



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1873.

No. 12.

An Act to Validate certain Conventions entered into between the Governments of South Australia and New South Wales with reference to Customs Duties on the River Murray.

[Assented to, 18th December, 1873.]

WHEREAS, at a Conference held at Sydney in the months of Preamble.
January and February, one thousand eight hundred and seventy-three, a resolution was agreed to by the duly accredited representatives of the Governments of the Australian Colonies, and of Tasmania and New Zealand, respectively, in the terms following, that is to say:—"That it is desirable to terminate as soon as possible the present system of the collection of Customs Duties on the River Murray, and to establish the payment of lump sums in lieu of duties; the amounts to be arranged by the Colonies concerned, on an equitable basis:" And whereas, in pursuance of such resolution, the Honorable Sir Henry Ayers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, the Chief Secretary, and the Honorable John Henry Barrow, the Treasurer of the Province of South Australia, acting for and on behalf of the said Province, have entered into two Conventions with the Honorable Henry Parkes, Colonial Secretary, and the Honorable George Alfred Lloyd, Colonial Treasurer of the Colony of New South Wales, acting for and on behalf of the said Colony, both which Conventions have been duly executed by the said parties, and are set forth at length in the Schedule hereto: And whereas it is desirable to make provision for suspending the collection of Customs Duties on the River Murray, or eastern boundary of South Australia; and, for that purpose, to validate and confirm the Conventions so entered into as aforesaid—
Be it therefore Enacted by the Governor of the said Province, with
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the advice and consent of the Legislative Council and House of Assembly thereof, in this present Parliament assembled, as follows:

Validation of Conventions set out in Schedule.

1. The two Conventions made and entered into as aforesaid, and which are set out in full in the Schedule hereto, are hereby validated, and declared to be of full force and effect from the day of the making thereof, respectively, to all intents and purposes as if the same had been made and entered into in pursuance of an Act of the Parliament of the said Province expressly directing and authorizing the same to be made and entered into by the said Chief Secretary and Treasurer, acting for and on behalf of the said Province, with the Colonial Secretary and Colonial Treasurer, acting for and on behalf of the said Colony of New South Wales.

Suspension of Customs Act, 1864, and other Acts during continuance of Conventions.

2. During the continuance of the said Conventions, "The Customs Act, 1864," and all other laws whatsoever which impose Customs 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 South Australia and New South Wales, shall be suspended and have no force or operation in regard to the said trade and commerce.

Treasurer to pay moneys payable under Conventions.

3. The Treasurer of the said Province, during the continuance of the said Conventions, shall pay such annual sums as may become payable pursuant thereto, at such times and in such manner as by the said Conventions, or either of them, is provided.

Variation of terms of agreement in Schedule annexed.

4. Nothing in this Act, or the Schedule thereto, contained, shall prevent the Governor 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 South Australia and New South Wales, or between South Australia and Victoria, 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 South Australia to New South Wales in respect of such Conventions shall not be less nor more 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 South Australia after a date to be fixed in such agreement.

Short title.

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

In the name and on behalf of Her Majesty I hereby assent to this Act.

A. MUSGRAVE, Governor.

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SCHEDULE REFERRED TO.

CONVENTION made and entered into between the Honorable Henry Parkes, Colonial Secretary, and the Honorable George Alfred Lloyd, Colonial Treasurer, for and on behalf of the Colony of New South Wales, of the one part; and the Honorable Sir Henry Ayers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Chief Secretary, and the Honorable John Henry Barrow, Treasurer, for and on behalf of the Colony of South Australia, of the other part.

FOR the purpose of enabling each of the Colonies of South Australia and New South Wales to receive the duties of Customs to which it is entitled on goods imported from the other by way of the River Murray 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 sixteenth day of June, one thousand eight hundred and seventy-three, inclusive, goods of all kinds, including live stock, shall be imported from South Australia into New South Wales, and from New South Wales into South Australia, by way of the River Murray, 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 South Australia, by equal quarterly payments, the yearly sum of Thirteen Thousand Five Hundred Pounds (£13,500), such sum being the estimated annual amount which in each year would be payable to New South Wales in respect of Customs duties upon goods passing through any of the Customs Houses on the River Murray aforesaid.

3. That the duties on goods which on the first day of June next shall have been imported into New South Wales from South Australia 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 placed in the present or any future bonded warehouses in New South Wales on the said river from South Australia, shall be collected by New South Wales and paid over to South Australia 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, one thousand eight hundred and seventy-two, until the first day of February, one thousand eight hundred and seventy-three, 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 or receivable on the articles crossing the River Murray aforesaid, 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 South Australia, 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 aforesaid, and not on the tributaries of that river.

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

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

Done at Sydney the twenty-seventh day of May, one thousand eight hundred and seventy-three.

HENRY PARKES.
GEO. A. LLOYD.

Done at Adelaide the sixth day of June, one thousand eight hundred and seventy-three.

HENRY AYERS.
JOHN H. BARROW.

CONVENTION made and entered into between the Honorable Henry Parkes, Colonial Secretary, and the Honorable George Alfred Lloyd, Colonial Treasurer, for and on behalf of the Colony of New South Wales, of the one part; and the Honorable Sir Henry Ayers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Chief Secretary, and the Honorable John Henry Barrow, Treasurer of the Province of South Australia, for and on behalf of the said Province of South Australia, of the other part.

WHEREAS a certain Convention done at Sydney the twenty-seventh day of May, in the year of our Lord one thousand eight hundred and seventy-three, and at Adelaide on the sixth day of June last past, was made between the said parties hereto, for the purpose of enabling each of the Colonies of South Australia and New South Wales to receive the duties of Customs to which it was entitled on goods imported from the other by way of the River Murray between New South Wales and Victoria, without the actual collection of such duties by Customs officers on the occasion of each importation: And whereas such Convention is to be in force for a period of three years, from the sixteenth day of June, one thousand eight hundred and seventy-three: And whereas, in addition to the clauses, conditions, and agreements contained in the said Convention, it is expedient to enter into the agreement hereinafter contained: It is therefore agreed as follows:—

That should it be found, during the period of three years mentioned in the above-recited Convention, that tobacco, the produce or manufacture of either New South Wales or South Australia, is being introduced into the other Colony to the detriment of its revenue, the Colonial Treasurer of New South Wales, or the Treasurer of South Australia, 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 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 Treasurer of South Australia, or by the said Treasurer of South Australia to the Colonial Treasurer of New South Wales, as the case may be, if the Parliament of the Colony to which notice shall be so given be at any such time sitting; otherwise at the expiration of six calendar months from the date of such notice.

Done at Sydney the seventh day of July, one thousand eight hundred and seventy-three.

HENRY PARKES.
GEO. A. LLOYD.

Done at Adelaide the twenty-fifth day of June, one thousand eight hundred and seventy-three.

HENRY AYERS.
JOHN H. BARROW.