

TRADE AND INDUSTRY ACT REPEAL

EXPLANATORY NOTE

THIS Bill repeals the Trade and Industry Act 1956, and re-enacts the import control provisions, and also re-enacts Part VA of the Customs Act 1966, which deals with dumping and countervailing duties, under the control of the Minister of Commerce.

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on 1 December 1988.

PART I

TRADE AND INDUSTRY ACT REPEAL

Clause 2 is the interpretation provision, defining the terms “responsible department of State” and “responsible Minister of the Crown”.

Clause 3 is the savings provision.

Clause 4 provides for the repeal of the Trade and Industry Act 1956, consequential repeals, and amendments to other enactments and regulations.

PART II

IMPORT CONTROL

Clause 5 is the interpretation provision and also provides for this Part of this Act to be deemed to be a Customs Act for the purposes of certain provisions of the Customs Act 1966.

Clause 6 is a re-enactment of section 16a of the Trade and Industry Act 1956 and provides for the control of imports.

Clause 7 is a repeat of section 16c of the Trade and Industry Act 1956 and provides for offences in relation to the control of imports.

Clause 8 is a transitional clause in relation to delegations made under the Trade and Industry Act 1956 in relation to the control of imports.

Clause 9 provides for the making of regulations giving effect to the provisions of this Part of the Bill.

Clause 10 is a savings clause in relation to regulations made under the Trade and Industry Act 1956 in relation to the control of imports.

No. 95—1

Price
incl. GST \$5.70

PART III

DUMPING AND COUNTERVAILING DUTIES

Clause 11 applies this Part to investigations commenced on or after the commencement of the Bill.

Clauses 12 to 27 have the same effect as the provisions contained in Part VA of the Customs Act 1966, with the substitution of the Minister of Commerce and the Secretary of Commerce for the Minister of Customs and the Comptroller of Customs.

Clause 28 is the savings provision in respect of any investigations initiated under Part VA of the Customs Act 1966.

Clause 29 provides for consequential repeals.

Hon. David Butcher

TRADE AND INDUSTRY ACT REPEAL

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A BILL INTITULED

An Act to provide for the abolition of the Department of Trade and Industry and to repeal the Trade and Industry Act

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Trade and Industry Act Repeal Bill 1988.

(2) This Act shall come into force on the 1st day of December 1988.

No. 95—1

PART I

TRADE AND INDUSTRY ACT REPEAL

2. Interpretation—In this Part of this Act, unless the context otherwise requires,—

“Responsible department of State” means any department 5
of State that has assumed responsibility for a function
to which any provision in this Part of this Act applies:

“Responsible Minister of the Crown” means any Minister
of the Crown who has assumed responsibility for a
function to which any provision in this Part of this Act 10
applies.

3. Savings—(1) Every reference in any document to the
Minister of Trade and Industry shall hereafter, unless the
context otherwise requires, be read as a reference to the
responsible Minister of the Crown. 15

(2) Every reference in any document to the Secretary of
Trade and Industry shall, unless the context otherwise requires,
be read as a reference to the chief executive of the responsible
department of State.

(3) Every reference in any document to the Department of 20
Trade and Industry shall, unless the context otherwise requires,
be read as a reference to the responsible department of State.

(4) Where, before the commencement of this Act, the
Minister of Trade and Industry or any officer of the
Department of Trade and Industry in relation to the conduct of 25
the affairs of that Ministry, has—

(a) Become a party to any proceedings whatever; or

(b) Initiated any action under the authority of any statutory
provision formerly administered by the Department
of Trade and Industry— 30

then such action or proceedings may be continued, completed,
and enforced by or against the responsible Minister.

(5) Any consent, licence, permit, approval, remission, given
or granted by the Minister of Trade and Industry or the
Secretary of Trade and Industry shall, unless the context 35
otherwise requires, continue in force until amended,
transferred, modified or revoked by the responsible Minister of
the Crown or the chief executive of the responsible department
of State.

4. Consequential amendments and repeals—(1) The 40
enactments specified in the First Schedule to this Act are hereby
amended in the manner indicated in that Schedule.

(2) The Radio Regulations 1987 and the Telecommunications (Licensing of Links) Regulations 1987 shall have effect as if every reference therein to the Minister of Trade and Industry or the Secretary of Trade and Industry were a reference to the
5 Minister of Commerce or the Secretary of Commerce respectively.

(3) The enactments specified in the **Second** Schedule to this Act are hereby repealed.

(4) The regulations specified in the **Third** Schedule to this Act
10 are hereby revoked.

PART II

IMPORT CONTROL

5. Interpretation—(1) In this Part of this Act, unless the context otherwise requires,—

15 “Minister” means the Minister of Commerce:

“Prescribed” means prescribed by Orders in Council for the time being in force under **section 6** of this Act and, in relation to forms, includes prescribed by the Secretary:

20 “Secretary” means the Secretary of Commerce.

(2) The terms “Collector”, “Customs airport”, “Customs containerbase”, “examining place”, “goods” and “wharf” have the same meanings as in section 2 (1) of the Customs Act 1966.

(3) For the purposes of **this Part** of this Act, section 47 of the
25 Customs Act 1966 shall apply with respect to the import of goods in the same manner as it applies with respect to the import of goods for the purposes of that Act.

(4) For the purposes of Part VIII, Part X, Part XI, Part XII, Part XIV (excluding section 303), and section 305 of the
30 Customs Act 1966, **this Part** of this Act shall be deemed to be a Customs Act.

6. Control of imports—(1) The Governor-General may from time to time by Order in Council prohibit, in the public interest, the importation into New Zealand of—

35 (a) Any specified goods:

(b) Goods of any specified class or classes:

(c) All goods except goods of a specified class or specified classes:

(d) All goods whatever (without specification of any such
40 goods or of the class or classes to which they belong).

(2) Any prohibition imposed pursuant to this section—

(a) May be general; or

- (b) May be limited to the importation of goods from any specified place or by or from any specified person or class of persons; or
- (c) May, whether general or limited, be absolute or conditional. 5
- (3) Any such conditional prohibition may—
- (a) Allow the importation of goods—
- (i) Under the authority of a licence or a permit (whether granted before or after the importation of goods) to be granted by the Minister or by any other prescribed person upon or subject to such terms or conditions (if any), not inconsistent with the provisions of the prohibition, as may be imposed by the Minister or other person granting the licence or permit; or 10 15
- (ii) On or subject to any other prescribed conditions whatever:
- (b) Require the payment of consideration to the Crown in respect of the application for or the granting of the licence or permit under paragraph (a) (i) of this subsection. 20
- (4) For the purposes of this Act—
- (a) The Secretary may from time to time prescribe any form the Secretary deems necessary:
- (b) The production of any document under the hand of the Secretary purporting to be a prescribed form or an extract from a prescribed form or a copy of any such form or extract shall in all Courts and in all proceedings be sufficient evidence of the fact that the form was prescribed; and all Courts shall in all proceedings take judicial notice of the signature of the Secretary either to the prescribed form or to any such extract or copy. 25 30
- (5) Without limiting the Acts Interpretation Act 1924, no Order in Council under this section shall be invalid because it leaves any matter to the discretion of the Minister or any other person or because it authorises the Minister or any other person to issue any licence, permit, or other instrument on or subject to conditions to be imposed or approved by the Minister. 35 40

