

QUARTERLY NEWSLETTER

MARCH 2012

Australian Customs and Border Protection Notice number 2011/58 is a Critical Reminder

The Australian Customs and Border Protection Notice number 2011/58 ("Notice") indicates the importance which the Australian Customs and Border Protection Service places on timely and correct reporting of cargo. It is also a warning that the Australian Customs and Border Protection Service will closely monitor cargo that has not been reported within legislated timeframes and take enforcement action including issuing Infringement Notices, penalties and prosecutions.

The Notice is a reminder to those reporting cargo at any stage of the supply chain that the movement of goods through the supply chain must be correctly reported.

Often people in the industry complain that there are several reasons for their failure to correctly report cargo or move goods without the approval of the Australian Customs and Border Protection Service. Common complaints include that they have received inaccurate information from others in the supply chain overseas or clients have not provided the required information or paid import duties or other charges and request that the goods be released without the approval of the Australian Customs and Border Protection Service.

We advise any business owners involved in reporting cargo to issue a reminder to employees, contractors, agents, shippers and clients advising them of your reporting obligations. Furthermore, you should remind any overseas agents, shippers and clients that if they do not assist you as required, they will be held responsible for

any delays and any loss or damage you may suffer as a result. Furthermore, your terms and conditions must reflect any obligations you wish to impose upon them.

Anti-Dumping – The Role of the Customs & Border Protection Agency

Dumping is when an overseas supplier exports goods to Australia below their normal value. Generally, the normal value will be the domestic price of the goods in the country the goods have been exported from.

The World Trade Organisation ("WTO") rules and procedures are applied in Australia. If WTO members want to take action against dumped or subsidised imports they need to follow certain requirements.

The Customs and Border Protection agency examines claims of dumping, makes recommendations about the enforcement of anti-dumping and countervailing measures and ensures compliance.

Prior to taking any action against dumped or subsidised goods, Customs and Border Protection would need to determine that there is dumping or subsidisation of goods exported to Australia and the consequence of this action is that the local Australian industry has suffered significant detriment.

Provided these requirements are satisfied, then Customs and Border Protection may advise the Minister that remedial measures should be enforced.

An alternative remedy to imposing duty is for the Minister to accept a price undertaking from an exporter. This means the exporter agrees that future trade will be at or above a minimum export price.

Australia's current anti-dumping system is designed to achieve fair international trading. It is vital that Australian industries

assist Customs and Border Protection to take action to counter the adverse consequences of illegal under-pricing.

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