



Federal Court of Australia  
District Registry: Victoria  
Division: General

No: VID965/2019

**ELECTRA CABLES (AUST.) PTY LTD**  
Applicant

**MINISTER FOR INDUSTRY, SCIENCE AND TECHNOLOGY** and another/others  
named in the schedule  
Respondent

### **ORDER**

**JUDGE:** JUSTICE KERR  
**DATE OF ORDER:** 13 February 2020  
**WHERE MADE:** Hobart

#### **THE COURT ORDERS BY CONSENT THAT:**

1. The decision of the First Respondent (**the Minister**) made on 8 May 2019, pursuant to subsections 269TG(1) and (2) of the *Customs Act 1901* (Cth) (**Customs Act**) and published on 14 May 2019, to make declarations under subsections 269TG(1) and (2) of the Customs Act, in so far as the decision applied in respect of certain polyvinyl chloride flat electrical cables (**the Goods**) and like goods exported to Australia by Guilin International Wire & Cable Co Ltd (**Guilin**) from the People's Republic of China, be set aside as of 8 May 2019.
2. The matter be remitted to the Minister for reconsideration in accordance with law.
3. The First Respondent pay the Applicant's costs as agreed or assessed.

And the Court notes that:

1. The Respondents accept that, in the circumstances of this matter, the Minister erred in making her decision in that she purported to calculate the export price of the Goods pursuant to paragraph 269TAB(1)(b) of the Customs Act, but failed to do so in accordance with the requirements of subsection 269TAB(2) of the Customs Act. In particular, in her decision the Minister deducted from the price at which the Goods



were sold by the Applicant an amount in respect of profit that was calculated in accordance with the Applicant's reported company-wide profit rate for 2017, which was not specified in any direction made by the Minister pursuant to paragraph 269TAB(2)(c) of the Customs Act.

Date that entry is stamped: 13 February 2020

*Sia Lagos*  
Registrar



**Schedule**

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Respondent                      COMMISSIONER OF THE ANTI-DUMPING COMMISSION