

Version
as at 1 May 2024



Trade (Safeguard Measures) Act 2014

Public Act 2014 No 66
Date of assent 11 November 2014
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Trade (Safeguard Measures) Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Safeguard investigations, provisional safeguard duty, and safeguard measures

3 Purpose

The purpose of this Act is to enable New Zealand to apply safeguard measures and provisional safeguard duties at its border in accordance with the Agreement establishing the World Trade Organization adopted at Marrakesh on 15 April 1994 (the **WTO Agreement**). Such measures and duties are intended to—

- (a) provide temporary protection to a domestic industry from serious injury caused by increased imports; and
- (b) facilitate adjustment by a domestic industry to increased competition from increased imports.

4 Overview of safeguards

- (1) Safeguard measures and provisional safeguard duties imposed under this Act are trade remedies.
- (2) Trade remedies are remedies against certain imports that are causing injury to New Zealand industries.
- (3) New Zealand's other trade remedies are—
 - (a) anti-dumping duties under the Trade (Anti-dumping and Countervailing Duties) Act 1988 in relation to goods that are imported into New Zealand at less than their normal value in the exporting country;
 - (b) countervailing duties under the Trade (Anti-dumping and Countervailing Duties) Act 1988 in relation to goods imported into New Zealand that are subsidised by a foreign government;
 - (c) transitional safeguard measures (including provisional ones) under sections 15A to 15H of the Tariff Act 1988 in relation to imports from a country or group of countries that is a party to certain free trade agreements with New Zealand.
- (4) This section is intended as a guide only.

Section 4(3)(a): amended, on 29 November 2017, by section 26(1) of the Trade (Anti-dumping and Countervailing Duties) Amendment Act 2017 (2017 No 21).

Section 4(3)(b): amended, on 29 November 2017, by section 26(1) of the Trade (Anti-dumping and Countervailing Duties) Amendment Act 2017 (2017 No 21).

Section 4(3)(c): amended, on 1 May 2024, by section 102 of the European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10).

5 Interpretation

In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the Ministry

Customs means the New Zealand Customs Service

directly competitive goods, in relation to imported goods, means goods that, as a matter of fact and commercial common sense, are substitutable for the imported goods

domestic industry means—

- (a) producers who produce like goods or directly competitive goods in New Zealand; or
- (b) producers whose collective production constitutes a major proportion of the production in New Zealand of like goods or directly competitive goods

extended safeguard duty means a safeguard duty extended under section 23(2)(a)

extended safeguard measure means a safeguard measure extended under section 23(2)

import has the same meaning as importation in section 5(1) of the Customs and Excise Act 2018

increased imports means increased imports of goods into New Zealand, whether it is an absolute increase or a relative increase as compared with the amount of like goods or directly competitive goods produced in New Zealand

like goods, in relation to imported goods, means—

- (a) goods that are like the imported goods in all respects; or
- (b) in the absence of goods referred to in paragraph (a), goods that have characteristics closely resembling the imported goods

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

provisional safeguard duty means a duty imposed under section 14(1)

safeguard duty means a duty imposed under section 19(2)(a)

safeguard investigation means an investigation by the chief executive initiated by the Minister under section 8

safeguard measure has the meaning given by section 18

serious injury means a significant overall impairment in the position of a domestic industry

threat of serious injury means a serious injury that is clearly imminent

working day means any day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year.

Section 5 **import**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 5 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

6 Act binds the Crown

This Act binds the Crown.

7 Notification of decision or report

- (1) For the purposes of this Act, a reference to **notifying a decision** means giving notice in the following ways that the decision has been made and the date on which it was made:
 - (a) in the *Gazette*; and
 - (b) free of charge, at all reasonable times, on an Internet site maintained by, or on behalf of, the Ministry.
- (2) For the purposes of this Act, a reference to **notifying a report** means giving notice in the *Gazette* that—
 - (a) the report has been made and the date on which it was made; and
 - (b) a copy of the report is available for inspection during working hours, free of charge, and the place at which it can be inspected; and
 - (c) a copy of the report is available on an Internet site, free of charge, and the Internet site address.
- (3) In addition to notifying a report as provided in subsection (2), a copy of the report must be made available—
 - (a) for inspection, during working hours, free of charge at the head office of the Ministry; and
 - (b) free of charge, at all reasonable times, on an Internet site maintained by, or on behalf of, the Ministry.
- (4) A failure to notify a decision or report under subsection (1) or (2) or to take the actions required by subsection (3) does not invalidate the decision or report.