7. Offences—(1) Every person commits an offence who—

- (a) Imports into New Zealand or unships or lands in New Zealand any goods whose importation is prohibited

- by any Order in Council made under **section 6** of this Act and in force at the time of importation; or
- 5 (b) Commits any breach of, or fails in any respect to comply with, any term or condition on or subject to which there has been granted, under any Order in Council made under **section 6** of this Act, any licence or permit under the authority of which any goods are imported into New Zealand.
- (2) Every person commits an offence who—
- 10 (a) Is knowingly concerned in any importation, unshipment, landing, breach, or non-compliance to which **subsection (1)** of this section applies; or
- (b) Without lawful justification or excuse, removes from any wharf, Customs airport, Customs containerbase, or
15 examining place any imported goods whose importation constitutes an offence under this section; or
- (c) Is knowingly concerned in or connives at the removal from any wharf, Customs airport, Customs containerbase, or examining place of any goods
20 whose importation constitutes an offence under this section.
- (3) Where any goods are imported into New Zealand under the authority of a licence or permit granted under an Order in
25 Council made under **section 6** of this Act, and any person has knowingly made any false declaration or statement—
- (a) For the purpose of obtaining that licence or permit; or
- (b) As to compliance with any condition on or subject to which the licence or permit was granted—
- 30 or has otherwise knowingly made a false declaration or statement in relation to the importation of goods, that person shall be guilty of an offence.
- (4) Every person who commits an offence against this section is liable to a fine not exceeding,—
- 35 (a) In the case of an individual, \$5,000, and in the case of a body corporate, \$25,000; or
- (b) In either case, an amount equal to 3 times the value of the goods to which the offence relates,—
- whichever is the greater.
- 40 (5) Any goods in respect of which any offence against this section is committed shall be forfeited.
- (6) Any Order in Council made under **section 6** of this Act may prescribe fines, in the case of an individual, not exceeding \$5,000, and in the case of a body corporate, not exceeding
45 \$25,000, for the breach of any provision of any such Order in

Council not being a breach which is an offence against any of the foregoing provisions of this section.

(7) Every offence against this section or against any Order in Council made under section 6 of this Act shall be punishable on summary conviction. 5

(8) Every information under the Summary Proceedings Act 1957 for an offence against this section or against any Order in Council made under section 6 of this Act shall be laid by a Collector.

(9) Notwithstanding anything in the Summary Proceedings Act 1957, any information for an offence against this section or against any Order in Council made under section 6 of this Act may be laid within 3 years after the date of the offence. 10

(10) When the amount of a fine under this section is to be determined by reference to the value of any goods, their value shall be estimated according to the price for which goods of the like kind and of the best quality, on which duties (if any) have been paid, are available in New Zealand at the time of the offence. 15

8. Delegation of powers by Minister and Secretary— 20
Every delegation under section 10 or section 11 of the Trade and Industry Act 1956 in relation to sections 16A, 16B, and 16C of that Act, that was in force immediately before the commencement of this Act, shall continue to have effect according to its tenor as if it had been made on that commencement under section 28 or section 41 of the State Sector Act 1988. 25

9. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may be necessary or expedient for giving effect to the provisions of this Part of this Act and for the due administration thereof. 30

(2) Without limiting the general power to make regulations conferred by this section, regulations may be made under this section prescribing fines for offences against the regulations not exceeding \$5,000 in the case of an individual, and \$25,000 in the case of a body corporate. 35

10. Savings—After the commencement of this Act, the Import Control Regulations 1988 shall have effect as if they had been made under this Part of this Act and may be amended or revoked accordingly, and the repeal of the Trade and Industry Act 1956 shall not affect the validity of those regulations or any amendment to those regulations. 40

PART III

DUMPING AND COUNTERVAILING DUTIES

5 **11. Application**—This Part of this Act shall apply to investigations initiated under **section 19** of this Act on or after the commencement of this Act.

12. Interpretation—(1) In this Part of this Act, unless the context otherwise requires,—

“Collector” has the meaning given to it in **section 2 (1)** of the Customs Act 1966:

10 “Dumping”, in relation to goods, means the situation where the export price of goods imported into New Zealand or intended to be imported into New Zealand is less than the normal value of the goods as determined in accordance with the provisions of this Part of this Act, and “dumped” shall have a corresponding meaning:

15 “Exporter” has the meaning given to it in **section 2 (1)** of the Customs Act 1966:

20 “Goods” means all kinds of movable personal property, including animals:

“Importer” has the meaning given to it in **section 2 (1)** of the Customs Act 1966:

“Industry”, in relation to any goods, means—

25 (a) The New Zealand producers of like goods:
(b) Such New Zealand producers of like goods whose collective output constitutes a major proportion of the New Zealand production of like goods,—

but does not include importers of those goods:

30 “Like goods”, in relation to any goods, means—

(a) Other goods that are like those goods in all respects; or

35 (b) In the absence of such goods, other goods which have characteristics closely resembling those other goods:

“Minister” means the Minister of Commerce:

“Secretary” means the Secretary of Commerce:

“Shipment” has the meaning given to it in **section 2 (1)** of the **Tariff Act 1988**:

40 “Subsidised goods” means—

(a) Goods in respect of the production, manufacture, growth, processing, purchase, distribution, transportation, sale, export, or import of

which a subsidy has been or will be paid, granted, authorised, or otherwise provided, directly or indirectly, by the Government of a country other than New Zealand:

(b) Goods in respect of the transportation of which there has been or will be paid, granted, authorised, or otherwise provided, directly or indirectly, any reduction or remission of freight:

“Subsidy” includes any financial or other commercial benefit that has accrued or will accrue, directly or indirectly, to persons engaged in the production, manufacture, growth, processing, purchase, distribution, transportation, sale, export, or import of goods, as a result of any scheme, programme, practice, or thing done, provided, or implemented by the Government of a country other than New Zealand and also includes any reduction or remission of freight; but does not include the amount of any duty or internal tax imposed on goods by the Government of the country of origin or country of export from which the goods, because of their exportation from the country of export or country of origin, have been exempted or have been or will be relieved by means of refund or drawback.

(2) For the purposes of this Part of this Act, a purchase or sale of goods shall not be treated as an arms-length transaction if—

- (a) There is any consideration payable for or in respect of the goods other than their price; or
- (b) The price is influenced by a commercial or other relationship between the buyer, or an associate of the buyer, and the seller, or an associate of the seller; or
- (c) In the opinion of the Minister, the buyer, or an associate of the buyer, will, directly or indirectly, be reimbursed, be compensated, or otherwise receive a benefit for, or in respect of, the whole or any part of the price.

