

**Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry, Innovation and Science Portfolio  
2016 - 2017 Additional Estimates  
2 March 2017

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**AGENCY/DEPARTMENT:** DEPARTMENT OF INDUSTRY, INNOVATION AND SCIENCE

**TOPIC:** International Trade Remedies Forum

**REFERENCE:** Question on Notice (Hansard, 2 March 2017, page 65)

**QUESTION No.:** AI-12

CHAIR: My question is a little long and so I will put it on notice. It is about the International Trade Remedies Forum and the three subcommittees under that forum—the SME access subcommittee, the compliance and anticircumvention subcommittee and the subsidies subcommittee. I would like to know the purpose of each of those subcommittees; when each subcommittee was established; the names of the members of each subcommittee; details of when they have met; and the agenda items for those meetings. If you could take that on notice, it would be terrific.

Mr Seymour: I am more than happy to do so.

**ANSWER**

The International Trade Remedies Forum (Forum) is established under Part XVC of the *Customs Act 1901* to advise the Minister on the operation of, and improvements to, Australia's anti-dumping and countervailing legislation (Part XVB of the Customs Act and the *Customs Tariff (Anti-Dumping) Act 1975*). The purpose of the sub-committees is to support the Forum to meet its legislated functions.

Membership of the Forum and, therefore, membership of the sub-committees is by organisation.

The purpose, date of establishment, membership, meeting dates and agenda items for each meeting for each of the sub-committees is in **Attachment A**.

## **Small-medium enterprise (SME) access sub-committee**

### **Purpose and establishment**

The role of the SME access sub-committee, as identified in its terms of reference, is to provide a forum for stakeholders to:

- (a) Consider SME participation in the anti-dumping and countervailing system, and identify any specific barriers to SME participation.
- (b) Consider whether there are any gaps in current SME support services and consider how SME advisory services can be better delivered to support SMEs to access the anti-dumping and countervailing system.
- (c) Identify options for enhancing SME access to the anti-dumping and countervailing system.

The sub-committee was formally established at its first meeting on 8 November 2016.

### **Members**

#### ***Non-government***

- Australian Industry Group (Chair)
- Australian Steel Association
- Australian Steel Institute
- Construction, Forestry, Mining and Energy Union
- Food and Beverage Importers Association

#### ***Government***

- Department of Industry, Innovation and Science (Anti-Dumping Policy Section / International Trade Remedies Advisory Service)

#### ***Forum presiding member representative***

- Anti-Dumping Commission (secretariat)

### **Meetings**

The SME access sub-committee has met six times on: 8 November 2016; 28 November 2016; 12 December 2016; 1 February 2017; 27 February 2017; and 20 March 2017.

### **Agenda items**

#### ***8 November 2016***

- Arrival and introduction
- Opening of meeting
- Protocols
- Subjects for discussion
- Identified priorities
- Reporting
- Other business
- Next meeting

### ***28 November 2016***

- Arrival and introduction
- Opening of meeting
- Protocols
- Subjects for discussion
- Identified priorities
- SME one-on-ones
- Other business
- Next meeting

### ***12 December 2016***

- Arrival and introduction
- Opening of meeting
  - Minutes for clearance
- Protocols
- Identified priorities
- SME presentations
- Subjects for discussion
  - Public interest (fairness test)
  - A simplified application process for SMEs
- The work plan
- Other business
- Next meeting

### ***1 February 2017***

- Opening of meeting
- Minutes of previous meeting
  - Subjects for discussion
- Discussion paper – possible recommendations [proposed] by the International Trade Remedies Advisory Service
- Other business
- Next meeting

### ***27 February 2017***

- Opening of meeting
- Protocols
- Minutes of previous meeting
- Subject for discussion
  - Outstanding priorities/action items from last meeting –proposition for an anti-dumping advocacy and advisory service for SMEs [proposed by Australian Steel Institute]
  - Discussion on recommendations paper [paper by Australian Steel Association]
- Other business
- Next meeting

### ***20 March 2017***

- Opening of Meeting
- Minutes of previous meeting
- Subjects for discussion - discuss sub-committee options paper
- Other Business
  - Steel fabricator case studies
  - Discussion paper [paper by Australian Steel Association]
- Next steps