*Safeguard investigation***8 Initiation of safeguard investigation**

- (1) The Minister may initiate a safeguard investigation by the chief executive into increased imports if the Minister is satisfied that there are reasonable grounds for an investigation into whether increased imports are causing serious injury or a threat of serious injury.
- (2) The Minister may initiate a safeguard investigation either after an application or at the Minister's discretion.
- (3) The Minister must notify the decision to initiate a safeguard investigation, and that notification must state the date on which the investigation was initiated.

9 Application for safeguard investigation

- (1) An application for a safeguard investigation may be made by any person.
- (2) An application for a safeguard investigation must include the following information:
 - (a) a complete description of the imported goods and the like goods or directly competitive goods;
 - (b) the name of the applicant and whether the applicant is a producer in the domestic industry;
 - (c) whether the applicant seeks the imposition of a provisional safeguard duty.
- (3) An application for a safeguard investigation must include as much of the following information as is reasonably possible:
 - (a) whether there have been increased imports;
 - (b) whether there is serious injury or a threat of serious injury;
 - (c) a causal link between the increased imports and the serious injury or threat of serious injury;
 - (d) whether the increased imports were due to unforeseen developments;
 - (e) the level of support (if any) from domestic industry producers (apart from the applicant if the applicant is a producer in the domestic industry);
 - (f) the names of domestic industry producers;
 - (g) details of the volume and value of the domestic industry's production of the like goods or directly competitive goods in New Zealand by—
 - (i) the applicant; and
 - (ii) the producers referred to in paragraph (f).

10 Submissions and information relating to safeguard investigation

- (1) The chief executive must seek submissions relating to a safeguard investigation from interested persons (giving an appropriate time period) and must consider any submissions received.
- (2) The chief executive may require, at any time during a safeguard investigation, that the application under section 9 for the safeguard investigation, or any submission or any other information relating to the safeguard investigation, be supported by a statutory declaration made in the manner provided for by section 9 of the Oaths and Declarations Act 1957.
- (3) The chief executive may disregard any information relating to a safeguard investigation that the chief executive considers to be unreliable.

11 Access to information relevant to safeguard investigation and treatment of confidential information

- (1) All interested persons are entitled to access all information relevant to a safeguard investigation, except for—
 - (a) confidential information (unless the submitter of the confidential information consents to the confidential information being made available); or
 - (b) other information that the chief executive would be likely to withhold if it were requested under the Official Information Act 1982.
- (2) The chief executive may request a submitter of information to provide to the chief executive—
 - (a) a summary, for access by all interested persons, of confidential information or other information that the chief executive would be likely to withhold if it were requested under the Official Information Act 1982; or
 - (b) reasons why such a summary cannot be provided.
- (3) If no document is provided after a request under subsection (2), or if the chief executive is not satisfied with such a document, the chief executive may disregard the relevant information.
- (4) For the purposes of this section, **confidential information** means information about which the submitter of the information has shown a good reason for the chief executive to believe 1 or more of the following:
 - (a) making the information available would give a significant competitive advantage to a competitor of the submitter of confidential information;
 - (b) making the information available would have a significantly adverse effect upon the submitter of confidential information;
 - (c) the information should be treated as confidential for reasons other than the reasons described in paragraph (a) or (b).

Compare: 1987 No 88 s 5(4)–(8)

12 Duration of safeguard investigation

- (1) The chief executive must make reasonable efforts to report to the Minister about a safeguard investigation within 75 working days after the date on which the Minister initiated the investigation.
- (2) Subsection (1) does not apply, and the chief executive must make reasonable efforts to report to the Minister within 85 working days after the date on which the Minister initiated the investigation, in the following circumstances:
 - (a) if the applicant seeks a provisional safeguard duty; or
 - (b) if a provisional safeguard duty is imposed under section 14.
- (3) If the chief executive is unable to report within the time period required by subsection (1) or (2), the chief executive must give the Minister written reasons for being unable to report within the time period.
- (4) The Minister must set out any written reasons given by the chief executive under subsection (3) when the Minister notifies the chief executive's report under section 19(4)(b).

