



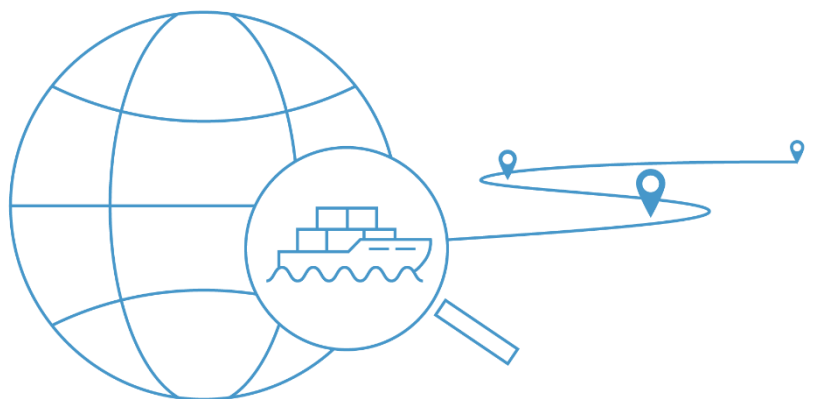
Australian Government  
Department of Industry,  
Science and Resources

Anti-Dumping  
Commission

# International Trade Remedies Forum Meeting Minutes

23 May 2024

Anti-Dumping Commission website:  
[www.adcommission.gov.au](http://www.adcommission.gov.au)



## **Agenda Item 1 – Introduction and Welcome**

The acting **Commissioner** of the Anti-Dumping Commission opened the meeting, thanked ITRF Members for attending and made an Acknowledgement of Country. The Commissioner passed on Minister Husic's apologies for not being able to attend the meeting. The Commissioner also welcomed the representatives of the two new ITRF Members, the Australian Aluminium Council and Orica.

ITRF Members introduced themselves to the Forum (see **Attachment A** for attendee list).

## **Agenda Item 2 - Review of previous minutes and action items**

The acting **Commissioner** discussed and closed all the outstanding action items from the November 2023 meeting.

## **Agenda Item 3 – ITRF Sub-committee Early Harvest update to ITRF**

The acting **Commissioner** introduced the Co-chairs of the Sub-committee thanking them for their ongoing work to develop the 'Early Harvest' reform proposals.

The acting **Commissioner** noted:

- If there was agreement on the Terms of Reference for the ITRF (Agenda Item 6), the Terms of Reference could be used to guide the next steps on the Sub-committee's proposed Early Harvest reforms.
- The commission was keen to support the ITRF to resolve how to progress recommendations from the ITRF to the Minister in the context where there were always likely to be varied views, and considerable work had been done to date by the Sub-committee considering areas of potential cross-ITRF agreement.
- It was important for the wider ITRF to have a chance to consider and discuss the Early Harvest reform proposals, as proposals to the Minister are from the ITRF.

The acting **Commissioner** concluded by noting that following the presentation and discussion of the Early Harvest reform proposals, the Secretariat could organise an additional ITRF meeting to have further discussion on the Sub-committee's package of reform proposals.

The **Co-chairs of the ITRF Sub-committee** on Strengthening the Anti-Dumping System presented on the background of the Early Harvest reform proposals.

The Co-chairs and Sub-committee Members then introduced the individual proposed reforms.

**ITRF Members** discussed what the next steps for the proposed reforms would be.

### **Action items:**

1. The Sub-committee to consider next steps and options for forwarding proposals to the Minister mindful of the discussion on Agenda Item 6 on the Terms of Reference.
2. If the Sub-committee decides to propose a further discussion on Early Harvest reforms with the entire ITRF, the ITRF Secretariat will organise an additional ITRF meeting.

## Agenda Item 4 – Government update

### 4.1 Anti-Dumping Commission

#### Performance measures

The acting **Commissioner** updated ITRF Members on the commission's performance measures, which are published in the Department of Industry, Science and Resources' (DISR) Annual Report. The performance measures include case completion timeframes, cases received and completed, and extensions of time.