(3) Where goods are imported or intended to be imported into New Zealand and are purchased by the importer from the exporter (whether before or after exportation) for a particular price and the Minister is satisfied, after having regard to—

- (a) The amount of the price paid or to be paid for the goods by the importer; and
- (b) Such other amounts as the Minister determines to be costs necessarily incurred in the importation and sale of the goods; and

(c) The likelihood that the amounts referred to in **paragraph (a) and paragraph (b)** of this subsection will be able to be recovered within a reasonable time; and

(d) Such other matters as the Minister considers relevant,—
5 that the importer, whether directly or through an associate, sells those goods in New Zealand (whether in the condition in which they were imported or otherwise) at a loss, the Minister may deem the sale of those goods as indicating that the importer or an associate of the importer will, directly or
10 indirectly, be reimbursed, be compensated, or otherwise receive a benefit for, or in respect of, the whole or any part of the price for the purposes of **subsection (2) (c)** of this section.

(4) For the purposes of **this Part** of this Act, persons shall be deemed to be associates of each other only if—

15 (a) They are officers or directors of one another's businesses;
or

(b) They are legally recognised partners in business; or

(c) They are employer and employee; or

(d) Any person directly or indirectly owns, controls, or holds
20 5 percent or more of the outstanding voting stock or shares of both of them; or

(e) One of them directly or indirectly controls the other; or

(f) Both of them are directly or indirectly controlled by a third person; or

25 (g) Together they directly or indirectly control a third person;
or

(h) They are members of the same family.

(5) For the purposes of **subsection (4) (h)** of this section, persons shall be deemed to be members of the same family if—

30 (a) They are connected by blood relationship within the fourth degree of relationship; or

(b) They are married to one another or if one is married to a person who is within the fourth degree of relationship to the other; or

35 (c) One has been adopted as the child of the other or as a child of a person who is within the third degree of relationship to the other.

(6) For the purposes of **this Part** of this Act, where, during the exportation of goods to New Zealand, the goods pass in transit
40 from a country through another country, that other country shall be disregarded in ascertaining the country of export of the goods.

(7) For the purposes of **this Part** of this Act the term “reduction or remission of freight” means the situation where, by reason
45 of any circumstances, including the granting of rebates,

refunds, or other allowances, goods exported to New Zealand have been carried, whether within the country of export for the purpose of exporting the goods to New Zealand or from the country of export to New Zealand or both, freight free, or the amount of freight paid or payable in respect of the carriage of the goods is less than the normal freight in relation to the goods. 5

(8) For the purposes of **this Part** of this Act, the term “normal freight”, in relation to goods exported to New Zealand, means— 10

(a) The amount of freight that would have been payable in respect of the carriage of the goods within the country of export for the purpose of exporting the goods from that country to New Zealand if the rate of freight applicable to that carriage were a rate determined by the Minister to be the appropriate rate in respect of that carriage having regard to the ruling rates of freight (if any), at the time of that carriage, in respect of the carriage of like goods, and to any other matter that the Minister considers relevant; or 15 20

(b) The amount of freight that would have been payable in respect of the carriage of the goods from the country of export to New Zealand if the rate of freight applicable to that carriage were a rate determined by the Minister to be the appropriate rate in respect of that carriage having regard to the ruling rates of freight (if any), at the date of exportation of the goods, in respect of the carriage of like goods by sea or, if like goods are regularly carried by aircraft, by aircraft, and to any other matter that the Minister considers relevant; or 25 30

(c) The aggregate of the amount of freight referred to in paragraph (a) of this subsection and the amount of freight referred to in paragraph (b) of this subsection,— as the case may be. 35

13. Export price—(1) Subject to this section, for the purposes of **this Part** of this Act, the export price of any goods imported or intended to be imported into New Zealand which have been purchased by the importer from the exporter shall be— 40

(a) Where the purchase of the goods by the importer was an arms length transaction, the price paid or payable for the goods by the importer other than any part of that price that represents—

5 (i) Costs, charges, and expenses incurred in preparing the goods for shipment to New Zealand that are additional to those costs, charges, and expenses generally incurred on sales for home consumption; and

(ii) Any other costs, charges, and expenses resulting from the exportation of the goods, or arising after their shipment from the country of export; or

10 (b) Where the purchase of the goods by the importer was not an arms length transaction, and the goods are subsequently sold by the importer in the condition in which they were imported to a person who is not an associate of the importer, the price at which the goods were sold by the importer to that person less
15 the sum of the following amounts:

(i) The amount of any duties and taxes imposed under any Act; and

(ii) The amount of any costs, charges, or expenses arising in relation to the goods after exportation; and

20 (iii) The amount of the profit, if any, on the sale by the importer or, where the Minister so directs, an amount calculated in accordance with such rate as the Minister specifies as the rate of profit on the sale by the importer having regard to the rate of profit
25 that would normally be realised on sales of goods of the same general category by the importer where such sales exist.

(2) Where—

30 (a) Goods are or are to be shipped to New Zealand on consignment and there is no known purchaser in New Zealand for the goods; or

(b) There is no exporter's sale price or no price at which the importer or a person not associated with the importer, has purchased or agreed to purchase the
35 goods,—

the export price, for the purposes of **this Part** of this Act, shall be determined in such manner as the Minister considers appropriate having regard to all the circumstances of the exportation.

40 **14. Normal value**—(1) Subject to this section, for the purposes of **this Part** of this Act, the normal value of any goods imported or intended to be imported into New Zealand shall be the price paid for like goods sold in the ordinary course of trade for home consumption in the country of export in sales that are

arms length transactions by the exporter or, if like goods are not so sold by the exporter, by other sellers of like goods.

(2) Where the Minister is satisfied that—

(a) The normal value of goods imported or intended to be imported into New Zealand cannot be determined under **subsection (1)** of this section because—

(i) There is an absence of sales that would be relevant for the purpose of determining a price under that subsection; or

(ii) The situation in the relevant market is such that sales in that market that would otherwise be relevant for the purpose of determining a price under **subsection (1)** of this section are not suitable for use in determining such a price; or

(b) Like goods are not sold in the ordinary course of trade for home consumption in the country of export in sales that are arms length transactions by the exporter and it is not practicable to obtain within a reasonable time information in relation to sales by other sellers of like goods that would be relevant for the purpose of determining a price under **subsection (1)** of this section,—

the normal value for the purposes of **this Part** of this Act shall be the sum of—

(c) Such amount as determined by the Minister to be the cost of production or manufacture of the goods in the country of export; and

(d) On the assumption that the goods, instead of being exported, had been sold for home consumption in the ordinary course of trade in the country of export—

(i) Such amounts as the Minister determines would be reasonable amounts for administrative and selling costs, delivery charges, and other charges incurred in the sale; and

(ii) An amount calculated in accordance with such rate as the Minister determines would be the rate of profit on that sale having regard to the rate of profit normally realised on sales of goods of the same general category in the domestic market of the country of export of the goods where such sales exist:

Provided that the Minister may, in the Minister's discretion, determine that the normal value for the purposes of **this Part** of this Act, shall be the price that, by reason of the quantity of goods, being like goods sold at arm's length in the ordinary course of trade in the country of export for export to a third

country, is representative of the price paid in such sales of those goods and may be the highest price paid for such like goods.

