

Chairman  
Productivity Commission  
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I am writing regarding the Productivity Commission's Review of National Competition Policy (NCP).

As one of its functions, the Australian Customs Service is responsible for administering Australia's anti-dumping and countervailing legislation.

Recent submissions to the Productivity Commission have raised a number of issues for the Government's consideration. Many of the issues relating to anti-dumping have been examined in various reviews during the 1980s and 1990s, and adjustments made where it was felt that it was necessary to ensure the processes of anti-dumping and countervailing were efficient and transparent. The task of administering the streamlined process introduced in 1998, following the 1996 Willett review, has been challenging and Customs continues to work hard to ensure that it maintains an effective, efficient and transparent regime.

Customs carefully notes the comments and concerns of all interested parties, including Australian industry members, importers, exporters and foreign governments, on the administration of the anti-dumping system.

I have noted, among recent submissions to the Commission's review, suggestions by the Australian Competition and Consumer Commission (ACCC) that changes would be required to the anti-dumping legislation. The changes would enable the ACCC to make submissions in anti-dumping matters where the parties involved have been through a merger process and to have those interested party submissions taken into account when deciding whether to impose anti-dumping measures.

Under the law as it stands, there is scope for the ACCC (or any person or organisation) to lodge submissions in relation to anti-dumping investigations. Information relevant to the Minister's decision regarding anti-dumping measures would generally be open to comment by interested parties (industry members, importers, exporters and their representatives), and Customs final assessment of the information included in its report to the Minister. There is also scope to have confidential information taken into account.

Customs seeks to obtain a broad range of views and industry information from interested parties, during a detailed investigation and verification process lasting 155 days (or longer where ministerial approval is given to an extension).

I should also point out that anti-dumping investigations are notified in a national newspaper and in the *Commonwealth Gazette*. Details of each new investigation and information regarding opportunities to make submissions are also publicly available on Customs website. Monthly anti-dumping notices on the website give updates on investigations underway and anti-dumping measures in place.

Customs and the ACCC have standing arrangements, under section 16 of the *Customs Administration Act 1985* that enable Customs to provide information to assist the ACCC to carry out its regulatory functions. These arrangements are of course subject to strict undertakings regarding confidentiality and limitations on the use of the information. However, where the ACCC determines that action may be warranted under trade practices legislation, and believes that Customs may hold information relevant to that action, there is a mechanism in place to enable information to be provided to the ACCC.

Customs would be happy to provide further clarification or further information about its investigation processes and the requirements of Australia's anti-dumping system.

Yours sincerely

(L B WOODWARD)

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