



19 April 2011

Senate Economics Legislation Committee  
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Dear Committee Members

I write on behalf of the Australian Industry Group (Ai Group) and as Chair of the Trade Remedies Task Force (TRTF). The TRTF, operating for over a decade, is a grouping of around 50 Australian manufacturing companies and industry associations. We appreciate the opportunity to contribute the views of industry to the Committee's review of the *Customs Amendment (Anti-Dumping Measures) Bill 2011* (the Bill).

As the Committee would be aware, dumping occurs when foreign companies sell products in a country below the cost it sells those products for in its own country. This practise makes it very difficult for Australian companies to compete with dumped imports. Thus, Ai Group and the TRTF strongly support the retention and strengthening of an anti-dumping and countervailing system as an integral component of a framework to assist Australian industry meet unfair international trade competition.

We welcome the amendments proposed by the Bill concerning the review of anti-dumping measures. These amendments arise from a decision by the Full Federal Court in *Minister of State for Home affairs [and] Siam Polythylene* (the Siam Decision) which incorrectly interpreted Customs' powers in relation to the revocation of measures and the circumstances under which an application for revocation can be made.

In essence, the interpretation of the Act in the Siam Decision required of Customs that they apply the same test to determine injurious dumping when considering a request to revoke measures as was applied in the original investigation. The result would be to disregard that the impact of the measures in place and would make revocation the default finding (because the imposition of measures should have effectively removed the dumping behaviour).

The amendments proposed in this Bill would overcome the incorrect interpretation of the relevant provisions of the Act and are welcomed by Australian industry as restoring the balance when considering whether or not measures should be revoked.

We await with great interest the Committee's response to the proposed Bill.

Yours sincerely

**Innes Willox**  
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