

Productivity Commission
Level 12, 530 Collins Street
Melbourne VIC 3000, Australia

Via Email: antidumping@pc.gov.au

15th October 2015

Dear Sir/Madam,

Submission to the Productivity Commission: - Developments in Anti-Dumping Arrangements.

Please find attached a submission by the informal Manufacturers' Trade Alliance ("MTA") to the Productivity Commission's research paper on Developments in Anti-Dumping Arrangements.

The Manufacturers' Trade Alliance includes the following member companies:-

Company	Key Contact	Position
Orica Australia Pty Ltd	Mr. Malcolm Hart	AN Product Manager
Bisalloy Steel Group Limited	Mr. Tom Matinca	Business Development and Strategy Manager
Cement Industry Federation	Ms. Margie Thomson	Chief Executive
Nufarm Limited	Mr. Bernard Lee	Industry and Government Affairs Manager
Australian Paper	Mr. Garry Jones	Planning & Development Manager
Dried Fruits Australia	Mr. Phil Chidgzey	General Manager
CSBP Pty Ltd	Dr. Barney Jones	Business Manager-Ammonium Nitrate
Arrium	Mr. Matt Condon	Manager-Trade Measures
BlueScope Steel	Mr. Alan Gibbs	Development Manager- International Trade Affairs
John O'Connor and Assoc	Mr. John O'Connor	Director
SPC Ardmona	Ms. Shalini Valecha	Head-Strategy and Government Affairs
Capral	Mr. Luke Hawkins	General Manager - Supply and Industrial Solutions
Qenos	Mr. Stephen Bell	Vice President Commercial - ChemChina and Qenos
Nexans Olex	Mr. Michael Crocker-Kloet	General Manager Operations
Wilson's Transformers	Mr. Robin Winckworth	Finance Director
Norskorskog	Mr. Andrew McKean	Vice President Sales Marketing and Logistics
Tindo Solar	Mr. Adrian Ferraretto	Managing Director
Keppel Prince	Mr. Dan McKinna	Assistant General Manager
Oliveri Sinks	Mr. Michael Watters	General Manager

The MTA looks forward to addressing any questions the Commission may have concerning the attached submission.

Yours faithfully

Alan Gibbs
Development Manager-International Trade Affairs
BlueScope Steel Limited
On behalf of the Manufacturers Trade Alliance

***Productivity Commission Research Paper
Developments in Anti-dumping and Countervailing
Arrangements***

Submission by

Manufacturers Trade Alliance

15 October 2015

Contents

1	Executive Summary	4
2	Introduction	5
3	MTA contribution to the Productivity Commission's Research Paper	
	Trends in anti-dumping activity and possible drivers of these trends	6
	How the anti-dumping system is operating, including outcomes for local industries and consequences for broader economic, trade and competition policy goals	7
	Any opportunities to improve outcomes from the anti-dumping system	16

Executive Summary

The Manufacturers Trade Alliance (“MTA”) supports an anti-dumping and countervailing system that is effective in providing sufficient and timely remedies to address dumping and subsidisation. We also note that the WTO trade rules do not consider anti-dumping action to be an exception to these rules, nor a form of protectionism. We firmly believe that Australian manufacturers and producers have a right to expect that the conditions of competition will be those that result from the natural competitive advantages and that they will not be exposed – unilaterally – to injurious dumping and subsidisation.

Based on MTA member’s practical experience over many years with the anti-dumping system we welcome the recent legislative changes with Australia’s anti-dumping system. Whilst the MTA membership will continue to monitor the effectiveness of these recent changes; it is clear that further refinement of the system is also required.

The MTA considers that further reform is required in the following areas:

- limiting timeframe extensions to one 30-day period (with the exception for complex cases i.e. large number of exporters in multi-country cases, or market situation and subsidy cases);
- a strict adherence to deadlines for exporter and government questionnaire deadlines. No extensions to be granted unless in exceptional circumstances and only for nominated items where information cannot be sourced by the deadline;
- limiting non-verification visits to validate information in exporter questionnaire responses to “low risk” review of measures and duty assessment inquiries only;
- adoption of the House of Representatives Agriculture and Industry Committee Inquiry into Anti-Circumvention Activities recommendation that the combination form of duty method as the “default” form of duty in all investigations;
- rejecting exporters’ claims for non-disclosure of domestic grade information for like goods in model matching exercises. This has emerged as a “high-risk” to anti-dumping outcomes;
- where normal values are determined under s.269TAC(2)(c) provisions, the level of profit applied represents an amount that permits ongoing maintenance and re-investment expenditure;

Introduction

The MTA is an informal forum composed of Australian manufacturers and producers that have applied experience with the Australian Anti-Dumping system. The MTA membership is composed of large and small trade exposed manufacturers and producers who have been involved in anti-dumping investigations as Australian industry applicants and have direct experience in the operation of the current Anti-Dumping System.

