

20 February 2018

Ms Louise Lilley
Macroeconomic Modelling and Policy Division
The Treasury
Langton Crescent
PARKES ACT 2600
Email: statsdetermination@treasury.gov.au

Dear Ms Lilley,

Re: Restrictive suppression of ABS import data

1. Executive Summary

Manufacturing Australia supports improving access to import trade data that is presently subject to confidential restriction orders administered by the Australian Bureau of Statistics (ABS). Reform is required to:

- Restrict the suppression of import data where it can be established that a sole importer of goods exists under a single subheading and statistical code for a minimum period of 12 months;
- Consult with Australian industry to establish whether the information that is the subject of the suppression application is readily available from an alternate source;
- Where it is established that a sole importer exists and no alternate source of information is available, the ABS publish historic aggregated data (e.g. previous quarter's data) to permit identification of import quantities and values; and
- Where detailed export data is available from an alternate source, release the equivalent import data upon application.

These recommended reforms are intended to improve access to import data for Australian manufacturers seeking to pursue relief under Australia's Trade Remedies System and will improve access to measures in a timely and cost-effective manner.

2. Release of trade data

Manufacturing Australia understands that the ABS has been working with the International Trade Remedies Forum (ITRF) to examine appropriate resolution(s) to the issue of confidentiality restrictions on import trade data. The release of data by the ABS is subject to the legislative provisions contained in the *Census and Statistics Act 1905* and the *Statistics Determination 1983*. The Determination is subject to a sunset date of 1 October 2018, with changes to the determination currently being canvassed.

Applications for the suppression of import statistics are encouraged where importers may be involved in the trade of dumped and/or subsidised goods. The ABS publication "International Trade – Requests to Confidentialise Data"¹ details the reasons for requests for confidentiality 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).*

¹ ABS - International Trade – Requests to Confidentialise Data, 2001.

One of the grounds for the ABS to confidentialise data appears to conflict the Government's policy of providing Australian industry with access to relief from unfair trading practices. In many other countries, all trade statistics are widely published without suppression, making Australia unusual in extending confidentiality protections to importers that are not common elsewhere.

Manufacturing Australia acknowledges the responsibility of the Statistician not to publish or disseminate information in a manner that is likely to enable the identification of a particular person or organisation. The Productivity Commission² examined the issue of the suppression of trade data in Report No. 48. The Productivity Commission stated 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."

Limited progress on this issue has been made since the Productivity Commission's release of Report No.48.

3. Recommendations

Manufacturing Australia recognises the need for urgent reform on the release of trade data that is the subject of a suppression order for applicants seeking relief under Australia's Anti-Dumping System. It is therefore recommended that the following changes be made to the suppression of trade data administered by the ABS:

- (i) The suppression of import data by tariff subheading and statistical code should not be authorised unless the applicant can demonstrate that it is the sole importer (or exporter) of the goods for a period of not less than 12 months;
- (ii) Consistent with the intention of the Productivity Commission proposal for the ABS not to confidentialise data '*where the same or similar information can be publicly accessed from the export statistics of other countries*', Australian industry be afforded the opportunity to demonstrate that the subject data is available to the public from an alternate source prior to any suppression order being made;
- (iii) In the circumstance where an applicant can establish it is the sole importer (or exporter) of goods under a tariff subheading and statistical code and the import data is not available from an alternate source, the ABS be required to publish aggregate data concerning the volume and value of goods on a quarterly basis; and
- (iv) Where a party can demonstrate detailed export data (including name of exporter and importer, details of volumes and values, etc) is available from an alternate source, the ABS will action the release of the trade data information following application. This will ensure access to trade data in a time and cost-efficient manner than is currently the situation.

Manufacturing Australia endorses Recommendation 7.9 of the Productivity Commission in Report No. 48 and considers urgent action is required to implement change to ensure import data is only the subject of suppression in limited circumstances.

Yours faithfully



Ben Eade
Executive Director
Manufacturing Australia
Suite 1, Lvl 9, 92-94 Elizabeth St, Melbourne, VIC 3000
Level 1, The Realm 18 National Cct Barton ACT 2600

² Productivity Commission Report No. 48 "Australia's Anti-dumping and Countervailing System", 18 December 2009.