5 (3) Subject to **subsection (6) and subsection (7)** of this section, where the Minister is satisfied that it is inappropriate to ascertain the normal value of goods in accordance with the foregoing provisions of this section by reason that the Government of the country of export—

- (a) Has a monopoly, or substantial monopoly, of the trade of the country; and
- 10 (b) Determines or substantially influences the domestic price of goods in that country,—

the normal value of the goods for the purposes of **this Part** of this Act shall be a value ascertained in accordance with whichever of the following paragraphs the Minister determines is
15 appropriate and reasonable in the circumstances of the case:

- (c) A value equal to the price of like goods produced or manufactured in a third country determined by the Minister and sold for home consumption in the ordinary course of trade in that third country, being
20 sales that are arms length transactions:

- (d) A value equal to the price that, by reason of the quantity of goods, being like goods produced or manufactured in a third country determined by the Minister and sold for export from that country to another country in the ordinary course of trade, is representative of the price paid in such sales of the like goods, and may be the highest price paid for the like goods:

- (e) A value equal to the sum of the following amounts ascertained in respect of like goods produced or manufactured in a third country determined by the Minister and sold for home consumption in the ordinary course of trade in that country:

- (i) Such amount as the Minister determines to be the cost of production or manufacture of the like
35 goods in that country:

- (ii) Such amounts as the Minister determines to be reasonable amounts for administrative and selling costs, delivery charges, and other costs or charges necessarily incurred in selling the like goods:

- (iii) An amount calculated in accordance with such rate as the Minister determines is to be regarded as the rate of profit on the sale of the like goods, having regard to the rate of profit normally realised on sales of goods of the same general category in the relevant
40 market where such sales exist:

45

- (f) Where the Minister determines that neither **paragraph (c) nor paragraph (d) nor paragraph (e)** of this subsection provide an adequate basis for determination of normal value, the Minister shall determine the normal value for the purposes of this subsection on the basis of a value equal to the price payable for like goods produced or manufactured in New Zealand and sold for home consumption in the ordinary course of trade in New Zealand in sales that are arms length transactions duly adjusted, if necessary, to reflect reasonable profits. 5
- (4) Where the normal value of goods imported or intended to be imported into New Zealand is the price paid for like goods, in order to effect a fair comparison the normal value and the export price shall be compared by the Minister— 15
- (a) At the same level of trade; and
- (b) In respect of sales made at as nearly as possible the same time; and
- (c) With due allowances made as appropriate for any differences in terms and conditions of sales, differences in taxation, and any other differences which affect price comparability. 20
- (5) Where the normal value of goods exported to New Zealand is to be ascertained in accordance with **subsection (2) (c) and (d) or subsection (3) (e)** of this section, the Minister shall make such adjustments as are necessary to ensure that the normal value so ascertained is properly comparable with the export price of those goods. 25
- (6) Where—
- (a) The actual country of export of goods imported or intended to be imported into New Zealand is not the country of origin of the goods; and 30
- (b) The Minister is of the opinion that the normal value of the goods should be ascertained for the purposes of this Act as if the country of origin were the country of export,— 35
- the Minister may direct that the normal value of the goods shall be so ascertained.
- (7) Where the Minister is satisfied, in relation to goods imported or intended to be imported into New Zealand that— 40
- (a) The price paid for like goods—
- (i) Sold for home consumption in the country of export in sales that are arms length transactions; or
- (ii) Sold in the country of export to a third country in sales that are arms length transactions,— 45

is, and has been for an extended period of time and in respect of a substantial quantity of like goods, less than the sum of—

5 (iii) Such amount as the Minister determines to be the cost of production or manufacture of the like goods in the country of export; and

10 (iv) Such amounts as the Minister determines to be reasonable amounts for administrative and selling costs, delivery charges and other charges necessarily incurred in the sale of the like goods by the seller of the goods; and

(b) It is likely that the seller of those like goods will not be able to fully recover the amounts referred to in **subparagraphs (iii) and (iv) of paragraph (a)** of this subsection within a reasonable period of time,—

15 the price so paid for those like goods shall be deemed not to have been paid in the ordinary course of trade.

15. Export price and normal value—(1) Where the Minister is satisfied that sufficient information has not been
20 furnished or is not available to enable the export price of goods to be ascertained under **section 13** of this Act, or the normal value of goods to be ascertained under **section 14** of this Act, the normal value or export price, as the case may be, shall be such amount as is determined by the Minister having regard to all
25 available information.

(2) For the purposes of **subsection (1)** of this section, the Minister may disregard any information that the Minister considers to be unreliable.

16. Amount of subsidy—(1) In this Act the expression
30 “amount of the subsidy”, in relation to any subsidised goods, means the amount of the subsidy on the goods determined in such manner as the Minister specifies.

(2) In determining the amount of the subsidy the following amounts shall be deducted:

35 (a) Any application fee, or other costs necessarily incurred in order to qualify for, or to receive the benefit of, the subsidy:

40 (b) Any export taxes, duties, or other charges levied on the export of the goods to New Zealand specifically intended to offset the subsidy.

(3) Where the Minister is satisfied that it is inappropriate to ascertain the amount of a subsidy except in accordance with

this section by reason that the Government of the country of export—

- (a) Has a monopoly, or substantial monopoly, of the trade of the country; or
- (b) Determines or substantially influences the domestic price of goods in that country,—

the Minister may, for the purposes of **this Part** of this Act determine the amount of that subsidy on the basis that the normal value of the goods is such value as is ascertained in accordance with **section 14 (3)** of this Act. 10

(4) Where the Minister is satisfied that sufficient information has not been furnished or is not available to enable the amount of the subsidy to be ascertained for the purposes of **this Part** of this Act, the amount of the subsidy shall be such amount as is determined by the Minister having regard to all available information. 15

17. Material injury to industry—(1) In determining, for the purposes of **this Part** of this Act, whether or not any material injury to an industry has been or is being caused or is threatened or whether or not the establishment of an industry has been or is being materially retarded by means of the dumping or the subsidising of goods imported or intended to be imported into New Zealand from another country, the Minister shall examine— 20

- (a) The volume of the dumped or subsidised imports; and 25
- (b) The effect of the dumped or subsidised imports on prices in the New Zealand market for like goods; and
- (c) The consequent impact of the dumped or subsidised imports on the relevant New Zealand industry.

