

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

---

*(As read a first time)*

**ANTI-DUMPING AUTHORITY BILL 1988**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

**Section**

1. Short title
2. Commencement
3. Interpretation

**PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF  
ANTI-DUMPING AUTHORITY**

4. Establishment
5. Functions
6. Powers
7. Authority to make recommendations on publication of dumping duty notices etc.
8. Review of *prima facie* decisions and preliminary findings
9. Reports on anti-dumping matters
10. Matters to which Authority is to have regard
11. Authority to have regard to same considerations as Minister in certain circumstances
12. Minister may give directions to Authority

**PART III—CONSTITUTION OF AUTHORITY**

13. Member of Authority
14. Acting member
15. Associate members
16. Outside employment
17. Disclosure of interests
18. Leave of absence
19. Retirement from office

TABLE OF PROVISIONS—*continued*

Section

- 20. Suspension and removal from office
- 21. Remuneration and allowances

PART IV—INQUIRIES

- 22. General conduct of inquiries
- 23. Notice of inquiries
- 24. False or misleading evidence or information
- 25. Protection of member
- 26. Powers of Authority relating to documents produced
- 27. Person prejudiced in employment because assisting Authority

PART V—MISCELLANEOUS

- 28. Availability of reports etc. of Authority
- 29. Annual report
- 30. Provision of resources to Authority
- 31. Engagement of consultants
- 32. Authority may supply information
- 33. Confidentiality
- 34. Conduct by directors, servants or agents
- 35. Cessation of Act
- 36. Regulations

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

---

Presented and read a first time, 28 April 1988

*(Minister for Science, Customs and Small Business)*

## A BILL

FOR

### **An Act to establish an Anti-Dumping Authority, and for related purposes**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **PART I—PRELIMINARY**

##### **Short title**

5       1. This Act may be cited as the *Anti-Dumping Authority Act 1988*.

##### **Commencement**

2. This Act commences on a day to be fixed by Proclamation.

##### **Interpretation**

10       3. (1) In this Act, unless the contrary intention appears:  
“Anti-Dumping Act” means the *Customs Tariff (Anti-Dumping) Act 1975*;

“anti-dumping matter” means a matter relating to:

- (a) the imposition of duties under the Anti-Dumping Act; or
- (b) the operation of the Anti-Dumping Act;

“Authority” means the Anti-Dumping Authority established by section 4;

“Comptroller” means the Comptroller-General of Customs;

“countervailing duty notice” means a notice published by the Minister under subsection 10 (1) or (2) or 11 (1) or (2) of the Anti-Dumping Act;

“dumping duty notice” means a notice published by the Minister under subsection 8 (1) or (2) or 9 (1) or (2) of the Anti-Dumping Act;

“inquiry” means an inquiry conducted by the Authority under this Act;

“like goods”, in relation to goods under consideration, has the same meaning as it has for the purposes of the Anti-Dumping Act;

“member” means the member of the Authority;

“negative preliminary finding”, in relation to goods the subject of an application under section 269TB of the *Customs Act 1901*, means a preliminary finding under section 269TD of that Act to the effect that there are not sufficient grounds for the publication of a dumping duty notice or countervailing duty notice in respect of the goods the subject of the application or that there will not be sufficient grounds for such publication subsequent to the importation into Australia of such goods;

“negative *prima facie* decision” means:

- (a) a decision of the Comptroller under subsection 269TC (1) of the *Customs Act 1901* rejecting an application made under subsection 269TB (1) of that Act; or
- (b) a decision of the Comptroller under subsection 269TC (2) of that Act rejecting an application made under subsection 269TB (2) of that Act.

(2) A reference in this Act to goods the subject of an application under section 269TB of the *Customs Act 1901* is a reference to goods referred to in the application:

- (a) that have been imported into Australia;
- (b) that are likely to be so imported; or
- (c) that may be so imported, being like goods to goods to which paragraph (a) or (b) applies.

## PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF ANTI-DUMPING AUTHORITY

### Establishment

4. An Anti-Dumping Authority is established.

**Functions**

5. The functions of the Authority are:

- 5 (a) to recommend to the Minister under section 7 whether the Minister should publish a dumping duty notice or a countervailing duty notice in respect of goods and, where applicable, whether notices should be given under subsection 8 (2A) or 10 (2A) of the Anti-Dumping Act;
- 10 (b) to recommend to the Minister under section 7 whether the Minister should, under section 20 of the Anti-Dumping Act, revoke a notice under that Act or release a person from an undertaking given under that Act;
- (c) to review under section 8 negative *prima facie* decisions and negative preliminary findings; and
- (d) to prepare and give to the Minister reports under section 9.

**15 Powers**

6. In addition to any other power conferred on it by this Act, the Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

**20 Authority to make recommendations on publication of dumping duty notices etc.**

7. (1) Where, in relation to an application under section 269TB of the *Customs Act 1901*:

- 25 (a) the Comptroller refers to the Authority under subsection 269TD (2) of the *Customs Act 1901* the question whether the publication of a dumping duty notice or countervailing duty notice sought in respect of the goods the subject of the application is justified; or
- 30 (b) the Authority revokes, under subsection 8 (2), a negative preliminary finding relating to such goods and substitutes a preliminary finding to the effect that there are sufficient grounds for the publication of a dumping duty notice or countervailing duty notice in respect of the goods the subject of the application or that there will be sufficient grounds for such publication subsequent to the importation into Australia of such goods;

35 the Authority shall, after holding an inquiry into the matter and before the expiration of a period of 120 days, or, if another period is prescribed by the regulations for the purpose, before the expiration of that other period, after the reference, give to the Minister a report:

- 40 (c) recommending whether any such notice should be published and the extent of any duties that are or should be payable under the Anti-Dumping Act in consequence of such notice;
- (d) in particular recommending whether the Minister ought to be satisfied as to the matters in respect of which the Minister is required to be satisfied before such a notice can be published under the Anti-Dumping Act; and

- (e) recommending (where applicable) whether the Minister ought to give to the exporter of the goods a notice under subsection 8 (2A) or 10 (2A) of that Act.

(2) In a report under subsection (1) in relation to goods the subject of an application under subsection 269TB (1) of the *Customs Act 1901*, the Authority's recommendations shall, to the extent that it is practicable to do so, also relate to any like goods not covered by the application but imported into Australia during the period commencing on the day on which: 5

- (a) the Comptroller made, under subsection 269TD (2) of that Act, a finding that there were sufficient grounds for the publication of a dumping duty notice or countervailing duty notice in respect of the goods the subject of the application or that there would be sufficient grounds for such publication subsequent to the importation into Australia of such goods; or 10
- (b) where the Comptroller did not make such a finding in relation to the goods the subject of the application—the Authority, under subsection 8 (2) of this Act, substituted such a finding in substitution for a negative preliminary finding of the Comptroller in relation to the goods the subject of the application; 15

and ending on the day on which the report is given to the Minister. 20

(3) Where an application is made in accordance with subsection (4) for the Authority to hold an inquiry into whether the Minister should, under section 20 of the *Anti-Dumping Act*, revoke a notice under that Act or release a person from an undertaking given under that Act, the Authority shall, after holding an inquiry into the matter and before the expiration of a period of 120 days, or, if another period is prescribed by the regulations for the purpose, before the expiration of that other period, after the application, give to the Minister a report recommending: 25

- (a) whether the notice should be revoked; or
- (b) whether the person should be released from the undertaking; 30

as the case requires.

(4) An application for the holding of an inquiry under subsection (3) shall:

- (a) be in the form approved by the Authority; and
- (b) be made by: 35
- (i) if the application concerns a notice under the *Anti-Dumping Act*—a person concerned in the importation or exportation of goods to which the notice relates; or
- (ii) if the application concerns an undertaking given under that Act—the person who gave the undertaking. 40

(5) Where notice is given under section 23 of an inquiry that is to be held for the purpose of giving to the Minister a report under this section, the Authority shall in that notice, and by any other means it considers

appropriate in the circumstances, invite submissions from the public on matters relevant to the recommendations that might be made in the report.

