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Strengthening Australia's Trade Remedies System
https://consult.industry.gov.au/strengthening-australias-trade-remedies-system-consultation-paper

12 December 2025

Dear Minister

Re: Strengthening Australia's Trade Remedies System: consultation paper

The Australian Aluminium Council (the Council) represents Australia's bauxite mining, alumina refining, aluminium smelting and downstream processing industries. The aluminium industry has been operating in Australia since 1955, and over the decades has been a significant contributor to the nation's economy. The Department of Industry, Science and Resources has recently forecast[i] that earnings for Australian exports of aluminium, alumina and bauxite are expected to rise from $18 billion in 2025–26 to $19 billion in 2026–27. More than $14B of this comes from the alumina and aluminium industries, as value adding mineral processing sectors.

The Council welcomes the opportunity to provide input into the modernisation of Australia's trade remedy system and provides feedback on the Consultation Paper (the Paper) in order to ensure the system is fit for purpose and provides a level playing field upon which Australian industry can compete.

The Council strongly supports reforms that will improve the effectiveness of the system, including:
- Allowing the Anti-Dumping Commission (ADC) to amend goods descriptions during investigations, which will reduce costly delays and withdrawals;
- Addressing cross-border subsidies that currently escape countervailing action;
- Treating related exporters as a single group to prevent duty circumvention;
- Implementing streamlined processes for updating duties to reflect changing market conditions through annual reviews; and
- Addressing various other forms of injurious circumvention, reforms of which are being separately progressed through the International Trade Remedies Forum. (ITRF).

The Council equally supports measures to improve timeliness, particularly:
- Delegating routine technical decisions to the Anti-Dumping Commissioner;
- Refining the scope of merits reviews to prevent protracted reinvestigations;
- Providing greater flexibility in investigative timeframes to allow proper prioritisation; and
- Removing the automatic expiry of measures during continuation inquiries.

Reforms to enhance accessibility, especially for SMEs, are also welcome, provided they do not compromise the rigour and effectiveness of investigations.

The consultation paper advises that feedback will inform Government on options for legislative and operational reform, and that reforms will be pursued in tandem with the legislative changes required to transfer responsibility for Safeguard inquiries to the ADC. The announcement in September 2025 that Safeguard powers were being transferred from the Productivity Commission to the ADC represents the most significant reform to Australia's anti-dumping system in recent history. To-date, announcements on the

particulars regarding when the transferring legislation will be drafted and ultimately implemented have been limited. The Council considers that access to the Safeguard trade remedy option under administration of the ADC is of critical and time-sensitive importance to Australian industry and submits that the legislative process to transfer the investigative powers should be prioritised for early calendar year 2026. This should happen irrespective of timing considerations for reforms the subject of this submission.

The Council would be happy to provide additional information on any issues raised in this submission.

Kind regards,

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Aluminium Industry Background

Australia's aluminium industry includes six bauxite mines which collectively produce over 100 Mt per annum making Australia one of the world's largest producers of bauxite. Australia is the world's largest exporter of alumina with five operating alumina refineries producing around 18 Mt per annum of alumina. Australia is the seventh largest producer of aluminium, with four aluminium smelters and additional downstream processing industries including more than 20 extrusion presses. Aluminium is Australia's top manufacturing export. The industry directly employs more than 21,000 people, including 6,600 full time equivalent contractors. It also indirectly supports a further 55,000 families predominantly in regional Australia. The integrated industry contributes around $18 B to Australia's GDP. The integrated nature of bauxite mining, alumina refining, aluminium smelting and extrusion processes in Australia means that efficient and effective regulatory processes for each step are critically important to the ongoing operation of the overall system.

The Council is the peak industry association representing the Australian aluminium industry and represents its Members (Figure 1) as publicly indicated on its website[ii] which includes:

- 3 bauxite explorers;
- 6 bauxite mines;
- 5 alumina refineries;
- 4 aluminium smelters;
- 9 extrusion operators;
- 2 aluminium distributors; and
- 1 associated activity member.