(2) Without limiting the generality of **subsection (1)** of this section, and without limiting the matters the Minister may consider, the Minister shall have regard to the following matters: 30

- (a) The extent to which there has been or is likely to be a significant increase in the volume of dumped or subsidised imports of the goods either in absolute terms or in relation to production or consumption in New Zealand; and 35
- (b) The extent to which the effect of the dumped or subsidised imports is or is likely significantly to depress prices for the goods in New Zealand or significantly to prevent price increases for the goods which otherwise would have occurred; and 40

- (c) The economic impact of the dumped or subsidised imports on the industry including—
- (i) Actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilisation of production capacity; and
 - (ii) Factors affecting domestic prices; and
 - (iii) Actual and potential effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investments.

18. Form of notice—For the purposes of this Part of this Act, reference to a notice means a notice—

- (a) Specifying the reasons for the giving of the notice; and
- (b) Given to—
 - (i) The Government or Governments of the country or countries of the export of goods to which the notice relates; and
 - (ii) Exporters and importers known by the Secretary to have an interest in those goods; and
 - (iii) The complainant in relation to those goods; and
 - (iv) Where the Minister is taking action under section 27 of this Act, the Government of the third country on behalf of whom the Minister is taking action; and
- (c) Published in the *Gazette*.

19. Initiation and subsequent investigation—(1) Subject to subsection (6) of this section, the Secretary may, on receipt of a complaint from the industry, initiate an investigation to determine both the existence and effect of any alleged dumping or subsidising of any goods on being satisfied that sufficient evidence has been provided that—

- (a) The goods imported or intended to be imported into New Zealand are being dumped or subsidised; and
- (b) By reason thereof material injury to an industry has been or is being caused or is threatened or the establishment of an industry has been or is being materially retarded.

(2) Where the Secretary initiates an investigation, pursuant to subsection (1) of this section, in respect of the dumping or subsidising of goods, notice of the initiation of the investigation shall be given.

(3) Upon the initiation of an investigation by the Secretary pursuant to subsection (1) of this section and thereafter during

the course of the investigation, evidence of the dumping or subsidisation and of the material injury to an industry shall be considered simultaneously.

(4) The Secretary after initiating an investigation pursuant to subsection (1) of this section, shall ensure that all interested parties to the investigation are given reasonable opportunity—

(a) To present in writing all evidence relevant to the investigation, and, upon justification being shown, to present such evidence orally:

(b) Subject to the Official Information Act 1982, to have access to all non-confidential information relevant to the presentation of their case and that is used by the Secretary in the investigation, and to prepare representations on the basis of this information:

(c) On request being made, to meet those parties with adverse interests in order to present opposing views.

(5) The Secretary may request parties who have provided confidential information to furnish—

(a) A non-confidential summary of the information; or

(b) If it is claimed that the information is not susceptible of such summary, a statement of the reasons why such summary is not possible,—

and the Secretary may disregard any information for which the party submitting it fails to provide either a satisfactory summary or satisfactory reason why such summary cannot be provided.

(6) As soon as possible after the Secretary accepts a request from the industry concerned for initiation of an investigation into the subsidisation of any goods, and in any event before the initiation of such an investigation, the Government or Governments of the country or countries of export of the goods which are the subject of the complaint shall be given a reasonable opportunity for consultations with the aim of clarifying the situation as to the matters referred to in subsection (1) of this section and arriving at a mutually agreed solution.

20. Termination of investigations—(1) Where the Minister, at any time before making a final determination of dumping or subsidising, or the Secretary, at any time before a preliminary determination of dumping or subsidising is made by the Minister, is satisfied in respect of some or all of the goods under investigation, that—

(a) There is insufficient evidence of dumping or subsidising to justify proceeding with the investigation; or

- (b) There is insufficient evidence that material injury to a New Zealand industry has been or is being caused or is threatened or the establishment of a New Zealand industry has been or is being materially retarded by means of the subsidising or dumping of the goods—
5 the Minister or as the case may be, the Secretary shall—
(c) Terminate the investigation with respect to those goods; and
(d) Give notice of such termination.
- 10 (2) Where—
(a) Any investigation is terminated under **subsection (1)** of this section, and it is subsequently ascertained that information supplied affecting the investigation was incorrect or did not disclose material facts, and that
15 the information is of such nature as materially to affect the decision to terminate the investigation; or
(b) Any investigation is terminated pursuant to an undertaking given by the Government of the country of export or by an exporter, as the case may be,
20 under **section 24 (1)** of this Act and that Government or that exporter violates that undertaking,—
the Secretary may initiate a further investigation and all the provisions of **this Part** of this Act shall have effect accordingly.
(3) Notice shall be given of the re-opening of any
25 investigation under **subsection (2)** of this section.

21. Preliminary determination—(1) Except where the investigation has been terminated pursuant to **section 20** of this Act, within 60 days after an investigation has been initiated by the Secretary pursuant to **section 19** of this Act, the Minister
30 shall make a preliminary determination, on the basis of the information made available during the investigation, if the Minister has reasonable cause to believe, in relation to the importation or intended importation into New Zealand of goods, that they are goods in respect of which the Minister may
35 direct the imposition of an anti-dumping or countervailing duty in accordance with **section 23** of this Act.

- (2) Notwithstanding **subsection (1)** of this section where the Minister declares that by reason of—
40 (a) The complexity or novelty of the issues presented by the investigation; or
(b) The variety of goods or number of persons involved in the investigation; or
(c) The difficulty of obtaining satisfactory evidence in the investigation; or

- (d) Any other circumstances specified in the notice that, in the opinion of the Minister, make it unusually difficult for the Minister to make the preliminary determination referred to in **subsection (1)** of this section within 60 days— 5

that preliminary determination may be made within 90 days from the date of the initiation of the investigation.

- (3) Where the preliminary determination has been made by the Minister, the Secretary shall continue the investigation and proceed to a final determination in accordance with **sections 22 and 23** of this Act, and the Minister may impose provisional duties in accordance with **section 25** of this Act. 10

- (4) The Minister's preliminary determination shall be given by notice.

22. Final determination—(1) Subject to **section 20** of this Act, within 90 days after the making of a preliminary determination by the Minister in accordance with **section 21** of this Act, the Minister shall make a final determination as to whether or not, in relation to the importation or intended importation of goods into New Zealand, they are goods in respect of which the Minister may impose an anti-dumping or countervailing duty in accordance with **section 23** of this Act. 15 20

- (2) The final determination of the Minister shall be given by notice.

