



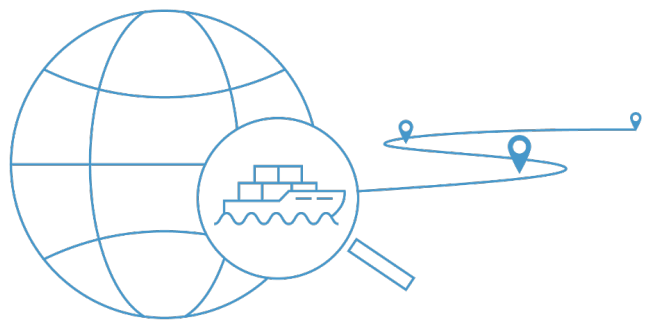
Australian Government  
Department of Industry,  
Science and Resources

**Anti-Dumping  
Commission**

# International Trade Remedies Forum Meeting Minutes

27 June 2024

**Anti-Dumping Commission website:**  
[adcommission.gov.au](https://adcommission.gov.au)



## Agenda Item 1 – Introduction and Welcome

The acting Commissioner of the Anti-Dumping Commission and Presiding Member welcomed attendees to the International Trade Remedies Forum meeting.

The acting Commissioner noted the purpose of the meeting was to settle the draft Terms of Reference and discuss Member comments on the draft.

The acting Commissioner advised that the proposed Terms of Reference will be sent to the Minister (see Next Steps below at Item 3).

## Agenda Item 2 – Discussion of the Terms of Reference

The acting Commissioner led a discussion based on the document titled *ITRF Terms of Reference – Member comments 26 June 2024*, which had been provided to Members for comment. She proposed finalising the Terms of Reference based on comments received, with any differences of opinion from Members to the proposed version to be noted to the Minister in the acting Commissioner's brief to the Minister. This was agreed to by Members.

The sections of the draft Terms of Reference that were discussed, and the outcomes of the discussion are below.

### Section 4 – Sub-committees

- **Adopted** – Sub-committees under the ITRF should be provided with a clear objective and a timeframe for reporting.

### Section 5.4 – Secretariat

- **Adopted** – All timeframes in the Terms of Reference to use 'working days'.
- **Adopted** – Draft minutes to be circulated within 10 working days of an ITRF meeting.
- **Adopted** – ITRF meeting agenda and meeting papers (including any decision and discussion papers) to be circulated at least 20 working days prior to a meeting (as per Appendix A - Section 8).

### Section 7 – Amending the Terms of Reference

- **Adopted** – The acting Commissioner suggested including an option for the Presiding Member, in consultation with the ITRF, to suggest amendments of the Terms of Reference to the Minister including the various Member views in relation to the proposed amendment.

### Appendix A – Section 1 – Member representatives

- **Adopted** – The acting Commissioner proposed to maintain the existing Terms of Reference position (1.2.2) that a representative be able to represent only one Member. The acting Commissioner undertook to advise the Minister of the alternative views of some Members on this item.
- **Adopted** – Observers may attend ITRF meetings in a non-speaking capacity, unless the Presiding Member has approved a request that the Observer speak on a particular issue (for example, if the Observer is a subject matter expert on a matter discussed).

### Appendix A – Section 6 – Agreement and decision-making

- **Adopted** – ‘Other business’ to be a standing item on ITRF meeting agendas.
- **Adopted** – The acting Commissioner suggested that ‘Other business’ items (i.e. those items raised outside the 21 day notice period) be presented to the Presiding Member, who will then determine if it is appropriate to add the item to the agenda outside of the ordinary notice provisions. The Presiding Member will balance the need to have flexibility to add agenda items with providing Members with an opportunity to prepare and respond to items on the agenda.
  - The acting Commissioner noted that as some Members were representative organisations, they likely needed notice to be able to decide a matter, although they may be able to discuss a matter on shorter notice.
- **Adopted** – The Terms of Reference will retain the bare majority for voting (6.1.1), with the inclusion of wording that explains how a diversity of views, and transparency of voting, should be communicated to the Minister.
  - The acting Commissioner undertook to advise the Minister of the alternative views of some Members on this item including the representative from the Australian Chamber of Commerce and Industry who supports a 'substantial majority' over a 'bare majority' of votes, and another Member who expressed that bare majority voting is complicated when some Members represent one organisation and others represent multiple organisation.
  - The acting Commissioner acknowledged this was a function of the wide range of ITRF Members’ structures, and that if voting caused problematic outcomes, the ITRF and/or Presiding Member could seek a change to the procedures.
  - The acting Commissioner noted that the diversity of views and voting would be reflected in the ITRF minutes and recommendations to the Minister.

