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FREE TRADE AGREEMENT BETWEEN AUSTRALIA AND PAPUA NEW GUINEA

AGREEMENT ON TRADE AND COMMERCIAL RELATIONS BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF PAPUA NEW GUINEA

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF PAPUA NEW GUINEA,

BEARING IN MIND the close trading and commercial relations existing between their two countries,

ACKNOWLEDGING their respective international rights and obligations,

DESIRING to maintain and strengthen trade and commercial relations between their two countries, and

HAVING RESOLVED to establish between their two countries a Free Trade Area with a view to the sustained development of their economies through expansion of trade and investment in accordance with their respective social and economic objectives,

HAVE AGREED as follows:

Article 1

Definitions

In this Agreement, unless the contrary intention appears:

"Australia" means the states and the mainland territories of Australia;

"free goods" means goods which when the subject of trade between the Member States are free of duties and other restrictive regulations of commerce pursuant to Article 3 of this Agreement;

"Member States" means Papua New Guinea and Australia or, as the context requires, the Government of Papua New Guinea and the Government of Australia;

"primary industry" means any industry producing, processing or marketing agricultural, livestock, fisheries or forestry products;

"the Area" means the Free Trade Area established under Article 3 of this Agreement.

FREE 澳大利亚与巴布亚新几内亚之间的贸易协定

澳大利亚政府与巴布亚新几内亚政府之间的贸易和商业关系协定

澳大利亚政府与巴布亚新几内亚政府,

鉴于其两国之间存在的密切贸易和商业关系,

承认其各自的国际权利和义务,

为维持和加强两国之间的贸易和商业关系，并

决定在两国之间建立自由贸易区，以根据各自的社会和经济目标，通过扩大贸易和投资促进其经济的持续发展,

达成如下协议:

第一条

定义

在本协定中，除非另有相反意图:

"澳大利亚"是指澳大利亚的各州和大陆领地;

"免税商品"是指根据本协定第3条，当在成员国之间进行贸易时，免征关税和其他贸易限制性法规的货物;

"成员国"是指巴布亚新几内亚和澳大利亚，或者根据上下文需要，是指巴布亚新几内亚政府和澳大利亚政府;

"初级产业"是指任何生产、加工或营销农业、畜牧业、渔业或林业产品的产业;

"该自由贸易区"是指根据本协议第3条建立的自由贸易区 t.

Article 2

Objectives

The objectives of this Agreement are:

(a) to further the development of the Area through the expansion and diversification of trade between the Member States;

(b) to further the development and use of the resources of the Area in accordance with the respective social and economic objectives of the Member States;

(c) to further the development of the Area by the promotion of direct investment which is consistent with the foreign investment policies and priorities of the recipient Member States;

(d) to promote and facilitate commercial, industrial, administrative and technical cooperation between the Member States; and

(e) to contribute to the harmonious development and expansion of world trade and to the progressive removal of barriers to it.

Article 3

Free trade

1. A Free Trade Area is hereby established. The Area consists of Papua New Guinea and Australia.

2. Subject to the provisions of this Agreement, trade between the Member States shall be free of duties and other restrictive regulations of commerce.

3. This Article applies only to trade in goods which originate in a Member State.

Article 4

Rules of origin of goods

1. Goods shall be treated as originating in a Member State if those goods are:

(a) the unmanufactured raw products of that Member State, or

(b) manufactured goods in relation to which

(i) the process last performed in the manufacture was performed in that Member State, and

(ii) the expenditure

(A) on material that is of Member State origin,

第2条

目标

本协定的目标是：

(a) 通过成员国之间的贸易扩展和多元化，进一步促进该自由贸易区的发展；(b) 根据成员国各自的社会和经济目标，进一步促进该自由贸易区资源的开发和利用；(c) 通过促进与接受成员国外国投资政策和优先事项一致的直接投资，进一步促进该自由贸易区的发展；(d) 促进和便利成员国之间的商业、工业、行政和技术合作；以及(e) 促进世界贸易的协调发展和扩张，并逐步消除其障碍。

第3条

自由贸易

1. 自此建立自由贸易区。该自由贸易区由巴布亚新几内亚和澳大利亚组成。

2. 根据本协定的规定，成员国之间的贸易应免征关税和其他贸易限制性法规。

3. 本条款仅适用于源自成员国货物的贸易。

条款4

货物的原产地规则

1. 如果货物符合以下条件，则应视为源自成员国：

(a) 该成员国的未加工原材料，或 (b) 与之相关的制成品，其中 (i) 制造过程中最后执行的生产过程是在该成员国进行的，并且 (ii) 支出 (A) 中材料支出是成员国产地，

(B) on labour, factory overheads and inner containers that are of Member State origin, or

(C) partly on such material and partly on such other items of factory cost, is not less than one-half of the factory or works costs at the time of exportation.