The purpose of MTA is to provide strategic advice and feedback to government on the effectiveness of the Anti-Dumping system in delivering a level playing field for Australian manufacturers and producers.

The MTA notes the objective of the Commission's study, namely:

"A number of changes have since been made to anti-dumping arrangements, including as a result of other reviews. The research project will examine how Australia's anti-dumping system has changed."

The MTA observes that it is not within the scope of this study to re-examine the questions considered by the Commission in its 2009 inquiry into Australia's anti-dumping and countervailing system ("*2009 Inquiry*"), specifically to, "report on the policy rationale for, and objectives of, Australia's anti-dumping system, and assess the effectiveness of the current system in achieving those objectives¹."

Although clearly consultative - with commendable stakeholder outreach - this study – by its nature and resourcing – cannot be as expansive in its scope as the *2009 Inquiry*. Therefore, in this submission, the MTA will not re-examine the case for retaining Australia's anti-dumping system, accepting that is either a settled conclusion in favour, and/or beyond the scope of this study. If the MTA's assumption is incorrect, then we seek the Commission clarify this as a matter of immediate importance.

Accordingly, through this submission the MTA aims to distil the consensus of opinion of its Members on the evolution of Australia's anti-dumping policy framework since the Australian Government's response to the *2009 Inquiry*, and the effects of recent policy changes on its Members, their markets and broader economic conditions.

To this end, the MTA will align its members' observations to the following issues posed by the Commission for consideration in this study:

- trends in anti-dumping activity and possible drivers of these trends;
- how the anti-dumping system is operating, including outcomes for local industries and consequences for broader economic, trade and competition policy goals; and
- any opportunities to improve outcomes from the anti-dumping system.

¹ Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, 'Terms of Reference to the Productivity Commission undertake an inquiry into Australia's anti-dumping and countervailing system', Canberra, 26 March 2009.

Trends in anti-dumping activity and possible drivers of these trends

Anti-dumping activity in Australia in recent times has been fairly moderate when contrasted with other jurisdictions. This may be as a consequence of the diminishing level of manufacturing in Australia. The MTA also observes that anti-dumping cases in Australia have followed similar actions in other countries – ammonium nitrate, preserved mushrooms, hollow structural sections (pipe & tube), aluminium extrusions, aluminium road wheels, silicon metal, hot rolled plate and polyvinyl chloride to name a few.

Australian industry, therefore, is not isolated in accessing trade remedies. The catalyst for actions in many cases is linked to the oversupply situation driven by investment in new production facilities for manufactured goods in China. This has been the case in aluminium and steel products exported from China. As reported in The Australian²:

“.....the commodities bust driven by a slowdown in Chinese growth. As it consumes less, China has found itself with a glut of metals, especially aluminium and steel, which it has been shipping abroad, causing trade frictions and depressing markets”.

A further factor is the ongoing government intervention in price setting and control of key industrial inputs in exporting jurisdictions such as China and countries in the Former Soviet Union. Despite several attempts at market reform, Central Governments continue to directly influence prices of key raw material inputs, such as coal, gas, electricity. This additionally applies to financial incentives, grants, tax relief and other financial factors which make justification of expanding capacity more attractive in these countries

China has used a variety of policies to encourage exports and discourage imports (which also depresses the local prices of raw material inputs to many manufactured items). Value –Added Tax (“VAT”) rates are manipulated to encourage exports, and for those products China seeks to retain in-house, access to a VAT refund is removed and export taxes are applied.

As China’s trading activities influences trading behavior in the Asia-Pacific region and Australia is an open market with zero or minimal barriers, traders and importers view the Australian market in an opportunistic light. Similarly, the threat of anti-dumping actions is tempered by the relative delays encountered in securing measures. China’s influence on producers in other exporting countries is similar. The low Chinese export prices are attractive to enterprises sourcing cheap raw material inputs. Chinese exporters displace local suppliers who are forced to turn to export markets to sell excess production. This increases the likelihood of dumping from countries that have not traditionally exported to Australia (e.g. galvanized zinc coated steel exported from India and Vietnam).

