ISSUEANALYSIS

Time to Dump Australia's Anti-Dumping System

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- The federal government, with the support of the opposition, has sought to strengthen Australia's anti-dumping system against cheap foreign imports.
- Recent changes to the *Customs Act* and the creation of a new Anti-Dumping Commission are designed to make it easier for Australian producers to bring anti-dumping actions against foreign producers.
- Dumping is said to occur when foreign producers export goods at prices below 'normal value' in the country of origin.
- Dumping by itself is not sufficient cause under Australian law for putting in place anti-dumping measures. It is also necessary to show that the dumping caused, or at least threatened to cause, 'material injury' to a domestic firm or industry.
- Dumping is not illegal under World Trade Organization rules.
- The WTO does not require Australia to have an anti-dumping system.
- The WTO Anti-dumping and Countervailing Measures Agreements are intended to restrain, not encourage, anti-dumping and counter-subsidy actions.
- The agreements seek to prevent these measures from becoming a surrogate for protectionism that would undermine free trade.
- The economic downturn associated with the global financial crisis has seen an increase in anti-dumping activity due to increased spare capacity in the global economy and as local producers have sought increased protection.
- The 2012 Brumby review noted 'a steady increase in activity … the recent upward trend in Australia is significant and measureable.'
- Anti-dumping applications nearly tripled between 2010–11 and 2011–12.
- This upward trend is partly the result of the June 2011 'enhancements' to the anti-dumping system, which included the creation of an International Trade Remedies Advisory Service (ITRA) attached to the industry lobby group, Australian Industry Group.
- The role of the ITRA is to identify and facilitate potential anti-dumping applications.
- ITRA plans a national awareness campaign to drum up additional anti-dumping activity.
- In this way, taxpayers are effectively paying for the government to lobby itself for more protection.

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- Dumping is not an exception to the general case in which a country that is a net importer of a good benefits from lower prices.
- Dumping is no different to an improvement in Australia's terms of trade, allowing increased domestic consumption out of the same amount of domestic production.
- The public interest is best served by repealing the anti-dumping and countervailing provisions of Australian law and dismantling the associated bureaucracy within Customs.
- Even if Australia retains an anti-dumping and countervailing system in law, future ministers should use their discretion under the existing law to refuse anti-dumping and countervailing measures applications on public interest grounds, highlighting the benefits of cheaper imports for Australian consumers and the economy as a whole, and thus building community support for free trade.

Introduction

The federal government, with the support of the opposition, has sought to strengthen Australia's anti-dumping and countervailing system against cheap foreign imports. Recent changes to the *Customs Act* and the creation of a new Anti-Dumping Commission are designed to make it easier for Australian producers to bring anti-dumping actions against foreign producers. If this leads to a sustained increase in anti-dumping actions, it will mark the end of a downward trend in Australia's use of anti-dumping measures since the mid-1980s. It will also impose growing costs on the Australian economy. The attempt to reinvigorate Australia's anti-dumping system is part of a broader trend in Australian public policy to provide increased industry assistance at the expense of Australian consumers and taxpayers.

Australia's anti-dumping system was targeted for change by the Council of Australian Governments (COAG) in 2008. The Rudd government referred the system to the Productivity Commission for review in 2009.[1] The government accepted 15 of the commission's 20 recommendations, but rejected the key recommendation that anti-dumping measures should be subject to a public interest test. The government presented a policy paper and 'reform' package in 2011. This included a number of proposals to facilitate anti-dumping measures that are now incorporated in legislation, and a 45% increase to the staff in the International Trade Remedies Branch (ITRB) in Customs.[2]

In response to continued pressure from some Australian industry groups, the government commissioned the Brumby review in 2012, which made 13 recommendations, including establishing a new anti-dumping agency.[3] The government responded to the review at the end of 2012 with legislation to create a new Anti-Dumping Commission to commence operations from 1 July 2013; a $24.4 million funding increase for Customs; and other measures designed to strengthen the anti-dumping system contained in the Customs Amendment (Anti-Dumping Commission) Bill 2013 passed by Parliament on 14 March. Further legislative changes have been foreshadowed by the responsible minister.

'Dumping' is more of a legal than an economic concept.

