

PREPARATORY COMMITTEE OF THE INTERNATIONAL CONFERENCE  
ON TRADE AND EMPLOYMENT

GENERAL COMMERCIAL POLICY

AUSTRALIAN VIEWS ON GENERAL COMMERCIAL PROVISIONS

A. 2 of the Provisional Agenda

Australia anticipates considerable difficulty in giving full effect to the operation of this section. Differences in treatment of domestic and imported goods (and in some cases between British and "Foreign" imported goods) occur in both Commonwealth and State practice.

Where such differences occur in Commonwealth laws, e.g. Excise and Sales Tax, steps could over a period be taken to remove differentiation. Where the matter is one solely of action by a State, and our "external powers" laws do not give the Commonwealth authority to act, we would agree to use our best efforts to secure modification or elimination of any practice regarded as discriminatory. We consider, in view of the immense difficulties involved in the problem of "house cleaning" in these matters, that our agreement to the provisions of C.3 Sec. A.1 of the proposals, or to Article 8-9 of the Charter, should relate to future actions by the Commonwealth, but we would also agree that any specific existing practice considered discriminatory should receive immediate consideration where it is involved in any matter the subject of current or future negotiations in regard to specific requests on Tariff Items.

A.3 of the Provisional Agenda

The provisions of the sections of the proposals and draft charter dealing with Freedom of Transit can be agreed to in principle, with the reservation that the provisions are accepted as regards matters over which the Commonwealth exercises sole control. Any

discriminatory practice resulting from the actions of State-controlled transport authorities would, however, be the subject of presentations by the Commonwealth to the States concerned. We consider the reference to "transit" in Para. 5 of Article 10 of the United States draft to refer to "direct transit" only.

A.4 of the Provisional Agenda

Australia agrees with the proposition as expressed in Chapter 3, Section A.3 of the proposals that an effort should be made to arrive at a general definition of the circumstances under which anti-Dumping and Counter-vailing duties may properly be imposed and considers that such definition of circumstances may properly be left to an international body, such as the Commercial Policy Commission, of the ITO. It further considers that a condition of the imposition of such duties should primarily depend on an enquiry by an independent Tariff Body having determined that serious detriment is being caused, or likely to be caused, to a domestic industry, or is likely to prevent the establishment of a domestic industry. To this extent Australia considers that the right of imposition of dumping and/or counter-vailing duties should be optional and not mandatory, as it is at present the case in some administrations. Further, it considers that anti-dumping or counter-vailing duties imposed should be subject to reference and complaint to the ITO by any member country considering itself aggrieved. As to the definition of the term "Margin of Dumping" as proposed in Article 11 of the United States Draft Charter, Australia is not in agreement and reserves the right to suggest amendments to the definition, at the appropriate occasions.

A.5 of the Draft Agenda

Australia considers that the question of arriving at a generally uniform method of determining the basis of value for duty should be treated as one of some urgency, in view of its obvious importance in relation to any Tariff concession granted by or to any member country.

In this connection Australia favours the proposition that the "value for duty" of goods should be based alternatively on the current domestic value of goods or on the selling price to the purchaser for export, whichever is the higher, which method is considered to possess certain inherent advantages as opposed to systems which provide for no alternative method.

A.6 of the Draft Agenda

The suggestion in Paragraph 2 of Article 15 of the Charter proposed by the United States of America, that members undertake an early review of their customs laws and regulations should, we consider, be dependent on the receipt of a request from a member country for a review of a particular law or laws.

A.7 of the Draft Agenda

As regards paragraph 3 and 6 of Article 14 of the United States Draft Charter, Australia maintains its right to insist on the proper marking of goods before shipment, when due and proper notice of marking requirements has been given.

A.10 of the Draft Agenda

As regards Boycotts and Campaigns, the suggestion in Article 17 of the United States Draft Charter that each "member shall discourage, by such means as may be available to it, such campaigns by political entities within its jurisdiction" does not, without further elaboration, carry the full approbation of Australia unless it is clearly indicated that the objection lies against Governmental action solely which is directed towards the initiation or support of any such boycott or campaign.

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