The slowing Chinese economy therefore is a key contributor to recent anti-dumping activity associated with the aluminium and steel industries, and their downstream products. Access to trade remedies in a fast and effective manner can stem the flow of dumped exports that are due to excess capacity in the region.

In relation to the food industry, recent years have seen significant rise in imports of foods into Australia. These imports have been principally from China, South Africa and Italy.

The products are predominantly sold to the consumers through the retail supermarkets or as ingredients to the institutional customers in the food service channel through distributors. Customers and consumers in both channels are highly price sensitive and a small price differential can lead to volume gains/losses.

Various factors that can be attributed to this increase in food imports are Australia’s low tariff and non-tariff barriers compared to other destinations, ease of import procedures compared to some other destination markets, excessive global supply compared to demand , need for economies of scale for

² The Australian, ‘Aluminium glut forces Alcoa to join break-up list’, 30 September 2015, P.25.

investment returns , aggressive private label strategies by the retailers and various Government export support programs and agriculture subsidies.

How the anti-dumping system is operating, including outcomes for local industries and consequences for broader economic, trade and competition policy goals

Background to reforms

The Australian Government's response to the Commission's 2009 Inquiry recommendations are contained in Streamlining Australia's anti-dumping system – An effective anti-dumping and countervailing system for Australia report released in June 2011. Further reform to Australia's anti-dumping system followed release of the report of The Hon John Brumby, Review into Anti-Dumping Arrangements (November 2012), and more recently the Government's Levelling the playing field – changes to Australia's Anti-dumping laws (December 2014) policy.

The reforms immediately prior to the Government's most recent announcement were identified by tranches of legislative amendment, specifically Tranches 1 – 6. The Government's most recent reforms were contained within the Customs Amendment (Anti-dumping Measures) Act 2015 and Customs Tariff (Anti-Dumping) Amendment Act 2015.

Objectives of the Australia's anti-dumping system

MTA members represent current and recent domestic industry users of Australia's anti-dumping system. MTA members support the operation of open, but fair, and sustainable domestic markets. Australia's anti-dumping system is critical to the operation of such market conditions. MTA members believe the presence of sustainable, import competition is critical to the operation of efficient domestic markets with reliable and adequately capitalised local distribution networks.

Dumping and countervailable subsidies, as defined in their respective WTO Agreements, present a threat to local and foreign investment in domestic markets, and the development and supply security necessary for both upstream and downstream markets and industries. Therefore, MTA members have an interest in a strong, responsive and internationally benchmarked Australian anti-dumping system

In order for Australia's anti-dumping system to be strong, responsive and internationally benchmarked, MTA members believe that it must consistently achieve the following outcomes:

- efficient and accessible application procedures;
- timely initiation (20 days following lodgement) and completion (155 days following initiation) of investigations (resources permitting) with routine imposition of preliminary measures at the earliest possible opportunity (60 days following initiation);
- transparent and reasoned decision making based on analysis of accurate, relevant and reliable information;
- progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence;
- imposition of the most effective form of duties capable of withstanding attempted circumvention;
- improved enforcement of compliance with anti-dumping outcomes;
- an effective merits review jurisdiction that supports the making of the correct or preferable decision;
- improved access to import data; and
- ongoing stakeholder engagement to ensure continuous improvement and best-practice.

Assessment of the operation of Australia's anti-dumping system

Given it is a stated objective of the Commission that this “research project will examine how Australia's anti-dumping system has changed”, and an assessment of how it is operating, the MTA will confine its comments to an assessment of the outcomes of the six tranches of legislative and administrative reform, and the most recent legislative amendments. The MTA will assess these reforms in light of its above stated objectives for Australia's anti-dumping system.

Tranche 1 – Commenced October 2011

Reform	Supported	Assessment to date	Comments
Imposed a time limit on ministerial decision making and anti-dumping in countervailing cases	Yes	Monitor	This reform has potential to fulfil the MTA's objective of timely decision making. The MTA continues to monitor this reform, as the statutory (30 day) time limit is regularly extended
Amended the Ministerial Direction in relation to the Material Injury	Yes	Monitor	The reform has potential to fulfil the MTA's objective of transparent and reasoned decision making' and 'progressive policy development'. However, the MTA continues to monitor this reform, as it is seldom referenced by the Anti-dumping Commission in its decision making.
Allow consideration of no longer exempted subsidies under WTO Rules, i.e. Green Box subsidy Programs	Yes	Monitor	The reform has potential to fulfil the MTA's objective of transparent and reasoned decision making' and 'progressive policy development' in line with 'changing WTO jurisprudence'. However, the MTA continues to monitor this reform, as it is yet to be applied by the Anti-dumping Commission in the imposition countervailing measures.
Clarify that parties with a clear interest in anti-dumping matters are expressly given an opportunity to participate in anti-dumping investigations	Yes	Monitor	The reform has potential to fulfil the MTA's objective of 'efficient and accessible application procedures'. However, the MTA continues to monitor this reform, as it is yet to result in an association led application for investigation/review or inquiry.