## **Compliance and anti-circumvention sub-committee**

### **Purpose and establishment**

The role of the compliance and anti-circumvention sub-committee, as identified in its terms of reference, is to provide a forum for stakeholders to:

- (a) Identify policy options for enhancing the whole-of-government approach to monitoring the effectiveness of trade measures and advise the Anti-Dumping Commission and Department of Immigration and Border Protection on sources of market intelligence that could be used in monitoring potential non-compliance and circumvention behaviours.
- (b) Assess the operation of and implementation of Australia's anti-circumvention framework (under Part XVB of the Customs Act), including whether the framework is operating as intended, and identify possible options for improving the effectiveness of the anti-circumvention provisions (including whether any additional circumvention activities should be prescribed) consistent with the World Trade Organization framework.
- (c) Provide general feedback on the effectiveness of anti-dumping measures including possible ways to reduce inadvertent non-compliance with anti-dumping measures, and identify the appropriate avenues for raising concerns.

The sub-committee was formally established at its first meeting on 10 November 2016.

### **Members**

#### ***Non-government***

- CSR (Chair)
- Arrium
- Australian Paper (on behalf of the Australian Forest Products Association)
- Australian Steel Association
- BlueScope
- Capral
- Construction, Forestry, Mining and Energy Union
- Food and Beverage Importers Association
- Law Council of Australia

#### ***Government***

- Department of Foreign Affairs and Trade
- Department of Immigration and Border Protection
- Department of Industry, Innovation and Science (Anti-Dumping Policy Section)

#### ***Forum presiding member representative***

- Anti-Dumping Commission (secretariat)

### **Meetings**

The compliance and anti-circumvention sub-committee has met six times on: 10 November 2016; 30 November 2016; 13 December 2016; 20 January 2017; and 24 February 2017; and 28 March 2017.

## **Agenda items**

### ***10 November 2016***

- Arrival and introduction
- Opening of meeting
- Protocols
- Subjects for discussion
- Identified priorities
- Reporting
- Other business
- Next meeting

### ***30 November 2016***

- Arrival and introduction
- Opening of meeting
- Protocols
- Subjects for discussion
- Identified priorities
- Prioritisation of work list
- Other business
- Next meeting

### ***13 December 2016***

- Arrival and introduction
- Opening of meeting
- Minutes of previous meeting
- Subjects for discussion
  - Champions/ leads for papers on identified priorities
- Identified priorities
  - Navigating the dumping system with subsets:
    - Definition of anti-circumvention
    - Goods description
    - Minor modifications
  - Discuss: objective, desired outcome, pros/cons, cost and benefit, possible model or solution, effective in meeting objective, simplicity test
  - Determine next steps and assign responsibilities
- Prioritisation of future work
  - Transparency
  - Form of measures
  - Duty Absorption – draft discussion paper
  - Australian Bureau of Statistics
- Other business
- Next meeting

### ***20 January 2017***

- Opening of meeting
- Minutes of previous meeting
- Subjects for discussion
- Identified priorities
  1. Treatment of goods
    - a. Goods description – draft briefing paper
    - b. Definition of anti-circumvention (issue still being discussed)
    - c. Minor modifications – draft consultation paper
  2. Transparency – draft consultation paper
  3. Form of measures – draft consultation paper
  4. Duty absorption – draft consultation paper
  5. ABS data – draft consultation paper
- Prioritisation of future work
- Other business
- Next meeting

### ***24 February 2017***

- Opening of meeting
- Anti-Dumping Commission
  - Overview and Q&A on ‘goods under consideration’
- Minutes of previous meeting
- Subject for discussion
  - Finalise discussion and recommendations on paper on transparency and enforcement
  - Presentation, discussion and form recommendations on paper on form of measures
  - Presentation, discussion and form recommendations on paper on duty absorption
  - Finalise recommendations issued following the meeting of 25 January 2017
  - Australian Bureau of Statistics Paper – Status
  - Outstanding Priorities – Status
    - Self-initiated investigations
    - Informed compliance
    - Scope of changes
- Other business
- Next meeting