This report argues that Australia should scrap its anti-dumping and countervailing system, in addition to other forms of trade protection and industry assistance. It examines the meaning of dumping and its place in Australian law and international trade agreements. It details the history and recent trends in anti-dumping and countervailing measures in Australia. It then examines the economics of dumping and the political economy of anti-dumping measures. Finally, it argues that Australia's anti-dumping system harms Australian producers and consumers and undermines community support for free trade.

What is dumping?

'Dumping' is more of a legal than an economic concept. As Bruce A. Blonigen and Thomas J. Prusa note: 'The legal definition of "dumping" (and hence what actions can be sanctioned via anti-dumping actions) is almost completely divorced from any economic notion of dumping.'[4] Australian law follows World Trade Organization (WTO) principles in defining dumping. Dumping is said to occur when foreign producers export goods at prices below 'normal value' in the country of origin. 'Normal value' can be calculated using a number of methodologies, but is usually based on the price paid for like goods in the ordinary course of trade for home consumption in the country of export. Where appropriate information about these prices is lacking, they can be constructed by Customs based on available information such as costs.

Dumping by itself is not sufficient cause for putting in place anti-dumping measures under Australian law. It is also necessary to show the dumping caused, or at least threatened to cause, 'material injury' to a domestic firm or industry. Material

injury is not defined by legislation. As Blonigen and Prusa note of the US anti-dumping authorities, 'Somewhat like pornography, they apparently know injury when they see it … formal economic analysis is rarely done.'[5] In practice, Customs can consider a wide range of evidence for injury, including prices, profitability and market share. The June 2011 measures significantly expanded the definition of injury, allowing the responsible minister to weigh a wide range of factors, including 'any impact on jobs' such as terms and conditions of employment, hours worked, and the incidence of part-time employment.[6] Customs is also required to consider other factors possibly responsible for injury to the Australian industry.

The minister can impose anti-dumping duties or seek an undertaking from foreign producers on pricing in the Australian market. Anti-dumping duties are based on the dumping margin, the difference between 'normal value' and the export price. Australia applies a 'lesser duty rule'—the minister imposes duties sufficient to remove the injury, which may be less than the dumping margin.

'Countervailing' measures are designed to offset subsidies paid by foreign governments to foreign producers. The minister can impose countervailing duties or seek an undertaking on imported goods that have benefited from subsidies actionable under Australian law and the WTO Agreement on Subsidies and Countervailing Measures. Unlike anti-dumping measures, there is no need to calculate normal value of subsidised goods, but material injury to Australian industry must have been caused or threatened. Countervailing duties are based on the amount of the foreign subsidy, and rarely used in Australia. The Global Countervailing Measures Database lists 15 measures for Australia since 1995.[7] The corresponding Anti-Dumping Measures database lists 516 measures since 1989.[8] Anti-dumping and countervailing measures are subject to various forms of review and in force for five years, but they can be extended for another five years.

Dumping is not illegal under WTO rules. Nor does the WTO require Australia to have an anti-dumping system.

Is dumping illegal?

Australia's anti-dumping system is designed to comply with Australia's obligations under the WTO Anti-Dumping and Countervailing Measures Agreements. Dumping is not illegal under WTO rules. Nor does the WTO require Australia to have an anti-dumping system. The WTO agreements are intended to restrain, not encourage, anti-dumping and counter-subsidy actions. The agreements seek to prevent these measures from becoming a surrogate for protectionism and undermining free trade. When the General Agreement on Tariffs and Trade (GATT, predecessor to the WTO) was negotiated in 1947, there was debate about including anti-dumping provisions. The United Kingdom even argued that since dumping itself was not bad, *anti*-dumping measures should be prohibited under the GATT rules.[9]

Not only is dumping not illegal, anti-dumping measures were rarely used internationally before the GATT negotiations in Tokyo in 1979, which saw amendments to the associated anti-dumping provisions. There was an international proliferation of anti-dumping legislation and measures after 1980, partly as a result of these changes, but also in lieu of more traditional trade barriers such as tariffs and quotas that were lowered during the 1980s and 1990s. Australia has given away the use of anti-dumping measures under the Closer Economic Relations Agreement with New Zealand (although countervailing measures remain available to both governments).