2. Notwithstanding the provisions of paragraph 1 of this Article, the Member States may agree to treat particular goods or classes of goods as originating in a Member State provided that, in the case of manufactured goods, the process last performed in the manufacture was performed in the territory of the exporting Member State.

Article 5

Excepted goods

Notwithstanding the provisions of Article 3 of this Agreement,

(a) the goods specified in Schedule A to this Agreement, when imported into Australia from Papua New Guinea, shall be subject to the rate of import duty specified from time to time in the Australian Customs Tariff as being applicable to Port New Guinea goods;

(b) the goods specified in Schedule B to this Agreement, when imported into Australia from Papua New Guinea, shall be subject to the rate of import duty and to the other regulations, if any, specified in Schedule B as being applicable to those goods;

(c) the goods specified in Schedule C to this Agreement, when imported into Papua New Guinea from Australia, shall be subject to the rate of import duty specified from time to time in the Papua New Guinea Customs Tariff as being applicable to Australian goods; and

(d) the goods specified in Schedule D to this Agreement, when imported into Papua New Guinea from Australia, shall be subject to the rate of import duty and to the other Regulations, if any, specified in Schedule D as being applicable to those goods.

Article 6

Revenue duties

Nothing in this Agreement shall preclude the imposition by either Member State of sales taxes or other revenue duties which are levied equally on both imports and domestic products.

Article 7

Most favoured nation treatment

1. Each Member State shall accord to the other Member State treatment no less favourable than that accorded to any third country in respect of all matters concerning:

(B) 劳动、工厂管理费用和内部容器支出是成员国产地，或 (C) 部分是此类材料支出，部分是此类其他工厂成本，其金额不低于出口时工厂或工场成本的一半。

2. 不论本条第1段的规定如何，成员国可以同意将某些货物或货物的类别视为源自成员国，前提是对于制成品，制造过程中最后执行的生产过程是在出口成员国的领土内进行的。

第5条

免税货物

不论本协定第3条的规定如何，

(a) 本协定附录A中规定的货物，当从巴布亚新几内亚进口到澳大利亚时，应适用澳大利亚海关关税中规定的、适用于新几内亚港货物的进口关税税率；(b) 本协定附录B中规定的货物，当从巴布亚新几内亚进口到澳大利亚时，应适用附录B中规定的、适用于这些货物的进口关税税率和其他法规（如有）；(c) 本协定附录C中规定的货物，当从澳大利亚进口到巴布亚新几内亚时，应适用巴布亚新几内亚海关关税中规定的、适用于澳大利亚货物的进口关税税率；以及(d) 本协定附录D中规定的货物，当从澳大利亚进口到巴布亚新几内亚时，应适用附录D中规定的、适用于这些货物的进口关税税率和其他法规（如有）。

条款 6

收入税

本协定任何条款均不得妨碍任何成员国对销售税或其他收入税的征收，这些税项对进口和国内产品均平等征收。

条款 7

最惠国待遇

1. 每个成员国应给予其他成员国不低于其给予任何第三国的待遇，在所有涉及以下事项方面：

(a) customs duties and charges of any kind imposed on, or in connexion with, the importation or exportation of any goods, or imposed on the international transfer of payments for imports or exports;

(b) the method of levying such duties and charges;

(c) the rules and formalities connected with the importation or exportation of goods;

(d) all internal taxes or other internal charges of any kind imposed on, or in connexion with, imported goods;

(e) all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods within its territory;

(f) restrictions or prohibitions on the importation or exportation of any goods;

(g) the allocation of foreign exchange; and

(h) the administration of foreign exchange restrictions affecting transactions involving the importation or exportation of any goods.