The acting Commissioner said that the commission understands that timeframes are a concern to ITRF Members and is focussing on what improvements can be made in this regard. The acting Commissioner noted that the commission's performance on timeframes is affected by the complexity of issues, availability of information, timeliness of submissions, resourcing and the nature of the cooperation of parties. The commission has established an internal reporting mechanism and will report on progress at ITRF meetings.

#### Engagement

The acting **Deputy Commissioner**, Strategy and Operations, outlined the commission's stakeholder engagements with Australian stakeholders, international counterparts and government partners.

These engagements included: in the period 1 July 2023 to 31 March 2024, the commission convened 1 ITRF meeting and 6 ITRF Sub-committee meetings. In the financial year to date, the commission held high level dialogues and technical exchanges with 7 trade remedies authorities. In November 2023, the commission met with its Chinese counterparts for the first High Level Dialogue on trade remedies since 2017. The commission has also been active in WTO meetings on trade remedies matters.

#### Investigations Update

The acting **Deputy Commissioner**, Investigations introduced the commission's caseload. As at 31 March 2024, the commission had 22 cases on hand (non-WTO count). The majority were duty assessments, and the remainder was a mix of case types. As at 31 March 2024, there were 66 dumping or subsidy measures in force covering 28 different goods from 17 countries.

The Deputy Commissioner said that in this financial year to 31 March, the commission had conducted onsite verifications in China, Indonesia, Korea, Sweden and Thailand. Onsite verification is more time efficient than virtual verification but virtual verifications were effective in some cases and would have role in investigations for low-risk verifications.

#### Q&A

- In response to a request on specific detail on case timeframes for different case types as had been provided in the past, the acting **Commissioner** said she would provide more detail on case timeframes at the next meeting.
- In response to a question about the Cases and Measures Snapshot on the commission's website, the acting Commissioner said that the commission would update its website with a disclaimer to clarify reporting available on its cases.

#### **Action items:**

3. The commission to provide more detail at the next ITRF meeting regarding case lengths.
4. The commission to update its website with a disclaimer to clarify reporting available on its cases.

## 4.2 Department of Industry, Science and Resources

The **DISR Deputy Secretary** provided updates on:

- The Commissioner appointment process – The Minister is focused on ensuring the new commissioner has a strong understanding of industry and the anti-dumping system, and he has asked the Department to readvertise the position.
- National Battery Strategy – The National Battery Strategy, part of the Future Made in Australia program, was released today. The Strategy reflects the global environment, supply chains being under pressure, and Australia’s friends and competitors adopting similar industry policies. The Strategy targets opportunities in the energy transition and in clean energy industries.

The **DISR General Manager** said:

- Green Metals – As part of the Future Made in Australia program, the Government would focus on green metals and supporting policies for the emerging green metals industry in Australia.
- Carbon leakage review – the Government has commenced a review of carbon leakage. It released a consultation paper in November 2023. A further round of consultation will commence shortly.

### Q&A

- The **Deputy Secretary** welcomed interest from ITRF Members in being involved in green metals and other budget programs. Consultation papers would be released soon.
- On carbon leakage and whether this would be administered by an expanded Anti-Dumping Commission, the Deputy Secretary said the particulars, including who would potentially administer any future system to address carbon leakage, were still being considered.

## 4.3 – Department of Foreign Affairs and Trade (DFAT)

**DFAT representatives** provided an update on:

- Trade remedies disputes – The Final Panel Report on China’s challenge to Australia’s duties on wind towers, railway wheels and stainless steel sinks was released on 26 March 2024 and was adopted by the WTO Dispute Settlement Body on 26 April 2024. Australia was now in an implementation phase. It was important to note that the outcome was contained to those three products, with no broader systemic implications for Australia.
- WTO Committees on trade remedies – The commission and DFAT had attended WTO trade remedies committee meetings in April 2024 that covered anti-dumping, subsidies and countervailing measures, and safeguards. Topics of interest included subsidies and overcapacity, and UK and EU safeguards on steel products.
- High Level Dialogues (HLD) on Trade Remedies – A HLD with China in November 2023 saw useful exchanges on Australia’s and China’s trade remedies systems – including innovative or new approaches on both sides – rather than the ‘nuts and bolts’ of specific investigations. There will be a HLD with Vietnam at the end of June 2024, hosted by the commission in Melbourne.

