

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: Solar panel dumping

REFERENCE: Written Question – Senator Xenophon

QUESTION No.: SI-58

I refer to Anti-Dumping Notice No. 2015/118 - Termination of an Investigation into the alleged dumping of certain crystalline silicon photovoltaic modules or panels (the goods) exported to Australia from China, following an application lodged by Tindo Manufacturing Pty Ltd.

I note in the Termination Report the Commissioner “found that the injury, if any, to Tindo, or the hindrance, if any, to the establishment of an Australian industry, caused by the dumping of goods exported from China is negligible”.

I note the applicant may request a review of the decision to terminate the investigation by lodging an application with the Anti-Dumping Review Panel. I understand Tindo will be appealing this decision.

1. Can the Commissioner advise of how long this process generally takes?
2. If an appeal is granted, what action is then taken by the Anti-Dumping Commission?

ANSWER

1. Tindo Manufacturing Pty Ltd had until 5 November 2015 to apply for a review of the Commissioner’s termination decision by the Anti-Dumping Review Panel (ADRP). If the ADRP does not reject the application to review the termination decision, the ADRP must either affirm the reviewable decision or revoke the reviewable decision within 60 days after receipt of the application for review of the Commissioner’s termination decision (or such longer period allowed by the Minister in writing because of special circumstances).
2. If the ADRP revokes the Commissioner’s termination decision in relation to photovoltaic panels or modules, then as soon as practicable after the revocation the Commissioner must publish a Statement of Essential Facts (SEF) in relation to the application for the dumping duty notice and, after publication of the SEF, resume the investigation. The Anti-Dumping Review Panel is the appeals body – not the Commission.