



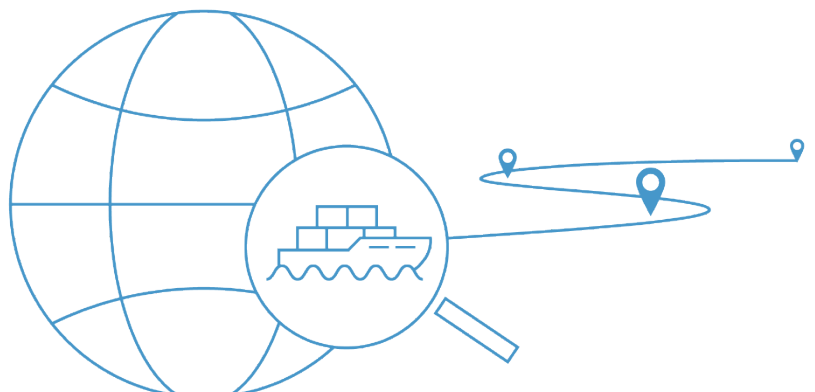
Australian Government
Department of Industry,
Science and Resources

Anti-Dumping
Commission

International Trade Remedies Forum Meeting Minutes (CH Rules)

8 November 2023

Anti-Dumping Commission website:
www.adcommission.gov.au



Agenda Item 1 – Introduction and Welcome

The Anti-Dumping Commissioner (the Commissioner) opened the meeting and thanked members for attending. The Commissioner also individually welcomed new representatives to the ITRF (see Attachment B for attendee list).

The Commissioner provided an update of the membership appointment processes, noting current membership expires on 31 December 2023. The Commissioner's recommendations are currently with The Hon Ed Husic MP, Minister of Industry and Science (the Minister), for decision.

Action items from April 2023 meeting:

The ITRF discussed and closed all the outstanding action items from the April 2023 meeting.

Agenda Item 2 – Anti-Dumping Commission update

Operational Update:

The ITRF was advised that the Anti-Dumping Commission (the Commission) has 29 cases on hand, 4 revocations with the Minister, and there are 72 measures in force covering 20 countries and 26 commodities.

The Commission continues to expand its rollout of onsite verifications and has so far had several successful verifications in South Korea, Thailand, and China. Further verifications are planned for Thailand, Indonesia, and China in the coming months.

Engagement Update:

The ITRF were advised of the continued stakeholder engagement activities undertaken by the Commission, and the importance of continuing to participate in industry stakeholder meetings. The ITRF members were thanked for their support and suggestions of organisations/sites that the Commission should visit. The Commission welcomes member suggestions for future stakeholder engagements and site visits.

The Commission updated members on the development of an Anti-Dumping Commission performance measure (PM). The PM will report against the Commission's "improvement" of timelines in all case types. The PM will be reported in all departmental annual reports with last year's annual report serving to establish a baseline. ITRF Members welcomed transparency around timelines and the comprehensive and meaningful approach developed by the Commission. ITRF Members welcomed discussion on the PM at meetings. The Commission noted that it will be reporting internally quarterly and committed to providing a standing update on progress against the PM in ITRF meetings.

The Commission updated members on the Commission's approach to continuous improvement. The Commission outlined the work being done to improve the trade remedy index (TRINDEX), noting the current limitations did not fully acquit the original service offering. The Commission committed to consulting with high-use members on proposed changes as they are developed. Members agreed that TRINDEX's utility in its current form was limited and welcomed efforts to consult and improve.

Action Items:

1. The Commission include a standing item in ITRF meetings to update on progress against the performance measure.

Agenda Item 3 – Department of Industry, Science and Resources (DISR)

DISR reiterated the importance of working with ITRF members, other Australian government departments, and the Commission on strengthening the trade remedies system.

DISR provided an update on the recently commenced review of policy options to address carbon leakage, advising that 2 rounds of public consultation will take place. The ITRF were informed that the review is led by the Department of Climate Change, Energy, the Environment and Water and that the first consultation process is planned to commence this side of Christmas with a consultation paper released for public comment.

DISR advised that the National Reconstruction Fund (NRF) commenced operation in September 2023. DISR advised that the department is currently running an open merit-based selection process for the appointment of the new Anti-Dumping Commissioner.

Action Items:

2. DISR to circulate the Carbon Leakage Review to ITRF members.

Agenda Item 4 – Australian Border Force (ABF)

ABF provided an update on compliance and enforcement of trade remedies measures. ABF discussed that it continues to dedicate resources to the evaluation of the threat associated with the circumvention of dumping measures as well as ensuring compliance. ABF reflected on recent international engagement with law enforcement colleagues overseas, particularly in the Asian region.

Action items:

3. ABF to circulate the Goods Compliance update to ITRF members.

Agenda Item 5 – Department of Foreign Affairs and Trade (DFAT)

DFAT provided an update on the status of the following WTO disputes relating to anti-dumping and countervailing measures: DS598 China – Barley, and DS602 China – Wine and Australia – Steel.