The Council represents the Australian mine to market aluminium value chain and aims to encourage the growth of the aluminium industry in Australia.

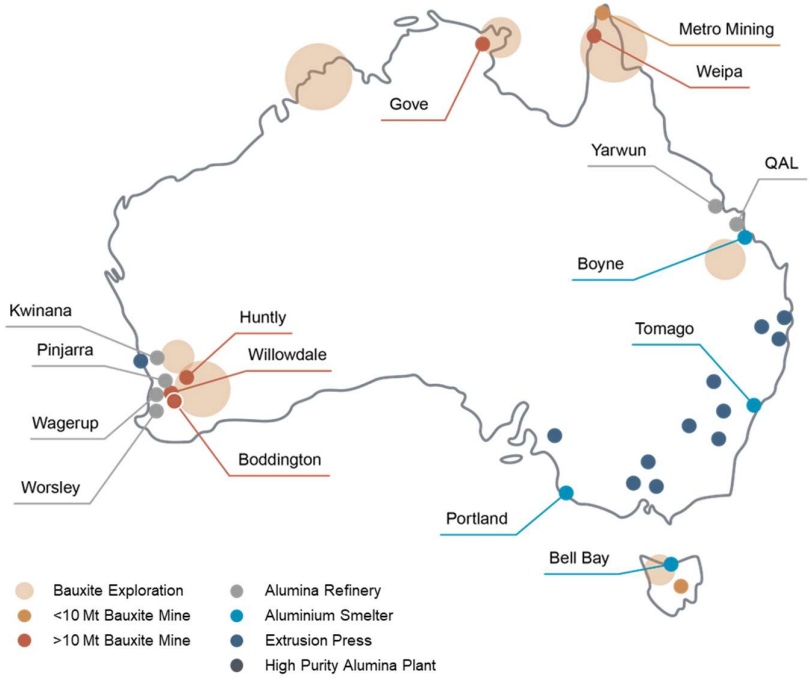

Figure 1. Aluminium Operations in Australia

Aluminium is one of the commodities most widely used in the global transition to a clean energy future[iii]. It is also recognised for its importance to both economic development and low emissions transition. Aluminium use is highly correlated with GDP, so as countries urbanise, per capita use of aluminium increases. It is expected that by 2050, global demand for aluminium will nearly double[iv]. While an increasing proportion will be met

through recycled aluminium, there will still be a need for increased production of primary aluminium requiring a comparable increase in global bauxite mining and alumina refining rates.

The integrated bauxite, alumina, aluminium and downstream industry provides a sovereign capability that increases the value-added contribution to the Australian economy. With products available in Australia, the industry and other sectors are less reliant on primary and extruded aluminium products from international sources. The local production of aluminium lowers logistic risks and improves the competitiveness of the vertically integrated industry and other sectors.

The vertically integrated aluminium industry can provide further sovereign capability and product reliability by minimising the dependency on foreign sourced long-term inputs used in the production of alumina and aluminium. By manufacturing production inputs within Australia, the industry will provide additional value add and employment to the economy.

Notwithstanding the above, unfair import competition in the downstream sectors of the industry is believed to be threatening future production and community outcomes. Downstream sectors of the industry are exposed to foreign competitors, that at times sell below the price of production. The Australian importation of extruded and fabricated aluminium has increased with the dumping of aluminium products that have subsidised production costs. The importation of extruded and fabricated aluminium from foreign sources that hold production subsidies reduce the market share of domestic producers. A reduction in the market share for domestic producers will reduce revenue, preventing future investment and production levels. As a result, the community will receive lower levels of value and reduced sovereign capability.

Australia is a trading nation and the Council recognises that this requires both imports and exports of goods throughout the supply chain. The Council's upstream producers rely on imported fuel, caustic soda and specialty pitch and coke; as well as domestically produced energy to value add to bauxite.

When the import and export exposure of the industry it is worth separating into six sectors:

1. Bauxite – export risk;
2. Alumina – export risk;
3. Primary Aluminium – export risk;
    a) Primary Aluminium Billet – import and export risk;
4. Aluminium Extrusions – import and export risk;
5. Downstream Fabrication – import risk.

