



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/42

Provision of information for the public record

Customs Act 1901 – Section 269ZJ

Section 269ZJ of the *Customs Act 1901* (the Act) requires that the Australian Customs and Border Protection Service (Customs and Border Protection) maintain a public record of certain investigations.

All redacted or deleted text in documentation provided for the Electronic Public Record (EPR) must be accompanied by a summary that contains sufficient detail to allow a reasonable understanding of the substance of the information. This may be done by providing bracketed text following any redacted text.

Provision of a non-confidential summary

Information regarding the provision of comments for the EPR was issued in 2006 (ACDN 2006/54). This ACDN is a republication of that information. At a recent meeting of the EPR Working Group, established by the International Trade Remedies Forum, industry representatives requested that stakeholders be reminded of these obligations.

It is a requirement of the Act that non-confidential versions of applications and submissions are to be provided for the public record when making applications for dumping/countervailing duties; reviews of existing measures; requests for the continuation of measures; and, submissions made in response to these applications.

The Act requires that, to the extent that information given to Customs and Border Protection is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

Sections or text of a confidential nature contained in documents provided for the public record may be blank or blacked out. It is a requirement that, to enable interested parties to obtain a reasonable understanding of the substance of information in public file documents, every deletion (or blacked out text) be followed by a bracketed summary containing sufficient detail to permit a reasonable understanding of the substance of the information deleted or blacked out. If such an explanation is not provided Customs and Border Protection may disregard the information in the submission.

The following is an example of what the requirement looks like:

Management accounts (eg income statements) can be extracted for individual operating segments, global business units, value centres, etc Company X to individual grades and packing types. Accounts can be further split by legal entity (eg Company X) and sales region.

[explanation of cost allocation through the divisions of Company X].

The Act allows that a person is not required to provide a summary for the public record if the Customs and Border Protection can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party's understanding of information contained in a document.

To allow time to examine public file documents, Customs and Border Protection endeavours to place all such documents on the public file at least two weeks prior to the publication of the SEF. Customs and Border Protection seeks the cooperation of interested parties in providing and/or clearing non-confidential documents in a timely manner.

Kim Farrant
National Manager
International Trade Remedies Branch

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