Australian Government
Department of Industry, Science and Resources
Anti-Dumping Commission

Anti-Dumping Notice No. 2026/135

Legislative reforms to the anti-dumping system

Customs Act 1901 (Cth) - Part XVB
Customs Tariff (Anti-Dumping) Act 1975 (Cth)

On 19 September 2026, five legislative reforms to Australia's anti-dumping system commenced.

The reforms were included in the *Regulatory Reform Omnibus Bill 2026* (the Bill), which amended parts of the *Customs Act 1901* (Cth) and the *Customs Tariff (Anti-Dumping) Act 1975* (Cth) to streamline regulation and make technical amendments to align definitions and improve the operation of existing legislation.

The anti-dumping reforms[1] now in force are:

- streamlining duty assessment refunds
- automatic tariff concession order exemptions
- aligning the subsidy definition with international agreements
- clarifying weighted average methodology
- 'slip rule' to correct minor errors.

Fact sheets attached to this notice explain the purpose and effect of the reforms.

Additional information

The *Regulatory Reform Omnibus Bill 2026* was passed by Parliament on 14 September 2026 and received Royal Assent on 18 September 2026.

For more information about the Bill, including the Explanatory Memorandum and Second Reading Speech, please see the *Regulatory Reform Omnibus Bill 2026* on the Parliament of Australia website.

Updated versions of the *Customs Act 1901* and the *Customs Tariff (Anti-Dumping) Act 1975* will be available on the Federal Register of Legislation soon.

[1] I.e. reforms to Part XVB of the *Customs Act 1901* (the Customs Act) or to the *Customs Tariff (Anti-Dumping) Act 1975*.

You may contact the Commission's Client Support team at clientsupport@adcommission.gov.au with any questions about this ADN.

David Latina
Commissioner
Anti-Dumping Commission

21 September 2026

Fact sheet - Streamlining duty assessment refunds

The *Regulatory Reform Omnibus Bill 2026* includes a reform to streamline duty assessment refunds (see Schedule 1, Part 5 of the Bill). This reform is aimed at simplifying business regulation.

What does the reform do?	This reform will allow applicants for a duty assessment to receive faster refunds when they advise that they don't intend to appeal a negative preliminary decision for a partial refund. The practical consequence for the Commission is that the Commissioner must then notify the Minister within 7 days of the waiver of review rights, rather than waiting until the end of the 30-day review period, to give effect to the preliminary decision.[2] The practical consequence for applicants is that, where the negative decision is for a partial refund, and they provide notification that they will not seek merits review of the decision, they will receive that refund sooner. (Previously, if an applicant did not intend to review a decision, they had to wait 30 days from the date of the preliminary decision before the Commissioner could make their recommendation to the Minister. This was to allow the window to apply for merits review to the Anti-Dumping Review Panel (ADRP) to expire.) The applicant can't withdraw their notice, and a decision made following that notice is not reviewable by the ADRP. Judicial review will still be available.
When does it apply?	This change will apply to duty assessments lodged on or after 19 September 2026 (i.e. the day after the date of Royal Assent).
What do applicants need to do?	Detailed instructions on the form of notification to waive review rights will be included in the preliminary decision provided to applicants.
Legislative references	*Customs Act 1901,* ss 269X(7)(B), 269X(8)(a) and (b), 269ZZN(c), 269ZZO, 269ZZQ(1A)(d), 269ZZR, 269ZZU(1)

[2] As the power to make a preliminary decision is currently delegated to the Deputy Commissioner, and the power to make a final decision is delegated to the Commissioner, in practice the applicant will be notifying the Deputy Commissioner, who will make their recommendation to the Commissioner.

Fact sheet - Automatic Tariff Concession Order (TCO) Exemptions

The *Regulatory Reform Omnibus Bill 2026* includes a reform to automatically exempt goods from duties if they are subject to a Tariff Concession Order (see Schedule 3, Part 1 of the Bill). This reform supports the government's Tell-Us-Once approach.

What does the reform do?	With this reform, importers and customs brokers whose goods are covered by a tariff concession order (TCO) will no longer need to apply directly to the Commission for an exemption from dumping and countervailing duties in most cases.* Instead, importers and customs brokers who are eligible for a TCO exemption can access an automatic exemption from dumping and countervailing duties that are based on material injury or threat of material injury. This reform removes administrative delays in exempting some goods from dumping and countervailing duties and will reduce the time these goods are subject to duties. *The automatic exemptions under this reform will not apply where the Minister has specified in a dumping or countervailing duties notice issued under the *Customs Act 1901* (Customs Act) that they are satisfied that the establishment of an Australian industry producing like goods has been, or may be, materially hindered.
When does it apply?	This change will apply to goods imported to Australia on or after 19 September 2026 (i.e. the day after the date of Royal Assent).
What will importers/customs brokers need to do?	Importers, customs brokers and their representatives who import goods into Australia and are eligible for an automatic exemption from dumping duty and/or countervailing duty are advised to apply the relevant TCO treatment code and Goods Exemption when entering goods into the Integrated Cargo System. For more information, please contact the Australian Border Force at tradepolicy1@abf.gov.au.
Legislative references	*Customs Tariff (Anti-Dumping) Act 1975*, s 8(6A) and 10(7)