2. The provisions of paragraph 1 of this Article shall not apply to:

(a) advantages accorded by either Member State to adjacent countries to facilitate frontier traffic;

(b) tariff preferences or other advantages granted by either Member State consequent on the membership of that Member State in another free trade area or a customs union, or on an interim agreement leading to the formation of another free trade area or a customs union;

(c) tariff preferences accorded by either Member State to a third country in view of that country's status as a developing country; or

(d) such measures as either Member State may take pursuant to a multilateral international commodity agreement or arrangement.

Article 8

Other exceptions

Provided that such measures are not used as a means of arbitrary or unjustifiable discrimination, or as a disguised restriction on trade between the Member States, nothing in this Agreement shall prevent the adoption or enforcement by a Member State of measures:

(a) necessary for the protection of its essential security interests;

(b) necessary to protect public morals;

(c) necessary for the prevention of disorder or crime;

(a) 对任何货物的进口或出口或对进口或出口的国际支付转移所征收的任何种类的关税和费用；(b) 征收此类关税和费用的方法；(c) 与货物的进口或出口相关的规则和程序；(d) 对进口货物征收的任何种类的内部税收或其他内部费用；(e) 影响其领土内进口货物的内部销售、销售要约、购买、分销或使用的所有法律、法规和要求；(f) 对任何货物的进口或出口的限制或禁止；(g) 外汇分配；以及(h) 影响涉及任何货物进口或出口交易的外汇限制管理。

2. 本条第1款的各项规定不适用于：

(a) 各成员国给予邻近国家以便利边境交通的优惠；(b) 各成员国因该国加入另一自由贸易区或关税同盟，或因该国参与一项导致形成另一自由贸易区或关税同盟的临时协议而给予的关税优惠或其他优惠；(c) 各成员国考虑到该国是发展中国家而给予第三国的关税优惠；或(d) 各成员国根据多边国际商品协定或安排可能采取的措施。

第8条

其他例外

只要这些措施不被用作任意或不公正的歧视手段，或用作成员国之间贸易的伪装限制，本协定中的任何规定均不得阻止成员国采纳或执行措施：

(a) 为保护其基本安全利益所必需的； (b) 为保护公共道德所必需的； (c) 为预防混乱或犯罪所必需的；

(d) imposed for the protection of its national treasures of artistic, historical, anthropological, palaeontological, archaeological or other cultural or scientific value;

(d) 为保护其具有艺术、历史、人类学、古生物学、考古学或其他文化或科学价值的国家宝藏而采取的；

(e) necessary to reserve for approved purposes the use of Royal Arms or national, state, provincial and territorial arms, flags, crests and seals;

(e) 为保留经批准的用途而使用皇家纹章或国家、州、省和地区纹章、旗帜、徽章和印章所必需的；

(f) necessary to protect human, animal or plant life or health;

(f) 为保护人类、动物或植物生命或健康所必需的；

(g) necessary to protect its indigenous flora and fauna;

(g) 为保护其本土植物和动物所必需的；

(h) undertaken in pursuance of its rights and obligations under a multilateral international commodity agreement or arrangement;

(h) 为履行其根据多边国际商品协定或安排所享有的权利和义务而采取的；

(i) necessary to prevent or relieve shortages of foodstuffs or other essential goods;

(i) 为防止或缓解食品或其他必需品的短缺所必需的；

(j) related to the conservation of limited natural resources;

(j) 与有限自然资源的保护相关的；

(k) necessary to protect industrial property rights or copyright, or to prevent unfair, deceptive or misleading practices;

(k) 为保护工业产权或版权，或为防止不公平、欺骗性或误导性行为所必需的；

(l) necessary to secure compliance with laws and regulations relating to customs enforcement, or to tax avoidance or evasion, or to the classification, grading or marketing of goods, or to the operation of recognised commodity marketing boards;

(l) 为确保遵守与海关执法相关的法律和法规，或与避税或逃税，或与商品的分类、分级或营销，或与认可的商品营销委员会的运营相关的法律和法规所必需的；

(m) relating to products of prison labour;

(m) 与囚犯劳动产品相关的；

(n) relating to trade in gold or silver; or

(n) 与黄金或白银贸易相关的；或

(o) necessary to safeguard its external financial position and balance of payments.

(o) 为维护其外部金融地位和国际收支所必需的。

Article 9

第9条 义务的暂停：受威胁或新兴产业的保护

Suspension of obligations: Protection of threatened or developing industries

1. If in the opinion of a Member State (in this Article called "the importing Member State") goods are, as a result of the operation of Article 3 of this Agreement, being imported into it from the other Member State in such quantities or under such conditions as to cause or threaten serious injury to an industry in the importing Member State producing like or directly competitive goods, or to retard materially the establishment of an industry in the importing Member State to produce like or directly competitive goods, the importing Member State may request the other Member State to consult with it on measures to reduce or prevent such injury or retardation.

