



Customs Tariff (Anti-Dumping) Amendment Act 1992

No. 90 of 1992

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

[Assented to 30 June 1992]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Customs Tariff (Anti-Dumping) Amendment Act 1992*.

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

Commencement

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

10 (2) If the commencement of this Act is not fixed by a Proclamation published in the *Gazette* within the period of 6 months beginning on the day on which this Act receives the Royal Assent, this Act commences on the first day after the end of that period.

Dumping duties

3. Section 8 of the Principal Act is amended:

(a) by inserting after subsection (5A) the following subsection:

“(5AA) If, in the circumstances specified in section 269TJA of the Customs Act, both a notice under section 269TG of that Act and a notice under section 269TJ of that Act are published at the same time and in respect of the same goods, the Minister must, in exercising his or her powers under subsection (5) in relation to dumping duty in respect of the goods, have regard to the desirability of ensuring that the amount of dumping duty in respect of the goods, when aggregated with the amount of countervailing duty in respect of the goods, is not greater than is necessary to prevent the injury or a recurrence of the injury, or to remove the hindrance referred to in paragraphs 269TG(1)(b) and 269TJ(1)(b) or in paragraphs 269TG(2)(b) and 269TJ(2)(b), as the case requires.”;

(b) by omitting from paragraph (7)(b) “Commercial”;

(c) by adding at the end the following subsection:

“(9) In this section, a reference to a Tariff Concession Order includes a reference to a Commercial Tariff Concession Order made under Part XVA of the Customs Act as in force before section 10 of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992* commences.”.

Countervailing duties

4. Section 10 of the Principal Act is amended:

(a) by inserting after subsection (5A) the following subsection:

“(5AA) If, in the circumstances specified in section 269TJA of the Customs Act, both a notice under section 269TJ of that Act and a notice under section 269TG of that Act are published at the same time and in respect of the same goods, the Minister must, in exercising his or her powers under subsection (5) in relation to countervailing duty in respect of the goods, have regard to the desirability of ensuring that the amount of countervailing duty in respect of the goods, when aggregated with the amount of dumping duty in respect of the goods, is not greater than is necessary to prevent the injury or a recurrence of the injury, or to remove the hindrance referred to in paragraphs 269TG(1)(b) and 269TJ(1)(b) or in paragraphs 269TG(2)(b) and 269TJ(2)(b), as the case requires.”;

(b) by omitting from paragraph (8)(aa) “Commercial”;

(c) by adding at the end the following subsection:

“(10) In this section, a reference to a Tariff Concession Order includes a reference to a Commercial Tariff Concession Order made under Part XVA of the Customs Act as in force before

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section 10 of the *Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992* commences.”.

NOTE

1. No. 76, 1975, as amended. For further amendments, see No. 66, 1981; Nos. 53, 68, 114 and 136, 1982; Nos. 20 and 91, 1983; No. 1, 1984; No. 39, 1985; Nos. 76 and 141, 1987; No. 69, 1988; No. 173, 1989; and No. 70, 1990.

[*Minister's second reading speech made in—
House of Representatives on 7 May 1992
Senate on 28 May 1992*]