



26 September, 2017

Senate Standing Committees on Economics  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

Dear Secretary,

Re: Inquiry into Customs Amendment (Anti-Dumping Measures) Bill 2017

Thank you for the opportunity to make a submission on this important issue. Australia's anti-dumping system has an important role in ensuring that Australia's trade exposed industries are able to compete on a level playing field.

The AMWU supports the submissions from the ACTU, CFMEU and AWU to this inquiry.

Dumping is a serious, anti-competitive and damaging trade practice that hurts Australian businesses and workers. The government, through the Anti-Dumping Commission (ADC), has an important role play in limiting the damage that dumping does to our country, particularly to the manufacturing industry.

The ADC, in consultation with the International Trade Remedies Forum (ITRF), has identified a number of deficiencies with the operation of Australia's current anti-dumping regime. In particular, the anti-circumvention measures were prone to gaming and needed to be updated to allow the ADC to more effectively enforce Australia's anti-dumping rules.

The regulatory impact statement includes a number of options that were investigated by the ADC and the government.

These options for addressing concerns about anti-circumvention were also raised with the ITRF, including a meeting held in Canberra on 11 September. The papers provided to members sought feedback on the various options, with a deadline of 14 September.

So it was with some concern that this legislation was introduced on 13 September, having selected one of the options that were presented to the ITRF for consultation. Given the length of the cabinet processes required to bring legislation to parliament, it is fair to surmise that the consultation that took place with the ITRF at our meeting of 11 September was not genuine.

Australian Manufacturing  
Workers' Union  
Registered as AFMEPKIU  
**National Office**  
Level 4  
133 Parramatta Road  
Granville NSW 2142  
Telephone: 02 8868 1500  
Facsimile: 02 9897 9274  
[amwu@amwu.asn.au](mailto:amwu@amwu.asn.au)

This is a shame as the ITRF has proven itself to be a genuinely successful tripartite consultative body working to achieve the best outcome for Australian businesses and workers. The government didn't simply move this legislation before the consultation was complete it had reached its conclusion before it asked the ITRF to comment.

To go through with a sham consultation on a question whose answer had already been approved by cabinet is disrespectful to the members of the ITRF.

What makes the approach taken by the government even more astounding is that the AMWU supports the legislation put forward by the government and we believe all other ITRF members would support it as well.

The AMWU believes that Australia's anti-dumping system should ensure that dumping creates as little damage our economy as possible. That means that the application process should be simple, that assessment should be quick, that duties should be appropriate and that reviews should be fair.

This legislation improves Australia's anti-dumping system by ensuring a more transparent and efficient review mechanism to avoid circumvention.

We accept the ADCs arguments that a move to retrospective duties would require a more significant overhaul of our anti dumping system and we agree that this approach should be tried first to see if it can solve the problems with circumvention. However, we remain open to further changes to the anti-dumping system to ensure that injurious dumping is stamped out.

As such, we recommend that the period of review of this new system be set at two years. Given the length of time required to move to retrospective duties, waiting five years before initiating a review of the current system could mean we may be stuck with this system for the best part of a decade even if it fails to stop exporters gaming the system.

Thank you again for the opportunity to comment on this important legislation.

Yours sincerely,



PAUL BASTIAN  
NATIONAL SECRETARY