Some of Australia's extrusion is produced using imported billet, with Australia importing around 50kt of unwrought aluminium alloy in 2024[1]. Australia's domestic extruders supply around two thirds of the domestic extrusion market, with a further 90 kt of imports in 2024. Australia also imports more than 200 kt of sheet, plate, wire and foil which is not able to be produced using current manufacturing. What is important, is that imports into Australia are a fair price which do not cause material harm to Australia's industry.

The Council supports strong action by the Australian government to protect against cost subsidised imported aluminium extrusions. This should include strengthening trade remedy measures to better protect domestic industries against these practices to ensure free and fair trade.

[1] https://aluminium.org.au/australian-industry/australian-trade-statistics/ , note not all unwrought alloy may be billet.

Response to Consultation Paper

The Council welcomes the modernisation of Australia's trade remedies system to make it more effective, timely and accessible. Trade remedies help prevent harm to domestic industries from unfair practices, like dumping and subsidies, and support the community by promoting fair competition and domestic jobs. Trade remedies applied in a fair and balanced way ensure consumers and industries that use imported products do not unduly face higher prices or reduced product choice.

The Council recognises the need for downstream manufacturers to have diversity of supply and that Australian industry maintaining its competitiveness is a key element of this. The Council supports this diversity of supply, provided it is at fair prices. The Council also notes that downstream fabricators are themselves at material import risk if finished goods are imported below the cost of production, and that would be contrary to Australia's national interests.

The Paper recognises that an effective trade remedies system is essential to safeguarding Australia's sovereign industrial capability. Strengthening the system is important to secure a Future Made in Australia. The integrated nature of bauxite mining, alumina refining, aluminium smelting and extrusion processes in Australia means that efficient and effective regulatory processes, including trade and trade remedies, for each step are critically important to the ongoing operation of the overall system as previously articulated by the Council[v].

The Council welcomes the inclusion of green metals, including alumina and aluminium, in the Government's Future Made in Australia (FMIA) agenda, to ensure these vital industries can continue to benefit communities and workers, as they have done for almost 70 years. These reforms, if well designed and delivered over a transformational time scale, should capitalise on Australia's comparative advantages, support the transition to net zero and strengthening economic resilience and security. This will be achieved through targeted public investment to provide economic incentives that garner private investment at a scale that develops priority industries in line with Australia's national interest. This targeted investment should provide the transitional support needed as Australia's infrastructure and energy systems develop, and energy returns to being competitive.

Recent analysis[vi] undertaken by the Council on the level of interventions in the aluminium industry is consistent with the findings of the Paper. Members navigate increasingly interventionist energy, industry and trade policies across the global arena. Despite Australia's world-class endowment of bauxite, a strong alumina refining base and proximity to Asian markets, the industry has been steadily losing ground over the past 15 years. Global competitors are expanding capacity with state backing, subsidised energy and strategic industrial policies, placing Australia at a clear disadvantage. Australia has relied on commercial cost structures and market-driven investment, leaving its producers exposed on an uneven playing field – and it is now clear that market forces alone are not enough to sustain this sector in the face of state-backed competition. Without decisive action, Australia risks losing not just competitiveness but the foundation of its value-added industry – with significant economic and geostrategic consequences. To safeguard national interests and jobs, the integrated aluminium sector needs urgent, coordinated action across energy, industry, environment, trade and resources policies so Australia can secure its role in global supply chains and continue to deliver significant economic and strategic benefits.

The Council notes that, in the context of the ITRF 'Early Harvest' reforms that both the Council and its Members Capral and Rio Tinto, are represented on the ITRF. These reforms were developed over a number of years and against a different geopolitical background. While the Council supports these measures, it is noted that to achieve the goals of this review will need to go beyond the scope of what was presented at the time.

Options to improve effectiveness of trade remedies

Allowing goods descriptions to be amended:

The Council agrees that new applicants, particularly SMEs, can find it hard to succinctly describe the imported goods that are dumped or subsidised and causing material injury.