### ***28 March 2017***

- Opening of meeting
- Minutes of previous meeting
- Subject for discussion
  - Finalise (draft) recommendations following 24 February meeting
  - Discussion on Stronger Working Compliance Group
  - Discussion on scope of changes following an inquiry
  - Discussion on consultation (transparency)
  - Presentation, discussion and form recommendations on paper on goods description
  - Discussion on ABS paper with representation from ABS
- Other Business
  - Acting Chair
  - Sub-committee post March
- Next meeting

## **Subsidies sub-committee**

### **Purpose and establishment**

The role of the subsidies sub-committee, as identified in its terms of reference, is to provide a forum for stakeholders to:

- (d) Examine the definitional aspects of subsidies to ensure that Australia's system remains consistent and contemporary with the development of international trade rules on subsidies.
- (e) Consider any issues that may arise in regard to consecutive dumping and subsidy investigations for the same goods as compared to concurrent dumping and subsidy investigations.
- (f) Identify the type and sources of market intelligence that could assist in providing evidence of a countervailable subsidy and support applications for countervailing measures. This includes considering ways to assist in keeping the Subsidies Register up-to-date.
- (g) Consider how Australian industry could use the findings of international authorities in relation to subsidy programs as evidence to support applications for countervailing measures, taking into account their relevance in an Australian setting.
- (h) Take into account any other related issues.

The sub-committee was formally established at its first meeting on 16 November 2016.

### **Members**

#### ***Non-government***

- BlueScope (Chair)
- Arrium
- Australian Steel Association
- Capral
- Construction, Forestry, Mining and Energy Union
- Law Council of Australia
- National Farmers' Federation

#### ***Government***

- Department of Foreign Affairs and Trade
- Department of Industry, Innovation and Science (Anti-Dumping Policy Section)

#### ***Forum presiding member representative***

- Anti-Dumping Commission (secretariat)

### **Meetings**

The subsidies sub-committee has met five times on: 16 November 2016; 12 December 2016; 19 January 2017; 23 February 2017; and 28 March 2017.

## **Agenda items**

### ***16 November 2016***

- Introduction and opening of meeting
- Meeting and work protocols
- Discussion of the subsidies committee role/ terms of reference items
  - Emphasis or clarification to each of these items
  - Prioritisation of each of the items for review (and consequent option development for policy reform)
- Identified priorities
  - Discuss and agree on initial work items and responsibilities
- Reporting
  - Agree on dates for future meetings for progress reporting and group input
- Other business
- Next meeting
  - Agree on monthly or bimonthly future meetings

### ***12 December 2016***

- Arrival and introduction
- Opening of meeting
- Protocols
- Subjects for discussion
  - Subsidy definition paper
  - Issues concerning c) Identification of type/ sources of market intelligence and d) Support for countervailing measures applications
- Identified priorities
- The work plan
  - Subsidies and countervailing work plan
- Other business
- Next meeting

### ***19 January 2017***

- Opening of meeting
- Minutes of previous meeting
- Presentation by Anti-Dumping Commission
  - Initiating a subsidies investigation
- Subjects for discussion – decisions
  - Support for countervailing measures applications and identification of type/sources of market intelligence
  - Concurrent and consecutive investigations
  - Definitional aspects of subsidies
- Prioritisation of future work
- Other Business
- Next meeting



### ***23 February 2017***

- Opening of meeting
- Minutes of previous meeting
- Subjects for discussion – decisions
  - Support for countervailing measures applications and identification of type/sources of market intelligence
  - Concurrent and consecutive investigations
  - Definitional aspects of subsidies
- Other Business
  - Other potential topics for consideration by the sub-committee?
- Next meeting

### ***28 March 2017***

- Opening of meeting
- Minutes of previous meeting
- Update on Department's policy reform process
- Subjects for discussion – decisions
  - Discuss options paper and recommendations:
    - Definitional aspects of subsidies – options 1, 2, 3, and 4
    - Concurrent and consecutive dumping and subsidy investigations – options 1 and 2
    - Market intelligence sources and supporting evidence in countervailing duty applications – options 1 and 2.
  - Confirm next steps for finalisation of options paper and circulation to the ITRF
- Other Business