

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

DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION AND SCIENCE

TOPIC: Application processing times

REFERENCE: Questions on Notice – (Hansard, 22 October 2015, page 102)

QUESTION No.: SI-37

Senator KIM CARR: How long does it take to get a determination? What is the shortest time and what is the longest time to get a determination?

Mr Seymour: Under the legislation, there are 155 calendar days. As some senators around the table will probably be aware from previous hearings, that is the shortest time possible under the WTO antidumping agreement. Australia adopted that position in legislation in the late 1990s.

Senator KIM CARR: What is the shortest time you have been able to process an application?

Mr Seymour: Currently, we are averaging around 270 days for complex matters. This is not, in my view, an unreasonable performance outcome given the complexity and the increasing complexity of the matters that we are investigating.

Senator KIM CARR: How does it compare to international practice—for example, with the United States and Canada?

Mr Seymour: The US is a bifurcated system and the bifurcated system, when you combine the two sides of the investigation, takes a minimum of 365 days. The Canadians are a little shorter than that. However, even with an average of 275 days, the Australian jurisdiction is still in the top two or three when it comes to efficient outcomes from dumping and countervailing systems.

Senator KIM CARR: Would you say that the applicants are more successful in the United States and in Canada than in Australia or less successful?

Mr Seymour: I do not have the information in front of me about the performance outcomes of the US system. It is a highly institutionalised and litigious system in the US, and I do not have any analysis that suggests what the success rates might be.

Senator KIM CARR: Can you take it on notice? Would you have the resources to give us an indication?

Mr Seymour: Yes.

ANSWER

Applicants are generally more successful in Australia than they are in the United States and Canada.

Based on data for the last three financial years (ending 30 June 2015), the following observations can be made:

- In Australia, 55 anti-dumping and countervailing investigations were initiated. Of those 55 investigations, 45 resulted in the imposition of anti-dumping measures while 10 did not. This equates to an 82 per cent success rate.
- In the United States, 99 anti-dumping and countervailing investigations were initiated. Of those 99 investigations, 49 resulted in the imposition of anti-dumping measures while 50 did not. This equates to a 49 per cent success rate.

- In Canada, 66 anti-dumping and countervailing investigations were initiated. Of those 66 investigations, 46 resulted in the imposition of anti-dumping measures while 20 did not. This equates to a 70 per cent success rate.