1. What evidence and consultation processes should be implemented to ensure amendments of goods description during an investigation are transparent and fair for exporters, importers, and local manufacturers?

Of principle importance is that the applicant for the measures be consulted in the first and all instances. As it is the applicant's responsibility to draft the appropriate goods description, the applicant should maintain the procedural priority for input into any changes. Goods descriptions should only be permitted for amendment for certain trade remedy inquiries (e.g., full investigations, continuations, and reviews) and not others (e.g. accelerated reviews and exemption inquiries).

Evidence and consultation could involve the ADC:

- Requiring written submissions with supporting evidence from all interested parties before any amendment;
- Providing mandatory notification periods (e.g., 14-30 days) for stakeholders to comment on proposed changes;
- allowing electronic public record submission (EPR) responses to ensure all parties can present their case;
- documenting the rationale for any amendment with clear reference to evidence provided (via an EPR File Note); and
- Ensure the investigating authority publishes proposed changes before finalising them (via an EPR Anti-Dumping Duty Note – ADN).

2. Would allowing goods descriptions to be amended inadvertently increase timeframes for cases or create additional complexity for applicants or importers?

Yes, allowing amendments could increase:

- Timeframes: Additional consultation periods, evidence gathering, and review processes would extend investigation deadlines;
- Complexity: Applicants may need to revise injury claims; importers might face uncertainty about which goods are covered; may require re-analysis of industry and trade data; and
- Applicant workload: investigation period updates for dumping/countervailing margins, injury arguments, and appendix data.

Mitigating this could include setting clear deadlines for when amendments can be proposed (e.g., only before preliminary findings) and streamlined review procedures.

3. Where there is evidence that a goods description should change after the imposition of measures, how should this occur to ensure that the description continues to reflect the goods that were subject to investigation?

This could occur by:

- Establishing formal review mechanisms (interim reviews or scope inquiries) triggered by substantiated evidence;
- Requiring applicants to demonstrate the current description no longer captures the investigated goods due to circumvention, product evolution, or drafting errors;
- Mandate consultation with all original interested parties;
- Apply amendments prospectively unless circumvention is proven; and
- Ensure amendments remain consistent with the original investigation's findings on dumping and/or countervailing and injury.

The Scope Determinations inquiry type undertaken by the United States (U.S.) Department of Commerce (DOC) is a relevant precedent here – these inquiries clarify whether specific products fall within an existing anti-dumping or countervailing duty orders as originally issued. Because goods descriptions are written in general terms, the U.S. have deemed scope rulings necessary where interested parties need clarification about

product status or when allegations arise that product changes or assembly location shifts constitute circumvention. Under U.S. law, the DOC may self-initiate scope proceedings or respond to interested party requests, deciding whether a formal inquiry is warranted based on the application. If warranted, the DOC seeks comments from all parties before issuing a determination.

Scope rulings in the U.S. fall into two categories: those determining whether a product was originally intended to be covered based on product descriptions, and those addressing products not explicitly covered but which petitioners believe should be included to prevent circumvention.

Addressing cross-border subsidies:

1. *Are there instances where you have been unable to apply for countervailing inquiries because these involve cross-border subsidies? What were the circumstances of the foreign subsidies?*

No.

2. *Do you see merit in changing Australia's domestic laws to allow cross-border subsidies to be countervailed? Would this create unintended problems?*

Yes, there is substantial merit in changing Australia's domestic laws to enable the countervailing of cross-border subsidies. The current limitation is increasingly problematic as global supply chains become more integrated and foreign governments use strategic subsidisation to support industries operating across multiple jurisdictions.

The merit of addressing cross-border subsidies is reinforced by recent developments at the WTO. In DS616: European Union – Countervailing and Anti-Dumping Duties on Stainless Steel Cold-Rolled Flat Products from Indonesia,[2] the dispute panel examined the European Union's attribution of subsidies provided by the Chinese government to Chinese stainless-steel producers, where those subsidies benefited Indonesian producers who used subsidised Chinese inputs.

