

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

---

Presented and read a first time, 5 October 1989

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

**A BILL**

FOR

**An Act to amend the *Customs Tariff (Anti-Dumping) Act 1975*, 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:

**Short title etc.**

5     **1. (1)** This Act may be cited as the *Customs Tariff (Anti-Dumping) Amendment Act 1989*.

**(2)** In this Act, “**Principal Act**” means the *Customs Tariff (Anti-Dumping) Act 1975*<sup>1</sup>.

**Commencement**

10     **2. (1)** Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

**(2)** Subject to subsection (3), the remaining provisions of this Act commence on a day to be fixed by Proclamation.

(3) If the provisions referred to in subsection (2) do not commence under that subsection within the period of 6 months beginning on the day on which this Act receives the Royal Assent, those provisions commence on the first day after the end of that period.

**Repeal of sections 3 to 5A (inclusive) 5**

3. Sections 3 to 5A (inclusive) of the Principal Act are repealed.

**Dumping duties**

4. Section 8 of the Principal Act is amended:

- (a) by omitting subsections (1), (2), (2AA) and (2A);
- (b) by inserting in subsection (3) “, by virtue of a declaration under subsection 269TG (1) or (2) of the Customs Act,” after “applies”; 10
- (c) by omitting from subsection (5A) “his powers” and substituting “his or her powers”;
- (d) by omitting from subsection (5A) “paragraph (1) (b) or (2) (b)” and substituting “paragraph 269TG (1) (b) or (2) (b) of the Customs Act”. 15

**Third country dumping duties**

5. Section 9 of the Principal Act is amended:

- (a) by omitting subsections (1), (2) and (2A);
- (b) by inserting in subsection (3) “, by virtue of a declaration under subsection 269TH (1) or (2) of the Customs Act,” after “applies”; 20
- (c) by omitting from subsection (5A) “his powers” and substituting “his or her powers”;
- (d) by omitting from subsection (5A) “paragraph (1) (b) or (2) (b)” and substituting “paragraph 269TH (1) (b) or (2) (b) of the Customs Act”. 25

**Countervailing duties**

6. Section 10 of the Principal Act is amended:

- (a) by omitting subsections (1), (2), (2A), (2B), (2C), (2D) and (2E);
- (b) by inserting in subsection (3) “, by virtue of a declaration under subsection 269TJ (1), (2), (4), (5) or (6) of the Customs Act,” after “applies”; 30
- (c) by omitting from paragraph (4) (a) “subsection (1), (2) or (2B)” and substituting “a declaration under subsection 269TJ (1), (2) or (4) of the Customs Act”; 35
- (d) by omitting from paragraph (4) (b) “subsection (2C) or (2D)” and substituting “a declaration under subsection 269TJ (5) or (6) of the Customs Act”;
- (e) by omitting from subsection (5A) “his powers” and substituting “his or her powers”; 40

- (f) by omitting from subsection (5A) “subsection (1) or (2)” and substituting “subsection 269TJ (1) or (2) of the Customs Act”;
- (g) by omitting from subsection (5A) “paragraph (1) (b) or (2) (b)” and substituting “paragraph 269TJ (1) (b) or (2) (b) of that Act”;
- 5 (h) by omitting subsections (7) and (7A) and substituting the following subsections:

10 “(7) Where the Minister has determined, under subsection 269TJ (8) of the Customs Act, the amount of any subsidy, bounty, reduction or remission of freight or other financial assistance in relation to goods to which this section applies by virtue of a declaration under subsection 269TJ (1), (2) or (4) of that Act, that amount is to be taken to be the amount of that subsidy, bounty, reduction or remission of freight or other financial assistance in relation to those goods for the purposes of this section.

15 “(7A) Where the Minister has determined, under subsection 269TJ (9) of the Customs Act, the amount, cost or value of prescribed assistance in relation to goods to which this section applies by virtue of a declaration under subsection 269TJ (5) or (6) of that Act, that amount, cost or value is to be taken to be the amount, cost or value of that prescribed assistance in relation to those goods for the purposes of this section.”;

- (j) by inserting in subsection (8) “or she” after “he”;
- (k) by omitting from subsection (9) “by reason of his being satisfied” and substituting “because he or she is satisfied”;
- 25 (m) by omitting subsection (10).

**Third country countervailing duties**

7. Section 11 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2);
- 30 (b) by inserting in subsection (3) “, by virtue of a declaration under subsection 269TK (1) or (2) of the Customs Act,” after “applies”;
- (c) by omitting from subsection (5A) “his powers” and substituting “his or her powers”;
- (d) by omitting from subsection (5A) “paragraph (1) (b) or (2) (b)” and substituting “paragraph 269TK (1) (b) or (2) (b) of the Customs Act”;
- 35 (e) by omitting subsection (7) and substituting the following subsection:

40 “(7) Where the Minister has determined, under subsection 269TK (3) of the Customs Act, the amount of any subsidy, bounty, reduction or remission of freight or other financial assistance in relation to goods to which this section applies by virtue of a declaration under subsection 269TK (1) or (2) of that Act, that amount is to be taken to be the amount of that subsidy, bounty, reduction or remission of freight or other financial assistance in relation to those goods for the purposes of this section.”;

- (f) by inserting in subsection (8) “or she” after “he”;
- (g) by omitting from subsection (9) “by reason of his being satisfied” and substituting “because he or she is satisfied”;
- (h) by omitting subsection (10).

**Repeal of further provisions**

5

8. Sections 11A, 12, 12A, 12B, 13, 17, 18, 19, 20 and 22 of the Principal Act are repealed.

**Transitional provisions**

9. (1) Any act or thing done, including, but without limiting the generality of the foregoing, any determination made, any notice given or published, or any undertaking given or accepted, under a provision of the *Customs Tariff (Anti-Dumping) Act 1975* that is repealed and re-enacted in similar form in a provision (in this subsection called the “**corresponding provision**”) inserted in Part XVB of the *Customs Act 1901* has effect, on and after the day this section commences, for all purposes, as if it were an act or thing done under the corresponding provision.

10

15

(2) Any delegation under section 19 of the *Customs Tariff (Anti-Dumping) Act 1975* of a power or function conferred on the Minister under a provision of that Act that is repealed and re-enacted in similar form in a provision (in this subsection called the “**corresponding provision**”) inserted in Part XVB of the *Customs Act 1901*, being a delegation that is in force immediately before the day this section commences, continues to have effect, on and after that day, for all purposes, as if it were a delegation under section 9 of the *Customs Act 1901* of that power or function as conferred on the Minister by the corresponding provision.

20

25

(3) A delegation under section 14 of the *Customs Administration Act 1985* of the power conferred on the Comptroller-General of Customs under subsection 17 (2) of the *Customs Tariff (Anti-Dumping) Act 1975* that is in force immediately before the day this section commences continues to have effect, on and after that day, for all purposes, as if it were a delegation of the power conferred upon the Comptroller-General of Customs under subsection 269TAH (2) of the *Customs Act 1901*.

30

---

**NOTE**

1. No. 169, 1973, as amended. For previous amendments, see No. 91, 1976; No. 1, 1978; No. 74, 1981; No. 80, 1982; Nos. 21 and 75, 1983; Nos. 2, 63 and 72, 1984; No. 65, 1985; No. 76, 1987; and No. 69, 1988.