

5 July 2018

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

Email: statsdetermination@treasury.gov.au

Dear Ms Lilley

Access to Confidentialised Trade Data

I. Introduction

I refer to the Department of Treasury request for comments concerning the Statistics Determination 1983 ("the Determination") which is due to sunset on 1 October 2018.

Capral Limited ("Capral") is a stakeholder in the release of accurate import statistics data. Capral provided a submission to The Treasury dated 20 February 2018 detailing its concerns with the release of certain confidentialised trade data.

Capral reiterates its support for changes previously detailed to benefit improved transparency of data, specifically:

- Confidentialising of data to only occur where there is a single importer under the applicable tariff subheading and statistical code;
- Consultations with affected industry the subject of a potential suppression order, prior to decision to confidentialise;
- The release of summary data of Customs values and quantities where data is suppressed on a periodic basis; and
- Where data is available from a secondary source, the release of the data consistent with detail available in the public domain is required.

II. Consultations

Capral is disappointed with the advice received during the recent consultation process that suggested that initial submissions from industry stakeholders received by The Treasury that were not specific to the pre selected proposed changes and were "outside the scope" of the consultation paper. It is Capral's considered view that the consideration of concerns detailed in submissions from interested stakeholders proposing changes to the Determination have been disregarded.

Capral understood from its involvement and participation in the International Trade Remedies Forum ("ITRF") that the long-held concerns of Australian industry concerning the release of confidentialised Australian Bureau of Statistics ("ABS") import data would be addressed in this consultation process concerning the Determination. This has not been the case.

Capral is disappointed that this process has not allowed for recommendations from Industry and the ITRF sub committee to be properly considered and consulted upon.

The suppression of import trade statistics represents a significant barrier for Australian industry with high capital, local production facilities. The inability of the local manufacturer to access reliable import data upon which to base investment decisions represents a deterrent to invest locally.

It is Capral's understanding from the consultative process that the only import data that can be released is that which relates directly to Australian companies or Government agencies as '*an official body can only be an organisation established under Australian laws. Organisations established under the laws of other countries are not official bodies for the purposes of the Determination*'.

This infers that the release of information that is "owned" by non-Australian based companies is prohibited. Capral was surprised by the advice received during the consultation process that legally limits the release of certain import data. This apparent restriction does not appear to be a concern to the Statistics New Zealand where all import and export trade data is publicly available.

Capral is further confused by the apparent opposition to the release of import data by the Australian Bureau of Statistics ("ABS") that is readily available from a secondary (often expensive) source. The release of this apparent confidential information that is already in the public domain would seem reasonable.

Capral submits that it is farcical that Australian companies pay (in some instances it is free, in others it is expensive) foreign Governments and statistics organisations for data that the ABS collects but does not release under the remit of confidentialising. In the context of Anti-Dumping – often the Australian industry is already being injured and has to source data from foreign Governments and statistics organisations to help determine if a case exists (or monitor existing cases). In this context it would seem that the ABS current processes and procedures are working against Australian Industry.

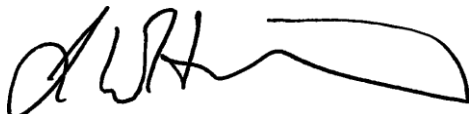
III. Closing remarks

Capral welcomes initiatives to reform the release of confidentialised ABS import data. Capral has been a participant in the consultative process and detailed its recommended changes to The Determination in its submission dated 20 February 2018 and has participated in consultation meetings with the government. Capral is disappointed that changes proposed by stakeholders appear to have been disregarded by The Treasury and that obvious opportunities for reform (for example, where information is already in the public domain) will be overlooked.

Capral continues to support change to the current suppression of ABS import data process. Capral considers that the suppression of data is a dis-incentive for Australian industry to re-invest in Australia – particularly in capital intensive manufacturing activities.

If you have any questions concerning this submission, please do not hesitate to contact me on (02) 8222 0113.

Yours sincerely



Luke Hawkins
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