13 Safeguard investigation

- (1) The matters the chief executive must investigate in a safeguard investigation include the following:
 - (a) whether increased imports have caused serious injury or a threat of serious injury;
 - (b) whether the increased imports were due to unforeseen developments;
 - (c) whether a safeguard measure is necessary—
 - (i) to prevent or remedy serious injury; and
 - (ii) to facilitate adjustment by the domestic industry to the increased competition from the increased imports;
 - (d) if a safeguard measure is necessary,—
 - (i) which goods should be subject to a measure; and
 - (ii) which measure is appropriate; and
 - (iii) what is the appropriate extent and duration of the measure;
 - (e) the public interest, which may entail, among other matters, a consideration of the following:
 - (i) the likely effectiveness of a safeguard measure in assisting the domestic industry;
 - (ii) the alternatives to a safeguard measure;
 - (iii) the likely effect of a safeguard measure on the market (including on consumers);
 - (iv) New Zealand's international relations and trade goals;

- (v) the strategic importance of the domestic industry.
- (2) In investigating whether there is serious injury or a threat of serious injury for the purposes of subsection (1)(a), the chief executive must consider the impact of the increased imports on the domestic industry, including actual and potential decline in output, sales, market share, profits, productivity, employment, and utilisation of production capacity.
- (3) In investigating whether the increased imports have caused serious injury or a threat of serious injury for the purposes of subsection (1)(a), the chief executive must consider—
- (a) the nature and extent of imports of the goods by the domestic industry, including the value, quantity, frequency, and purpose of the imports; and
 - (b) factors other than the imports that have injured, or are injuring, the domestic industry.

Provisional safeguard duty

14 Imposition of provisional safeguard duty

- (1) After the Minister has initiated a safeguard investigation under section 8(1), the Minister may order that a provisional safeguard duty be imposed on imported goods if the Minister is satisfied that there are reasonable grounds to believe that—
- (a) a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and
 - (b) increased imports are causing serious injury or a threat of serious injury.
- (2) The Minister may exempt imported goods from certain exporting countries from a provisional safeguard duty at any time, including after the duty has been imposed, if the Minister is satisfied that an exemption—
- (a) is necessary to comply with New Zealand's international obligations as a party to the WTO Agreement or otherwise; or
 - (b) will further New Zealand's international relations or trade goals.
- (3) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
- (a) an order under subsection (1):
 - (b) an exemption under subsection (2).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 14(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

15 Duration of provisional safeguard duty

- (1) Provisional safeguard duty is due and payable on the demand of the Customs on goods imported on and from the date specified in the order referred to in section 14(1), which must be on or after the commencement of the order.
- (2) Provisional safeguard duty is due and payable on the demand of the Customs on goods imported until the earliest of—
 - (a) the date specified in the order referred to in section 14(1); or
 - (b) the date of the commencement of a safeguard measure; or
 - (c) 200 calendar days from the date the duty is due and payable under subsection (1); or
 - (d) the date the provisional safeguard duty is terminated under section 16(1).

16 Termination or reduction of provisional safeguard duty

- (1) The Minister may order the termination of a provisional safeguard duty, with effect from a specified date that is after the commencement of the order, if the Minister is no longer satisfied that there are reasonable grounds to believe that—
 - (a) a delay in imposing a safeguard measure would cause damage that would be difficult to repair; and
 - (b) increased imports are causing serious injury or a threat of serious injury.
- (2) The Minister may order the reduction of a provisional safeguard duty, with effect from a specified date that is after the commencement of the order, if the Minister is satisfied that there is a good reason to do so.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 16(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17 Effect on provisional safeguard duty of imposition (or not) of relevant duty

- (1) The imposition of a relevant duty on imported goods has the following effects on any provisional safeguard duty paid on imports of those goods:

- (a) if the rate of the relevant duty is less than the rate of the provisional safeguard duty, the Minister must, unless satisfied that there is a good reason for not doing so, require the Customs to remit the amount of the difference to the importers who paid the provisional safeguard duty:
 - (b) if the rate of the relevant duty is greater than the rate of the provisional safeguard duty, the importers who paid the provisional safeguard duty need not pay any more duty in relation to those imported goods.
- (2) If no relevant duty is imposed on imported goods on which provisional safeguard duty was paid, the Minister must, unless satisfied that there is a good reason for not doing so, require the Customs to remit the amount of the provisional safeguard duty to the importers who paid the provisional safeguard duty.
- (3) In this section, **relevant duty** means a safeguard measure referred to in section 18(a) or (b).