Tranche 2 – Commenced June 2013

Reform	Supported	Assessment to date	Comments
Establishing a new appeals process: ADRP replaced TMRO	In principle, an improvement to the merits review process is supported	Monitor	<p>This reform has potential to fulfil the MTA's objective of developing 'an effective merits review jurisdiction that supports the making of the correct or preferable decision'.</p> <p>The ADRP does not represent a true merits review jurisdiction. The experience of MTA members is that the jurisdiction of the ADRP is constrained, as it is unable to review all aspects of the original decision (e.g. form of anti-dumping duty), and the ADRP members have demonstrated a tendency to defer to the factual assessment of the AD Commission.</p>
Establishing the International Trade Remedies Forum (ITRF)	Yes	Positive	<p>This reform has potential to fulfil the MTA's objective of maintaining 'ongoing stakeholder engagement to ensure continuous improvement and best-practice'</p> <p>Those MTA members who are also ITRF members, are supportive of the principle of open and transparent access to the responsible minister, or their parliamentary delegate.</p>
Allowing Minister multiple opportunities to extend investigation/ review/ inquiry/ assessment timeframes	No	Negative/ Monitor	<p>This reform has deteriorated the MTA's objective of the system achieving timely outcomes.</p> <p>Whilst some members have benefited from an extension as it provided more information to be collected by the ADC, others have not observed any improvement in the final decision timeliness or quality, as reflected by the number of reviews referred to the ADRP by interested parties. Inquiry timeframes have in a number of instances, doubled (i.e. from 155 days to 300+ days).</p>

Tranche 3 – Commenced June 2013

Reform	Supported	Assessment to date	Comments
Amended subsidies provisions in the Act to better reflect definitions and operative provisions of the WTO Agreement on Subsidies and Countervailing Measures	Yes	Monitor	<p>This reform has potential to fulfil the MTA's objective of 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence'.</p> <p>However, MTA members continue to monitor this reform, as it is yet to result in a progressive interpretation of the WTO Rules.</p>
Allow Minister to amend the form and level of measures at the conclusion of a Continuation inquiry	Yes	Monitor	<p>This reform has potential to fulfil the MTA's objective of 'imposing the most effective form of duties capable of withstanding attempted circumvention'.</p> <p>MTA members have not observed the AD Commission exercise the resolve to apply this reform.</p>
Allowed the inclusion of profit when constructing a normal value	Yes	Negative	<p>This reform has potential to fulfil the MTA's objective of delivering 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence'</p> <p>MTA members observe that this reform has been applied in a manner that understates a reasonable normal value. MTA members believe that the level of profit to be used in constructing a normal value should be reflective of a viable long term sustainable business.</p>
<p>Allow the Minister to utilise additional forms of duty beyond the single form that was originally available in the Act:</p> <ul style="list-style-type: none"> • combination of fixed and variable duty method; • floor price duty method; • fixed duty method (\$X per tonne); or • ad valorem duty method (i.e. a percentage of the Free-On-Board (FOB) export price). 	Yes	Negative	<p>This reform has potential to fulfil the MTA's objective of 'imposition of the most effective form of duties capable of withstanding attempted circumvention'.</p> <p>MTA Members have been disappointed by the failure of the AD Commission to take into account the progressive duty collection system operative in Australia, and apply the 'combination method' as the preferred form in the case of commodity type products.</p> <p>The MTA would welcome the application of the 'combination method' as the standard measure to be applied.</p>