The Council does not believe that enabling countervailing action against cross-border subsidies would create significant unintended problems, provided the legislative changes are carefully designed with appropriate safeguards.

Updating duties more efficiently:

The Council agrees that movements in the price of the goods or their key inputs can quickly make measures outdated and ineffective. The current process to update these measures can be cumbersome and slow.

1. *How would a more streamlined process for reviewing and updating duties affect the efficiency and cost of updating measures for industry?*

A more streamlined process for reviewing and updating duties would significantly improve both efficiency and cost-effectiveness for Australian industry. However, the most effective approach to achieving this objective is through implementing a comprehensive system of annual reviews, as proposed in ITRF Early Harvest Reform #1.

2. *How could a streamlined process or mechanism to review and update duties be designed and implemented?*

The design and implementation framework already exists in ITRF Early Harvest Reform #1. This proposal has been extensively developed and refined through ITRF consultation and represents a comprehensive solution that addresses the various questions raised in this consultation paper regarding alignment of inquiry timeframes.

[2] Refer https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds616_e.htm#bkmk616r

3. What potential challenges or risks might arise, and how could these be mitigated to ensure fair and accurate duties?

The potential challenges and risks associated with implementing annual reviews have already been identified and considered through the ITRF Early Harvest reform process. Identified challenges include:

- increased administrative burden: consolidating multiple processes could create intensive annual workload peaks.
- business uncertainty: annual duty adjustments may create uncertainty for importers regarding future costs.
- retrospective liabilities: a "true-up" system means duties are finalised retrospectively, which may impact importer cash flow.
- resource constraints: the ADC would need to manage multiple annual reviews simultaneously.

Mitigation strategies to address these could include:

1. Administrative burden:
- stagger implementation across different product categories to distribute workload. As different measures have different anniversary dates, this may irrespectively happen naturally.
- utilise digital platforms to automate routine calculations and data processing.
- maintain clear guidance and precedents to reduce case-by-case complexity.
2. Business uncertainty:
- provide provisional duty rates shortly following commencement of the review based on provisional review period findings.
- publish clear timetables so all parties can anticipate review timing.
3. Retrospective liabilities:
- maintain security deposit systems to manage cash flow impacts.
- provide clear and timely communication of duty calculations.
- allow reasonable payment timeframes for retrospective adjustments.
4. Resource constraints:
- allocate additional funding to the ADC specifically for annual review implementation.
- develop automated systems for routine calculations and data analysis.
- prioritise high-value or high-risk measures for detailed review, with streamlined processes for lower-risk cases. This could be decided based on previous levels of Australian industry, Australia importer, and foreign exporter cooperation/engagement.
- recognise that retrospective duty collection would assist in finding the additional resourcing requirements.

The benefits of annual reviews, improved duty accuracy, reduced administrative duplication, and better alignment of inquiry types, significantly outweigh the manageable risks. The system is successfully utilised in other jurisdictions, and the ITRF's detailed consideration of these challenges provides a solid foundation for effective implementation in Australia. This reform is essential to achieving the consultation paper's stated objectives of effectiveness, timeliness, and accessibility, and should be prioritised as a cornerstone of the reform package.

Treating related exporters as a single group:

1. How should closely related entities be defined and what evidence is needed to establish a connection between entities?

The Council strongly supports providing the ADC with explicit legislative authority to treat closely related entities as a single group ("collapsing" related exporters). This reform is essential to preventing circumvention of anti-dumping measures through corporate restructuring, and/or devising pricing between parties that are non-arm's length.

Closely related entities should be defined based on criteria that capture substantive control, coordination, and shared commercial interests.

Closely related entities must be defined using robust criteria that capture the full spectrum of substantive control, coordination, and shared commercial interests between parties. The Council submits that the assessment of coordination factors and non-arm's length arrangements should be extended comprehensively to cover related entities and coordinated activities involving Australian companies and not be restricted to foreign entities.

