

1983

THE PARLIAMENT OF THE COMMONWEALTH  
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CUSTOMS TARIFF (ANTI-DUMPING) MISCELLANEOUS AMENDMENTS BILL 1983

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister for Industry and  
Commerce, Senator the Honourable John N. Button)

OUTLINE

This Bill proposes to amend the Customs Act 1901 and the Industries Assistance Commission Act 1973 to introduce new provisions which emanate from a review of Australia's anti-dumping and countervailing legislation.

Part II of the Bill proposes amendments to the Customs Act 1901 to -

- (i) introduce new powers for the purposes of the Customs Tariff (Anti-Dumping) Act 1975 to enable a Collector of Customs or an officer appointed by him to -
  - (a) enter premises and inspect and take copies of accounts, books, documents or other records relating to goods exported to Australia; and
  - (b) require certain persons to attend to answer questions and produce documents in relation to goods exported to Australia or manufactured or produced, or sold, in Australia;
- (ii) authorize an officer to convene a meeting of representatives of the Australian industry, who are parties to a complaint of dumping or subsidisation, with a view to ascertaining the basis of undertakings to be sought from exporters to Australia or foreign Governments that their future export trade will be conducted so as to avoid causing or threatening material injury to an Australian industry or hindering the establishment of an Australian industry; and
- (iii) give the Minister discretion to disregard any written information submitted in connection with a dumping or subsidisation complaint not verified by statutory declaration or witnessed by a notary public.

The main purpose of the amendments in Part III of the Bill is to require that inquiries conducted by the Industries Assistance Commission in relation to dumping or countervailing issues are to be conducted without reference to the policy guidelines in the Industries Assistance Commission Act. Such inquiries will thus only relate to the question of the existence of facts relating to dumping or countervailing issues.

NOTES ON CLAUSES

Clause 1 : Short title.

Clause 2 : Commencement date to be the date of Royal Assent.

PART II - AMENDMENTS OF THE CUSTOMS ACT 1901

Clause 3 : Identifies the Customs Act as the Principal Act for the purposes of Part II of the Bill.

Clause 4 : Formal.

Clause 5 : Updates the penalty in sub-section 214A(3) of the Principal Act.

Clause 6 : Inserts a new section 214B into the Principal Act to provide powers for authorized officers for the purposes of the Customs Tariff (Anti-Dumping) Act 1975.

- . proposed sub-section (1) empowers an authorized officer to enter certain premises, and inspect and take copies of certain accounts, books, documents or other records.
- . proposed sub-section (2) requires an authorized officer to produce written evidence of the fact that he is an authorized officer.
- . proposed sub-section (3) creates an offence for failure to provide reasonable facilities and assistance for the effective exercise of an authorized officer's powers.
- . proposed sub-section (4) empowers an authorized officer to require certain persons to attend before him to answer questions and produce documents in relation to goods exported to, or manufactured, produced or sold in Australia.
- . proposed sub-section (6) limits the use to which self-incriminating answers given or documents produced may be put.
- . proposed sub-sections (7) and (8) empower an authorized officer to examine on oath or affirmation persons attending before him.
- . proposed sub-section (9) creates offences for refusing or failing to:
  - (a) attend before an authorized officer;
  - (b) make an oath or affirmation; or
  - (c) answer questions or produce documents.

- proposed sub-section (10) defines an 'authorized officer' to mean a Collector of Customs or an officer appointed by him.

- Clause 7 : (i) Inserts a new Part XVB into the Principal Act to provide that where the Minister is considering the suggestion of an undertaking to be given pursuant to section 8(2A)(a) or section 10(2A)(a) of the Customs Tariff (Anti-Dumping) Act, by the exporter or a foreign country as to the conduct of future export trade to Australia, he may authorize an officer to convene a meeting of representatives of Australian industry to ascertain satisfactory terms of the undertaking. Proposed sub-sections 269U(2) to (8) are procedural and proposed sub-section 269U(9) provides that the meetings will be subject to the provisions of the Trade Practices Act; and
- (ii) Inserts a new section 269V into the Principal Act to provide that the Minister is not required to have regard to information, submissions or requests in exercising his powers under the Customs Tariff (Anti-Dumping) Act 1975 (other than section 15 of that Act) unless they are in writing and are verified by statutory declaration or witnessed by a notary public in respect of information submitted by persons outside the Commonwealth and its Territories.

PART III - AMENDMENTS OF THE INDUSTRIES ASSISTANCE COMMISSION ACT 1973

- Clause 8 : Identifies the Industries Assistance Commission Act 1973 as the Principal Act for the purposes of Part III of the Bill.
- Clause 9 : Has the effect of providing that section 22 of the Principal Act does not apply to the Commission's inquiries in respect of anti-dumping and countervailing issues. Such inquiries will henceforth only relate to the question of the existence of facts in the anti-dumping or countervailing issues.
- Clause 10 : Re-makes paragraph 23(5)(a) of the Principal Act to make a technical correction to that paragraph.