

No. XXIV.

BORDER DUTIES.

An Act to make provision for suspending the collection of Customs Duties on the River Murray. [25th April, 1873.]

Preamble.

WHEREAS it is expedient that provision should be made for suspending the collection of Customs Duties on the River Murray or southern boundary of New South Wales Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Government of New South Wales authorized to make agreement with Government of Victoria for discontinuance of collection of Customs Duties on River Murray.

1. It shall be lawful for the Governor with the advice of the Executive Council for the time being to make an Agreement or Convention under the hands and seals of any two of the Members of the said Council with the Government of Victoria for discontinuing the actual collection of Customs Duties and charges of every kind upon the importation of all dutiable goods from either of such Colonies into the other across or by way of the River Murray and for establishing in lieu of such collection and during the continuance of such Agreement or Convention a system by means of which the Government of New South Wales and Victoria respectively shall receive without the actual collection thereof the Duties of Customs to which each Government may be entitled upon the importation of such goods from either of such Colonies into the other across or by way of the River Murray or boundary between New South Wales and Victoria Provided that such Agreement or Convention shall be in the form and to the effect of the Memorandum of Agreement set forth in the Schedule hereto.

And a like Agreement with Government of South Australia.

2. Subject to the conditions and stipulations of any such Agreement or Convention so to be made with the Government of Victoria it shall be lawful for the Governor with the like advice and under the hands and seals of any two of the Members of the Executive Council as aforesaid to make an Agreement or Convention with the Government of South Australia for discontinuing the actual collection of Customs Duties and charges of every kind upon the importation of all dutiable goods from either of the Colonies of New South Wales or South Australia into the other across or by way of the River Murray or boundary between New South Wales and South Australia and for establishing

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establishing in lieu thereof and during the continuance of such Agreement or Convention a like system and subject to the like terms and conditions *mutatis mutandis* as between the said Colonies as in the next preceding section are provided as between New South Wales and Victoria Provided that the yearly sum in such Agreement or Convention stipulated to be paid by South Australia to New South Wales during such continuance as aforesaid shall not be less than thirteen thousand and five hundred pounds And such sum shall be payable by equal quarterly payments.

3. During the continuance of any such Agreement or Convention as aforesaid the Acts eighth Victoria number sixteen ninth Victoria number fifteen thirty-fourth Victoria number twenty-one and all other laws whatsoever which impose Custom Duties or other charges or authorize regulations to be made in respect to the same on the trade and commerce across or by way of the boundary between New South Wales and Victoria and between New South Wales and South Australia or of either of such boundaries shall be suspended and have no force or operation in regard to the said trade and commerce.

4. Nothing in this Act or the Schedule thereto contained shall prevent the Governor with the advice aforesaid from authorizing such a departure from the conditions and stipulations contained in the said Schedule as may be found necessary in completing an Agreement to carry out the purposes of this Act between New South Wales and Victoria or between New South Wales and South Australia as the case may be Provided that the duration of any such Agreement shall not be longer than three years and the yearly sum to be paid by Victoria to New South Wales shall not be less than fifty-four thousand five hundred pounds and the yearly sum to be paid by South Australia to New South Wales shall not be less than thirteen thousand five hundred pounds Provided further that no charge or impost of any kind shall be levied on live stock travelling across or by way of the River Murray from New South Wales after a date to be fixed in such Agreement.

5. This Act may be cited as "The Border Duties Act of 1873." Short title.

Suspension of 8 Vic.
No. 16 9 Vic. No. 15
34 Vic. No. 21 and
other Acts during
continuance of any
Agreement.

Variation of terms
of Agreement in
Schedule authorized.

SCHEDULE.

MEMORANDUM OF AGREEMENT made and entered into between
for and on behalf of the Colony of Victoria of the one part and
for and on
behalf of the Colony of New South Wales of the other part.

