisions of that section shall, subject to the next succeeding sub-section, continue to apply in relation to that inquiry and report.

(3.) The Chairman of the Tariff Board may, by writing under his hand, revoke a determination referred to in the last preceding sub-section.

(4.) The Tariff Board, or any Division of the Board, may, for the purposes of an inquiry and report on a matter, or a part of a matter, to which a determination revoked under the last preceding sub-section applied, have regard to any evidence taken by the members of the Board who, by virtue of that determination, exercised the powers of the Board in relation to that matter.

Reference of certain matters to the Board by Minister.

5. Section fifteen of the Principal Act is amended—

- (a) by omitting paragraph (g) of sub-section (1.);
- (b) by inserting in paragraph (h) of sub-section (1.), after the word "Tariff", the words "or by the restriction of the importation of any goods";
- (c) by inserting after sub-section (1.) the following sub-section:—

“(1A.) Where the Minister has referred to the Board for inquiry and report the matter of the necessity for new or increased duties on any goods, the Board may, in its report, recommend the restriction of the importation of those goods (either in addition to or in lieu of new or increased duties on those goods) for such period as is specified in the report.”;
- (d) by inserting in sub-section (3.), after the word "Tariff", the words "or by the restriction of the importation of any goods"; and
- (e) by omitting from paragraph (a) of sub-section (3.) the words "in respect of the goods".

Reference of certain matters to the Board by Minister for Customs and Excise.

6. Section sixteen of the Principal Act is amended by omitting paragraph (a) and inserting in its stead the following paragraph:—

- “(a) where any action by that Minister under the *Customs Tariff (Dumping and Subsidies) Act 1961* may be taken only if he is satisfied as to certain facts after inquiry and report by the Board—a question as to the existence of any such facts;”.

7. Section

7. Section eighteen F of the Principal Act is amended by omitting paragraph (b) of sub-section (4.) and inserting in its stead the following paragraph:—

Import restrictions.

“(b) unless the Board, in the report, recommends the restriction of the importation of those goods for a period extending beyond the period of three months from the date upon which he received the report—take action before the expiration of that period of three months for the purpose of the removal of the restrictions.”

8. Section twenty-two of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Affirmation in lieu of oath.

“(1.) Where a person appearing as a witness before the Board conscientiously objects to take an oath, he may make an affirmation that he so objects and that the evidence he will give will be the truth, the whole truth and nothing but the truth.”

9. Sections twenty-eight to thirty-three (inclusive) of the Principal Act are repealed.

Repeal of sections 28 to 33.

10. After section thirty-five of the Principal Act the following section is inserted:—

“35A.—(1.) Where, in consequence of a report of the Board or of an authority, action has been taken under a law of the Commonwealth to prohibit the importation of a class of goods except in accordance with a licence granted under that law, the Minister shall, at reasonable intervals, cause to be published in the *Gazette* notices, in accordance with this section, in respect of the licences so granted.

Publication of notices of import licences.

“(2.) Each notice under this section shall specify—

- (a) the class of goods to which the notice relates;
- (b) the names and places of business of the persons to whom licences in respect of goods of that class were granted during the period to which the notice relates; and
- (c) the total value of all the goods covered by the licences to which the notice relates.

“(3.) The first notice under this section in relation to a class of goods shall relate to a period commencing on the date on which the prohibition of the importation of those goods took effect, and each subsequent notice in relation to that class of goods shall relate to a period commencing at the expiration of the period to which the last preceding notice related.”