#### **4.4 - Australian Border Force (ABF)**

The **ABF representative's** update to ITRF Members included:

- ABF activities to address circumvention of dumping duties, including: capturing incorrectly classified goods; and targeting attempts to use transshipment to conceal goods subject to dumping and countervailing duties.
- Statistics on positive dumping detections including countries of origin and types of goods.
- Revenue Analysis Unit activities including on steel pallet racking, aluminium extrusions, and quenched and tempered steel plate.
- The ABF's future work to strengthen its targeting of the evasion of dumping duties.

#### Q&A

- In response to a question about the ABF goods compliance update, the ABF has since confirmed the ABF Goods Compliance Update is issued three times a year.

#### **Action items:**

5. ITRF Secretariat to circulate the ABF Goods Compliance update to ITRF Members for their information.

#### **Agenda Item 5 – Anti-Dumping Review Panel**

**ADRP representatives** presented to ITRF Members on the Panel's: caseload volumes and timeframes; trends and changes over time in the Panel's work; challenges being experienced by users of the system; improvements in its practice; and the implications of judicial review.

## **Agenda Item 6 – Terms of Reference – update and discussion**

The acting **Commissioner** introduced the revised draft Terms of reference. The ITRF Secretariat has sought to capture the views of Members who suggested a ‘minority report’ model, to represent the full range of Member views. The ITRF Secretariat has produced a model for decision making that includes the opportunity for Members to provide statements setting out their views if they do not fully support the findings, advice and/or recommendations of the ITRF to the Minister.

The acting **Commissioner** said that the proposed Terms of Reference provided a clear path for ITRF Members to provide recommendations and views to the Minister, while preserving space to represent the range of views that Members bring to the table. On proxies, the proposed Terms of Reference clarifies the role of proxies in the ITRF and the procedures for their appointment.

ITRF Members discussed the Terms of Reference and agreed to provide their feedback in the next two weeks, with a view to holding another ITRF meeting within 4 to 6 weeks to focus on the Terms of Reference.

### **Action items:**

6. ITRF Members to provide feedback to the ITRF Secretariat on the draft Terms of Reference by no later than 13 June 2024.
7. ITRF Secretariat to schedule an ITRF meeting to be held in 4 – 6 weeks to discuss the Terms of Reference. (all Action items are at **Attachment B**).

## **Agenda Item 7 – Next meeting and closing remarks**

The acting **Commissioner** thanked Members for their attendance and advised that the ITRF Secretariat would be in contact with Members about scheduling the next ITRF meeting.

## Attachment A –Attendee list

### Anti-Dumping Commission

<b><i>In-person</i></b>
<ul style="list-style-type: none"><li>- Esther Harvey, Acting Deputy Commissioner, Strategy and Operations</li><li>- Mayuran Jeyarajah, Acting Deputy Commissioner, Investigations</li><li>- Jason Fitts, Director, Outreach and Engagement</li><li>- Cameron Just, Assistant Director, Outreach and Engagement</li><li>- Karen Anderton, Executive Support Officer</li></ul>
<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Isolde Lueckenhausen, Acting Commissioner</li><li>- Ivan Parrett, Director, Operational Policy and Practice</li><li>- Sarah Salter, Senior Engagement Officer, Outreach and Engagement</li></ul>

