

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: Safeguards

REFERENCE: Questions on Notice – (Hansard, 22 October 2015, pages 110-111)

QUESTION No.: SI-43

Senator Sinodinos: All I was going to say is that we have already had one tranche of reforms, which, with the opposition's support, went through. We are looking at what further changes might be required. If you have some ideas around that, put them in. But obviously you cannot do everything and, frankly, I do not think the workers will have the information that we are talking about here. The impression I get is that the sort of information is very confidential, detailed financial information that the company itself will have. As a bystander, I can have a suspicion that this looks like it could be dumping, but, unless the company itself has the capacity to bring detailed stuff forward, it will not go anywhere.

Senator RHIANNON: Why would the US give the standing to workers and other organisations? Why do other countries give them that standing?

Senator Sinodinos: As I say, if there is information that is relevant, feed it in.

Mr Seymour: It comes down to a definitional issue, I think. I can happily research that for senators and come back.

Senator RHIANNON: Thank you. It would be good to come back to it. Is the designation of two public bodies, the Productivity Commission and the Anti-Dumping Commission, the most effective and efficient way to administer the Australian antidumping regime?

Mr Seymour: The safeguards agreement is not an antidumping mechanism; it is a separate and different mechanism. It is not surprising, on that basis, that government has, for a long period of time, had a different model for how those matters are investigated.

Senator RHIANNON: As you are taking on notice to look at how regimes work in other countries, could you also consider if there are other jurisdictions around the world that have employed this model that we are relying on—which seems to be at variance with how it has been handled overseas? I understand that South Africa and Britain can respond more quickly.

Mr Seymour: I am more than happy to provide some further information about that matter.

ANSWER

1. Information available to the Commission identifies that a 'domestic interested party' in the US has standing to file a petition (application) for the imposition of an anti-dumping order. Domestic interested parties include: US domestic manufacturers, producers or wholesalers of a domestic like products; a union or recognised group that is representative of the domestic industry; a trade or business association, a majority of whose members are US domestic manufacturers, producers or wholesalers of a domestic like product; an association, a majority of whose members are composed of interested parties falling within the first three groups.

Typically, petitions are filed by domestic manufacturers or producers and may be joined by a labour union. Petitions filed solely by a labour union are less common. The Commission understands they are less common because the commercial data required to complete a petition would not be readily available to unions.

2. Based on the Anti-Dumping Commission's review of the models of the United States, Canada, the European Union and South Africa, there is no standard model used overseas:

In the United States, safeguards investigations are conducted by the International Trade Commission (ITC). The injury and causation analysis parts of an anti-dumping investigation are also conducted by the ITC, while the Department of Commerce conducts the dumping and subsidisation part of an anti-dumping investigation.

In Canada, safeguards investigations are conducted by the Canadian International Trade Tribunal (CITT). The injury and causation analysis parts of an anti-dumping investigation are also conducted by the CITT, while the Canada Border Services Agency conducts the dumping and subsidisation part of an anti-dumping investigation.

In the European Union (EU), which includes the United Kingdom, safeguards investigations are conducted by the European Commission (who is also responsible for anti-dumping investigations). Safeguards measures appear to be imposed very rarely.

In South Africa, safeguards investigations are conducted by the International Trade Administration Commission of South Africa (who is also responsible for anti-dumping investigations). Safeguards measures appear to be imposed very rarely.