1. 如果一个成员国（在本条款中称为“进口成员国”）认为，由于本协定第3条的规定，从其他成员国进口的货物数量或条件导致或威胁对进口成员国内生产同类或直接竞争商品产业造成严重损害，或实质性阻碍进口成员国建立生产同类或直接竞争商品产业，进口成员国可以要求其他成员国与其磋商减少或防止此类损害或阻碍的措施。

2. If a mutually acceptable solution is not reached within sixty days of the date of the request referred to in paragraph 1 of this Article, the importing Member State may, after giving notice to the other Member State, suspend to such extent and for as long as necessary the application to the goods concerned of the provisions of Article 3 of this Agreement.

2. 如果在本协定第1款所述请求之日起六十天内未能达成双方可接受的解决方案，进口成员国在通知另一成员国后，可以暂停对有关货物适用本协定第3条的规定。

Article 10

Suspension of obligations: Protection of Papua New Guinea primary industry

1. In order to protect an existing primary industry or to foster the development of a new primary industry, the Government of Papua New Guinea may suspend its obligations under Article 3 of this Agreement in respect of the products of a like or directly competitive industry.

2. Unless critical circumstances prevail in which delay would cause damage which would be difficult to repair, the Government of Papua New Guinea shall give sixty days notice to the Australian Government prior to taking action under paragraph 1 of this Article.

3. As soon as practicable after the need arises to take action under paragraph 1 of this Article, the Papua New Guinea Government shall enter into consultations with the Australian Government with a view to finding a mutually satisfactory solution to the problem.

Article 11

Suspension of obligations: Deflection of trade

1. If the importation into a Member State (in this Article called "the importing Member State") of free goods from the other Member State

(a) causes or threatens serious injury to an industry in the importing Member State producing like or directly competitive goods because -

(i) the duties or taxes levied by the other Member State on raw materials or intermediate products imported from outside the Area and used in the production of those goods are significantly lower than the duties or taxes levied by the importing Member State on imports of similar raw materials or intermediate products imported from outside the Area, or

(ii) the prices of raw materials or intermediate products used in the production of those goods are unduly low by reason of dumping into the Area or subsidisation, or

(iii) drawback, exemption or remission of import duties is allowed by the other Member State on raw materials or intermediate products imported from outside the Area and used in the production of those goods, and

(b) the other Member State is deriving advantage from the circumstances, the importing Member State, if it considers that action is necessary to offset that advantage, may request consultations with the other Member State on the situation which has developed. Such consultations shall be as full as circumstances permit, and the importing Member State shall consider any measures taken or proposed by the other Member State to offset the advantage.

2. If a mutually acceptable solution is not reached within sixty days of the date of the request referred to in paragraph 1 of this Article, the importing Member State may, after giving notice to the other Member State, suspend to such extent and for as long as necessary the application to the goods concerned of the provisions of Article 3 of this Agreement.

第10条

义务暂停：保护巴布亚新几内亚初级产业

1. 为了保护现有的初级产业或促进新的初级产业的发展，巴布亚新几内亚政府可以暂停本协定第3条项下关于同类或直接竞争产业的产品的义务。

2. 除非出现紧急情况，延迟将造成难以修复的损害，否则巴布亚新几内亚政府应在采取本条第1段规定的行动前六十天通知澳大利亚政府。

3. 在需要采取本条第1段规定的行动后，巴布亚新几内亚政府应尽快与澳大利亚政府进行磋商，以寻求相互满意的解决方案。

第11条

暂停义务：贸易转移

1. 如果免税商品从另一个成员国进口到成员国（在本条款中称为“进口成员国”）

(a)导致或威胁对进口成员国中生产同类或直接竞争商品的产业造成严重损害，因为—(i)另一成员国对从该自由贸易区外进口并用于这些商品生产的原材料或中间产品征收的关税或税收，显著低于进口成员国对从该自由贸易区外进口的同类原材料或中间产品征收的关税或税收，或(ii)由于倾销到该自由贸易区或补贴，用于这些商品生产所使用的原材料或中间产品的价格不正常低廉，或(iii)另一成员国允许对从该自由贸易区外进口并用于这些商品生产所使用的原材料或中间产品征收进口关税的退税、免税或减免，并且(b)另一成员国正从这些情况中获益，