Safeguard measure

18 Safeguard measure

A **safeguard measure** is any of the following imposed on or in relation to imported goods following a safeguard investigation under this Act:

- (a) a safeguard duty:
- (b) a duty or a variation of any rate of duty under the Tariff Act 1988:
- (c) a restriction on importing the goods under the Customs and Excise Act 2018 or the Imports and Exports (Restrictions) Act 1988.

Section 18(c): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

19 Imposition of safeguard measure

- (1) After receiving the chief executive's report about a safeguard investigation, the Minister may take 1 or both of the actions set out in subsection (2) in relation to imported goods if the Minister is satisfied that—
 - (a) increased imports have caused serious injury or a threat of serious injury; and
 - (b) the increased imports were due to unforeseen developments; and
 - (c) the safeguard measure is necessary—
 - (i) to prevent or remedy serious injury; and
 - (ii) to facilitate adjustment by the domestic industry to the increased competition from the increased imports; and
 - (d) the safeguard measure relates to the appropriate goods, is the appropriate measure, and is of the appropriate extent and duration; and
 - (e) the action is in the public interest; and

- (f) the particular safeguard measure is not incompatible with New Zealand's international obligations as a party to the WTO Agreement or otherwise.
- (2) The actions the Minister may take are to—
 - (a) order that a safeguard duty be imposed; or
 - (b) recommend that the Governor-General make an Order in Council imposing a safeguard measure referred to in section 18(b) or (c).
- (3) The Minister may exempt or may recommend that the Governor-General by Order in Council exempt (whichever is appropriate) imported goods from certain exporting countries from a safeguard measure at any time, including after the measure has been imposed, if the Minister is satisfied that an exemption—
 - (a) is necessary to comply with New Zealand's international obligations as a party to the WTO Agreement or otherwise; or
 - (b) will further New Zealand's international relations or trade goals.
- (4) The Minister must—
 - (a) notify a decision to do nothing after receiving the chief executive's report about a safeguard investigation:
 - (b) after deciding to do nothing or taking an action under subsection (1), notify the chief executive's report about a safeguard investigation, except for the following information:
 - (i) confidential information; and
 - (ii) other information that the chief executive would be likely to withhold if it were requested under the Official Information Act 1982.
- (5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
 - (a) an order under subsection (2)(a):
 - (b) an Order in Council under subsection (2)(b):
 - (c) an exemption under subsection (3).

Compare: 1987 No 88 s 7

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Duration of safeguard measure

- (1) Safeguard duty is due and payable on the demand of the Customs on goods imported on and from the date specified in the order referred to in section 19(2)(a), which must be on or after the commencement of the order.
- (2) Safeguard duty is due and payable on the demand of the Customs on goods imported until the earliest of—
 - (a) the date specified in the order referred to in section 19(2)(a); or
 - (b) 4 years after the date of the commencement of the order referred to in section 14(1) that any provisional safeguard duty be imposed on that particular type of goods; or
 - (c) 4 years from the date the duty is due and payable under subsection (1); or
 - (d) the date the safeguard duty is terminated under section 26(1).
- (3) An extended safeguard duty is an exception to subsection (2)(b) and (c).
- (4) A safeguard measure imposed by an Order in Council recommended by the Minister under section 19(2)(b) must come into effect on and from the date specified in the Order in Council, which must be on or after the commencement of the Order in Council.
- (5) A safeguard measure imposed by an Order in Council recommended by the Minister under section 19(2)(b) must end with effect from the earliest of—
 - (a) the date specified in the Order in Council; or
 - (b) 4 years after the commencement of the order referred to in section 14(1) that any provisional safeguard duty be imposed on that particular type of goods; or
 - (c) 4 years from the date the safeguard measure comes into effect under subsection (4); or
 - (d) the date the safeguard measure is terminated under section 26(1).
- (6) A safeguard measure extended under section 23(2)(b) is an exception to subsection (5)(b) and (c).

