

Committee Secretary

Via email: economics.sen@aph.gov.au

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

Dear Secretary,

Thank you for the opportunity to comment on the Customs Amendment (Anti-Dumping Measures) Bill 2017 [provisions].

The Australian Workers' Union (AWU) has worked closely with other trade unions to support anti-dumping measures that ensure anti-competitive and damaging trade practices from foreign exporters do not injure Australian industry.

In particular, the AWU supports the submissions from the Australian Council of Trade Unions (ACTU), Construction, Forestry, Mining and Energy Union (CFMEU), and the Australian Manufacturing Workers Union (AMWU).

Through the International Trade Remedies Forum (ITRF), the AWU has also enjoyed a close working relationship with employer representatives and industry. Indeed, anti-competitive trade practices is of prime concern to all stakeholders interested in preserving the security of Australian jobs and industry.

The speed at which the government remedies anti-dumping behaviour is paramount to these concerns. That is why we believe the close working relationships between all parties, and the trust and regard for transparency is vital.

The Anti-Dumping Commission, having appeared to also appreciate these sympathies, addressed the concerns about anti-circumvention identified in the Customs Amendment (Anti-Dumping Measures) Bill 2017 to the ITRF at our meeting held in Canberra on 11 September. The papers provided to members sought feedback on various options to better the review process of exports, and where a deadline of 14 September for all feedback was imposed.

As such, the AWU were surprised when this legislation, having favoured one of the several options we had been tasked to consider and provide feedback on,

was introduced on 13 September. Conscious of the length of time required to bring new legislation through cabinet approval processes, we believe that the government's position was clear well before our 11 September meeting.

Given that our members' concerns are sought after by many government stakeholders, we believe by excluding us and other unions in the consultation process was itself a counter-productive tactical error that undermines the very trust and security Australia's manufacturing industry currently depends on. The AWU, and its union colleagues, are not at this time adverse to the amendment itself. Indeed, we support expanding the Minister's scope of consideration in the review process to ensure the recent surge in gaming of the system is stopped. We also accept the notion that moving to retrospective duties would be a longer process which, in the absence of any changes in the short-term, could be harmful to the Australian manufacturing industry.

However, we do remain committed to ensuring the system remains resilient to the evolving tactics of foreign exporters to game the system. The AWU supports further consideration of Option 2 – retrospective duties – in due time.

The current review period for this amendment is 5 years, however given the length of time required to move to retrospective duties, we could be reliant on this amendment (which rests largely upon ministerial discretion) for the better part of a decade. Whilst the AWU supports and trusts that the Minister's interests remain in sync with Australian industry, we believe that our anti-dumping system should be more resilient to the mood and colour of one individual. As such, we support the AMWU's proposal to shorten the period of review of the new system to two years.

Thank you again for the opportunity to comment on this legislative amendment, and we look forward to closer consultation with government and industry representatives to best ensure the security and competitiveness of the Australian manufacturing industry.

Regards,

Danial Walton

AWU National Secretary