- (3) Where, pursuant to **subsection (1)** of this section, a final determination in respect of any goods has been made by the Minister prior to the importation of the goods, the Minister may revise the export price of the goods or the amount of freight paid or payable on the transport of the goods within such time after the date of importation of those goods as the Minister considers necessary for that purpose having regard to all the circumstances, and may make such changes to that final determination as the Minister considers necessary to take account of that revision. 25 30

23. Anti-dumping and countervailing duties—(1) Where the Minister, having made a determination under **section 21** or **section 22** of this Act, is satisfied in relation to the importation into New Zealand of goods that— 35

- (a) The goods are being dumped or subsidised; and
 (b) By reason thereof material injury to an industry has been or is being caused or is threatened or the establishment of an industry has been or is being materially retarded,— 40

the Minister may by a notice given pursuant to **section 22** of this Act state that this section applies to those goods, and—

- 5 (c) There shall be charged, collected, and paid on demand of the Collector on those goods that are dumped, a special duty to be known as anti-dumping duty; and
- (d) There shall be charged, collected, and paid on demand of the Collector on those goods that are subsidised, a special duty to be known as countervailing duty.
- 10 (2) The anti-dumping duty or countervailing duty in the case of goods to which this section applies shall be a rate or amount determined by the Minister—
- (a) In the case of dumped goods, not exceeding the difference between the export price of the goods and their normal value; and
- 15 (b) In the case of subsidised goods, not exceeding the amount of subsidy on the goods.
- (3) In exercising the discretion under **subsection (2)** of this section, the Minister shall have regard to the desirability of ensuring that the amount of anti-dumping or countervailing
- 20 duty in respect of these goods is not greater than is necessary to prevent the material injury or a re-occurrence of the material injury or to remove the threat of material injury to an industry or the material retardation to the establishment of an industry, as the case may require.
- 25 (4) The Minister may, by notice, revoke in whole or in part any notice imposing anti-dumping duty or countervailing duty, and upon such revocation the dumping duty or countervailing duty imposed by that notice or by that part of the notice to which the revocation relates shall cease to be payable.
- 30 (5) The Minister shall review the need for the continued imposition of the anti-dumping duty or countervailing duty where warranted on the Minister's own initiative, or if an interested party so requests and so submits positive evidence substantiating the need for review.
- 35 (6) An anti-dumping or a countervailing duty imposed pursuant to this section shall remain in force only so long as and to the extent necessary to counteract the injurious effects of the dumping or subsidisation.

24. Price undertakings—(1) Where, in relation to the

40 exportation of any consignment of goods to New Zealand, the Secretary has initiated an investigation pursuant to **section 19** of this Act, the Minister may terminate consideration of that consignment if the Minister is given and accepts an undertaking by the Government of the country of export or by the exporter

of the goods that the Government or the exporter, as the case may be, will so conduct future export trade to New Zealand of like goods to the goods in the consignment to avoid causing or threatening material injury to an industry or materially retarding the establishment of an industry. 5

(2) The price increases in an undertaking accepted by the Minister shall not exceed the difference between the export price of the goods and their normal value or the amount of subsidisation, as the case may be.

(3) The Minister may be given and accept any amendment to an undertaking because of altered circumstances. 10

(4) If the Minister accepts an undertaking, the investigation of the extent of injury to an industry shall nevertheless be completed if the Government of the country of export or the exporter, as the case may be, so desires. 15

(5) If an investigation referred to in **subsection (4)** of this section is completed and no determination of material injury, threat thereof, or material retardation to the establishment of an industry is made, the undertaking shall automatically lapse, except in cases where a determination of no threat of injury is attributable to a significant degree to the existence of the undertaking, in which case the Minister may require that the undertaking be maintained for such reasonable period as the Minister may determine. 20

(6) The Minister may require any party from whom undertakings have been accepted to provide information relevant to the fulfilment of the undertaking. 25

(7) The Minister shall review the need for the continuation of an undertaking where warranted on the Minister's own initiative, or if an interested party so requests and submits positive evidence substantiating the need for review. 30

(8) Undertakings shall remain in force only so long and to the extent necessary to counteract the injurious effects of the dumping or subsidisation.

(9) If an investigation is terminated in accordance with **subsection (1)** of this section, notice of the termination shall be given. 35

25. Provisional measures—(1) Where the Minister has made a preliminary determination pursuant to **section 21** of this Act, the Minister may by notice give a provisional direction that payment of duty in respect of those goods shall be secured in accordance with Part IX of the Customs Act 1966: 40

Provided that—

- (a) The rate or amount of such duty to be secured shall not exceed the difference between the export price of the goods and their normal value or the amount of subsidisation, as the case may be, which has been determined by the Minister pursuant to **section 21** of this Act; and
- (b) The Minister is satisfied such action is necessary to prevent material injury being caused during the period of investigation.
- 5 (2) A provisional direction imposed under **subsection (1)** of this section shall in all cases cease to have effect following the final determination made by the Minister pursuant to **section 22** of this Act.
- (3) When any provisional direction given under **subsection (1)** of this section ceases to have effect any security given pursuant to the provisional direction shall be released, except to the extent that duty is payable pursuant to a direction given under **section 23** of this Act.
- 15 (4) Where the amount of dumping duty or countervailing duty imposed pursuant to a provisional direction under **subsection (1)** of this section exceeds the amount of duty payable pursuant to a direction given under **section 23** of this Act, the amount of the excess shall be remitted by the Minister.
- (5) Where the amount of dumping duty or countervailing duty imposed pursuant to a provisional direction under **subsection (1)** of this section is less than the amount of duty payable pursuant to a direction given under **section 23** of this Act, the amount of the difference shall not be collected on those importations subject to the provisional direction.
- 25
- 30 **26. Retrospective measures**—(1) Anti-dumping duty and countervailing duty, and provisional measures, shall only be applied to goods which are entered for home consumption after the decision taken by the Minister in **section 23** or, as the case may be, **section 25** of this Act came into force, except as
- 35 provided by this section.
- (2) Where a final determination of material injury to an industry (but not of a threat thereof or of material retardation to the establishment of an industry) is made by the Minister, or in the case of a final determination of threat of material injury
- 40 where the effect of the dumped or subsidised goods would, in the absence of provisional measures, have led to a finding of material injury, anti-dumping duty or countervailing duty, as the case may require, may be levied retrospectively for the

period for which the provisional measures, if any, have been applied.

