

**Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry, Innovation and Science Portfolio  
2017 - 2018 Budget Estimates  
31 May – 1 June 2017

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

**TOPIC:** Anti-Dumping Commission

**REFERENCE:** Written Question – Senator Carr

**QUESTION No.:** BI-129

1. In relation to the Anti-Dumping Commission's recent investigation into quicklime - is it correct to say that evidence of dumping was found, but that injury and causation were not proved? If so, please summarise how injury and causation were determined in this instance (and found to be negligible).
2. In relation to the Anti-Dumping Commission's recently investigation into quicklime and comments made by Mr Sexton during the hearing:  
*"The relevant importers who were selling in Australia were not selling at lower than the Australian prices. Therefore, it cannot be argued that they were causing injury to the Australian industry."*  
How does this assessment take into account the fact that Australian producers may have been selling at reduced prices in order to maintain volume and market share?
3. How much funding is allocated to the Anti-Dumping Commission this year, and over the forward estimates? How does this compare to previous financial years? Please provide a breakdown of your annual funding since 2012-13.
4. How many FTE are allocated to the Anti-Dumping Commission this year? Have your staffing levels increased or decreased over the last 12 months?
5. On 2 November 2016, the then Industry Minister Christopher Pyne issued a press release on anti-dumping reforms saying "we've bolstered the resources of the Anti-Dumping Commission with additional investigators and a new Anti-Dumping Information Service". In relation to that statement:
  - What additional resources were allocated to the Commission?
  - How many additional investigators were hired?
  - If new investigators were hired, have they been retained in the Commission to date?
6. Please provide an update on the Anti-Dumping Commission's analysis of the steel fabrication industry and access to the system for SMEs.
7. Has the paper by the International Trade Remedies Forum (ITRF) on improving SME access to the anti-dumping system been provided to government? If so, can you table a copy of the paper? If not, when do you expect that paper to be provided?
8. Can the Anti-Dumping Commission please provide an update on the total number of measures it is currently managing, with a breakdown outlining how many measures relate to steel and aluminum products; and from what countries?
9. During the course of an anti-dumping investigation, is there a period of time within a dumping investigation where injury is found before interim duties or securities are enforced?

## ANSWERS

1. The Quicklime Termination Report of November 2016 can be found on the public record at <http://adcommission.gov.au/cases/Pages/CurrentCases/EPR-348.aspx>

Three of the four co-operating exporters were found to be dumping – please refer to Chapter 6 of the Termination Report. The reasons why the dumped goods were not found to have caused material injury to the local industry are contained in sections 8.4.1 and 8.5 of the Termination Report.

2. The applicant claimed lost sales and reductions in prices. The Commission's consideration of these claims are reported in sections 8.4.1 and 8.6 of the Termination Report. A copy of this paper can be tabled.
3. How much funding is allocated to the Anti-Dumping Commission this year, and over the forward estimates? Please provide a breakdown of your annual funding since 2012-13.

Year	Funding allocation
2013-14	\$10,817,000
2014-15	\$11,028,000
2015-16	\$13,162,000
2016-17	\$11,827,000
2017-18	\$12,111,000

Funding information for 2012-13 does not exist as the Anti-Dumping Commission commenced operations as a distinct administrative entity on 1 July 2013 (FY 2013-14). Funding for the forward estimates is determined through departmental budget reviews prior to the commencement of each financial year.

### How does this compare to previous financial years?

The Commission received a funding injection of \$2M budget in 2015-16 to employ additional staff to reduce a backlog of cases that had accrued at that time. This backlog was reduced, and funding for 2016-17 and beyond reflects the standard funding profile for the ADC.

4. The Commission has an Average Staffing Level (ASL) cap of 73 for this year. Staffing levels have increased since the start of the financial year, from 66.9 FTE on 1 July 2016 to 73.6 FTE on 31 May 2017.
5. What additional resources were allocated to the Commission?  
For the Anti-Dumping Information Service, the Commission was allocated funding for eight additional staff. For additional investigators for the ADC, an additional \$1.1m in baseline resourcing from departmental funds.

### How many additional investigators were hired?

By end of January 2016, nine additional investigators had been hired.

### If new investigators were hired, have they been retained in the Commission to date?

Seven of the nine recruited up to the end of January 2016 remain in the Commission. Since then, a further three additional investigators have been recruited to, and remain with, the Commission (as at 31 May 2017).

6. The Commission is currently finalising its analysis of the steel fabrication industry.

7. The paper by the International Trade Remedies Forum (ITRF) on improving SME access to the anti-dumping system was provided to government on 24 April 2017. The paper is still being considered by ministers.
8. As at 31 May 2017, the Anti-Dumping Commission has a total of 79 measures in place; 61 interim dumping duties, 10 interim countervailing duties and 8 dumping securities. Of the 79 total measures, 50 (63%) relate to steel products and 7 (9%) relate to aluminium products. The highest number of steel and aluminium measures involves products from China (19), followed by Korea (8), Taiwan (6) and Malaysia (6).
9. The Commissioner will make a Preliminary Affirmative Determination (PAD) as soon as there are sufficient grounds to do so. This can occur no earlier than day 60 of an investigation.

Consideration of whether to make a PAD will include consideration of whether there are sufficient grounds that dumping (or subsidisation) is occurring and whether there is material injury being caused to an Australian industry by that dumping (or subsidisation).

Once a PAD is made, the Commonwealth can require and take securities where the Commissioner is satisfied that it is necessary to prevent material injury. Generally, the Commonwealth will require and take securities wherever the Commissioner is so satisfied.

Anti-dumping measures are imposed once a dumping duty notice or countervailing duty notice is published.