- 5 (6) In reaching a decision as to the recommendations to make in its report, the Authority shall have regard to all the submissions received by the Authority within 40 days of the issuing by the Authority of the last invitation for submissions from the public, but may disregard any submissions received more than 40 days after the issuing of that last invitation.

### Review of *prima facie* decisions and preliminary findings

#### 8. (1) Where:

- 10 (a) an application is made under section 269TB of the *Customs Act 1901* requesting the Minister to publish a dumping duty notice or a countervailing duty notice in respect of the goods the subject of the application;
- 15 (b) the Comptroller has made a negative *prima facie* decision in relation to the application; and
- (c) the applicant refers the decision to the Authority for review;

20 the Authority shall, after reviewing the decision and within 60 days after the decision is referred to it, confirm the decision, or revoke the decision and substitute a decision accepting the application, and shall, by notice in writing, inform the Comptroller accordingly.

#### (2) Where:

- 25 (a) an application is made under section 269TB of the *Customs Act 1901* requesting the Minister to publish a dumping duty notice or a countervailing duty notice in respect of the goods the subject of the application;
- (b) the Comptroller has made a negative preliminary finding in relation to the application; and
- (c) the applicant refers the finding to the Authority for review;

30 the Authority shall, after reviewing the finding and within 60 days after the finding is referred to it, confirm the finding, or reject the finding and substitute a finding to the effect that there are sufficient grounds for the publication of a dumping duty notice or countervailing duty notice in respect of the goods the subject of the application or that there will be sufficient grounds for such publication subsequent to the importation into Australia of such goods, and shall, by notice in writing, inform the Comptroller accordingly.

- 35 (3) In conducting a review, the Authority shall not have regard to any information that was unavailable to the Comptroller at the time the Comptroller made the negative *prima facie* decision or the negative preliminary finding, as the case may be.
- 40

**Reports on anti-dumping matters**

9. (1) The Minister may, by notice in writing delivered to the Authority, request the Authority to consider, and prepare and give to the Minister a report on, an anti-dumping matter specified in the notice, and the Authority shall comply with the request as soon as practicable. 5

(2) The Authority may, where it considers it appropriate to do so, consider, and prepare and give to the Minister a report on, any anti-dumping matter.

**Matters to which Authority is to have regard**

10. Without limiting the matters to which the Authority may have regard in performing its functions and exercising its powers, the Authority shall, in performing its functions and exercising its powers, have regard to: 10

- (a) the Commonwealth Government's policy in relation to anti-dumping matters; and
- (b) Australia's obligation under the General Agreement on Tariffs and Trade; 15

not to use the imposition of duties under the Anti-Dumping Act to assist import competing industries in Australia or to protect industries in Australia from the need to adjust to changing economic conditions.

**Authority to have regard to same considerations as Minister in certain circumstances** 20

11. (1) Where the Authority, in making a recommendation under section 7, or in reviewing under section 8 a negative *prima facie* decision or a negative preliminary finding, in respect of the goods the subject of an application under section 269TB of the *Customs Act 1901*, is required to determine any matter ordinarily required to be determined by the Minister under the Anti-Dumping Act, the Authority shall determine the matter in like manner as if it was the Minister and having regard to the same considerations as the considerations to which the Minister would be required, under that Act, to have regard if the Minister were determining the matter. 25 30

(2) Subsection (1) applies in respect of goods that have not, at the time of the Authority's determination of a matter in respect of those goods, being imported into Australia as if the Authority's determination of the matter were being made after an importation of those goods into Australia, being an importation occurring at the time of the anticipated importation of those goods into Australia. 35

(3) Nothing in subsection (1) shall be taken to imply that the determination of a matter by the Authority affects the power of the Minister to make a final determination in respect of that matter for the purposes of section 8, 9, 10 or 11 of the Anti-Dumping Act. 40



**Minister may give directions to Authority**

5 12. (1) The Minister may give to the Authority such written directions in connection with carrying out or giving effect to the Authority's powers and duties under this Act as the Minister thinks fit, and the Authority shall comply with any directions so given.