History of anti-dumping and countervailing measures

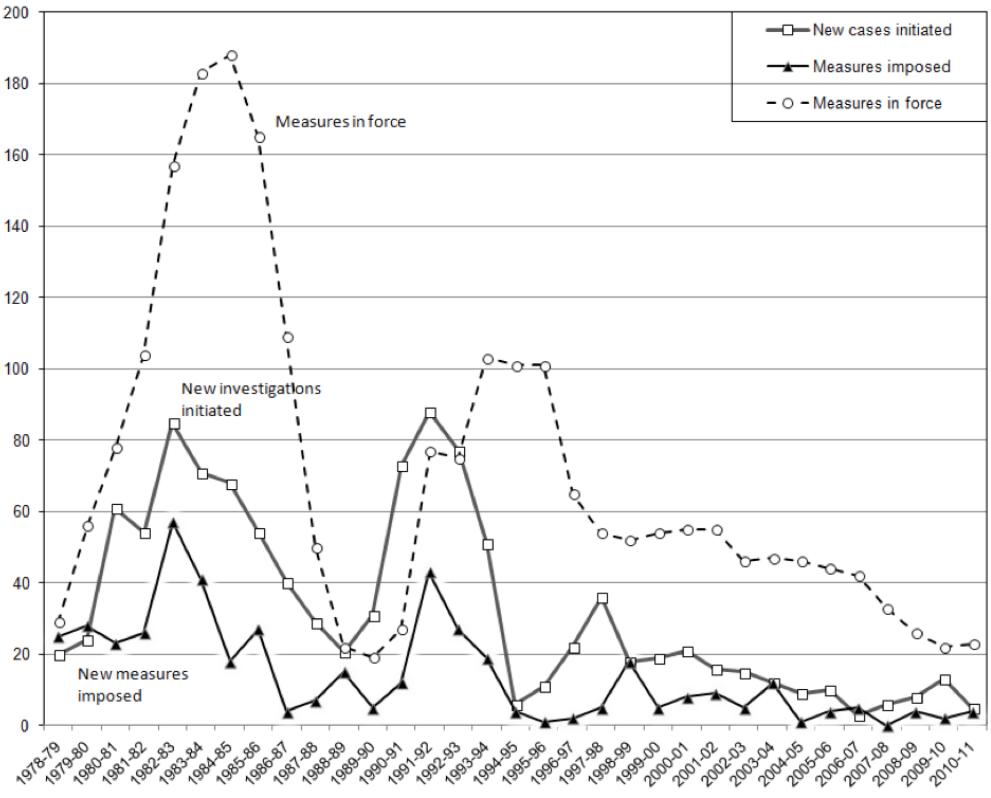
Canada is credited with passing the world's first anti-dumping laws in 1904, but anti-dumping measures have been provided for under Australian law since the *Customs Act* was enacted along with Federation in 1901. Australia followed Canada and the United States in implementing more detailed legislation in the early 1920s with the *Customs Tariff (Industries Preservation) Act 1921*. After World War II, Australian legislation followed the impetus provided by the anti-dumping agreements negotiated

in the various GATT/WTO rounds. However, consistent with international trends, there was little use of anti-dumping measures in Australia before 1980 and no obligation to report on anti-dumping measures.[10]

There was a significant increase in anti-dumping activity during the 1980s, such that Australia became one of the largest users of anti-dumping measures internationally. In 1984, Australia's stock of anti-dumping actions was equal to a third of total actions declared by members of GATT's anti-dumping code.[11] This reflected changes in Australian legislation, particularly the gradual sidelining of the role of the Industries Assistance Commission (a precursor body to today's Productivity Commission) in evaluating anti-dumping and countervailing measures. The increase in anti-dumping applications also indicated competitive pressures on some Australian industries at this time, and cyclical factors such as the strength of the economy and the Australian dollar exchange rate.[12] The 1986 Gruen review[13] led to an overhaul of the anti-dumping system and the creation of an Anti-Dumping Authority (ADA). The ADA was abolished in 1998 following the 1996 Willet review of Australia's anti-dumping system.[14]

Figure 1 shows the stock of anti-dumping measures in force in Australia as at 30 June since 1978–79, along with the flow of new anti-dumping investigations and measures.

