



# **Customs Tariff (Anti-Dumping) (World Trade Organization Amendments) Act 1994**

**No. 151 of 1994**

---

---

**An Act to amend the *Customs Tariff (Anti-Dumping) Act 1975* to enable Australia to accept the Agreement Establishing the World Trade Organization**

[Assented to 13 December 1994]

The Parliament of Australia enacts:

**Short title etc.**

**1.(1)** This Act may be cited as the *Customs Tariff (Anti-Dumping) (World Trade Organization Amendments) Act 1994*.

*Customs Tariff (Anti-Dumping) (World Trade Organization  
Amendments) No. 151, 1994*

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

### **Commencement**

2.(1) In this section, “**World Trade Organization Agreement**” means the Agreement Establishing the World Trade Organization done at Marrakesh on 15 April 1994.

(2) Sections 1, 2 and 3 commence on the day on which this Act receives the Royal Assent.

(3) The remaining sections commence on the day on which the World Trade Organization Agreement enters into force for Australia.

(4) For the purposes of subsection (3), the day on which the World Trade Organization Agreement enters into force for Australia is to be taken to be the day declared by the Governor-General, by Proclamation, under paragraph 2(5)(b) of the *Copyright (World Trade Organization Amendments) Act 1994* to be the day on which the Agreement enters into force for Australia.

### **Application**

3. This Act applies in respect of applications for dumping duty notices or countervailing duty notices that are made on or after the day on which the Agreement Establishing the World Trade Organization enters into force for Australia.

### **Repeal of section 3**

4. Section 3 of the Principal Act is repealed.

### **Countervailing duties**

5. Section 10 of the Principal Act is amended:

- (a) by omitting from subsection (3A) “relevant subsidy” and substituting “countervailable subsidy”;
- (b) by omitting from subsection (3C) “relevant subsidy” and substituting “countervailable subsidy”;
- (c) by omitting from subsection (3E) “relevant subsidy” (wherever occurring) and substituting “countervailable subsidy”;
- (d) by omitting from subsection (4) “relevant subsidy” and substituting “countervailable subsidy”;
- (e) by omitting from subsection (7) “relevant subsidy” (wherever occurring) and substituting “countervailable subsidy”.

*Customs Tariff (Anti-Dumping) (World Trade Organization  
Amendments) No. 151, 1994*

**Third country countervailing duties**

6. Section 11 of the Principal Act is amended:
- (a) by omitting from subsection (3) “relevant subsidy” and substituting “countervailable subsidy”;
  - (b) by omitting from subsection (5) “relevant subsidy” and substituting “countervailable subsidy”;
  - (c) by omitting from subsection (7) “relevant subsidy” (wherever occurring) and substituting “countervailable subsidy”;
  - (d) by omitting from subsection (7B) “relevant subsidy” (wherever occurring) and substituting “countervailable subsidy”.

**Insertion of new section**

7. After section 11 of the Principal Act the following section is inserted:

**Interim duty not to exceed security taken**

“12. If:

- (a) a security has been taken under section 42 of the *Customs Act 1901* in respect of interim duty that may become payable under section 8, 9, 10 or 11 of this Act in respect of goods imported into Australia; and
- (b) the amount of interim duty that would be so payable under section 8, 9, 10 or 11 of this Act would, but for the operation of this section, exceed the amount of the security taken;

the interim duty payable is equal to the amount of security taken.”.

---

**NOTE**

1. No. 76, 1975, as amended. For previous 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; Nos. 69 and 173, 1989; No. 70, 1990; and Nos. 90 and 206, 1992.

[*Minister's second reading speech made in—  
House of Representatives on 18 October 1994  
Senate on 7 November 1994*]