

15 July 2025

Anti-Dumping Review Panel Secretariat  
Chief Counsel and Integrity Division  
Department of Industry, Science and Resources

**Via email:** [ADRP@industry.gov.au](mailto:ADRP@industry.gov.au)

Dear Secretariat

Thank you for the opportunity to provide feedback on the proposed practice change concerning data provision. Unions and many others with a stake in the anti-dumping regime have long advocated the publication of a broader range of data in a timelier manner, to assist in analysis of the system's function. This is particularly so in the case of data concerning duty assessments, where non-disclosure has long been the norm. The AWU supports wider and faster data publication in this area, and across the anti-dumping system, to the fullest extent practicable. This is an instance where light is the best disinfectant: Beyond genuine commercial-in-confidence issues, obfuscation can only serve to conceal potential issues and dysfunction.

To this end, we have welcomed signals and early actions taken by the Anti-Dumping Commission in recent months. These notably include changes to the Commission's Monthly Status Report from December 2024, and comments by Commissioner Latina at the June 2025 International Trade Remedies Forum meeting acknowledging insufficient data transparency in relation to the work of the Anti-Dumping Review Panel. Likewise, Minister Ayres' recent statement to the ITRF that he will pursue further reform to the anti-dumping system is a positive signal that government is coming to understand the real and pressing need for change.

This proposal represents a further positive step. Provision of additional information regarding pending applications and ongoing duty assessment reviews undertaken by the Anti-Dumping Review Panel is likely to assist businesses and workers potentially impacted by such activities.

It also signals a welcome change of perspective. First, it suggests an acknowledgement that data access concerning unfair and high-risk import practices can be expanded without breaching legitimate

commercial confidentialities. Second, it suggests a shift away from a minimalist, compliance-driven approach to data provision to one that seeks to optimise the anti-dumping system. The overview of the proposal supplied to the AWU recognises that publication of the data as proposed is not a positive obligation under the *Customs Act 1901*. Yet the Commission nonetheless seeks to proceed given the merits of publication.

In implementing the proposal, we urge the Anti-Dumping Commission to account for feedback provided to the ITRF. Forum members representing important industries at serious risk from dumping provided that the reform should disclose relevant grounds of review, and that it could allow for retrospective data to be published in addition to that concerning prospective reviews. In our submission, these proposals would increase the utility of the practice change without threatening the legitimate interests of importers or other stakeholders.

Moreover, while the proposal does represent a positive step, we caution the Commission and the Commonwealth that it should not be seen as anything more than incremental improvement. We note that the ITRF has advanced its own reforms providing for additional data disclosure in this space, as well as substantive changes to the duty assessment process itself. Most notably, in November 2024, nearly all ITRF members formally endorsed the reform package advanced in the ‘*Strengthening the Anti-Dumping System*’ sub-committee Co-Chairs’ report. This package prominently includes a move to publication of full, non-confidential versions of duty assessment reports. The package endorsed by the ITRF also provides for a shift to annual, rather than ad hoc, assessment of duty assessments accessible by interested parties. Moreover, at the forum’s June 2025 meeting, proposals to further modernise the duty assessment process, advanced in the ‘*Compliance and Anti-Circumvention*’ discussion paper, received a strongly positive hearing.

We contend that the thorough (often repeated) consideration given to many of the above-mentioned measures by the ITRF, and the very firm support members have provided, should provide the Commonwealth with all the impetus and the confidence it requires to proceed with implementation.

But while the current proposal presents as far from a complete solution, the AWU applauds the Anti-Dumping Commission and government for their continued eye on devising positive reforms for local industry and workers. We call for implementation of the proposal - but for it to rapidly be superseded as the first of many larger actions in this area.

We welcome any queries regarding this matter.

Sincerely

Paul Farrow

National Secretary