

4 April 2011

The Secretary
Senate Standing Committee on Economics
PO Box 6100
Parliament House
CANBERRA, ACT, 2600

Via email: economics.sen@aph.gov.au

Dear Committee Secretary

Re: Submission to the Inquiry into the Customs Amendment (Anti-Dumping) Bill 2011

The ACTU welcomes the opportunity to make a brief submission to this inquiry. We endorse the more detailed submissions prepared by our affiliates: the Australian Workers Union; the Australian Manufacturing Workers Union; and the Construction, Forestry, Mining and Energy Union.

The dumping of goods into the Australian market causes material injury to industry but also affects the wider public interest in sustained employment and continued investment in the Australian economy.

Australia needs an efficient, effective, independent and properly resourced anti-dumping and countervailing duties regime that can respond to dumping and subsidy complaints. The main issues are that:

- the current system is complex and costly, resulting in fewer investigations;
- the granting of subsidies by foreign governments does not receive proper examination, as the focus is on dumping;
- the assessment of injury to Australian industry is narrow;
- where injury is established, very low duty margins are applied.

To prevent dumped items entering Australia without anti-dumping duties being imposed, the current regime needs to be strengthened. This includes:

- Legislation that fully reflects anti-dumping and countervailing duties rules, as defined by the WTO, including a wider list of actionable subsidies;

- The maintenance of a national interest provision (that properly considers the benefit of economically, socially and environmentally sustainable production), retaining ministerial discretion;
- Recognition of the right of unions to initiate and join petitions for investigations;
- Strong governance structures;
- Clear compliance requirements and lines of accountability for enforcement;
- Adequate resourcing and training of Customs and the Trade Measures Remedies Office; and
- Robust local content requirements which recognise major projects of strategic significance.

The proposed amendments acknowledge some of the priorities identified by Australian unions as important for a strengthened anti-dumping and countervailing duties system; and an environment that provides greater certainty for businesses in Australia concerned about being undercut by dumped overseas imports and the impact on jobs. This includes changes to the appeals process and the linking of material injury to dumping.

We also welcome the proposal to include trade unions as 'affected' and 'interested' parties, who can bring claims.

We trust this submission has been of assistance.

Yours sincerely,

Ged Kearney
PRESIDENT