For the purpose of enabling each of the Colonies of Victoria and New South Wales to receive the duties of Customs to which it is entitled on goods imported from the other across or by way of the river Murray or boundary between New South Wales and Victoria without the actual collection of such duties by Customs officers on the occasion of each importation it is agreed as follows:—

1. That for a period of three years from the day of next goods of all kinds including live stock shall be imported from Victoria into New South Wales and from New South Wales into Victoria across or by way of the river Murray or boundary as aforesaid without any payment of Customs duties or charges of any kind upon any such importation.

2. That during such period there shall be paid to New South Wales by Victoria by equal quarterly payments the yearly sum of Fifty-four thousand five hundred pounds (£54,500) such sum being the estimated annual balance which in each year would be payable to New South Wales in respect of Customs duties upon goods passing through any of the Custom Houses on the river Murray after giving credit to Victoria for the duties payable upon goods imported into that Colony from New South Wales.

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3. That the duties on goods which on the _____ day of _____ next shall have been imported into New South Wales from Victoria by the river Murray and shall then be in any of the New South Wales bonded warehouses on that river and the duties on all goods which may hereafter during the continuance of this Agreement be imported in bond from Victoria by the river Murray and placed in the present or any future bonded warehouse in New South Wales on the said river shall be collected by New South Wales and paid over to Victoria without charge.

4. That should the Legislature of New South Wales during the period of three years set forth in the first clause of this Agreement reduce or repeal the Customs or Excise duties at present imposed by law the yearly sum to be paid to New South Wales shall in a corresponding manner be adjusted and reduced such adjustment to be determined by the amount of duties collected during the twelve months from the first day of February 1872 until the 1st day of February 1873 on the dutiable article or articles affected by such alteration of the law.

5. That should the said Legislature during the same period of three years increase the Customs or Excise duties at present imposed by law or impose new duties upon articles now admitted free the sum to be paid to New South Wales shall be adjusted and increased by the proportional amount received on the articles so subjected to Customs duties during the next succeeding six months after the Act imposing such duties comes into operation.

6. That nevertheless it shall be optional for New South Wales or Victoria on the Legislature of either Colony passing any measure altering the Customs or Excise duties at present in force in such Colony to retire from this Agreement on giving thirty days notice of its intention so to retire.

7. That for the purposes of this Agreement all bonded warehouses shall be on the river Murray or boundary as aforesaid and not on the tributaries of that river.

8. That the Government of Victoria shall afford all customary facilities for the transport under bond of goods destined for consumption in New South Wales to the river Murray.

9. That should it be found during the period of this Agreement that tobacco the produce or manufacture of either New South Wales or Victoria is being introduced into the other Colony to the detriment of its Revenue the Colonial Treasurer of New South Wales or the Commissioner of Trade and Customs of Victoria as the case may be is hereby empowered to prohibit the introduction of any such tobacco into the Colony so objecting on account of detriment to its Revenue except in bond or on payment of the duty due on tobacco of similar kind then chargeable on tobacco imported from elsewhere after three months notice in writing shall have been given by the said Colonial Treasurer of New South Wales to the Commissioner of Customs of Victoria or the said Commissioner of Customs to the Treasurer of New South Wales as the case may be if the Parliament of the Colony to which notice is so given be at any such time sitting otherwise at the expiration of six calendar months from the date of such notice.

10. That nothing herein shall be held to prevent New South Wales making such arrangements not inconsistent with this Agreement with South Australia as it may think fit in reference to Customs duties on goods imported into New South Wales from South Australia by way of the river Murray or establishing and maintaining such Custom Houses and bonded warehouses and making such regulations as it may think fit for the collection of Customs duties on goods imported from or through South Australia by way of the river Murray but any goods imported into Victoria by the said river from South Australia or across the said river from South Australia *via* New South Wales shall be altogether exempt from the provisions of this Agreement and shall be chargeable with duty according to the Victorian tariff then in force and the New South Wales officers of Customs shall co-operate with the Victorian Customs officers and take all proper steps to prevent the provisions of this Agreement being in any such way infringed.

Done at Melbourne the _____ day of _____

Done at Sydney the _____ day of _____