进口成员国，如果认为采取行动抵消该优势是必要的，可以就出现的情况与其他成员国进行磋商。此类磋商应尽可能充分，进口成员国应考虑其他成员国为抵消该优势所采取或提议的任何措施。

2. 如果在本协定第1款所述请求之日起六十天内未能达成双方可接受的解决方案，进口成员国在通知另一方成员国后，可以暂停对有关货物适用本协定第3条的规定。

Article 12

Suspension of obligations: Exceptional circumstances

Member States may agree to the suspension of any obligation under this Agreement on the ground that there exist exceptional or emergency circumstances creating severe difficulties for one or both Member States.

Article 13

Suspension of obligations: Dumped or subsidised imports

1. If in the opinion of a Member State goods being imported into it from the other Member State are being dumped or are being subsidised by the other Member State so as to cause or threaten material injury to an industry producing like or directly competitive goods or to materially retard the establishment of an industry to produce like or directly competitive goods, it may request the other Member State to consult with it on measures to reduce or prevent such injury or retardation.

2. If a mutually acceptable solution is not reached within sixty days of the date of the request referred to in paragraph 1 of this Article, the importing Member State may, after giving notice to the other Member State, suspend the application of Article 3 of this Agreement to the extent necessary to enable it to levy dumping or countervailing duties on the goods concerned.

Article 14

Investment

1. The Member States, bearing in mind that Australian investment in Papua New Guinea and the conditions attaching to that investment will have a bearing on the long term trade and commercial relationship between the Member States, will consult, when necessary and practicable, on the most appropriate ways in which future Australian direct investment, particularly by way of joint venture, can contribute to the social and economic development of Papua New Guinea in accordance with its foreign investment policies and priorities.

2. The Papua New Guinea Government will draw to the attention of the Australian Government those specific fields of development in which it would particularly welcome Australian investment. The Australian Government will endeavour to interest and encourage Australian enterprises to participate in those specific fields except where such investment would not be in the interests of both countries.

3. In relation to a proposed investment in Papua New Guinea which might result in the export of free goods to Australia, the Member States recognise the need for prior consultations on any matter which might affect the export to Australia of those goods.

It shall be a matter for the Papua New Guinea Government to determine whether or not such consultations should take place.

第12条

义务的暂停：特殊情况

成员国可以同意根据特殊情况或紧急情况的存在暂停本协定下的任何义务，这些情况给一个或两个成员国造成了严重困难。

第13条

义务的暂停：倾销或补贴的进口

1. 如果一个成员国认为从另一个成员国进口的货物正在被倾销或由另一个成员国进行补贴，从而对生产同类或直接竞争商品的行业造成或威胁造成实质性损害，或严重阻碍生产同类或直接竞争商品的行业建立，该成员国可以要求另一个成员国与其协商减少或防止此类损害或阻碍的措施。

2. 如果在本协定第1款所述请求之日起六十天内未能达成双方均可接受的解决方案，进口成员国在通知另一方成员国后，可暂停将本协定第3条适用于为对其商品征收倾销税或反倾销税所必需的程度。

第14条

投资

1. 成员国应铭记，澳大利亚在巴布亚新几内亚的投资及其相关条件将对成员国之间的长期贸易和商业关系产生影响，并在必要时且可行时，商讨未来澳大利亚直接投资（尤其是通过合资企业方式）最适当的方式，以符合巴布亚新几内亚的外国投资政策和优先事项，从而促进其社会经济发展。

2. 巴布亚新几内亚政府将向澳大利亚政府指出其特别欢迎澳大利亚投资的具体发展领域。澳大利亚政府将努力吸引和鼓励澳大利亚企业参与这些具体领域，除非此类投资不符合两国利益。

3. 就拟在巴布亚新几内亚进行的投资，该投资可能导致免税商品出口至澳大利亚而言，成员国认识到就任何可能影响这些商品出口至澳大利亚的事项进行事先磋商的必要性。

巴布亚新几内亚政府将决定是否应进行此类磋商。

4. Papua New Guinea will accord to Australian investment, in accordance with Papua New Guinea laws and related policies, treatment no less favourable than that accorded to the investment of any third country.

