



THE HON ANGUS TAYLOR MP
MINISTER FOR INDUSTRY, ENERGY AND EMISSIONS REDUCTION

Dr Bradley Armstrong PSM
Commissioner
Anti-Dumping Commission
GPO Box 2013
CANBERRA ACT 2601

MS21-001713

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Dear Dr Armstrong

As Minister for Industry, Energy and Emissions Reduction, I am writing to outline my expectations for the Anti-Dumping Commission (the Commission).

Consideration of the economic and social environment

The principles of free and fair trade underpin Australia's endeavours to ensure an internationally competitive economy – an economy that supports business growth and creates jobs. You and your staff are expected to provide users of the anti-dumping system with timely remedy to injury caused by dumping and subsidisation. As the regulator responsible for conducting investigations and other related processes, you must ensure fair, robust, independent and evidence-based discharge of your responsibilities in line with legislative requirements. You should endeavour to understand the challenges facing small business owners and, consistent with the *Customs Act 1901*, consider this in your engagement with them.

The integrity and value of the anti-dumping system as a whole, in large measure, depends on the way your decisions and recommendations are formed and delivered. I expect these considerations to inform your conduct, commitment to best practice, and approach to engagement as elaborated upon in this statement.

Conduct

Your primary role under legislation is to investigate Australian industry's allegations of injurious dumping and subsidisation, and provide advice to the responsible Minister on whether anti-dumping and countervailing measures should be imposed, revised, continued or revoked. I expect your advice to be developed and discharged in line with relevant legislation, and to be timely, robust and evidence-based.

In performing your role, I expect you to develop and maintain a strong appreciation of the effective operation of the Commission, including through appropriate monitoring of relevant data and analysis of anti-dumping measures. Appropriate monitoring of measures in force will support you to identify and respond to circumvention of anti-dumping duties efficiently. I expect you to develop and maintain strong engagement with industry stakeholders along the supply chain, as well as with whole-of-government partners.

I expect investigative processes to provide high-quality recommendations and decisions that are consistent with relevant legislation and finalised in a timely manner. I expect you to use your funding and staffing allocation to best effect to deliver on these expectations. High quality, robust, timely investigations will minimise uncertainty for users of the anti-dumping system and disruption to trade and markets.

The *Customs Act 1901* provides me with powers to request the initiation of investigations, reviews of measures and anti-circumvention inquiries. I note I must do so consistent with Australia's World Trade Organization (WTO) obligations which provide that such initiation be under "special circumstances". I expect you to advise me, consistent with the legislation, should you become aware of such special circumstances that indicates I should request you to initiate an investigation, review of measures or anti-circumvention inquiry.

Best practice regulation

I expect you to strive for continuous improvement of performance, capability and culture against the Liberal National Government's best practice regulatory performance principles. I expect you to explore opportunities and manage the risk associated with incorporating digital and regulatory technology into the work of the Commission to improve outcomes.

I expect you to maintain public trust and confidence in anti-dumping investigations and other related processes. Transparency is key to ensuring continued faith and trust in your stewardship of the Commission. I expect you to continue the Commission's high level of transparency for individual matters, in line with requirements of the *Customs Act 1901* and Australian Government privacy and information access rights and requirements.

In addition to assisting my Department to meet its reporting requirements under the *PGPA Act 2013* to enhance transparency and accountability, I expect you to report bi-annually on your work. This will include aggregate reporting on the number of each type of matter considered, the timeframes for matters considered, and the outcomes of matters considered, with a view to use these reports to ensure the Commission's effectiveness. I expect such reporting to be published on the Commission's website.

I expect you to ensure scrutiny of your decisions and my decisions through merits and judicial review, and that it informs improved investigative and other processes, practices and the integrity of subsequent anti-dumping decisions.

Engagement

In addition to your legislated reporting responsibilities, I expect you to keep me, as the responsible Minister, informed with accurate and timely advice on significant issues related to the delivery of your legislated powers and functions.

I expect you to keep the Secretary of my Department apprised of the operating requirements to carry out your role and function. The Secretary of my Department will continue to determine the budget and staff allocation for the Commission, in consultation with you. Management of your resources should be done with a view to building and securing the skills, capabilities and culture necessary to support high performance and delivery against emerging demands. I expect you to also work with the Secretary of my Department to assist them with the development of broader improvements to the anti-dumping system. To assist you with this endeavour, the Secretary will ensure that the Department engages closely with the Commission on policy matters and provides the necessary support for your Commission to progress the expectations contained in this letter.

I expect you to work across government as appropriate. This includes work with the Australian Border Force to assist them in enforcing anti-dumping and countervailing measures and to address non-compliance by importers. Noting the international trade dimensions of your work and Australia's WTO obligations, you should maintain a close relationship with the Department of Foreign Affairs and Trade (DFAT) including, where necessary, working closely with DFAT in the defence of Australia's trade remedy system in the WTO. It will also be in Australia's interest for you, in consultation with DFAT, to develop constructive relations with the trade remedy authorities in our key international trading partners.

Consistent with the requirements of the *Customs Act 1901*, I expect you to convene at least two meetings of the International Trade Remedies Forum per year. I expect you to discuss with the Forum your objectives in discharging your powers and functions, the operations of the Commission, and, as required, broader improvements to Australia's anti-dumping system. I expect you to keep me briefed on matters raised at the International Trade Remedies Forum.

Statement of intent

I would appreciate your response to this letter in the form of a statement of intent within three months, outlining how the Commission proposes to meet the expectations outlined herein, including how you will embed the best practice regulatory performance principles into the work of the Anti-Dumping Commission.

To enable greater transparency and accountability, I intend for this statement of expectations and your statement of intent to be made public.

Yours sincerely



ANGUS TAYLOR

CC: Mr David Fredericks, Secretary, Department of Industry, Science, Energy and Resources