Agenda Item 6 – Sub-committee update

The co-chairs of the ITRF sub-committee on Strengthening the Anti-Dumping System provided an update on their work to date. The ITRF sub-committee has been working through priority issues based on submissions from ITRF sub-committee members and broader ITRF members. It was noted that significant progress has been made since the ITRF sub-committee moved to longer to face-to-face meetings, reflecting the complexity of the issues under discussion.

The ITRF sub-committee co-chairs advised that the ITRF sub-committee is confident that they will be in a position to present a detailed final report to the ITRF on recommendations at the next meeting of the ITRF in 2024.

Action items:

4. The secretariat to provide ITRF sub-committee members with action items within one week of the ITRF sub-committee on strengthening the system meeting and follow up with high level minutes from the meeting within two weeks.

5. The co-chairs of the ITRF sub-committee on strengthening the system to provide a detailed report on areas of proposed reform on which the sub-committee has generally reached agreement at the next meeting of the ITRF.

Agenda Item 7 – Other business

Terms of Reference (ToR)

The Commission discussed the proposed ToR's and the feedback that had been received, noting two main areas to be resolved. The Committee discussed these in more detail and formed the following consensus:

Decision Making

- The Committee agreed to adopt a minority report model. Advice will be provided to the Minister on endorsed proposals and contrary views. Advice will include reasons and articulation of which members/cohorts support and do not support.

Proxies

- The Committee agreed to proposed use of proxies in draft ToR.

Late submissions policy paper

The Commission thanked members for their feedback on the policy paper circulated at the last meeting. The Commission noted all members were in support of the intent but that various issues were raised with application. The Commission is taking this feedback into consideration and re-examining the proposal; it noted that the proposal as drafted provided the greatest level of flexibility in the current system but noted that came with complexity and some uncertainty. The Commission noted that ultimately less flexibility with less complexity and more certainty may be preferred.

Action items:

6. The secretariat to update the ITRF ToR's to reflect the agreed position on decision making and the use of proxies and circulate the final version for endorsement.

Agenda Item 8 – Next meeting and closing remarks

The Commissioner thanked members for their participation in the meeting and advised the next meeting will be held in the first half of 2024. The Committee agreed to consider holding the next meeting in Brisbane.

The Commissioner thanked members for their support and participation throughout his tenure. Members expressed gratitude and thanks to the Commissioner for his efforts and stewardship.

Attachment A – Action items

1. The Commission include a standing item in ITRF meetings to update on progress against performance measure. (agenda item 2)
2. DISR to circulate the Carbon Leakage Review to ITRF members. (agenda item 3)
3. ABF to circulate the Goods Compliance update to ITRF members. (agenda item 4)
4. The secretariat to provide ITRF sub-committee members with action items within one week of the ITRF sub-committee on strengthening the system meeting and follow up with high level minutes from the meeting within two weeks. (agenda item 6)
5. The co-chairs of the ITRF sub-committee on strengthening the system to provide a detailed report on areas of proposed reform on which the sub-committee has generally reached agreement at the next meeting of the ITRF. (agenda item 6)
6. The secretariat to update the ITRF ToR's to reflect the agreed position on decision making and the use of proxies and circulate the final version for endorsement. (agenda item 7)

Attachment B – Attendee list

Anti-Dumping Commission	Dr Bradley Armstrong PSM Commissioner
	Jessica Casben Deputy Commissioner
	Isolde Lueckenhausen Deputy Commissioner
	John Timms
	Julien Chadwick
	Ivan Parrett
	David Robertson
	Gabriela Galindo-Fleming
Australian Border Force	David Henderson
Australian Chamber of Commerce and Industry	Chris Barnes
Australian Forest Products Association	Natasa Sikman*
	Richard Hyett (observer)*
Australian Industry Group	Louise McGrath
Australian Manufacturing Workers' Union	Dr Katie Hepworth
Australian Pork	Tanya Pittard
Australian Steel Association	David Buchanan
Australian Steel Institute	Mark Cain
Australian Workers' Union	Thomas Mortimer*
BlueScope Steel Limited	Marc Cousins
	Chad Uphill (observer)
Capral Limited	Luke Hawkins
Freight and Trade Alliance	Russell Weise
Chemistry Australia	Bernard Lee
Construction, Forestry, Maritime, Mining and Energy Union	Travis Wacey
Department of Foreign Affairs and Trade	Dene Yeaman
	Andrew Jacenko
	Jeremy Shirm
	Vanessa Voss
	Rachel Price
	Sarah Grant
	Tara Leaney
	Luke Minihan
Natalie Daalder	
Department of Industry, Science and Resources	Deb Anton

	Louise Talbot
	Rebecca Wilson
	Karl Brennan
	Lachlan Kelley
Department of Industry, Science and Resources (International Trade Remedies Advisory Service)	Cathy Cole
	Sanjay Sharma
Food and Beverage Importers Association/International Forwarders and Customs Brokers Association of Australia	Andrew Hudson
InfraBuild Australia Pty Ltd	Matt Condon
Law Council of Australia	Ross Becroft

*new representative