Article 15

Industry co-operation

In order to further the objectives of this Agreement, the Member States shall, as appropriate, use their best endeavours to encourage co-operation between, and coordination of activities of, their respective firms and industries. To this end, the Member States shall exchange information and consult together on developments in industry within the Area, and may agree on, and implement, if consistent with their international obligations, special measures beneficial to the trade and development of a Member State.

Article 16

Technical co-operation

In order to further the objectives of this Agreement, the Member States shall encourage and facilitate the interchange of applied scientific and technical knowledge between their respective countries.

Article 17

Administrative co-operation

To promote the effective and harmonious application of the provisions of this Agreement, the Member States shall take steps to facilitate administrative co-operation and to reduce, as far as practicable, formalities affecting trade within the Area.

Article 18

Promotion of trade

1. For the purpose of promoting trade between the Member States, each Member State shall, within its competence and subject to its laws, encourage and facilitate:

(a) the interchange of commercial and technical representatives, groups and delegations; and

(b) the holding of, and participation in, trade fairs, trade exhibitions and other promotion activities in the fields of trade and technology in its territory by enterprises and organisations from the other Member State.

2. In particular, each Member State shall exempt from import duties and other taxes, and from any other prohibitions and restrictions (other than those provided for under Article 8 of this Agreement) articles for display or for use in connexion with fairs, exhibitions or similar events, as well as samples of goods for advertising purposes imported on a temporary basis from the other Member State. Articles and samples so exempted shall not be disposed of otherwise than by re-

4. 巴布亚新几内亚将根据巴布亚新几内亚法律及相关政策，给予澳大利亚投资不低于给予任何第三国投资的待遇。

第15条

产业合作

为促进本协定目标，成员国应根据适当情况，尽其最大努力鼓励其各自企业及产业之间的合作，并协调其活动。为此，成员国应就该自由贸易区内产业的发展交换信息并协商，并可就符合其国际义务的特殊措施达成协议，并实施有利于成员国贸易和发展的措施。

第16条

技术合作

为促进本协定的目标，成员国应鼓励并促进其各自国家之间应用科学和技术知识的交流。

第十七条

行政合作

为促进本协定各项规定的有效和协调适用，成员国应采取措施促进行政合作，并尽可能减少对自由贸易区内贸易的影响手续。

第十八条

贸易促进

1. 为了促进成员国之间的贸易，每个成员国在其权限范围内并遵守其法律，应鼓励和促进：

(a) 商业和技术代表的交换、团体的交流和代表团的交流；以及 (b) 由其他成员国的企业和组织在其领土内举办和参与贸易展览会、贸易展览会和其他贸易和技术领域的促销活动。

2. 在此特别规定，每一成员国应免征进口关税和其他税收，并免征任何其他禁止和限制（本文第8条所规定者除外），对于展示或与展览会或类似活动有关的用途而进口的物品，以及为广告目的从其他成员国临时进口的商品样品。所免税的物品和样品不得除经进口成员国主管当局事先批准并缴纳任何适用的进口关税和税收外，以其他方式处置。

exportation, except with the prior approval of the competent authorities of the importing Member State and on payment of any applicable import duties and taxes.

Article 19

Commercial commodity contracts

To advance the objectives of this Agreement, the Member States

(a) shall encourage and, where practicable, facilitate the negotiation of commercial contracts between appropriate organisations or enterprises of their two countries; and

(b) declare their support in principle for the conclusion of long term commercial contracts relating to the supply and purchase of goods, and shall encourage the relevant organisations or enterprises of their two countries to explore the scope for such commercial contracts and, where appropriate, to conclude such contracts.

It is acknowledged that the organisations or enterprises referred to in this Article might be either governments of private bodies.

Article 20

Scarce commodities

If a Member State has difficulty in obtaining supplies of essential commodities from the other Member State or from third countries, the other Member State, on request, shall enter into consultations on the matter.

Article 21

Payments

All commercial payments between the Member States shall be made through the banks of the two countries authorised to buy and sell foreign currency, and in any mutually acceptable freely convertible currency, in accordance with the foreign exchange regulations in force in the two countries and with general customary practice.

Article 22

Consultation and review

1. There shall be periodic consultations between the Member States for the purpose of reviewing the operation of this Agreement. The first such consultations shall take place not later than one year after the date of entry into force of this Agreement, and thereafter shall be held annually or at the request of either Member State. In such consultations a Member State may raise any matters related to the implementation of this Agreement or bearing on trade or commercial relations between the Member States.