Figure 1: Anti-dumping and countervailing measures in Australia, 1978–79 to 2010–11



Sources: Australian Customs and Border Protection Service Dumping Notices; Productivity Commission (2009).

New anti-dumping measures reached a low point in 2007. Not coincidentally, this was also a cyclical peak in the Australian and world economy.

Anti-dumping measures peaked in the mid-1980s and resurged in the mid-1990s before steadily trending lower. Figure 1 not only reflects the declining manufacturing share of Australian GDP but also the strength of the Australian economy in recent decades. New anti-dumping measures reached a low point in 2007. Not coincidentally, this was also a cyclical peak in the Australian and world economy. The economic

downturn associated with the global financial crisis has since seen an increase in anti-dumping activity due to increased spare capacity in the global economy, and as local producers have sought increased protection from economic adversity. This pattern strongly suggests it is domestic economic conditions (and changes in Australian legislation) that drive anti-dumping activity and not the actions of foreign producers.

The 2012 Brumby review noted 'a steady increase in activity … the recent upward trend in Australia is significant and measureable.'[15] Anti-dumping applications nearly tripled between 2010–11 and 2011–12.[16] This upward trend is partly the result of the June 2011 'enhancements' to the anti-dumping system, which included the creation of an International Trade Remedies Advisory Service (ITRA) attached to industry lobbyists, the Australian Industry Group (AIG). The role of the ITRA is to identify and facilitate potential anti-dumping applications. As the Brumby review noted, 'none of these potential applications would have come to light without third party assistance' from the ITRA.[17] The ITRA plan a national awareness campaign to drum up additional anti-dumping activity. In this way, taxpayers are effectively paying for the government to lobby itself for more protection. The ITRA can be seen as part of a growing trend to embed industry policy bureaucrats in Australian industry and increase business dependence on government. The Brumby review maintained that the June 2011 legislative 'enhancements' would 'generate a greater number of anti-dumping and countervailing applications and in turn, investigations.'[18] The review's proposal to locate the new Anti-Dumping Commission in Melbourne will facilitate regulatory capture of the anti-dumping system by Australian manufacturing and potentially lead to an increase in anti-dumping activity.

Dumping is not an exception to the general case in which a country that is a net importer of a good benefits from lower prices.

The economics of dumping

As noted previously, there is little relationship between the legal and economic conceptions of 'dumping.' Dumping is not an exception to the general case in which a country that is a net importer of a good benefits from lower prices. The gain to Australian consumers (including Australian businesses that consume the dumped good) from lower prices is larger than the loss to Australian producers of the dumped good. Despite its pejorative connotations, Australia's economic welfare is enhanced as a result of 'dumping' by foreign producers. Dumping is no different to an improvement in Australia's terms of trade (the ratio of export prices to import prices), allowing increased domestic consumption out of the same amount of domestic production. Similarly, imports subsidised by foreign governments are effectively a gift from foreign taxpayers to Australian consumers.

In economic terms, dumping is an example of international price discrimination,[19] which involves selling the same good at different prices in different markets. Price discrimination is a legitimate practice that may have a wide variety of motivations and need not be anti-competitive or predatory in intent. On the contrary, international price discrimination is often indicative of a domestic market that is more competitive than the home market of the foreign producer. Australian consumers may be more price sensitive than consumers in other markets.

Selling goods at a price below their average total cost of production is consistent with profit-maximisation (or loss-minimisation) in the short run and not necessarily evidence of anti-competitive or predatory behaviour by the foreign producers. Firms may sell at expected long-run marginal cost rather than current short-run marginal cost, reflecting anticipated improvements in efficiency due to learning curve effects. Price discounting is a common strategy for entering new markets, including new export markets. Indeed, the Australian government, through Austrade, routinely advises Australian exporters to follow these 'differential' pricing strategies when entering foreign markets.[20] Price discrimination and selling goods below cost are not

illegal under domestic competition law. Indeed, they are widely practised and accepted commercial strategies.

There are theoretical exceptions to the general case in which Australia benefits from lower import prices due to dumping. Predatory pricing is a strategy whereby foreign producers could lower prices with a view to eliminating competition in the Australian market from Australian producers and then raise prices in the long run. While the consumer would initially benefit from lower prices, the market in the long run could become less competitive and prices could rise to the detriment of Australian consumers.