10 (2) A direction under subsection (1) shall not deal with carrying out or giving effect to the powers of the Authority in relation to a particular consignment of goods or to like goods to goods in a particular consignment but shall deal instead with the general principles for carrying out or giving effect to the Authority's powers.

(3) Where the Minister gives a direction to the Authority, the Minister shall:

- 15 (a) cause a written notice setting out particulars of the direction to be published in the *Gazette* as soon as practicable after giving the direction; and
- (b) cause a copy of that notice to be laid before each House of the Parliament within 15 sitting days of that House after the publication of the notice in the *Gazette*.

20 (4) A notice setting out particulars of a direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

**PART III—CONSTITUTION OF AUTHORITY**

**Member of Authority**

25 13. (1) The Authority shall consist of one member appointed by the Governor-General with effect from such day as is specified in the instrument of appointment.

(2) The member shall be appointed on a full-time basis or on a part-time basis.

30 (3) The member holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

35 (4) A person who has attained the age of 65 years shall not be appointed as the member and a person shall not be appointed as the member for a period that extends beyond the day on which the person will attain the age of 65 years.

(5) The member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

40 (6) The member may resign from office by writing signed by the member and delivered to the Governor-General, but the resignation is not effective until it is accepted by the Governor-General.

**Acting member**

**14. (1)** The Minister may appoint a person to act as the member:

(a) during a vacancy in the office of the member (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the member is absent from Australia or is, for any other reason, unable to perform the functions of the office of the member; 5

but a person appointed to act during a vacancy shall not continue to act for more than 6 months.

**(2)** Anything done by or in relation to a person purporting to act as the member is not invalid on the ground that: 10

(a) the occasion for the person's appointment had not arisen;

(b) there is a defect or irregularity in connection with the person's appointment;

(c) the person's appointment had ceased to have effect; or 15

(d) the occasion for the person to act had not arisen or had ceased.

**Associate members**

**15. (1)** The Minister, after consultation with the member, may appoint persons to be associate members.

**(2)** An associate member shall be appointed: 20

(a) for such period, not exceeding 12 months; or

(b) in order to conduct such inquiry;

as is specified in the instrument of appointment, but, subject to this Act, is eligible for re-appointment.

**(3)** An associate member may be appointed on a full-time or part-time basis. 25

**(4)** Subject to this Part, an associate member holds office on such terms and conditions as the Minister determines in writing.

**(5)** An associate member shall be deemed to be the member for the purposes of the exercise by the associate member of any powers, or the performance by the associate member of any functions or duties, of the member in relation to an inquiry, and, unless the contrary intention appears, a reference in this Act (other than this section) to the member shall, for those purposes, be construed as including a reference to an associate member. 30

**Outside employment**

**16. (1)** The member shall not, except with the consent of the Minister:

(a) if appointed on a full-time basis—engage in paid employment outside the duties of the office of member; or

(b) if appointed on a part-time basis—engage in paid employment that, in the Minister's opinion, conflicts with the proper performance of the member's functions. 40

(2) A reference in this section to paid employment includes a reference to the performance by a person of a service for which it could reasonably be expected the person will receive payment.

**Disclosure of interests**

5       17. The member shall give written notice to the Minister of all direct and indirect pecuniary interests that the member has or acquires in any business in Australia or elsewhere or in any body corporate carrying on such a business.

**Leave of absence**

10       18. The Minister may grant to the member leave of absence on such terms and conditions as to remuneration or otherwise as the Minister determines.

