

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry and Science Portfolio
Additional Estimates 2014-15
26 February 2015

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY AND SCIENCE

TOPIC: Anti-Dumping Policy

REFERENCE: Written Question – Senator Carr

QUESTION No.: AI-83

With regard to the Government's anti-dumping policy announced in 15 Dec 2014:

1. Where it says "The Minister will direct the Anti-Dumping Commissioner that, wherever possible, provisional measures be imposed at day 60 of an investigation." – would you expect that direction would be in the form of a formal ministerial direction?
2. Re the policies to implement a 'more rigorous approach to enforcing the deadline for submissions' and that "the Anti-Dumping Commissioner will only agree to extensions when necessary and reasonable" - will some guidance on the circumstances of what is necessary and reasonable be subject to formal ministerial direction or will it be at the discretion of the Commissioner or officer in charge of an investigation? What change does this policy entail in approach from previous practice, practically speaking?
3. Where it says "the Minister will give a direction to the Anti-Dumping Commissioner on the circumstances in which the Minister would be satisfied that an exporter is uncooperative" - Will this be by a formal Ministerial direction? Will it be a general direction or will it be direction on a case by case basis?
4. Where it says "The Government will take a stronger stance in World Trade Organization forums on the transparency of foreign subsidies, which will assist in ensuring that Australian producers and exporters are able to compete fairly" – Is this the extent of the Government's plans in implementing its election commitment, which was to "Strengthen enforcement of the provisions of the WTO Agreement on Subsidies and Countervailing Measures"?

ANSWER

1. The direction will take the form of a Ministerial Direction.
2. Yes – guidance will be provided to the Anti-Dumping Commissioner in a formal Ministerial Direction. The Ministerial Direction will broadly prescribe the circumstances in which an extension or extensions for the submission of information should not be granted. The Ministerial Direction will be considered by the Commissioner in exercising the discretion to grant extensions. The Ministerial Direction has not been finalised.
3. A Ministerial Direction will, in accordance with the legislation, detail the circumstances in which the Commissioner should find that an exporter has been uncooperative.
4. This reform is part of a broader suite of anti-dumping measures aimed at assisting Australian businesses to compete on a level playing field. The Australian Government is committed to ensuring Australia is represented at international fora, including participation in World Trade Organization dispute resolution processes, to advance Australia's interests.