The conditions for predatory pricing to be a profitable strategy are very strict and it rarely, if ever, occurs in practice. Foreign producers that face competition in world, if not domestic, markets are unable to engage in predatory pricing. As the Productivity Commission has noted, 'For almost all of the goods recently subject to [anti-dumping] measures in Australia, there have been multiple sources of global supply … predatory behaviour is not the focus of Australia's anti-dumping system.'[21] Indeed, it is far more common for a small number of Australian producers of a good to seek anti-dumping actions against multiple foreign suppliers in multiple countries to make the domestic market less competitive. For example, in 1990, anti-dumping measures were imposed against imports of low-density polyethylene from no less than 16 countries.[22] Anti-dumping laws actually facilitate predatory behaviour by domestic producers rather than preventing predatory behaviour by foreign producers.

Episodic or hit-and-run dumping occurs when a foreign producer offloads surplus product in the domestic market. It is not predatory in intent, but may nonetheless cause significant injury to domestic producers. However, episodic dumping is difficult to address through anti-dumping measures because of its one-off nature and the difficultly of establishing anti-dumping measures in advance of the dumping episode. Anti-dumping measures can only be successful against episodic dumping if continually applied, in which case they become no different from ordinary protection. It is incumbent upon domestic producers, not government, to manage the risks associated with the market conditions that generate episodic dumping.[23]

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There are other theoretical cases in which dumping or subsidies could be used strategically by foreign producers or governments, and anti-dumping and countervailing measures could be applied in potentially economically beneficial ways. However, the conditions required for the successful strategic use of both dumping and anti-dumping are difficult to satisfy in practice. Even opponents of free trade such as Joseph Stiglitz have conceded:

> Within the economics community, there continue to be reservations, mainly based on political economy arguments, about the practical benefits of policies predicated on new trade theory … the precepts of the new trade theory are an important caveat and may be crucial in a limited number of specific cases, but attempts to exploit such effects within the import trade laws are likely to be both ineffective and costly … Any set of trade laws, regardless of how well the laws are formulated, is likely to induce wasteful rent-seeking behaviour. Statutes offering even the possibility of protection inevitably engender rent-seeking activities that are both direct (e.g. lobbying) and indirect (e.g. manipulating output in order to make a positive injury finding more likely).[24]

Anti-dumping laws may encourage perverse behaviour on the part of domestic producers. They may resist lowering their own prices to facilitate a finding of dumping or may lay off employees or manipulate output levels to feign injury. In some special cases, anti-dumping laws can facilitate collusion between foreign and domestic

producers, even in the absence of actual anti-dumping measures. Anti-dumping measures may even encourage dumping so that foreign firms can 'tariff-jump' into the domestic market and capture the benefits of anti-dumping protection for themselves.[25] While these special cases may only be of theoretical interest, they nonetheless show that anti-dumping measures can be used strategically to reduce rather than enhance national welfare.

If dumping is not an exception to the general case for free trade, then it follows that anti-dumping and countervailing laws and measures are protectionist, both in intent and economic effect. As Blonigen and Prusa note:

> All but [anti-dumping's] staunchest supporters agree [anti-dumping] has nothing to do with keeping trade 'fair.' [Anti-dumping] has nothing to do with moral right or wrong, it is simply another tool to improve the competitive position of the complainant against other companies.[26]

Politicians and domestic producers invoke fairness to conceal their protectionist and predatory intent. Home Affairs Minister Jason Clare has declared that 'dumping is cheating,' but this assertion is meaningless from legal and economic standpoints. Writing for the World Bank in 1990, former Productivity Commissioner Gary Banks noted: 'Anti-dumping is inherently protectionist and should be thought of in the same way as other forms of protection.'[27]

If dumping is not an exception to the general case for free trade, then it follows that anti-dumping and countervailing laws and measures are protectionist, both in intent and economic effect.

An important finding of the literature on anti-dumping is that the mere presence of anti-dumping laws can raise domestic prices, even in the absence of anti-dumping measures.[28] Foreign producers may 'self-censor' and keep prices high to avoid anti-dumping measures, although this 'silent policeman' effect does not appear to be large in Australia.[29]

Australia's anti-dumping system, consistent with international practice, does not require an assessment of the economy-wide implications of dumping or anti-dumping measures. Dumping may be a net benefit to the economy and anti-dumping measures may impose net costs, but this does not count against imposing anti-dumping measures under Australian law, which only requires that injury is suffered by a specific industry. The June 2011 measures of the Australian government have expanded the list of factors taken into account in determining injury.

