



Customs Amendment (Anti-dumping Improvements) Act 2011

No. 123, 2011

An Act to amend the *Customs Act 1901*, and for other purposes

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

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No. 123, 2011

An Act to amend the *Customs Act 1901*, and for other purposes

[Assented to 17 October 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Customs Amendment (Anti-dumping Improvements) Act 2011*.

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.	17 October 2011
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted.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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 Act 1901

1 Subsection 269T(1) (definition of *Agreement on Agriculture*)

Repeal the definition.

2 Subsection 269T(1) (paragraph (b) of the definition of *interested party*)

After “person”, insert “or body”.

3 Subsection 269T(1) (at the end of the definition of *interested party*)

Add:

- ; and (g) a trade union representing one or more persons employed in the Australian industry producing, or likely to produce, like goods; and
- (h) a person who uses the goods the subject of the application, or like goods, in the production or manufacture of other goods in Australia.

4 Subsection 269TAAC(1)

Repeal the subsection, substitute:

- (1) For the purposes of this Part, a subsidy is a *countervailable subsidy* if it is specific.

5 Subsection 269TAAC(6)

Repeal the subsection.

6 Paragraphs 269TAE(1)(g) and (2)(g)

Omit “the effect”, substitute “any effect”.

7 After paragraph 269TAE(3)(h)

Insert:

- (ha) the terms and conditions of employment (including the number of hours worked) of persons employed in the industry in relation to the production or manufacture of goods of that kind, or like goods; and

8 After section 269TL

Insert:

269TLA Time limit for Minister to make certain decisions

- (1) This section applies if the Minister receives a recommendation from the CEO concerning the imposition of dumping duty, third country dumping duty, countervailing duty or third country countervailing duty on goods.
- (2) The Minister must decide whether or not to publish a dumping duty notice or a countervailing duty notice, or both a dumping duty notice and a countervailing duty notice, in respect of the goods within:
 - (a) 30 days after receiving the recommendation; or
 - (b) if the Minister considers there are special circumstances that prevent the decision being made within that period—such longer period as the Minister considers appropriate.
- (3) If paragraph (2)(b) applies, the Minister must give public notice of the longer period.
- (4) Subsection (2) does not apply if:
 - (a) the Minister defers the decision under subsection 269TG(4), 269TJ(3) or 269TJA(3); or
 - (b) subsection 269TN(4A) applies in relation to the decision; or
 - (c) the application to which the recommendation relates is withdrawn before the Minister makes the decision.

9 Subsection 269Y(1)

After “practicable”, insert “, but no later than 30 days,”.

10 After subsection 269ZDB(1)

Insert:

- (1A) The Minister must make a declaration under subsection (1) within:

- (a) 30 days after receiving the report; or
- (b) if the Minister considers there are special circumstances that prevent the declaration being made within that period—such longer period as the Minister considers appropriate.

(1B) If paragraph (1A)(b) applies, the Minister must give public notice of the longer period.

11 After subsection 269ZG(3)

Insert:

(3A) The Minister must make a declaration under subsection (3) within:

- (a) 30 days after receiving the report; or
- (b) if the Minister considers there are special circumstances that prevent the declaration being made within that period—such longer period as the Minister considers appropriate.

(3B) If paragraph (3A)(b) applies, the Minister must give public notice of the longer period.

12 After subsection 269ZH(1)

Insert:

(1A) If the Minister receives the report less than 30 days before the specified expiry day, the Minister must make the declaration before that day.

(1B) If subsection (1A) does not apply, the Minister must make the declaration within:

- (a) 30 days after receiving the report; or
- (b) if the Minister considers there are special circumstances that prevent the declaration being made within that period—such longer period, ending before the specified expiry day, as the Minister considers appropriate.

(1C) If paragraph (1B)(b) applies, the Minister must give public notice of the longer period.

13 After subsection 269ZZL(2)

Insert:

(2A) The Minister must do the things that the Minister is required to do under subsection (1) or (2) within:

- (a) 30 days after receiving the recommendation; or
- (b) if the Minister considers there are special circumstances that prevent the doing of those things within that period—such longer period as the Minister considers appropriate.

(2B) If paragraph (2A)(b) applies, the Minister must give public notice of the longer period.

14 After subsection 269ZZM(1)

Insert:

(1A) The Minister must make a decision under subsection (1) within:

- (a) 30 days after receiving the report; or
- (b) if the Minister considers there are special circumstances that prevent the decision being made within that period—such longer period as the Minister considers appropriate.

(1B) If paragraph (1A)(b) applies, the Minister must give public notice of the longer period.

15 Application of amendments

- (1) The amendments made by items 2, 3, 6 and 7 of this Schedule apply in relation to an application lodged on or after the day on which this item commences.
- (2) The amendments made by items 8 to 14 of this Schedule apply in relation to a recommendation or report received by the Minister on or after the day on which this item commences.

*[Minister's second reading speech made in—
House of Representatives on 6 July 2011
Senate on 22 August 2011]*

(129/11)
