

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

**Question No. 9**

**Senator Colbeck asked the following question at the hearing on 29 May 2013:**

**Senator COLBECK:** ...Have you received anything from SPC Ardmona in relation to an antidumping or a countervailing measures application at this stage, because I understand that would come to you?

**Ms Vivian:** That is correct. Any applications, while we are assessing them, are confidential. But, once we decide to investigate them, we do publish them. We have not published anything in regard to SPC Ardmona at this point in time.

**Senator COLBECK:** So you cannot even acknowledge whether you have received anything?

**Ms Vivian:** No. It is of a confidential nature at this point in time, if we had received anything.

**Senator COLBECK:** Have you had any informal discussions with SPC Ardmona around what their options might be in regard to this?

**Ms Vivian:** At this stage, I am not aware of any discussions taking place.

**Mr Pezzullo:** It is possible that we have. If we have, we can come back to you on notice.

**Senator COLBECK:** If you could provide that advice, I would appreciate it.

**The answer to the honourable senator's question is as follows:**

The Anti-Dumping Commission was established by legislation on 1 July 2013. The Commission administers Australia's anti-dumping system and is part of the Australian Customs and Border Protection Service. In addition to assessing applications for, and conducting, anti-dumping and countervailing investigations, the Commission also provides a liaison service to the Australian business community. Any discussions between potential applicants and the Commission are treated as confidential, consistent with World Trade Organization rules. On 10 July 2013, the Acting Commissioner published notices advising that investigations had been initiated, following applications from SPC Ardmona Operations Ltd, into the alleged dumping of preserved or prepared peach products exported to Australia from South Africa; and prepared or preserved tomato products exported to Australia from Italy.