The Productivity Commission recommended that anti-dumping measures should be subject to a 'bounded' public interest test that would retain a presumption in favour of the imposition of anti-dumping measures, but also allow consideration of the economy-wide effects of dumping and anti-dumping. The proposed test was loosely modelled on the European Union and Canadian systems. This recommendation was rejected by the government, even though the commission argued that very few anti-dumping measures would likely be overturned on public interest grounds by a bounded test. An unbounded public interest test that removed the presumption in favour of anti-dumping measures would lead to the rejection of anti-dumping measures in almost all cases. However, even in the absence of a legislated public interest test, there is nothing to prevent the responsible minister from using their unconstrained discretion under existing Australian law to reject anti-dumping measures on public interest grounds.

The Productivity Commission put the cost of administering the anti-dumping system at $6 million per year in 2009, with costs for business of between $250,000 and $1 million per anti-dumping application.[30] In terms of overall economic cost, the commission concluded that the net cost of Australia's anti-dumping system 'is likely to be very small in economy-wide terms' but only 'because of the narrow range of activity encompassed by the system.'[31] This is an argument for continuing to limit rather than expand the scope of anti-dumping activity. However, the thrust of government policy has been to facilitate and expand the scope for anti-dumping

measures. This creeping protectionism through the anti-dumping system can be expected to increase the cost of these measures to the Australian economy.

The political economy of anti-dumping

Some economists have argued that anti-dumping systems are necessary to maintain domestic and international support for free trade. For example, Jagdish Bhagwati says:

> A free trade regime that does not rein in or seek to regulate artificial subventions will likely help trigger its own demise … This line of thought supports the cosmopolitan economist's position that the world trading order ought to reflect the essence of the principle of free trade for all—for example, by permitting use of countervailing duties and anti-dumping actions to maintain fair, competitive trade.[32]

As Banks notes, Bhagwati conflates subsidies and dumping, but it is only subsidies, not dumping, that are inconsistent with free trade.[33] It is argued that an anti-dumping system can help reduce other forms of protection. The proliferation of anti-dumping laws and measures does seem to be correlated with a reduction in other forms of more traditional trade barriers, such as tariffs and quotas, as well as accession of countries to the GATT/WTO. However, this only serves to illustrate the extent to which anti-dumping laws and actions have become a surrogate for more traditional forms of protection.

The Productivity Commission recommended that Australia retain an anti-dumping system for its role in maintaining support for free trade. Banks had argued that Australia's anti-dumping was analogous to the Foreign Investment Review Board (FIRB) in maintaining community support for foreign direct investment (FDI).[34] This is not a good analogy, in that the FIRB has served to normalise ministerial interference in FDI, marking a departure from the open-door FDI regulatory regime that Australia successfully maintained until the early 1970s. The existence of the FIRB and the treasurer's discretion under the *Foreign Acquisitions and Takeovers Act* to reject FDI deemed to be not in the national interest serves to automatically politicise cross-border investment that could otherwise be dealt with in a non-discriminatory way by domestic regulatory frameworks.

It would seem more likely that the continued existence of an anti-dumping system undermines support for free trade by giving legal authority and sanction to the mistaken view that the economy is harmed by low prices for imported goods. The anti-dumping system is a lightning rod for protectionist sentiment and a vehicle for creeping protectionism. The 2011 policy measures and the Brumby review proposals illustrate how retaining an anti-dumping system encourages rather than restrains protectionism. An 'enhanced' system channels protectionist interests into less open and accountable forms of protection that have domestic and international legal sanction, and may be more difficult to remove. Some of the existing measures have been in place for decades. Even the Productivity Commission conceded that 'the "system preserving" benefits that attach to Australia's anti-dumping system seem unlikely to be large' and 'there are no obvious examples of reform initiatives in Australia that have been aided by the presence of the anti-dumping "safety valve".'[35] Before he became Productivity Commissioner, Banks noted:

> Australia's anti-dumping process has as much to do with perceptions of political feasibility as with broader and more high minded issues of 'fairness' … If the real raison d'être of the anti-dumping system is a strategic one, it is also reasonable to question whether it may not end up endangering the broader liberalisation objective that it is meant to serve.[36]

The continued existence of an anti-dumping system undermines support for free trade by giving legal authority and sanction to the mistaken view that the economy is harmed by low prices for imported goods.