### Appendix A – Section 7 – Presenting advice

- **Adopted** – This section to be updated to recognise that advice will be presented as described in *Appendix A – Section 6 – Agreement and decision-making*.

### Appendix A – Section 8 – Circulation of materials

- **Adopted** – All timeframes to reference ‘working days’.
- **Adopted** – At least 21 working days for discussion and decision papers to be submitted to the Secretariat by ITRF Members.
- **Adopted** – At least 20 working days for meeting papers to be circulated by the Secretariat (as per section 8.2).
- **Adopted** – Draft minutes of ITRF meetings to be circulated within 10 working days by the Secretariat (as per section 8.6).

### Appendix A – Section 9 – Sub-committee report

- **Noted** – Concerns regarding use of the word ‘timely’ are resolved with the adopted amendment to *Section 4 - Sub-committees*.

**Other**

- **Adopted** – The acting Commissioner proposed that a formal requirement for declarations of conflicts of interest not be included in the Terms of Reference. She agreed with a comment from one Member that there is an expectation that Members of the ITRF declare any additional interests to those of the organisation they are there to represent if that is not evident to the other ITRF Members. The acting Commissioner undertook to advise the Minister of the alternative views of some Members on this item including the representative from the Australian Chamber of Commerce and Industry who strongly supports all conflicts of interest being declared by Members including any instances where an ITRF Member has a matter before the commission.

The acting Commissioner confirmed with Members that all items of interest to Members had been discussed.

**Agenda Item 3 – Next steps**

The acting Commissioner noted that the next steps to progress the Terms of Reference to the Minister were:

- A revised Terms of Reference will be sent to Members in the week beginning 15 July 2024.
- Members will have 5 working days to provide any additional comment.
- The acting Commissioner will then progress the final Terms of Reference (including any alternative views) to the Minister for Industry and Science.

The acting Commissioner thanked Members for their attendance and closed the meeting.

**Anti-Dumping Commission** *(virtual attendance)*

- Isolde Lueckenhausen, acting Commissioner
- Matthew Williams, acting Deputy Commissioner, Investigations
- Esther Harvey, acting Deputy Commissioner, Strategy and Operations
- Simon Brinsmead, acting Deputy Commissioner, Legal and Dispute Settlement
- Jason Fitts, Director, Outreach and Engagement
- Sarah Salter, acting Assistant Director, Outreach and Engagement

**Industry Members** *(virtual attendance)*

- Andrew Hudson, Lawyer, Rigby Cooke Lawyers (on behalf of the Food and Beverage Importers Association)
- Bernard Lee, Director, Policy and Regulation, Chemistry Australia
- Brad Leonard, Manager Border and Biosecurity, International Forwarders and Customs Brokers Association of Australia
- Chad Uphill, Director, Chad Uphill Trade Advisory (on behalf of Capral Limited)
- Chris Barnes, Head of Business Development and International Affairs, Australian Chamber of Commerce and Industry
- Marc Cousins, Manager, International Trade Affairs, BlueScope Steel
- David Buchanan, Chief Executive Officer, Australian Steel Association
- Faisal Main, Senior Manager Commercial, Orica (Observer)
- Luke Hawkins, Divisional General Manager, Capral Limited
- Louise McGrath, Head of Industry Development and Policy, Australian Industry Group
- Malcolm Hart, Senior Manager Global Projects, Orica
- Matt Condon, Manager Trade Development, Infrabuild Australia
- Richard Hyett, Director of Policy, Australian Forest Products Association
- Russell Weise, Director CGT Law (on behalf of the Freight Trade Alliance)
- Steven Murphy, National Secretary, Australian Manufacturing Workers' Union
- Thomas Mortimer, Policy Director, Australian Workers' Union
- Travis Wacey, National Policy Research Officer, Construction, Forestry and Maritime Employees Union

**Department of Industry, Science and Resources** *(virtual attendance)*

- James Flick, General Manager, Industrial Net Zero Policy
- Sanjay Sharma, Manager, Tradex Scheme, Trade Policy and Programs Section
- Karl Brennan, Manager, Anti-Dumping Policy Section
- Lachlan Kelley, Assistant Manager, Anti-Dumping Policy Section

**Department of Foreign Affairs and Trade** *(virtual attendance)*

- Andrew Jacenko, Assistant Secretary, Goods and Market Access Branch
- Natalie Daalder, Director, Subsidies and Trade Remedies Law Section
- Tara Leaney, Policy Officer, Market Access and Trade Remedies Section

**Australian Border Force** *(virtual attendance)*

- Asha Rajah-Clarke, Commander, Customs and Trade Compliance