**Retirement from office**

15       19. The Governor-General may, with the consent of the member, retire the member from office on the ground of invalidity.

**Suspension and removal from office**

20       20. (1) The member shall not be removed from office except as provided by this section.

20       (2) The Governor-General may suspend the member from office on the ground of misbehaviour or physical or mental incapacity.

25       (3) Where the Governor-General suspends the member from office, the Minister shall cause a statement of the ground of the suspension to be laid before each House of the Parliament within 7 sitting days of the House after the suspension.

25       (4) Where such a statement has been laid before a House of the Parliament, that House may, within 15 sitting days of that House after the day on which the statement has been laid before it, by resolution, declare that the member should be restored to office and, if each House so passes a resolution, the Governor-General shall terminate the suspension.

30       (5) If, at the expiration of 15 sitting days of a House of the Parliament after the day on which the statement has been laid before that House, that House has not passed such a resolution, the Governor-General may remove the member from office.

(6) If the member:

35       (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for the benefit of those creditors;

40       (b) fails, without reasonable excuse, to comply with the member's obligations under section 17;

(c) being appointed on a full-time basis, engages in any paid employment outside the duties of the office of the member; or

(d) being appointed on a part-time basis, engages in any paid employment that, in the Minister's opinion, conflicts with the proper performance of the member's functions;

5

the Governor-General shall remove the member from office.

(7) Where the member is an eligible employee for the purposes of the *Superannuation Act 1976* and is removed from office under subsection (5) on the ground of physical or mental incapacity, the member shall be deemed, for the purposes of that Act, to have been retired on the ground of invalidity on the day on which the suspension from office took effect.

10

(8) The member is not entitled to be paid any remuneration or allowances in respect of a period during which the member is suspended from office unless the member is restored to office.

### **Remuneration and allowances**

15

21. (1) The member shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Remuneration Tribunal is in operation, the person shall be paid such remuneration as is prescribed.

(2) The member shall be paid such allowances as are prescribed.

20

(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

## **PART IV—INQUIRIES**

### **General conduct of inquiries**

22. (1) Subject to this Act, in an inquiry:

25

(a) the procedure to be followed is within the Authority's discretion; and

(b) the Authority:

(i) is not bound to act in a formal manner;

(ii) is not bound by the rules of evidence; and

30

(iii) may inform itself on any matter in such manner as it thinks fit.

(2) The Authority may, for the purposes of an inquiry, take evidence on oath or affirmation.

### **Notice of inquiries**

35

23. Before the Authority commences to hold an inquiry, it shall give reasonable notice in each State, in the Australian Capital Territory and in the Northern Territory, by advertisement published in the *Gazette* and in a newspaper circulating in the State or Territory, as the case may be, of its

intention to hold the inquiry, of the subject of the inquiry and of the time when the inquiry is to be commenced.

**False or misleading evidence or information**

24. (1) A person shall not:

- (a) give to the Authority information, whether orally or in writing, or documents, that the person knows to be false or misleading in a material particular; or
- (b) at an inquiry, give evidence, or produce a document, that the person knows to be false or misleading in a material particular.

Penalty:

- (a) in the case of a natural person—\$2,000; or
- (b) in the case of a body corporate—\$10,000.

(2) Subsection (1) does not apply to a document if, at the time when the person gives it to the Authority, produces it at an inquiry or sends it to the Authority, the person informs the Authority that it is false or misleading in a material particular and specifies in what respect it is, to the person's knowledge, false or misleading in a material particular.

**Protection of member**

25. The member has, in the performance of his or her duties as the member, the same protection and immunity as a justice of the High Court.

**Powers of Authority relating to documents produced**

26. (1) The member, or a person assisting the member in the performance of his or her functions, may inspect any books or documents given to the Authority for the purposes of the performance of its functions or produced at an inquiry and may make copies of, or take extracts from, those books or documents.