Internationally, the commission noted: 'WTO imprimatur for conforming anti-dumping regimes has underpinned the global proliferation in these regimes in the last two decades.'[37] Blonigen and Prusa find that anti-dumping measures are now the most costly form of protection globally.[38]

The future of Australia's anti-dumping system

The Productivity Commission argued that 'the highest priority for reform of Australia's anti-dumping system is to introduce consideration of the broader public interest.'[39] The commission (under its previous names) has been arguing for this position since at least 1985.[40] This multi-decade failure to incorporate public interest considerations into Australian anti-dumping and countervailing law suggests the system is unlikely ever to serve the public rather than private producer interests. The government's rejection of the commission's proposal for even a bounded public interest test ensures that Australia's anti-dumping system will continue to serve the interests of a small number of Australian producers at the expense of other Australian businesses and consumers. The 'reforms' implemented by the federal government and supported by the federal opposition set the stage for creeping protectionism via anti-dumping actions that will impose growing costs on the Australian economy. This is part of a broader trend on the part of the federal government to extend assistance to Australian industry at the expense of consumers and taxpayers, and to stand in the way of a structural adjustment in the Australian economy.

Future ministers should use their discretion under existing law to refuse anti-dumping and countervailing measures applications on public interest grounds.

The public interest will be best served by repealing the anti-dumping and countervailing provisions of Australian law and dismantling the associated bureaucracy within Customs. This was a recommendation of the 1989 Garnaut review[41] that remains un-implemented nearly a quarter of a century later. Doing so would send a powerful signal to Australian industry that it must adapt to the structural changes in the world and domestic economies rather than going cap-in-hand to the federal government for assistance at the expense of consumers and taxpayers.

Australia can also set a powerful example on the world stage as a country that prospers because it has abandoned recourse to these protectionist measures. The government should also remove potentially countervailable assistance to Australian industry to avoid provoking protectionist responses from foreign governments. For example, as a recipient of $275 million in federal subsidies, GM Holden's exports of the VF Commodore to the United States for $10,000 less than a similar model with a smaller engine sold in Australia are potentially vulnerable to the imposition of countervailing duties.[42]

Even if Australia retains an anti-dumping and countervailing system in law, future ministers should use their discretion under existing law to refuse anti-dumping and countervailing measures applications on public interest grounds, highlighting the benefits of cheaper imports for Australian consumers and the economy as a whole, and thus building community support for free trade.

Appendix: Recent anti-dumping, countervailing and other protectionist measures implemented by Australian governments

The Global Trade Alert (www.globaltradealert.org) database provides real-time monitoring of protectionist measures implemented by governments around the world in the wake of the global financial crisis, including anti-dumping and countervailing (CVD) measures. The following table is a list of 52 protectionist measures implemented by Australian governments and rated 'red' or 'amber,' that is, discriminating or threatening to discriminate against foreign interests. Dates given are those for posting to the database and do not completely coincide with the date of announcement or implementation.

A full list of anti-dumping and countervailing measures adopted by Australia can be found at the Global Anti-Dumping Database (http://econ.worldbank.org/ttbd/gad/) and the Global Countervailing Duties Database (http://econ.worldbank.org/ttbd/gcvd/).