(3) Where the Minister determines—

(a) In respect of dumped goods—

(i) Either that there is a history of dumping causing 5
material injury or that the importer was or should
have been aware that the goods were dumped and
that such dumping would cause injury; or

(ii) That the material injury is caused by substantial
dumped imports of a product in a relatively short 10
period to such an extent that in order to preclude it
recurring the Minister is of the opinion that it appears
necessary to levy a dumping duty retrospectively:

(b) In the case of subsidised goods, in critical circumstances,
where the Minister determines that material injury 15
which is difficult to repair is caused by massive
imports, in a relatively short period, of goods
benefiting from export subsidies paid or bestowed
inconsistently with the provisions of the General
Agreement on Tariffs and Trade and the Agreement 20
on the Interpretation and Application of Articles VI,
XVI, and XXIII of the General Agreement on Tariffs
and Trade, and where it is deemed necessary, in
order to preclude the recurrence of such material
injury it is necessary to impose a countervailing duty 25
retrospectively,—

the Minister may levy an anti-dumping or countervailing duty,
as the case may be, on goods which were entered for home
consumption not more than 90 days prior to the date of the
application of provisional measures. 30

(4) Where the Government of the country of export or the
exporter, as the case may be, from whom the Minister has
accepted an undertaking pursuant to **section 24** of this Act
violates the undertaking and the Minister, in accordance with
section 25 of this Act, levies provisional duties, anti-dumping 35
duty or countervailing duty may be levied in accordance with
section 23 of this Act on goods entered for home consumption
not more than 90 days before the application of the provisional
measures, except that such retrospective duty shall not apply to
goods that have been entered for home consumption before 40
the date of the violation of the undertaking by the Government
of the country of export or the exporter, as the case may be.

**27. Third country anti-dumping and countervailing
duties**—Where the Minister is satisfied that, in relation to the

importation into New Zealand of goods produced or manufactured in another country, that—

(a) The goods are or have been dumped or subsidised; and

5 (b) By reason thereof material injury to a domestic industry of a third country has been or is being caused or is threatened or the establishment of a domestic industry of a third country has been or is being materially retarded,—

10 the Minister may, if requested by the Government of the third country to do so, by notice declare that the foregoing provisions of this Part of this Act shall, with all necessary modifications, apply with respect to the effect of those goods on that third country's domestic industry in the same manner as they apply with respect to the effect of those goods on a New
15 Zealand industry, and the Minister may impose anti-dumping duty accordingly.

28. Savings—(1) Any investigation initiated under section 186H of the Customs Act 1966 (as inserted by section 2 (1) of the Customs Amendment Act (No. 3) 1987) shall be continued,
20 completed, determined, and enforced as if Part VA of the Customs Act 1966 (as so inserted) were still in force.

(2) Any investigation initiated under section 186A of the Customs Act 1966 (as inserted by section 11 of the Customs Acts Amendment Act (No. 2) 1983) shall be continued,
25 completed, determined, and enforced as if Part VA of the Customs Act 1966 (as so inserted) were still in force.

29. Consequential amendments—(1) The Customs Act 1966 is hereby amended by repealing Part VA.

(2) The Customs Amendment Act (No. 3) 1987 is hereby
30 repealed.

SCHEDULES

Section 4 (1)

FIRST SCHEDULE

ENACTMENTS AMENDED

Title of Act	Amendment
1924, No. 16—The Engineers Registration Act 1924 (R.S. Vol. 6, p. 345)	By omitting from section 2 the definition of the term "Minister" (as substituted by the Engineers Registration Amendment Act 1988), and substituting the following definition: " 'Minister' means the Minister of Commerce:"
1944, No. 16—The Clerks of Works Act 1944 (R.S. Vol. 14, p. 13)	By omitting from section 13 (1) the words "the Minister of Works and Development" (as substituted by section 2 (4) (a) of the Public Works Amendment Act 1973), and substituting the words "the Minister". By omitting from section 2 the definition of the term "Minister" (as substituted by the Clerks of Works Amendment Act 1988), and substituting the following definition: " 'Minister' means the Minister of Commerce:" By repealing paragraph (a) of section 3 (2) (as substituted by the Clerks of Works Amendment Act 1988), and substituting the following paragraph: "(a) The chief executive of the Ministry of Commerce; and"
1944, No. 29—Engineers Registration Amendment Act 1944 (R.S. Vol. 6, p. 352)	By omitting from section 4 (1) and section 9 (1) the words "the Minister of Works and Development" (as substituted by section 2 (4) (a) of the Public Works Amendment Act 1973), and substituting in each case the words "the Minister of Commerce".
1953, No. 64—The Patents Act 1953 (R.S. Vol. 10, p. 563)	By omitting from the proviso to section 8 (2) the words "the Minister of Works and Development" (as substituted by section 2 (4) (a) of the Public Works Amendment Act 1973), and substituting the words "the Minister of Commerce".
1953, No. 64—The Patents Act 1953 (R.S. Vol. 10, p. 563)	By repealing the definition of the term "Minister" in section 2 (1), and substituting the following definition: " 'Minister' means the Minister of Commerce:"
1956, No. 63—Local Authorities Loans Act 1956 (Reprinted 1974, Vol. 3, p. 2301)	By repealing paragraph (b) of section 4 (as substituted by the Local Authorities Loans Amendment Act 1988), and substituting the following paragraph:

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1956, No. 63—Local Authorities Loans Act 1956 (Reprinted 1974, Vol. 3, p. 2301)— <i>continued</i>	“(b) The Chief Executive of the Ministry of Commerce:”
1961, No. 70—The Engineering Associates Act 1961 (R.S. Vol. 6, p. 325)	By omitting from section 2 the definition of the term “Minister” (as substituted by the Engineering Associates Amendment Act 1988), and substituting the following definition: “‘Minister’ means the Minister of Commerce:”
1963, No. 12—The Architects Act 1963 (R.S. Vol. 15, p. 1)	By omitting from section 33 (2) (e) the words “Minister of Trade and Industry” (as substituted by the Architects Amendment Act 1988), and substituting the words “Minister of Commerce”.
1966, No. 20—The Industrial Design Act 1966 (R.S. Vol. 17, p. 225)	By omitting from section 2 the definition of the term “Department”. By omitting from section 2 the definition of the term “Minister”, and substituting the following definitions: “‘Minister’ means the Minister of Commerce: “‘Ministry’ means the Ministry of Commerce.” By repealing paragraph (b) of section 4 (1), and substituting the following paragraph: “(b) The Secretary of Commerce.” By omitting from section 11 the word “Department” wherever it occurs, and substituting in each case the word “Ministry”. By omitting from the proviso to section 23 (2) the word “Department”, and substituting the word “Ministry”. By repealing paragraph (b) of section 5 (as substituted by the Trade and Industry Amendment Act 1972), and substituting the following paragraph: “(b) The Secretary of Commerce.” By omitting from section 7 (f) the words “the Secretary of Trade and Industry,” (as
1966, No. 21—The Consumer Council Act 1966 (R.S. Vol. 17, p. 149)	

FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1966, No. 21—The Consumer Council Act 1966 (R.S. Vol. 17, p. 149)— <i>continued</i>	substituted by the Trade and Industry Amendment Act 1972), and substituting the words “the Secretary of Commerce”.
1968, No. 53—The Quantity Surveyors Act 1968 (R.S. Vol. 18, p. 651)	By omitting from section 2 the definition of the term “Minister” (as substituted by the Quantity Surveyors Amendment Act 1988), and substituting the following definition: “Minister” means the Minister of Commerce.”
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from the First Schedule the words “Department of Trade and Industry”, and substituting, after the words “The Ministry of Civil Defence”, the words “The Ministry of Commerce”.
1976, No. 132—The Broadcasting Act 1976 (R.S. Vol. 13, p. 1)	<p>By omitting from section 76 (3) the words “Secretary of Trade and Industry”, (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987), and substituting the words “Secretary of Commerce”.</p> <p>By omitting from section 76A (2) and section 76A (5) the words “Secretary of Trade and Industry” (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987), and substituting in each case the words “Secretary of Commerce”.</p> <p>By omitting from section 77 (2) the words “Secretary of Trade and Industry” (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987) in both places where they occur, and substituting in each case the words “Secretary of Commerce”.</p> <p>By omitting from section 78 (1) the words “Secretary of Trade and Industry” (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987), and substituting the words “Secretary of Commerce”.</p> <p>By omitting from section 78 (3) (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987) the</p>

FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1976, No. 132—The Broadcasting Act 1976 (R.S. Vol. 13, p. 1)— <i>continued</i>	<p>words “Secretary of Trade and Industry”, and substituting the words “Secretary of Commerce”.</p> <p>By omitting from section 81 (4) the words “Secretary of Trade and Industry” (as substituted by section 11 (1) of the State-Owned Enterprises Amendment Act 1987), and substituting the words “Secretary of Commerce”.</p>
1980, No. 16—The Historic Places Act, 1980	<p>By repealing paragraph (k) of section 7 (1) (as substituted by section 2 of the Historic Places Amendment Act 1988) and substituting the following paragraph:</p> <p>“(k) The Chief Executive of the Ministry of Commerce:”</p> <p>By omitting from section 11 (3) (as amended by section 3 of the Historic Places Amendment Act 1988) the words “Chief Executive of the Department of Trade and Industry”, and substituting the words “Chief Executive of the Ministry of Commerce”.</p>
1986, No. 5—The Commerce Act 1986	<p>By omitting from section 11 (3) (as amended by section 3 of the Historic Places Amendment Act 1988) the words “Department of Trade and Industry”, and substituting the words “Ministry of Commerce”.</p> <p>By omitting from section 2 (1) the definition of the term “Minister”, and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Commerce:”.</p>
1986, No. 25—The Wheat Board Amendment Act 1986	<p>By omitting from section 18 (1) the words “Department of Trade and Industry”, and substituting the words “Ministry of Commerce”.</p> <p>By omitting from section 12 (1) the word “Minister” wherever it occurs, and substituting in each case the words “Minister of Commerce”.</p>

FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1986, No. 129—The Development Finance Corporation of New Zealand Act 1986	<p>By omitting from section 1 (3) (as substituted by the Development Finance Corporation of New Zealand Amendment Act 1988) the words “Minister of Trade and Industry” in both places where they occur, and substituting in each case the words “Minister of Commerce”.</p> <p>By omitting from section 1A (as inserted by the Development Finance Corporation of New Zealand Amendment Act 1988) the words “Minister of Trade and Industry”, and substituting the words “Minister of Commerce”.</p> <p>By omitting from section 4 (1) (b) and (2) the words “Minister of Trade and Industry”, and substituting in each case the words “Minister of Commerce”.</p>
1987, No. 8—The Official Information Amendment Act 1987	By omitting so much of the Third Schedule as relates to section 13 (5) of the Trade and Industry Act 1956.
1987, No. 88—The Temporary Safeguard Authorities Act 1987	<p>By omitting from section 2 the definition of the term “Minister”, and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Commerce”.</p> <p>By omitting from section 3 (5) the words “Department of Trade and Industry”, and substituting the words “Ministry of Commerce”.</p>
1987, No. 116—The Telecommunications Act 1987	<p>By omitting from section 21 the definition of the term “Secretary”, and substituting the following definition:</p> <p>“‘Secretary’ means the Secretary of Commerce”.</p>
1988, No. 5—The Standards Act 1988	<p>By omitting from section 2 (1) the definition of the term “Minister”, and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Commerce”.</p>
1988, No. 13—The Milk Act 1988	<p>By omitting from section 2 the definition of the term “Minister”, and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Commerce”.</p>
1988, No. 20—The State Sector Act 1988	By omitting from the First Schedule the item “Department of Trade and Industry”.

SECOND SCHEDULE

Section 4 (2)

ENACTMENTS REPEALED

- 1956, No. 50—The Trade and Industry Act 1956 (R.S. Vol. 21, p. 811).
 1969, No. 84—The Trade and Industry Amendment Act 1969 (R.S. Vol. 21, p. 824).
 1972, No. 107—The Trade and Industry Amendment Act 1972 (R.S. Vol. 21, p. 825).
 1973, No. 4—The Trade and Industry Amendment Act 1973 (R.S. Vol. 21, p. 826).
 1977, No. 11—The Trade and Industry Amendment Act 1977 (R.S. Vol. 21, p. 827).
 1980, No. 45—The Trade and Industry Amendment Act 1980 (R.S. Vol. 21, p. 828).
 1985, No. 41—The Trade and Industry Amendment Act 1985 (R.S. Vol. 21, p. 829).
 1986, No. 25—The Wheat Board Amendment Act 1986: Sections 2 to 11 and 14.
 1987, No. 72—The Trade and Industry Amendment Act 1987 (R.S. Vol. 21, p. 829).
 1987, No. 117—The State-Owned Enterprises Amendment Act 1987: So much of Part B of the Second Schedule as relates to the first amendment to section 76 (3), section 76A (2), the first amendment to section 76A (5), the second amendment to section 77 (2), section 78 (1), and the first amendment to section 81 (4) of the Broadcasting Act 1976.
 1988, No. 17—The Local Authorities Loans Amendment Act 1988.
 1988, No. 51—The Architects Amendment Act 1988.
 1988, No. 53—The Quantity Surveyors Amendment Act 1988.
 1988, No. 55—The Clerks of Works Amendment Act 1988.
 1988, No. 60—The Engineering Associates Amendment Act 1988.
 1988, No. 61—The Engineering Registration Amendment Act 1988.
 1988, No. 64—The Historic Places Amendment Act 1988.
 1988, No. 83—The Trade and Industry Amendment Act 1988.

THIRD SCHEDULE

Section 4 (3)

REGULATIONS REVOKED

Title	Statutory Regulation Serial Number
The Board of Trade (Potatoes) Regulations 1953	1953/40
The Board of Trade (Wool Packing) Regulations 1948	1948/178
The Board of Trade (Wool Packing) Regulations 1948, Amendment No. 2	1971/70
The Board of Trade (Wool Packing) Regulations 1948, Amendment No. 3	1971/94
The Board of Trade (Wool Packing) Regulations 1948, Amendment No. 4	1972/196