

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY

TOPIC: Anti-Dumping Inquiries

REFERENCE: Written Question – Senator Carr

QUESTION No.: BI-170

In relation to the Anti-Dumping Commission:

- a. Does the Commission for Law Enforcement and Integrity retain any oversight of the Anti-Dumping Commission now that it sits within the Department of Industry?
- b. How many inquiries (formal and informal) has the Commission received since it was established?
- c. What proportion of informal inquiries have become formal inquiries?

ANSWER

- a. The *Law Enforcement Integrity Commissioner Act 2006* continues to apply to conduct engaged in by Anti-Dumping Commission staff covered by that Act prior to 27 March 2013. However, in line with the transfer of the Anti-Dumping Commission from the Australian Customs and Border Protection Service (ACBPS) to the Department of Industry on 27 March 2013, the relevant section that included Anti-Dumping Commission staff in the *Law Enforcement Integrity Commissioner Act 2006* [Paragraph 10 (2A) (aa)] was repealed by the *Customs Amendment (Anti-Dumping Commission Transfer) Act 2013*.

A Memorandum of Understanding (MOU) has been agreed between ACBPS and the Department of Industry. The MOU ensures that ACBPS security and Organisational Suitability Assessment practices continue to apply to any Anti-Dumping Commission officers using ACBPS data and assets.

As Australian Public Service and Department of Industry employees, Anti-Dumping Commission staff must adhere to the *Commonwealth Fraud Control Guidelines 2011*, the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999*.

- b. From establishment on 1 July 2013 to 30 June 2014, the Anti-Dumping Commission received 49 applications¹ in the approved form for anti-dumping or countervailing measures. During the same period, the Commission received 13 informal inquiries (applications requiring assistance with drafting/direct liaison with Commission staff prior to lodgement) from potential applicants, which subsequently became formal applications.
- c. During 2013-14, all of the 13 informal inquiries led to formal applications being lodged, representing approximately 27 per cent of all applications for that period.

¹ The number of applications are counted by commodity, case type and country, consistent with the WTO's statistical methodology.