Posted	Measure
8 Mar 2013	State support for post-production costs of the movie *The Sapphires*
28 Feb 2013	Various measures to create jobs for Australian citizens
27 Feb 2013	Tighter rules for the permanent employer-sponsored visa program
27 Feb 2013	Reforms to the temporary work program
26 Feb 2013	Working Capital Guarantee Facility to help SME exporters' expansion
18 Feb 2013	Initiation of Anti-dumping investigation into hot rolled plate steel imported from China, Indonesia, Japan, Korea and Taiwan
13 Dec 2012	Local content requirement for free-to-view broadcasters
7 Dec 2012	Initiation of countervailing duties investigation on zinc coated steel imported from China
26 Nov 2012	Initiation of anti-dumping investigation on flat rolled products of iron and non-alloy steel imported from China, Korea and Chinese Taipei
26 Nov 2012	Extension of anti-dumping duties on PVC imported from Japan
8 Nov 2012	Plan to introduce registry requirement for foreign owners of agricultural land
2 Nov 2012	Plan to strip the legal rights of asylum seekers
11 Sep 2012	Definitive anti-dumping duties on imports of polyvinyl chloride homopolymer resin coming from the Republic of Korea
11 Sep 2012	Anti-dumping duties on imports of hot rolled coil steel
11 Sep 2012	Initiation of anti-dumping investigation on formulated glyphosate imported from China
23 May 2012	Anti-dumping duty against pineapples imported from Thailand
19 Apr 2012	Increased import duty on aviation fuel
19 Apr 2012	State subsidy for Holden
19 Dec 2011	Initiation of anti-dumping investigation into imports of hollow structural steel from Korea, China, Chinese Taipei, Malaysia and Thailand
19 Dec 2011	Initiation of AD and CVD investigation into imports of aluminium road wheels from China
19 Dec 2011	Initiation of anti-dumping investigation into imports of quicklime from Thailand
29 Nov 2011	Announced extension of Australian Industry Participation program
24 Oct 2011	Changes in the anti-dumping and countervailing policy
20 Oct 2011	Changes to foreign investment rules for residential real estate

20 Oct 2011	Prohibition of the acquisition of ASX Limited (ASX) by Singapore Exchange Limited (SGX)
12 Oct 2011	Preliminary findings on anti-dumping investigation into imports of aluminium extrusions from China
12 Oct 2011	Termination without duty of anti-dumping investigation into imports of low density polyethylene from Canada, Korea and the United States
12 Oct 2011	Termination without duties of an anti-dumping investigation into imports of pineapple from Indonesia
12 Oct 2011	Initiation of anti-dumping investigation into imports of pineapple from Thailand
11 Oct 2011	Initiation of anti-dumping investigation into imports of structural timber from Austria, Canada, the Czech Republic, Estonia, Germany, Lithuania, Sweden, and the United States
11 Oct 2011	Initiation of anti-dumping investigation into imports of certain electric cables from China
16 Nov 2010	Customer price index adjustment for alcohol and tobacco products
23 Aug 2010	Definitive anti-dumping duty on imports of biodiesel from the United States
23 Aug 2010	Anti-dumping duties on imports of certain clear float glass from China, Indonesia and Thailand
4 Aug 2010	Increase of excise rates on imports of tobacco
4 May 2010	'Boosting Australian Industry Participation' policy
18 Feb 2010	Government guarantee of deposits and wholesale funding scheme
8 Feb 2010	Termination without duties of an anti-dumping investigation into imports of plywood from Brazil, Chile, China and Malaysia
8 Feb 2010	Tightened skill migration program
22 Jan 2010	Reduction of foreign work permits
18 Jan 2010	Local content requirements—Victoria
18 Jan 2010	NSW government gives a preference to domestic producers
19 Nov 2009	Preliminary anti-dumping duty on imports of processed dried currants remains in place following re-investigation
7 Sep 2009	Special Purpose Vehicle to support certain car dealerships
1 Sep 2009	Definitive anti-dumping duty on imports of silicone emulsion concrete admixtures from the United States
1 Sep 2009	Anti-dumping duty on certain toilet paper from China and Indonesia revoked following re-investigation
1 Sep 2009	Preliminary findings on CVD investigation into imports of certain aluminium extrusions from China
1 Sep 2009	Termination without duties of an anti-dumping investigation resumed against China and Malaysia on certain hollow structural sections
1 Sep 2009	Termination of anti-dumping investigation against Canada and the United States on linear low density polyethylene
1 Sep 2009	Preliminary anti-dumping duty on geosynthetic clay liners from Germany
1 Sep 2009	Initiation and termination of CVD investigation on imports of certain hollow structures from China
21 Jun 2009	NSW government revises 'Local Jobs First' program

Endnotes

1 Productivity Commission, *Australia's Anti-dumping and Countervailing System*, Inquiry Report (Melbourne: 18 December 2009).
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