(2) A book or document so given or produced may be retained by the Authority for such reasonable period as is necessary for the purposes of the Authority, but during that period the Authority shall permit a person otherwise entitled to possession of the book or document to inspect, make copies of and take extracts from the book or document at such places and times as the Authority thinks appropriate.

**Person prejudiced in employment because assisting Authority**

27. (1) An employer shall not:

- (a) dismiss an employee, or prejudice an employee in his or her employment, because the employee has assisted the Authority in connection with an inquiry; or
- (b) dismiss or threaten to dismiss an employee, or prejudice or threaten to prejudice an employee in his or her employment, because the employee proposes to assist the Authority in connection with an inquiry.

**Penalty:**

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.

(2) For the purposes of this section, a person shall be taken to assist the Authority in connection with an inquiry if, and only if, the person:

- (a) gives information, whether orally or in writing, or gives documents, to the Authority in connection with the inquiry; or
- (b) gives evidence, or produces documents, at the inquiry.

**PART V—MISCELLANEOUS****Availability of reports etc. of Authority**

28. (1) As soon as practicable after giving to the Minister a copy of a report under section 7 or 9, or giving to the Comptroller a notice under section 8, the Authority shall:

- (a) subject to subsection (2), make copies of the report, or notice, freely available to the public; or
- (b) cause to be published in the *Gazette* a statement informing the public of the existence of the report or notice and of the manner in which copies of the report or notice may be obtained.

(2) The Authority shall ensure that all matters that would, in the Authority's opinion, adversely affect the business or commercial interests of any person have been removed from the copies of reports and notices made available to the public.

**Annual report**

29. (1) The Authority shall, not later than 31 December in each year, prepare and give to the Minister a report on the Authority's activities during the period of 12 months that ended on the preceding 30 June.

(2) The Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister received the report.

**Provision of resources to Authority**

30. (1) The member shall arrange with the Minister for sufficient resources (including personnel) to be made available to the Authority to enable the Authority to perform its functions effectively.

(2) While a person is performing services for the Authority under such an arrangement, the person shall perform those services in accordance with the directions of the Authority.

**Engagement of consultants**

31. (1) The member may, on behalf of the Commonwealth, engage as consultants to the Authority persons having suitable qualifications and experience.

(2) The terms and conditions of engagement of the persons engaged under subsection (1) are such as are determined by the member.

**Authority may supply information**

5 32. Subject to section 33, the Authority may supply to a person information received by it under this Act.

**Confidentiality**

10 33. (1) The member, a person whose services are being made available to the Authority under section 30 or a person engaged as a consultant under section 31 shall not, except for the purposes of this Act, supply information to a person if the supplying of the information would constitute a breach of confidence.

(2) Subsection (1) does not apply to the supply of information to:

- (a) the Minister;
- (b) the Secretary to the Department;
- 15 (c) an officer of the Department designated by the Secretary to the Department;
- (d) the Comptroller; or
- (e) an officer of the Australian Customs Service designated by the Comptroller.

20 **Conduct by directors, servants or agents**

25 34. (1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(2) Any conduct engaged in on behalf of a body corporate:

- 30 (a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;
- 35

shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.

40 (3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in relation to conduct deemed by subsection (4) to have been engaged in by the person, it is sufficient to show that a servant or agent of the person, being a servant or agent by whom the conduct was

engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(4) Conduct engaged in on behalf of a person other than a body corporate:

- (a) by a servant or agent of the person within the scope of his or her actual or apparent authority; or 5
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a servant or agent of the first-mentioned person, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the servant or agent; 10

shall be deemed, for the purposes of this Act, to have been engaged in also by the first-mentioned person.

(5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the person's intention, opinion, belief or purpose. 15

(6) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory. 20

**Cessation of Act**

35. (1) This Act shall cease to be in force at the expiration of 5 years after the day on which it commences.

(2) When this Act so ceases to be in force, it shall be taken, for the purposes of section 8 of the *Acts Interpretation Act 1901*, to have been repealed by an Act other than this Act. 25

**Regulations**

36 The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or 30
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.