Tranche 4 – Commenced June 2013

Reform	Supported	Assessment to date	Comments
Amended the provisions dealing with countervailable subsidies to more accurately reflect definitions and operative provisions of the WTO Agreement on Subsidies and Countervailing Measures	Yes	Positive	<p>This reform has fulfilled the MTA's objective of delivering 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence'</p> <p>MTA Members have observed an improvement in the AD Commission's analysis of subsidy investigations</p>
<p>Introduction of <i>Circumvention Inquiry</i> provisions:</p> <ul style="list-style-type: none"> - assembly of parts in Australia; - assembly of parts in third country; - export of goods through one or more third countries; and - arrangements between exporters. 	Yes	Monitor	<p>This reform fulfils the MTA's objective of 'improved enforcement of compliance with anti-dumping outcomes'</p> <p>MTA Members are yet to observe an inquiry based on any of these circumvention activities.</p>
Strengthening the provisions dealing with non-cooperation in investigations/ reviews/ continuation inquiries	Yes	Negative	<p>This reform fulfils the MTA's objective of 'timely' investigation and decision making processes, and 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence'</p> <p>MTA Members have failed to see any tightening of conditions, with the evidentiary standard having declined.</p> <p>The MTA observe far too much leniency being applied to exporter submissions from a timeliness and data credibility perspective by the ADC. The MTA would like to see the Minister confirm by direction that cooperative exporter status be conferred if and only if an exporter submits a confidential and public file submission by the due date</p>

Tranche 4 – Commenced June 2013 (continued)

Reform	Supported	Assessment to date	Comments
Identification of 'cooperative', 'non-cooperative' and 'cooperative but not selected' categories of exporters in the sampling provisions of the Act	Yes	Negative/ Monitor	<p>This reform fulfils the MTA's objective of 'timely' investigation and decision making processes, and 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence'</p> <p>MTA Members are experiencing inconsistent application of this provision to manage visit programs in the face of resource constraints.</p> <p>Non verification of cooperative exporter data encourages exporter gaming of the system and less than equitable outcomes.</p>

Tranche 5 – Commenced July 2013

Reform	Supported	Assessment to date	Comments
Established the Anti-Dumping Commission and the Anti-Dumping Commissioner's position	Yes	Positive/ Monitor	<p>This reform fulfils the MTA's objectives of 'timely' initiation and investigation processes, 'transparent and reasoned decision making based on analysis of accurate, relevant and reliable information', and 'improved enforcement of compliance with anti-dumping outcomes'.</p> <p>MTA Members continue to monitor the administrative operation of the Commission.</p>

Tranche 6 – Commenced July 2013

Reform	Supported	Assessment to date	Comments
Removal of the mandatory consideration of the lesser duty rule in limited circumstances	Yes	Positive	<p>This reform fulfils the MTA's objective of 'imposition of the most effective form of duties capable of withstanding attempted circumvention'.</p> <p>There continue to be problems with some elements of the calculation of the Unsuppressed Selling Price that influence the imposition of the lesser duty rule. Nevertheless we support the reform to limit the lesser duty rule in certain circumstances (inquiries involving SMEs and market situation findings) is welcomed.</p>
Clarification of the application of retrospective duties	Yes	Monitor	<p>This reform fulfils the MTA's objective of 'imposition of the most effective form of duties capable of withstanding attempted circumvention'.</p> <p>MTA Members continue to monitor this reform as they are yet to see the imposition of retrospective duties</p>
Introduction of a new type of anti - circumvention inquiry to address 'sales at a loss' cases	Yes	Positive	<p>This reform fulfils the MTA's objective of 'improved enforcement of compliance with anti-dumping outcomes'.</p> <p>MTA Members were pleased to see the successful outcome of the first circumvention inquiry.</p>

Machinery of Government changes - Effective 27 March 2014

Reform	Supported	Assessment to date	Comments
Transfer of the Anti-Dumping Commission to the Department of Industry	Yes	Monitor	<p>This reform fulfils the MTA's objective of 'transparent and reasoned decision making based on analysis of accurate, relevant and reliable information', 'progressive policy development capable of organic change in response to a dynamic international trade environment and changing WTO jurisprudence' and 'improved enforcement of compliance with anti-dumping outcomes'.</p> <p>MTA Members believe that the transfer of anti-dumping matters to the Department of Industry better aligns the system with the industry policy objectives of the government.</p> <p>Unfortunately, MTA Members are not observing strong engagement by Immigration and Border Protection in the enforcement and compliance of anti-dumping duties, and unless remedied, this will constitute a significant failure of the reform.</p>

