



Customs Tariff (Anti-Dumping) Amendment Act 2013

No. 94, 2013

**An Act to amend the *Customs Tariff
(Anti-Dumping) Act 1975*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 94, 2013

An Act to amend the *Customs Tariff (Anti-Dumping) Act 1975*, and for related purposes

[Assented to 28 June 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Customs Tariff (Anti-Dumping)
Amendment Act 2013*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 June 2013
2. Schedule 1	At the same time as the <i>Customs Amendment (Anti-dumping Measures) Act 2013</i> commences.	1 January 2014

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Customs Tariff (Anti-Dumping) Act 1975

1 After subsection 8(5B)

Insert:

- (5BAA) However, subsection (5B) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that either or both of the following apply in relation to the goods the subject of the notice under subsection 269TG(1) or (2) of the Customs Act:
- (a) the normal value of the goods was not ascertained under subsection 269TAC(1) of that Act because of the operation of subparagraph 269TAC(2)(a)(ii) of that Act;
 - (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.

2 After subsection 8(5BA)

Insert:

- (5BAAA) However, subsection (5BA) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that one or more of the following apply in relation to the goods the subject of the notice under subsection 269TG(1) or (2) of the Customs Act:
- (a) the normal value of the goods was not ascertained under subsection 269TAC(1) of that Act because of the operation of subparagraph 269TAC(2)(a)(ii) of that Act;
 - (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises;
 - (c) if a countervailable subsidy has been received in respect of the goods—the country in relation to which the subsidy has been provided has not complied with Article 25 of the Agreement on Subsidies and Countervailing Measures for the compliance period.

3 After subsection 9(5AA)

Insert:

- (5AAA) However, subsection (5AA) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that either or both of the following apply in relation to the goods the subject of the notice under subsection 269TH(1) or (2) of the Customs Act:
- (a) the normal value of the goods was not ascertained under subsection 269TAC(1) of that Act because of the operation of subparagraph 269TAC(2)(a)(ii) of that Act;
 - (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.

4 After subsection 10(3C)

Insert:

- (3CA) However, subsection (3C) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that either or both of the following apply in relation to the goods the subject of the notice under subsection 269TJ(1) or (2) of the Customs Act:
- (a) the country in relation to which the countervailable subsidy has been provided has not complied with Article 25 of the Agreement on Subsidies and Countervailing Measures for the compliance period;
 - (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.

5 After subsection 10(3D)

Insert:

- (3DA) However, subsection (3D) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that one or more of the following apply in relation to the goods the subject of the notice under subsection 269TJ(1) or (2) of the Customs Act:
- (a) the country in relation to which the countervailable subsidy has been provided has not complied with Article 25 of the

Agreement on Subsidies and Countervailing Measures for the compliance period;

- (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises;
- (c) if the normal value of the goods was ascertained under Part XVB of that Act—the normal value of the goods was not ascertained under subsection 269TAC(1) of that Act because of the operation of subparagraph 269TAC(2)(a)(ii) of that Act.

6 After subsection 11(5)

Insert:

- (5A) However, subsection (5) does not require the Minister to have regard to the matter in that subsection if the Minister is satisfied that either or both of the following apply in relation to the goods the subject of the notice under subsection 269TK(1) or (2) of the Customs Act:
 - (a) the country in relation to which the countervailable subsidy has been provided has not complied with Article 25 of the Agreement on Subsidies and Countervailing Measures for the compliance period;
 - (b) there is an Australian industry in respect of like goods that consists of at least 2 small-medium enterprises, whether or not that industry consists of other enterprises.

7 Application provisions

- (1) The amendments made by this Schedule apply in relation to a notice given under subsection 269TG(1) or (2), 269TH(1) or (2), 269TJ(1) or (2) or 269TK(1) or (2) of the *Customs Act 1901* on or after the commencement of this Schedule, where:
 - (a) the application for the notice is made on or after that commencement; or
 - (b) the investigation under subsection 269TAG(1) of that Act begins on or after that commencement.
- (2) The amendments made by this Schedule apply in relation to a notice given under subsection 269TG(1) or (2), 269TH(1) or (2), 269TJ(1) or (2) or 269TK(1) or (2) of the *Customs Act 1901* before the commencement of this Schedule, where, on or after that

Schedule 1 Amendments

commencement, the Minister publishes a notice under subsection 269ZHG(1) of that Act declaring the continuation of the anti-dumping measures concerned.

*[Minister's second reading speech made in—
House of Representatives on 29 May 2013
Senate on 19 June 2013]*

(127/13)

6 *Customs Tariff (Anti-Dumping) Amendment Act 2013* No. 94, 2013