



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/45**

### **Program for updating the Dumping and Subsidy Manual**

#### **Purpose**

This Australian Customs Dumping Notice (ACDN) advises the program for updating the *Dumping and Subsidy Manual* (Manual) to incorporate a number of legislative and policy amendments resulting from recent reforms to Australia's anti-dumping system. These amendments have or will amend the anti-dumping provisions in the *Customs Act 1901* (the Act) and the *Customs Tariff (Anti-Dumping) Act 1975* and result from:

- tranches 2 to 4 of legislative measures from the Australian Government's '*Streamlining Australia's anti-dumping system – An effective anti-dumping and countervailing system for Australia*' June 2011 Policy (the Streamlining Policy);
  - which commenced on 10 June 2013 (for tranche 2) and 11 June 2013 (for tranches 3 to 4);
- legislation that establishes the Anti-Dumping Commission (Commission) and the Anti-Dumping Commissioner's position (tranche 5 refers);
  - which will commence on 1 July 2013; and
- tranche 6 of legislative measures to give effect to broader reforms to the anti-dumping system specified in the Government's response to the Prime Minister's Manufacturing Taskforce Report;
  - which is currently before the Parliament.

#### **Background**

The Manual explains the practices used by the International Trade Remedies Branch (ITRB) (and from 1 July 2013, the new Commission) in administering Australia's anti-dumping system. It aims to promote a consistent approach in the operational and policy work undertaken by the Branch.

The Manual was last revised in 2012 to incorporate amendments from tranche 1 of the Streamlining legislative amendments.

As advised in ACDN Nos. 2013/42 to 2013/44, the Manual was not updated to incorporate tranche 2 to 4 amendments by their respective commencement dates. This reflects:

- the scope of the Manual changes required;
- the complexity of the Streamlining Policy and linkages to the on-going broader reforms to the anti-dumping system (that either are due to be implemented or are currently being considered by the Parliament);
- the commencement of the Anti-Dumping Commission (Commission) from 1 July 2013; and
- the need to undertake an external stakeholder consultation process regarding Manual changes.

#### **Program**

Given the factors listed above, a program for updating the Manual to incorporate legislative and policy amendments (as described in the "*Purpose*" section) has been developed, as shown below.

<b>Update No.</b>	<b>Legislative / policy amendments</b>
Update No. 1 (second half of 2013)	Tranche 2
	Tranche 3
	Tranche 4
Update No. 2 (first half of 2014)	Tranche 6
	Other minor policy amendments and clarifications

Note the update program above is indicative and additional amendments may also be incorporated for each Manual update, as required.

### **Process**

During the updating process, an exposure draft of the Manual will be placed on the ACBPS website (at [www.customs.gov.au](http://www.customs.gov.au)) for comment by interested parties. An ACDN will be published inviting interested parties to make submissions on the draft Manual. This ACDN will also specify the timeframes for the update, including the process and timeframes for making submissions.

The ACBPS will consider any submissions received (by the specified due date) and will prepare a final version of the revised Manual, that will also be published on the ACBPS website. An ACDN will be published to advise interested parties that a new revised version of the Manual is available.

### **Anti-Dumping Commission and Anti-Dumping Commissioner**

From 1 July 2013, the Commission will commence operations and will be responsible for the administration of Australia's anti-dumping system. This function is currently undertaken by the International Trade Remedies Branch within the ACBPS. The Commission will be a separate Division within the ACBPS.

The Commission will be headed by a statutory Anti-Dumping Commissioner (Commissioner) who will report to the Minister on anti-dumping decisions and to the CEO in relation to financial, recruitment and other administrative matters.

The *Customs Amendment (Anti-Dumping Commission) Act 2013*, which was passed by the Parliament on 14 March 2013, amends the Act to create the Commissioner's role and establishes that the Commissioner will be responsible for the decision-making and anti-dumping related matters that currently reside with the CEO. These changes will be incorporated into the Manual in the first update.

### **ACBPS contact**

Enquiries concerning this notice may be directed to the Policy and Legal Section on telephone number (02) 6246 1357, fax number (02) 6275 6990 or email at [itrpolicy@customs.gov.au](mailto:itrpolicy@customs.gov.au).

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7 June 2013