

Tariff Board

No. 126 of 1971

An Act to amend the *Tariff Board Act 1921–1966*.

[Assented to 16 December 1971]

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 1971*.

(2.) The *Tariff Board Act 1921–1966** 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 1921–1971*.

Commencement.

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

Tariff Board.

3. Section 5 of the Principal Act is amended by omitting the words “ eight members ” and inserting in their stead the words “ nine members ”.

Appointment of Chairman, Deputy Chairman and Acting Chairman.

4. Section 7 of the Principal Act is amended—

(a) by omitting from sub-section (3.) the words “ the next succeeding sub-section ” and inserting in their stead the words “ the succeeding provisions of this section ”; and

(b) by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-sections:—

“ (4.) In the case of the illness, suspension or absence of the Chairman or of a vacancy in the office of Chairman, the Governor-General may appoint a Deputy Chairman or another member to be the Acting Chairman of the Board.

“ (5.) A member appointed to be the Acting Chairman of the Board ceases to hold office as Acting Chairman if—

(a) the Governor-General terminates the appointment;

(b) he resigns his office as Acting Chairman by writing under his hand delivered to the Governor-General and the resignation is accepted by the Governor-General; or

(c) circumstances in which an Acting Chairman may be appointed cease to exist.”.

* 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; No. 41, 1960; Nos. 21 and 86, 1962; and No. 93, 1966.

5. After section 10 of the Principal Act the following sections are inserted:—

“ 10A. The Governor-General may, with the consent of the member, retire a member from office on the ground of invalidity. Retirement
of member.

“ 10B. A member may resign his office by writing under his hand delivered to the Governor-General but the resignation does not have effect until accepted by the Governor-General.” Resignation
of member.

6. After section 12A of the Principal Act the following section is inserted:—

“ 12B.—(1.) Where a Minister has, in accordance with section sixteen AA of this Act, directed that the inquiry and report on a matter referred by him to the Board may be made by a Division of the Board constituted by a single member— Division
constituted by
single member.

(a) the Chairman may, by writing under his hand, determine that the powers of the Board under this Act are, for the purposes of the inquiry and report on that matter, to be exercised by a Division of the Board constituted by such member as is specified in the determination; and

(b) where the Chairman has made such a determination in respect of a matter—

(i) the provisions of the last preceding section (other than sub-section (8.)) do not apply to, or in relation to, the inquiry and report; and

(ii) for the purposes of the inquiry and report on that matter, the Board shall, subject to the next succeeding sub-section, be deemed to consist of the Division of the Board constituted in accordance with that determination.

“ (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 inquiry and report have been completed, direct that, for the purposes of the completion of the inquiry and report, the Division of the Board referred to in the determination shall be constituted by a specified member other than the member, if any, constituting that Division at the time of the direction, and the inquiry and report shall be completed accordingly.

“ (3.) Subject to this Act and the regulations, the member constituting a Division of the Board in accordance with this section may give directions regarding the procedure to be followed at or in connexion with a sitting of that Division.

“ (4.) An inquiry conducted in accordance with this section shall be deemed to be an inquiry referred to in sub-section (4.) of section eleven of this Act.”

Reference of certain matters to the Board by Minister.

7. Section 15 of the Principal Act is amended by omitting paragraph (e) of sub-section (2.) and inserting in its stead the following paragraphs:—

“(e) a matter relating to the making or revocation of a by-law or determination for the purposes of a Customs Tariff Item or Excise Tariff Item;

“(f) a matter relating to the addition of goods to the goods that are to remain or become free from duties of customs in accordance with an agreement between the Government of Australia and the Government of New Zealand; or

“(g) a matter relating to the giving of concessions in respect of duties of customs to goods that are the produce or manufacture of less developed countries.”.

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

8. Section 16 of the Principal Act is amended by omitting paragraph (c) and inserting in its stead the following paragraph:—

“(c) whether goods not prescribed by a by-law or specified in a determination for the purposes of a Customs Tariff Item or Excise Tariff Item should be so prescribed or specified; and ”.

9. After section 16 of the Principal Act the following section is inserted:—

“ 16AA. Where—

(a) the Minister refers to the Board a matter referred to in paragraph (e), (f) or (g) of sub-section (2.) of section fifteen of this Act; or

(b) the Minister of State for Customs and Excise refers a matter to the Board in accordance with the last preceding section,

the Minister making the reference may, in his discretion, direct that the inquiry and report on the matter may be made by a Division of the Board constituted by a single member.”.

Reference of certain matters to a single member of the Board.

Power to send for witnesses and documents.

10. Section 19 of the Principal Act is amended by inserting in sub-section (1.), after the word “ Board ” (second occurring), the words “, and the member constituting a Division of the Board in accordance with section twelve B of this Act may, for the purposes of the inquiry to be conducted by that Division, ”.

Duty of witness to continue in attendance.

11. Section 20 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) The references in the last preceding sub-section to the Chairman shall be read as including references to a member, not being the Chairman, presiding at a meeting of the Board or constituting a Division of the Board in accordance with section twelve B of this Act.”.