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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CUSTOMS SECURITIES (ANTI-DUMPING) AMENDMENT BILL 1982

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the Minister
for Industry and Commerce the Honourable
Andrew Peacock MP)

Customs Securities (Anti-Dumping) Amendment Bill 1982

Purpose of the Bill

The purpose of this Bill is to -

- (i) amend the Customs Act 1901 to place beyond doubt that securities may be validly taken under section 42 of that Act for the purposes of the Customs Tariff (Anti-Dumping) Act 1975; and
- (ii) amend the Administrative Decisions (Judicial Review) Act 1977 to remove from the scope of that Act decisions made under section 42 of the Customs Act 1901 to require and take securities in respect of duty that may be payable under the Customs Tariff (Anti-Dumping) Act 1975.

Where a preliminary affirmative finding of dumping or subsidisation is made by the Department of Industry and Commerce and there is evidence of material injury or threat of material injury to the domestic industry, provisional action in the form of securities is taken under the provisions of section 42 of the Customs Act 1901.

The securities are held pending a decision by the Minister as to whether dumping or countervailing duties are warranted.

If the decision is in the affirmative the securities held are adjusted to the amount of the duty involved. If the Minister's decision is that dumping or countervailing duty is not warranted or that such duty will be imposed on future exports from a country the securities are then refunded.

Regulations under the Administrative Decisions (Judicial Review) Act 1977, designed to remove from the scope of that Act decisions to take securities under the Customs Act as provisional anti-dumping and countervailing measures, were introduced with effect from 24 November 1982.

Clause 6 of the Bill inserts a provision into Schedule 1 of the Administrative Decisions (Judicial Review) Act 1977 with similar effect to the regulations.

Clause 1 - Short title

Formal

Clause 2 - Commencement

Deems the Amending Act to have come into operation on 24 November 1982. This is the same date upon which regulations under the Administrative Decisions (Judicial Review) Act came into force to remove from the scope of that Act decisions to take securities under the Customs Act as provisional anti-dumping and provisional countervailing measures.

Clause 3 - Principal Act

Formal

Clause 4 - Right to require security

Amends section 42 of the Customs Act to insert a provisions designed to remove any doubt as to the lawfulness of decisions to take securities under the Customs Act for the purposes of the Customs Tariff (Anti-Dumping) Act.

Clause 5 - Principal Act

Formal

Clause 6 - Schedule 1

Amends Schedule I to the Administrative Decisions (Judicial Review) Act to insert a new class of decisions that are not to be the subject of that Act. These are decisions under section 42 of the Customs Act to require and take securities in respect of duty that may be payable under the Customs Tariff (Anti-Dumping) Act. This provision is of similar effect to the regulations introduced under that Act on 24 November 1982.