出口，但须事先获得进口成员国的主管当局批准，并支付任何适用的进口关税和税款。

第 19 条

商业商品合同

为促进本协定的目标，成员国

(a) 应鼓励并尽可能促进其两国适当机构或企业之间的商业合同谈判；以及 (b) 原则上声明支持就货物的供应和购买相关长期商业合同的缔结，并应鼓励其两国相关机构或企业探索此类商业合同的可行性，并在适当情况下缔结此类合同。

承认本条所指的机构或企业可能是政府或私营机构。

条款 20

稀缺商品

如果一个成员国在从另一个成员国或第三国获取必需品供应方面遇到困难，则另一成员国应根据要求就此事进行磋商。

条款 21

支付

所有成员国之间的商业支付应通过两国被授权买卖外币的银行，并以任何双方可接受的自由兑换货币进行，根据两国现行外汇法规和一般惯例。

条款22

磋商和审查

1. 成员国之间应进行定期磋商，以审查本协定的执行情况。首次此类磋商应在本协定生效之日起一年内举行，此后应每年举行或应任何成员国的要求举行。在此类磋商中，成员国可以提出与本协定执行相关或涉及成员国之间贸易或商业关系的事项。

2. Should either Member State consider that an obligation under this Agreement has not been fulfilled, or that any benefit conferred upon it by this Agreement is being or might be frustrated, or that any case of special difficulty has arisen, or that a change in circumstances necessitates or might necessitate a variation in the terms of this Agreement, the other Member State shall, on request, enter into consultations as soon as practicable with a view to reaching a mutually satisfactory solution.

3. This Agreement may be amended by the Member States at any time in accordance with their respective constitutional requirements. The Schedules to this Agreement may be varied at any time by mutual consent of the relevant authorities of each Member State.

Article 23

Association with the Agreement

1. The Member States may agree to the association of any other State with this Agreement.

2. The terms of such association shall be negotiated between the Member States and the other State.

Article 24

Entry into force and duration

1. This Agreement shall come into force on the date on which the Member States exchange notes notifying each other that their respective constitutional and other requirements necessary to give effect to the Agreement have been complied with.[1]

2. A Member State may terminate this Agreement by giving notice to that effect to the other Member State. If that other Member State so requests, consultations shall take place between the Member States as soon as practicable. The notice of termination shall take effect on the one hundred and eightieth day after the day on which it was given unless earlier withdrawn.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Agreement.

DONE in two originals at Port Moresby this 6th day of November, One thousand nine hundred and seventy-six.

FOR THE GOVERNMENT OF AUSTRALIA:
[Signed:]
JOHN HOWARD

FOR THE GOVERNMENT OF PAPUA NEW GUINEA:
[Signed:]
MAORI KIKI

[1] Notes to this effect were exchanged 21 January-1 February 1977. The Agreement entered into force on 1 February 1977.

2. 如果任何成员国认为本协定项下的义务未得到履行，或授予该成员国的任何利益正在或可能受阻，或出现任何特殊困难的情况，或情势变更需要或可能需要变更本协定条款，则另一方成员国应在要求后尽快进行磋商，以寻求相互满意的解决方案。

3. 本协定可由成员国根据其各自的宪法要求随时修订。本协定的附件可由各成员国相关当局相互同意随时变更。

第23条

与协定关联

1. T成员国可同意任何其他国家与本协定关联 .

2. 此类关联的条款应由成员国与其他国家之间进行谈判。

第24条

生效和有效期

1. 本协定应自各成员国交换照会函通知对方其各自为使本协定生效所需的宪法和其他要求已得到满足之日起生效。[1]

2. 成员国可通过通知另一方成员国终止本协定。如果另一方成员国提出要求，成员国之间应尽快进行磋商。终止通知应在发出之日起第一百八十天生效，除非在此之前被撤回。

为证明兹由下列签署人签署本协定，他们已分别得到其各自政府的正式授权。

于一九七六年十一月六日在莫尔兹比港签署本协定两份正本。

澳大利亚政府:[签署:]约翰·霍华德

巴布亚新几内亚政府:[签署:]莫里·基基

[1] 相关备忘录于1977年1月21日至2月1日交换。协定于1977年2月1日生效。