Safeguard review

21 Initiation of safeguard review

- (1) The Minister may initiate a review by the chief executive of a safeguard measure, and sections 9(1), (2)(a) and (b), (3)(a) to (c) and (e) to (g), 10, 11, and 12(1), (3), and (4) apply (with any necessary modifications) to the review as if the review were an investigation initiated under section 8.
- (2) The Minister may initiate a safeguard review either after an application or at the Minister's discretion.

- (3) The Minister must notify the decision to initiate a review of a safeguard measure, and that notification must state the date on which the review was initiated.

22 Safeguard review investigation

The matters the chief executive must investigate in a review of a safeguard measure include the following:

- (a) whether it is necessary to extend a safeguard measure in order to prevent or remedy serious injury;
- (b) whether there is evidence that the domestic industry is adjusting to increased competition from increased imports;
- (c) if an extended safeguard measure is necessary,—
 - (i) which goods should be subject to the measure; and
 - (ii) what is the appropriate extent and duration of the measure;
- (d) the public interest, which may entail, among other matters, a consideration of the following:
 - (i) the likely effectiveness of an extended safeguard measure in assisting the domestic industry;
 - (ii) the alternatives to an extended safeguard measure;
 - (iii) the likely effect of an extended safeguard measure on the market (including on consumers);
 - (iv) New Zealand's international relations and trade goals;
 - (v) the strategic importance of the domestic industry.

23 Extension of safeguard measure

- (1) After receiving the chief executive's report about the review of a safeguard measure, the Minister may take 1 or both of the actions set out in subsection (2) if the Minister is satisfied that—
- (a) this is necessary to prevent or remedy serious injury; and
 - (b) an extension is appropriate having regard to the extent to which the domestic industry is adjusting to increased competition from increased imports; and
 - (c) the proposed extended safeguard measure relates to the appropriate goods and is of the appropriate extent and duration; and
 - (d) the action is in the public interest; and
 - (e) the particular extended safeguard measure is not incompatible with New Zealand's international obligations as a party to the WTO Agreement or otherwise.
- (2) The actions the Minister may take are,—

- (a) in relation to any safeguard duty that has been imposed, to order that an extended safeguard duty be imposed; or
 - (b) in relation to any safeguard measure referred to in section 18(b) or (c) that has been imposed, to recommend that the Governor-General make an Order in Council extending that safeguard measure.
- (3) The Minister may exempt or may recommend that the Governor-General by Order in Council exempt (whichever is appropriate) imported goods from certain exporting countries from an extended safeguard measure at any time, including after the measure has been extended, if the Minister is satisfied that an exemption—
 - (a) is necessary to comply with New Zealand’s international obligations as a party to the WTO Agreement or otherwise; or
 - (b) will further New Zealand’s international relations or trade goals.
- (4) The Minister must—
 - (a) notify a decision to do nothing after receiving the chief executive’s report about the review of a safeguard measure:
 - (b) after deciding to do nothing or taking an action under subsection (1), notify the chief executive’s report about the review of a safeguard measure, except for the following information:
 - (i) confidential information; and
 - (ii) other information that the chief executive would be likely to withhold if it were requested under the Official Information Act 1982.
- (5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
 - (a) an order under subsection (2)(a):
 - (b) an Order in Council under subsection (2)(b):
 - (c) an exemption under subsection (3).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23(5): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24 Duration of extended safeguard measure

- (1) Extended safeguard duty is due and payable on the demand of the Customs on goods imported on and from the date specified in the order referred to in section 23(2)(a), which must be on or after the commencement of the order.

