

**Economics Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Industry Portfolio  
Budget Estimates Hearing 2014-15  
2-3 June 2014

---

**AGENCY/DEPARTMENT:** Anti-Dumping Commission

**TOPIC:** Operations of the International Trade Remedies Forum during Caretaker

**REFERENCE:** Question on Notice (Hansard, 2 June 2014, page 41)

**QUESTION No.:** BI-20

**Senator KIM CARR:** Well I would ask you to answer that particular matter because it might go to the cause for anxiety about this issue. Can I turn now to some other questions that relate to the operations of the International Trade Remedies Forum, which was in part touched on by Senator Gallacher. When was the last time it met? Was it 25 of March 2013?

**Mr Seymour:** Yes, that is correct.

**Senator KIM CARR:** Can you tell me why it has not met since that date?

**Mr Seymour:** The ITRF was due to meet during the period that became the election period, so the caretaker period, and so the judgment inside the Australian Customs and Border Protections service, from the CEO, who is the chair, was to hold that meeting over subject to the outcome of the federal election. It is my understanding that that was the decision taken by the CEO of Customs and we are now awaiting confirmation as to how the government wishes to manage the ITRF's next meeting and setting an agenda for any meeting that might take place. In the meantime, I as the commissioner have gone around and spoken to each member of the ITRF about the program of activity for the Anti-Dumping Commission and have received a generally positive response that we are delivering our work program as was understood to be the case.

**Senator KIM CARR:** Can I ask you why the operations of the International Trade Remedies Forum would in any way be affected by the caretaker conventions?

**Mr Seymour:** I think at the time it was just difficult to literally line up the parties during that caretaker period.

**Senator KIM CARR:** But was there a requirement to discuss any of these issues with anyone in the executive? Is this not an independent authority? What has it got to do with the caretaker conventions?

**Mr Seymour:** It was just a judgment made by the administration at the time that it would be better to hold that meeting over until after the election had taken place.

**Senator KIM CARR:** Can you take on notice for me the explanation of why it was necessary because of the caretaker conventions not to hold a meeting of this type.

**Mr Seymour:** Certainly.

**ANSWER**

A meeting of the International Trade Remedies Forum (ITRF) had been scheduled to meet on 5 August 2013. Prior to that meeting the date for the Federal election was announced and it became apparent that the scheduled meeting fell within the period in which the caretaker conventions were in effect.

The functions of the ITRF, as set out in s.269ZZYC of the *Customs Act 1901*, are as follows:

- (a) to advise the Minister on the operation of Part XVB (of the *Customs Act 1901*) and of the *Customs Tariff (Anti-Dumping) Act 1975*;
- (b) to advise the Minister on improvements that could be made to that Part or Act.

Given the ITRF's role in advising the Minister, the limitations established under the caretaker conventions relating to policy commitments and the suite of reforms scheduled for consideration at the August meeting, it was considered appropriate by the Australian Customs and Border Protection Service Executive to postpone the scheduled meeting to a future date to be determined in consultation with the incoming government.