Fact sheet - Aligning the subsidy definition with international agreements

The *Regulatory Reform Omnibus Bill 2026* includes a reform to align the subsidy definition in Australian legislation with the World Trade Organisation *Agreement on Subsidies and Countervailing Measures* (ASCM) (see Schedule 4, Part 2 of the Bill). This reform is a technical clarification.

What does the reform do?	This reform expressly aligns the definition of a 'subsidy' in the *Customs Act* with the ASCM and with existing Commission practice. This change makes it clear that certain payments received from a government, public body or specified body are not automatically 'deemed' as having conferred a benefit. The ASCM requires an investigating authority to undertake an assessment of the subsidy and subsidy amount to determine whether there is a benefit conferred on the relevant exporter. Consistent with this, the Commission's existing practice is to investigate the actual effect of the payment rather than automatically deem that a benefit has been conferred. Accordingly, this change will not have a practical effect on countervailing investigations. Rather, this change removes any unintended uncertainty within the *Customs Act*. This reform brings certainty to all users of the system, with no practical change required by any party.
When will it apply?	This change will only apply to cases that are initiated after 19 September 2026 (i.e. the day after the date of Royal Assent). The changes will not apply to investigations, reviews and continuation inquiries that are currently on foot. (These will remain subject to the previous provisions in s 269TACC.)
Legislative references	*Customs Act 1901*, ss 269TACC(1), (3)(a), (3)(b), (3)(c), (3)(d) and (3)(e). Section 269TACC(2) is repealed.

Fact sheet - Clarifying weighted average methodology

The *Regulatory Reform Omnibus Bill 2026* includes a reform that clarifies how a weighted average can be calculated (see Schedule 4, Part 4 of the Bill). This reform is a technical clarification.

What does the reform do?	The reform inserts a new provision into the *Customs Act* stating that, for the avoidance of doubt, if there is only one transaction in a period, the weighted average over that period is to be worked out on the basis of that one transaction. It is the Commission's existing practice that a weighted average can be calculated where there is a single transaction. (This typically occurs in investigations involving large, custom or project-based products, but can occur in other circumstances.) Accordingly, this change will not have a practical effect on the Commission's approach. Rather, this change will, for the avoidance of doubt, expressly allow for the Commission's existing practice. This reform brings certainty to all users of the system, with no practical change required by any party.
When will it apply?	This change will apply to current and future cases from 19 September 2026 (i.e. the day after the date of Royal Assent).
Legislative references	*Customs Act 1901*, s 269T(5AA)

Fact sheet - Introduction of ‘slip rule’ to correct minor errors

The *Regulatory Reform Omnibus Bill 2026* includes a reform that introduces a mechanism to correct minor errors (see Schedule 4, Part 3 of the Bill). This reform is a straight-forward legal amendment.

What does the reform do?	This change will allow the Commissioner and the Anti-Dumping Review Panel (ADRP) to correct obvious errors in some types of administrative reports or recommendations after the report or recommendation has been made. An obvious error covered by this change is an error clearly caused by a clerical or typographical, slip or omission. This is intended to be a simple and effective way to correct such errors without needing to resort to external mechanisms or undertaking a new investigation. This change applies to the Commissioner’s reports or recommendations to the Minister and allows the ADRP to amend their reasons for decisions and reports to the Minister. After this reform takes effect, both the Commissioner and the ADRP will be able to alter the text of certain reports and recommendations where they contain typographical or accidental errors or clerical omissions (referred to in this fact sheet as a ‘slip-rule error’). Where a potential error in a Commission document has been identified, the Commission will follow a formal corrections process to assess and potentially rectify the error, including appropriate notification and/or consultation with affected parties. All stakeholders may potentially benefit from this reform, in that slip-rule errors can be quickly rectified without resorting to a lengthy review process.
When does it apply?	This change will apply to relevant decisions that were made after 19 September 2026 (i.e. the day after the date of Royal Assent).
What do system users need to do?	If you consider that a relevant Commission report or recommendation contains an obvious error, please contact the Client Support team at clientsupport@adcommission.gov.au.
Legislative references	*Customs Act 1901*, new Division 10, s269ZZYAA