

20 February 2018

Ms Louise Lilley  
Macroeconomic Modelling and Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Email: [statsdetermination@treasury.gov.au](mailto:statsdetermination@treasury.gov.au)

Dear Ms Lilley

### Access to Confidentialised Trade Data

#### I. Introduction

Capral Limited ("Capral") is an Australian company listed on the Australian Stock Exchange. Capral commenced operations in 1936 and is Australia's largest manufacturer and distributor of aluminium profiles, with assets of approximately \$125 million.

Capral operates 8 aluminium presses across Australia with a total capacity of 70,000 tonnes per annum, employing in excess of 1,000 people and is innovative in its design and production capability.

Capral is a stakeholder in Australia's Anti-Dumping System. As a consequence, Capral relies upon transparent trade data to enable it to pursue relief from unfair trading practices in a timely and cost-efficient manner.

Capral participates in the International Trade Remedies Forum (ITRF) and is a member of the ITRF sub-committee that has examined proposed changes to improving access to confidentialised trade data. Capral supports changes to the current suppression of trade data to improve transparency of data as follows:

- (i) Removal of the ability to confidentialise data unless it can be demonstrated that the applicant importer is the sole importer under tariff classifications/statistical code over the previous twelve-month period;
- (ii) Where an application for the suppression of data is received, the ABS be required to consult with Australian industry to establish whether the subject trade data is available from a secondary source;
- (iii) In the circumstance that the applicant is the sole importer over the preceding twelve-month period and the data is not available from a secondary source, summary data that includes values and volumes is released on a periodic basis (i.e. quarterly); and
- (iv) Where detailed trade data is available from a secondary source and is available in the public arena, the ABS be required to similarly release comparable trade data following an application by an interested party.
- (v) Statistics collected on tariff codes relating to imports from countries the subject of **current Anti-Dumping measures**, not be suppressed, culminated or otherwise excluded from disclosed data in any way
- (vi) Statistics collected on tariff codes relating to imports from countries the subject of current or **historic Anti-Circumvention cases**, not be suppressed, culminated or otherwise excluded from disclosed data in any way.

i.e. Countries with current measures placed on a particular tariff codes should not be suppressed, and countries who are suspected of, or in the past have been deemed to be circumventing measures should also not be suppressed. This will provide transparency to market participants and ensure trade remedy applications are based on factual data rather than speculative information. Furthermore it allows industry members to understand if trade remedy cases once finalised deliver intended outcomes to the industry – and would highlight circumvention activities.

Capral is a significant user of ABS' trade data on a subscription basis. Capral welcomes this opportunity to improve the transparency of trade data, and address the excessive costs associated with obtaining data that has been the subject of an application to confidentialise the trade data.

## II. Release of Trade Data

Through its role in the ITRF, Capral understands that changes have been considered to the release of trade data that is the subject of suppression (or 'confidentialise') application. The release of data by the ABS is subject to the *Census and Statistics Act 1905* and the *Statistics Determination 1983*. The Determination has a sunset date of 1 October 2018, with potential changes to the determination under consideration.

Capral further understands that requests to confidentialise trade data are made in accordance with the ABS 2001 publication "International Trade – Requests to Confidentialise Data"<sup>1</sup>. Reasons for seeking the suppression of data as detailed in the publication include:

- *a claimant may not want the total value and/or unit values of their imports or exports to be known, as such knowledge may be damaging to their business activities;*
- *a claimant may want to protect details of the volumes they trade or the countries from which they import or to which they export;*
- ***an imported commodity may be the subject of anti-dumping inquiry; or***
- *exports to or imports from certain countries may be politically sensitive and the claimant may be concerned that disclosure of the country or origin/destination may provoke protests or boycotting from other countries or some sections of the local community. (Emphasis added).*

As indicated, Capral is a stakeholder in Australia's Anti-Dumping System and has encountered ongoing difficulties with the release of detailed trade data on trade flows of aluminium profiles into Australia. In particular, Capral is hindered by the limited information that is available from the ABS when more detailed information on trade flows is readily available from governments and organisations in the exporting country (in particular, in the USA and Vietnam). Capral is actively pursuing an increased level of disclosure of trade data that is readily available from secondary sources to be supplied by the ABS.

The restrictions on publishing trade data due to a confidentiality restriction imposes a significant impost on the Australian industry. Often the subject data is available from a secondary source (e.g. government/organisations in the exporting country) and the ineffective confidentialising of the data only results in a higher cost to the Australian industry who purchases from the secondary source. There are, however, initial delays encountered in obtaining the secondary data, however, once the sourcing is of the information is established, the suppression order is rendered ineffective.

Capral submits that it would be an isolated circumstance where the trade data the subject of an application to confidentialise is not available from a secondary source.

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<sup>1</sup> ABS - International Trade – Requests to Confidentialise Data, 2001.

Capral endorses the view of the Productivity Commission (Report No. 48) where it confirmed that it did not consider that the ABS “*would be undermined by a common-sense approach to publishing data that is available elsewhere*”. The Productivity Commission proposed at Recommendation 7.9:

*“The Australian Government should consult with the Australian Bureau of Statistics on the best way to ensure that import data are not suppressed on confidentiality grounds when the same or similar data can be publicly accessed through other sources.”*

Capral is disappointed that little activity on this matter has occurred following the completion of the Productivity Commission’s Report in December 2009.

### III. Proposals for change

Capral supports the desire to change the current process that encourages the suppression of trade data where an importer is involved in the trade of goods the subject of an anti-dumping investigation. The fact that the subject goods are the subject of an anti-dumping investigation should not form the basis for the ABS to accede to a request to confidentialise trade data. Rather, the suppression of data should only be considered in the following established circumstances:

- (i) The confidentialising (i.e. suppression) of trade data by tariff classification/statistical code should not be granted unless it is confirmed that the applicant is the sole importer of the subject goods for a period of not less than 12 months;
- (ii) Trade data may only be confidentialised where the same or similar information is not available from the export statistics of other countries. To permit sufficient effort to establish this factor, Australian industry is to be provided with the opportunity to comment and address whether the subject information is available from another source;
- (iii) where it is established that the importer is the only importer of the goods for a minimum period of twelve months, and the trade data is not available from an alternate source, aggregate data concerning the volume and value of the traded goods be published (on a periodic basis); and
- (iv) where detailed trade data is available from a secondary source and is available in the public arena, the ABS be required to similarly release comparable trade data following an application by an interested party.
- (v) Statistics collected on tariff codes relating to imports from countries the subject of **current Anti-Dumping measures**, not be suppressed, culminated or otherwise excluded from disclosed data in any way.
- (vi) Statistics collected on tariff codes relating to imports from countries the subject of current or **historic Anti-Circumvention cases**, not be suppressed, culminated or otherwise excluded from disclosed data in any way.

i.e. Countries with current measures placed on a particular tariff codes should not be suppressed, and countries who are suspected of, or in the past have been deemed to be circumventing measures should also not be suppressed.

Capral welcomes this opportunity to overhaul and reform the process involving the confidentialising of trade data by the ABS. Capral has incurred significant cost in securing detailed information concerning competitive imports and considers that the lack of transparency in trade data represents an unnecessary cost to conducting business in manufacturing in Australia.

If you have any questions concerning this submission, please do not hesitate to contact myself or Luke Hawkins – General Manager, Supply and Industrial Solutions on (02) 8222 0113.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Dragicevich', with a long horizontal line extending to the left.

Tony Dragicevich  
Managing Director