- (2) Extended safeguard duty is due and payable on the demand of the Customs on goods imported until the earliest of—
- (a) the date specified in the order under section 23(2)(a); or
 - (b) 8 years after the date of the commencement of the order under section 14(1) that any provisional safeguard duty be imposed on that particular type of goods; or
 - (c) 8 years from the date the duty is due and payable under section 20(1); or
 - (d) the date the safeguard duty is terminated under section 26(1).
- (3) A safeguard measure extended by an Order in Council recommended by the Minister under section 23(2)(b) must come into effect on and from the date specified in the order referred to in section 23(2)(b), which must be on or after the commencement of the order.
- (4) A safeguard measure extended by an Order in Council recommended by the Minister under section 23(2)(b) must end with effect from the earliest of—
- (a) the date specified in the Order in Council; or
 - (b) 8 years after the date of the commencement of the order under section 14(1) that any provisional safeguard duty be imposed on that particular type of goods; or
 - (c) 8 years from the date the safeguard measure comes into effect under section 20(4); or
 - (d) the date the safeguard measure is terminated under section 26(1).

Duty must be paid to, and collected by, Customs

25 Duty must be paid to, and collected by, Customs

All duty imposed under this Act must be paid to, and collected by, the Customs.

Termination or reduction of safeguard measure

26 Termination or reduction of safeguard measure

- (1) The Minister may, if the Minister is satisfied that there is a good reason to do so,—
- (a) order the termination or reduction, with effect from a specified date that is after the commencement of the order, of a safeguard measure referred to in section 18(a) (including if it has been extended under section 23(2)); or
 - (b) recommend the termination or reduction, with effect from a specified date that is after the commencement of the recommended Order in Council, of a safeguard measure referred to in section 18(b) or (c) (including if it has been extended under section 23(2)).

- (2) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
- (a) an order under subsection (1)(a):
 - (b) an Order in Council under subsection (1)(b).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 2

Miscellaneous matters

27 Temporary Safeguard Authority abolished with no compensation for loss of office

- (1) Except as necessary for the purposes of section 28, all Temporary Safeguard Authorities appointed under the Temporary Safeguard Authorities Act 1987 are abolished.
- (2) No member of a Temporary Safeguard Authority is entitled to compensation for loss of office.

28 Transitional provision

The following apply in relation to an inquiry by a Temporary Safeguard Authority under the Temporary Safeguard Authorities Act 1987 that the Minister requested before this Act came into force:

- (a) the inquiry must be completed under that Act as if this Act had not been passed; and
- (b) the Temporary Safeguard Authority has all the powers it would have had if this Act had not been passed; and
- (c) the Minister may take any action in response to the Temporary Safeguard Authority's report as if this Act had not been passed.

29 Consequential amendments to Customs and Excise Act 1996

- (1) This section amends the Customs and Excise Act 1996.
- (2) The definition of **duty** in section 2(1) is amended by inserting the following paragraph after paragraph (b):
 - (ba) provisional safeguard duty, safeguard duty, and extended safeguard duty imposed under the Trade (Safeguard Measures) Act 2014:

- (3) Section 102(4) is amended by adding “or under the Trade (Safeguard Measures) Act 2014”.
- (4) Section 113(5) is amended by adding “or under the Trade (Safeguard Measures) Act 2014”.
- (5) Section 116(7) is amended by adding “or under the Trade (Safeguard Measures) Act 2014”.
- (6) Section 117(8) is amended by adding “or under the Trade (Safeguard Measures) Act 2014”.

30 Consequential amendment to Official Information Act 1982

- (1) This section amends the Official Information Act 1982.
- (2) Schedule 1 is amended by omitting the item relating to Temporary Safeguard Authorities appointed under the Temporary Safeguard Authorities Act 1987.

31 Consequential amendment to Trans-Tasman Mutual Recognition Act 1997

- (1) This section amends the Trans-Tasman Mutual Recognition Act 1997.
- (2) Schedule 1 is amended by omitting “Temporary Safeguard Authorities Act 1987” and substituting “Trade (Safeguard Measures) Act 2014”.

32 Repeal

The Temporary Safeguard Authorities Act 1987 (1987 No 88) is repealed.

Notes

1 *General*

This is a consolidation of the Trade (Safeguard Measures) Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10): section 102

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Trade (Anti-dumping and Countervailing Duties) Amendment Act 2017 (2017 No 21): section 26(1)