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Louise Lilley
Macroeconomic Modeling and Policy Division
Treasury
Langton Crescent
PARKES ACT 2600

By email: statsdetermination@treasury.gov.au

Dear Louise,

Census and Statistics (Information Release and Access) Determination 2018

BlueScope Steel Limited ("BlueScope") welcomed the opportunity to provide input to the Proposal to remake the Statistics Determination 1983 Consultation paper in February 2018.

This participation was on the basis that the Australian Bureau of Statistics ("ABS") plays a critical role within the overall framework of an effective anti-dumping system in Australia as the pre-eminent source of trade data for all interested parties and that this was an opportunity to address long standing issues relating to import trade data suppression.

The stated purpose of the Census and Statistics (Information Release and Access) Determination 2018 (the Determination) is to remake and improve the operation of the Statistics Determination 1983, by modernising the existing framework under which the ABS, as authorised by the Statistician or their delegate, can release information on a public or confidential basis.

The key changes proposed are confined to the following:

- allow the release of identifiable information about 'Government Business Enterprises', consistent with the release of identifiable information about other government entities;
- allow individuals and organisations to consent to their information being released to a broader group of users;
- allow the disclosure of unidentified information in respect of individuals and organisations to a broader group of users on a confidential basis;
- allow publicly available information to be used to provide enhanced information and commentary to support ABS statistical products;
- allow a greater range of information about business characteristics to be disclosed, in the form of lists, to a broader group of users; and
- simplify the Statistician's notification obligations for the disclosure of business characteristics.

These changes are purported to provide a more flexible scheme under which business information can be released in sufficient detail to meet the analysis and decision-making needs of governments, businesses and other stakeholders.

BlueScope response on the proposed changes to the Determination

BlueScope is extremely disappointed in both the approach and the proposed outcomes of this public consultation to remake the Statistics Determination 1983 and we believe this is another missed opportunity for the ABS to actively engage with industry on known matters of critical importance to them.

Industry has, for some time, been very clear on its concerns around unduly restrictive suppression of import trade data by the ABS on confidentiality grounds that imposes critical time constraints, additional costs and increased difficulty for Australian manufacturers and producers in:-

- The assessment and preparation of an application for anti-dumping measures;
- The investigation phase of an anti-dumping inquiry; and
- Following the imposition of measures, the assessment of the effectiveness or otherwise of any imposed measures, including the detection of circumvention activities.

The current process for the requesting and granting of the suppression of import statistics also lacks both transparency for all parties' involved and procedural fairness for the impacted domestic manufacturing industry as it is not afforded the opportunity to provide input into whether or not the data may already be available in the public domain - a key determinant in the granting of import data suppression orders.

BlueScope welcomed the opportunity to provide input to the Proposal to remake the Statistics Determination 1983 Consultation paper; however it is clear that the amendments proposed have ignored every non-government submission and that there appears to be no intention by the ABS to proactively engage with industry to cooperatively address this long standing issue.

The recommended industry changes were excluded from any consideration in the proposed changes to the Determination as they were considered to be "out of scope" due to them not being included in the initial set of internally generated proposed changes by the ABS. This has effectively precluded any non-ABS issues being addressed in this remaking of the Determination.

BlueScope is very concerned with any public consultation process where there appears to be no intent to actively engage on known industry concerns or consider proposed (consensus) recommendations made during this public consultation.

The draft Census and Statistics (Information Release and Access) Determination 2018 will entrench the current ABS approach to the suppression of foreign trade statistics, including the manner and definition of assessing whether or not similar data is already available to the public. The (unchanged) definition of an "official body" being confined to organisations that have been established under Australian laws, in relation to the only possible source of international trade information available to the public, (other than from the exporter itself) is not reflective of the current reality when it comes to international trade statistics.

The draft Census and Statistics (Information Release and Access) Determination 2018 outcomes are especially disappointing to BlueScope as the ABS have for at least the last 5 years been directly involved in trade statistics discussions at the International Trade Remedy Forum ("ITRF"), and since mid-2017 have participated in recent ITRF "Access to Import Data Subcommittee" meetings specific to this unresolved issue.

Any questions regarding this submission should be directed to **Alan Gibbs**, International Trade Affairs Manager on (02) 4240 1201, or **David Jenkins**, Manager Government Relations on (03) 9666 4022.

Yours faithfully,



Alan Gibbs
International Trade Affairs Manager