

6th July 2018

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

RE: Exposure Draft

Census and Statistics (Information Release and Access Determination) 2018

Liberty OneSteel wishes to express its disappointment that the proposed changes outlined by it and other industry members in their submissions to the *Automatic Sunsetting of legislative instruments Consultation paper : Proposal to remake the statistics determination 1983* were considered out of scope.

| <i>Proposed change and Clause</i> | <i>Summary of feedback and issues raised</i> | <i>Response/comments on the feedback and issues raised</i> |
|---|--|---|
| <i>Other changes suggested in submissions</i> | <i>Six submissions suggested the Determination does not go far enough to reduce instances of the suppression of import statistics.</i> | <i>As this change was not included in the set of proposed changes, it will not be incorporated in the revised instrument.</i> |

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Industry's long held view that the ABS is overly conservative in its application of the existing Statistics Determination impedes informed business decisions by allowing entities to mask aggregated trade commodity statistics was well known to both Treasury and the ABS via their participation in industry forums such as the International Trade Remedies Forum.

Access to accurate and transparent aggregated trade statistics is essential to assist Australian industry make informed evidence based investment decisions, understand market trends and dynamics and to access Australia's WTO compliant Trade Remedies system in order to defend against injurious unfair trade. As it currently stands, foreign or domestic importers are able to hide or disguise import trade commodity statistics for entire countries and in some cases for all commodities details from any country.

Liberty OneSteel's view remains that the ABS currently overreaches its interpretation of the phrase

"likely to enable the identification of that individual or organization"

in its decision making process. The ABS's interpretation appears more closely aligned to the phrase "may enable" the identification of an organization as opposed to actual phrase "likely to enable". The word "may" implies a

¹ Proposal to remake the statistics Determination 1983 ; summary of consultation paper submissions.

“possibility” that something could occur, whereas the term “likely to” imputes an obligation that there is a much stronger likelihood of an occurrence.

The fact a claimant can recognise some of their own trade is in aggregates of the ABS’s published data does not mean that other persons or organizations know that the data specifically identifies them or their organization. For the majority of steel commodity products there are multiple producers in the exporting countries, all whom have the ability to export to Australia at any point in time. Whilst Liberty OneSteel accepts that there may be genuine sensitivities relating to details such as “port of loading” or “state of entry details” it discounts these claims at the level of country of origin details.

For and on behalf of Liberty OneSteel

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