

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: Procedures afforded to overseas versus Australian manufacturers

REFERENCE: Written Question – Senator Xenophon

QUESTION No.: SI-51

In the Budget Estimates hearings this year I asked the Commission about procedures afforded to overseas versus Australian manufacturers, in particular in the context of Case No. 271 - Olex Australia's allegations of the dumping of certain PVC flat electric cables exported from China.

I put questions on notice regarding the number of preliminary affirmative determinations published within 60 days from the date of initiation of an investigation and the average number of days taken to publish PADS. I was told that Australia's Anti-Dumping legislation allows for a PAD to be made at any time during an investigation however I was told that a PAD cannot be made earlier than day 60 after the initiation of an investigation.

Why are PADs not able to be made earlier than day 60? Is this time period legislated? Could a PAD be made earlier than this day if the Commissioner is satisfied that there appears to be sufficient grounds that dumping and/or subsidisation has occurred and is causing injury to the Australian industry?

ANSWER

This time period is legislated. Subsection 269TD(1) of the *Customs Act 1901* provides that the Commissioner cannot make a preliminary affirmative determination (PAD) earlier than 60 days after the date of initiation of an investigation. This is consistent with World Trade Organization (WTO) requirements.

No. As noted above, a PAD cannot be made earlier than day 60 after the date of initiation of an investigation.