'Levelling the playing field' policy - Announced: December 2014

Reform	Supported	Assessment to date	Comments
<p>New circumvention activity to address the slight modification of goods exported to Australia</p> <p>Effective: 31 March 2015</p>	Yes	Monitor	<p>This reform fulfils the MTA's objective of 'improved enforcement of compliance with anti-dumping outcomes'.</p> <p>MTA Members continue to monitor the performance of this reform with all applications currently under inquiries.</p> <p>MTA Members are aware of short-comings with this reform that can be remedied by greater direct monitoring and compliance enforcement on a whole-of-government basis (including Immigration and Border Protection).</p>
Wherever possible, provisional measures be imposed at day 60 of an investigation	Yes	Monitor/ Positive	<p>This reform fulfils the MTA's objective of 'timely' investigation processes.</p> <p>The MTA notes that the ADC historically has been very reluctant to impose any measure at day 60 of an investigation.</p> <p>MTA Members are yet to see the full impact of this reform. However, sentiment is positive.</p>
Deadline for the submission of information at the start of	Yes	Monitor/ Positive	<p>This reform fulfils the MTA's objective of 'timely' investigation processes.</p> <p>MTA Members are yet to see the full impact of</p>

investigations will be reduced from 40 days to 37 days			this reform. However, sentiment is positive.
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The MTA is not in a position to comment on specific cases affecting its members, and where appropriate, individual member companies may provide a case-based assessment of outcomes of the system. However, it is noted that as submissions to this study are public by nature, some MTA members may decline to comment openly on their recent or current experiences within the system. It is suggested that this may be addressed by confidential discussions between the Commission and interested parties on a selected case study basis.

Consequences for broader economic, trade and competition policy goals

MTA members believe that sustainable, efficient, competitive markets deliver greater consumer utility and economic output into the medium and long term, and that dumped and/or subsidised exports deliver short term consumer utility, through speculative price undercutting with no medium or long term commitment to the Australian market.

Generally, exporters of dumped and/or subsidised goods do not invest in establishing distribution networks, building industry capability and skills development, standards and innovation within the domestic Australian market in which they compete, as their value proposition is one based wholly on price. In fact, dumped and/or subsidised exports rely on the market infrastructure created through the investments of domestic industries and importers of non-dumped goods, and over the medium term, erode distribution networks and non-price market factors, such as just-in-time delivery terms and domestic warehousing and stock-holding capacity.

In the absence of an anti-dumping system, there is theoretically (in an open economy such as Australia) no end to the development of domestic markets based on a price undercutting market value propositions, with no investment in distribution networks, with no incentive for any market participant to make such investments, to achieve greater market productivity.

This level of analysis is beyond the qualification of the MTA, and again, individual questions of MTA members around the market infrastructure required to achieve the operation of domestic markets should be sought.

However, in responding to this issue of consequences for broader economic, trade and competition policy goals, the MTA notes that the 2009 Inquiry attempted to address this through its recommendations, contained in the 'Key points' section of the report³. It appears to MTA members that some of the conclusions reached in the 2009 Inquiry were based on either a misunderstanding of some elements of Australia's anti-dumping system, or by virtue of the fact that the reforms are no longer issues.

³ 2009 Inquiry report at p. x.

Any opportunities to improve outcomes from the anti-dumping system

The MTA welcomes the recent legislative changes that have aided improved clarity with Australia's anti-dumping system. Further fine-tuning is also required. The MTA considers that further reform is required in the following areas:

- limiting timeframe extensions to one 30-day period (with the exception for complex cases i.e. large number of exporters in multi-country cases, or market situation and subsidy cases);
- a strict adherence to deadlines for exporter and government questionnaire deadlines. No extensions to be granted unless in exceptional circumstances and only for nominated items where information cannot be sourced by the deadline;
- limiting non-verification visits to validate information in exporter questionnaire responses to "low risk" review of measures and duty assessment inquiries only;
- adoption of the House of Representatives Agriculture and Industry Committee Inquiry into Anti-Circumvention Activities recommendation that the combination form of duty method as the "default" form of duty in all investigations;
- rejecting exporters' claims for non-disclosure of domestic grade information for like goods in model matching exercises. This has emerged as a "high-risk" to anti-dumping outcomes;
- where normal values are determined under s.269TAC(2)(c) provisions, the level of profit applied represents an amount that permits ongoing maintenance and re-investment expenditure;

The MTA is also aware that the Commission has in the context of this research project taken the opportunity to again raise the issue of the application of a public interest in anti-dumping investigations and outcomes. The introduction of the "bounded" public interest provision was one of recommendations from the Commission's 2009 inquiry. The MTA continues to support the Government's rejection a public interest test following the 2009 inquiry.