### Non-government members

<b><i>In-person</i></b>
<ul style="list-style-type: none"><li>- Ross Becroft, Principal, Law Council of Australia</li><li>- Mark Cain, Chief Executive, Australian Steel Institute</li><li>- Marc Cousins, Manager, International Trade Affairs, Bluescope Limited</li><li>- Matt Condon, Manager Trade Development, InfraBuild Steel</li><li>- Richard Hyett, Director of Policy, Australian Forest Products Association (new representative)</li><li>- Louise McGrath, Head of Industry Development and Policy, Australian Industry Group</li><li>- Thomas Mortimer, Australian Workers' Union</li><li>- Travis Wacey, National Policy Research Officer, Construction, Forestry, and Maritime Employees Union</li></ul>
<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Dillan Amin, Director, Global Trade, Rio Tinto (new representative)</li><li>- Chris Barnes, Head of Business Development and International Affairs, Australian Chamber of Commerce and Industry</li><li>- David Buchanan, Chief Executive Officer, Australian Steel Association</li><li>- Malcolm Hart, Senior Manager, Global Projects, Orica</li><li>- Luke Hawkins, Divisional General Manager, Capral Limited</li><li>- Marghanita Johnson, CEO, Australian Aluminium Council</li><li>- Corné Kritzinger, CEO, Oceania Glass</li><li>- Bernard Lee, Director, Policy and Regulation, Chemistry Australia</li><li>- Brad Leonard, Manager Border and Biosecurity, International Forwarders and Customs Brokers Association of Australia</li><li>- Steve Murphy, National Secretary, Australian Manufacturing Workers' Union</li><li>- Chad Uphill, Director, Chad Uphill Trade Advisory (on behalf of Bluescope Limited)</li><li>- Alexander Uskhopov, Lawyer, Rigby Cooke Lawyers (on behalf of the Food and Beverage Importers Association)</li><li>- Russell Weise, Director CGT Law (on behalf of the Freight Trade Alliance)</li><li>- Harry Young, Senior Policy Officer, National Farmers Federation</li></ul>

### Anti-Dumping Review Panel

<b><i>In-person</i></b>
<ul style="list-style-type: none"><li>- Pouyan Afshar, Senior Member</li><li>- Jaclyne Fisher, Panel Member</li></ul>
<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Talitha Robertson, Senior Secretariat Officer</li></ul>

## Department of Industry, Science and Resources

<b><i>In-person</i></b>
<ul style="list-style-type: none"><li>- Julia Pickworth, Deputy Secretary, Industry and Commercialisation Group</li><li>- Leah Wojcik, General Manager, Industrial Net Zero Transformation Branch</li></ul>
<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Karl Brennan, Manager, Anti-Dumping Policy Section</li><li>- Matthew Deady, Manager, Trade Programs, Trade Policy and Programs Section</li><li>- Sanjay Sharma, Manager, Tradex Scheme, Trade Policy and Programs Section</li><li>- Lachlan Kelley, Assistant Manager, Anti-Dumping Policy Section</li><li>- Julian Stockwell, Assistant Manager, Anti-Dumping Policy Section</li><li>- Maria Themistocleous, Assistant Manager, Anti-Dumping Policy Section</li></ul>

## Australian Border Force

<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Mark Lang, Inspector, Trusted Trader and Compliance Branch</li></ul>

## Department of Foreign Affairs and Trade

<b><i>In-person</i></b>
<ul style="list-style-type: none"><li>- Andrew Jacenko, Assistant Secretary, Goods and Market Access Branch</li><li>- Alan McGuinness, Director, Market Access and Trade Remedies Section</li></ul>
<b><i>Virtual</i></b>
<ul style="list-style-type: none"><li>- Natalie Daalder, Director, Subsidies and Trade Remedies Law Section</li><li>- Rachel Price, Director, Trade Disputes and Litigation Section</li></ul>

## Apologies

<ul style="list-style-type: none"><li>- Australian Council of Trade Unions</li></ul>
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## **Attachment B – Action items**

1. The Sub-committee to consider next steps and options for forwarding proposals to the Minister mindful of the discussion on Agenda Item 6 on the Terms of Reference.
2. If the Sub-committee decides to propose a further discussion on Early Harvest reforms with the entire ITRF, the ITRF Secretariat will organise an additional ITRF meeting.
3. The commission to provide more detail at the next ITRF meeting regarding case lengths.
4. The commission to update its website with a disclaimer to clarify reporting available on its cases.
5. ITRF Secretariat to circulate the ABF Goods Compliance update to ITRF Members for their information.
6. ITRF Members to provide feedback to the ITRF Secretariat on the draft Terms of Reference by no later than 13 June 2024.
7. ITRF Secretariat to schedule an ITRF meeting to be held in 4 – 6 weeks to discuss the Terms of Reference.