

**Economics Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Industry, Innovation and Science Portfolio  
2015-16 Supplementary Budget Estimates Hearing  
22 October 2015

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

**TOPIC:** Exporter Data Assessment

**REFERENCE:** Written Question – Senator Carr

**QUESTION No.:** SI-104

Please provide a summary of how the Anti-Dumping Commission verifies exporter data to assess dumping claims, including (but not limited to):

- a. Does the Commission conduct in-country assessments? If so, how many in-country assessments are conducted each year (please provide a breakdown)?
- b. Does the Commission rely mostly on in-country assessments or desktop monitoring and questionnaires? On balance, what's the split between in-country versus desktop monitoring and/or questionnaires?
- c. How does the Commission verify the accuracy of exporter claims?
- d. Are there statutory obligations for exporters or penalties for providing incorrect or misleading information?

**ANSWER**

1. During an investigation, the Commission is required to establish that data provided by an exporter, importer or Australian producer is complete, relevant and accurate. On-site verification is the Commission's core approach to obtaining relevant and accurate information and that data provided is suitable. This is an important part of the Commission's strategy in conducting investigations. On-site verification involves the Commission sending investigation teams either overseas or nationally to verify financial data provided to the Commission.

The Commission may also use other means complimentary to on-site verification to gain satisfaction as to the reliability of the data, including:

- conduct verification by video conference or web based facilities
- check export prices match the data contained in the Australian Border Force's import database
- compare cost and price data among exporters (including exporters subject of on-site verification exercises) and/or
- compare cost and price data to other independent variables, such as comparing exporters' purchase prices for raw materials to published data.

The Commission does not collectively track, or formally report on, the number of on-site verifications compared to other types of verification.

2. The *Customs Act 1901* (Act) does not impose obligations on exporters to provide information and it does not penalise exporters who provide incorrect or misleading information. However, the Act requires that particular provisions be applied where exporters have not provided sufficient information or are considered to be 'uncooperative exporters' as that term is defined in the Act. These provisions allow determinations to be made having regard to all relevant

information available, which may include information that is not favourable to the exporter. The Act also allows unreliable information to be disregarded when conducting investigations.

As part of the Government's anti-dumping reforms, a ministerial direction, the *Customs (Extensions of Time and Non-cooperation) Direction 2015*, came into effect on 2 November 2015. The effect of the Direction is to place a greater onus on cooperation by overseas businesses with investigations, impose more stringent conditions to prevent delay tactics, and enable stronger action to crackdown on uncooperative exporters.