

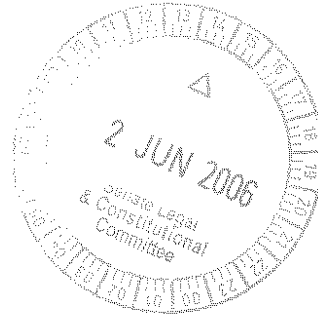


Australian Government
Office of Parliamentary Counsel

Locked Bag 30
Kingston ACT 2604

Telephone (02) 6270 1400
Fax (02) 6270 1403

www.opc.gov.au
ABN 41 425 630 817



Our ref: 05/248
Your ref:

Committee Secretariat
Legal and Constitutional Legislation Committee
Parliament House
Canberra. ACT 2600

Correction to proof issue

1 I request that a correction be made to an answer I provided to the Committee on 25 May 2006.

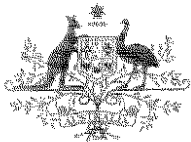
2 I refer to page 119, in answer to Senator Ludwig's question "What about staff turnover in your section?", I said that "We have had a number of retirements early this year." Please replace "retirements" with "resignations".

3 I would appreciate it if you could bring this correction to the attention of the Committee.



Peter Quiggin
First Parliamentary Counsel

1 June 2006

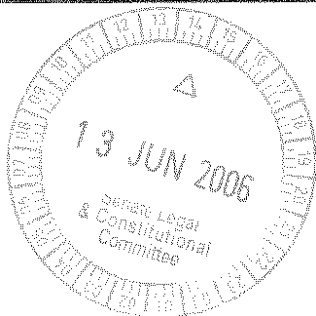


Australian Government
Australian Customs Service

CHIEF EXECUTIVE OFFICER

Customs House
5 Constitution Avenue
Canberra City ACT 2601

Phone: 02 6275 6800
Fax: 02 62756796



Senator Marise Payne
Chair
Senate Legal and Constitutional Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Payne

I would like to clarify an answer given to the Committee during the hearings on 25 May. In discussing the "ICS incident log: critical incidents" at page 50 and 51 of the Hansard I observed, following a comment by the Minister that the description was given by the software system. This observation was picked up by the Minister.

Incidents are rated critical or non-critical following discussion between Customs and the reporters of the incident (industry, software developers, Customs etc) and entered into the software system on this basis. The log is maintained and updated on the software and the report referred to is produced from that system. The software itself does not rate incidents as critical or non-critical.

Yours sincerely

Michael Carmody
Chief Executive Officer

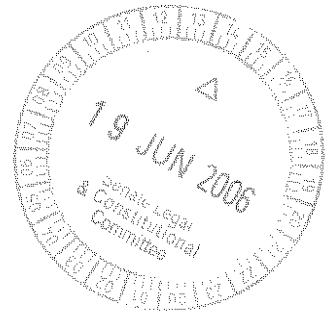
5 June 2006



Australian Government
Australian Customs Service

Customs House
Constitution Avenue
CANBERRA ACT 2601

Senator M Payne
Chair
Senate Legal and Constitutional Legislation Committee
S1.61
Parliament House
CANBERRA ACT 2600



Dear Senator Payne

On Thursday 25 May 2006 I appeared before the Senate Legal and Constitutional Legislation Committee. I responded to several questions from Senator Ludwig about anti-dumping administration by the Australian Customs Service. I would like to provide some additional information, and make some minor corrections to the information I provided.

I advised that a decision to impose anti-dumping measures on imports of preserved mushrooms is being reinvestigated. Senator Ludwig requested information about the matters for reinvestigation. The complete list of matters are that:

- (a) preserved mushrooms produced by Australian industry, being preserved mushrooms other than those preserved only in brine, are like goods to the imported goods;
- (b) exports of preserved mushrooms from China were dumped;
- (c) the Australian industry suffered injury in the form of price undercutting, price suppression, price depression, reduced profits and profitability and underutilisation of capacity;
- (d) preserved mushrooms exported from the People's Republic of China at dumped prices caused material injury to the Australian industry; and
- (e) exports of preserved mushrooms from China in the future may be at dumped prices and the continued dumping may cause further material injury to the Australian industry.

Senator Ludwig asked several questions about the timing of this investigation, including when the application was first seen. I inadvertently provided the wrong date for the Minister's decision to impose measures in the case. A chronology of events follows:

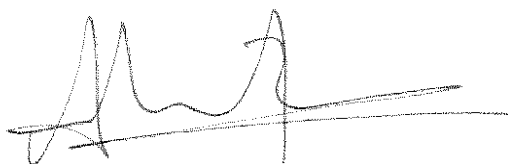
Date	Action	Comment
10 September 2003	Application lodged	
24 November 2003	Application withdrawn by applicant	
17 January 2005	Application lodged	
15 February 2005	Application withdrawn by applicant	
10 March 2005	Application lodged	
5 April 2005	Customs initiates an investigation	
19 July 2005	Minister granted Customs 20 additional days to complete its	Extension granted because of delays in obtaining and verifying

	investigation	information from interested parties
15 August 2005	Statement of facts issued by Customs	Statement allows comments by all interested parties prior to finalising report to Minister
27 September 2005	Customs' report sent to Minister	
30 September 2005	Provisional measures imposed	Provisional measures remedy injury to an Australian industry while an inquiry is being finalised.
12 January 2006	Measures imposed by the Minister	
15 May 2006	Minister accepts a recommendation by the Trade Measures Review Officer that certain matters should be reinvestigated.	The TMRO conducted a review of decisions following applications by affected parties.
13 August 2006	Customs will conclude its reinvestigation.	

I was asked about the cost of the investigation into preserved mushrooms and whether the investigation was done in-house. The costs of the investigation were met in-house and no external assistance was sought.

I was also asked about a comparison of Australian investigation times with other administrations. Australian legislation allows Customs 155 days to make a report to the Minister on its investigations (extensions may be granted). I provided the wrong timelines for some overseas administrations' investigations - the European Commission takes about 420 days and the United States about 286 days.

Yours sincerely



Andrew Rice
National Manager
Trade Measures Branch

13 June 2006