2. Should the ADC be allowed to automatically collapse entities where there's a clear evidence of coordination?
Yes, the ADC should be permitted to automatically collapse entities where clear evidence of coordination exists.

3. What measures can be introduced to monitor and review the effectiveness of the collapsed entity approach, and to address any unintended consequences for local manufacturers, importers, consumers or international trade partners?
Monitoring could include transparent monthly reporting by the ADC, regular reviews by the ITRF, and a comprehensive assessment 2-3 years after implementation, with built-in triggers to prompt adjustments if challenges or new circumvention patterns emerge.

Mitigations against unintended consequences should focus on clear criteria and guidelines to ensure fair application, transparent communication of decisions to all stakeholders, proportionate duty outcomes, and proactive international engagement to maintain compliance with trade obligations and partner relationships.

Modernising and streamlining anti-dumping legislation:
1. Where are there gaps, inconsistencies or ambiguities in Australia's anti-dumping legislation that should be addressed to further support a clear, efficient and WTO-consistent trade remedies system?
The Council believes that existing gaps, inconsistencies and ambiguities in Australia's trade remedy framework are already covered by the Early Harvest reforms and the proposals from the ITRF Compliance and Anti-Circumvention Sub-Committee, and that implementing these reforms should be prioritised.

Options to achieve a more timely trade remedies system:
1. To ensure independent oversight and ministerial accountability, should the minister be the decision-maker for imposing measures following an investigation, the decision maker upon appeal, or both?
The Minister should remain the decision-maker for both: (1) imposing measures following an investigation, and (2) as the final decision-maker following an appeal (merits review).

2. Are there any case types where having the minister as the decision maker is more important?
Yes. Ministerial decision-making is most important for case types with the highest economic significance, longest duration, and greatest trade policy implications – these being original investigations and continuation inquiries.

3. Are there case types or particular decisions that are routine and technical in nature that could be delegated to the Anti-Dumping Commissioner?
Yes. Some case types, such as annual reviews and accelerated reviews, are routine and technical in nature and would be suitable for delegation to the Anti-Dumping Commissioner.

Refine the scope and operation of merits review:
The Council is generally supportive of the current legislative and procedural frameworks that govern merits review in ensuring procedural fairness in Australian trade remedy outcomes. A high level of scrutiny should be applied by ADRP panel members in deciding whether correct and/or preferable decisions were not made in the first instance, and in concluding whether and what new correct and/or preferable outcomes are necessary.

Aligning different inquiry timeframes and functions:

1. Where is there greatest scope to align or combine inquiry types and timeframes and what is the best way of doing this?

The greatest scope for alignment lies in implementing a comprehensive system of annual reviews as proposed in ITRF Early Harvest Reform #1. While other piecemeal alignments may offer marginal improvements, only a structured annualised timetable can truly deliver the efficiency gains and reduced administrative burden that the consultation paper seeks to achieve.

2. Are there any potential risks or unintended consequences from aligning inquiry timeframes and how could these be best managed?

These have been addressed in Early Harvest Reform #1.

3. How would extending the duty assessment cycle to 12 months affect your business operations and planning?

No impact.

4. Would a prescribed application form for all case types create a significant administrative burden for applicants?

No, as applicants and respondents to Australian trade remedy inquires of all types are already accustomed to the administrative requirements of completing prescribed forms.

5. Would your business benefit from the retrospective collection of duties or would this risk cash flow management and inhibit decision-making?

Under the current system, duties are based on prices from investigation periods that may be 12-24 months old, which may not reflect actual dumping margins when measures take effect. Retrospective collection ensures importers pay duties that accurately reflect actual dumping during the export period, providing more effective remedy for Australian industry.

Annual reviews calculate what dumping margins actually were during the assessment period, and these findings set deposit rates for the forthcoming period, creating a responsive system that adjusts to current market conditions and reduces the need for separate reviews. Retrospective collection ensures that when actual dumping is higher than deposit rates paid, the additional duty owed is collected, preventing importers from benefiting unfairly from underpayment; conversely, when actual dumping is lower, importers receive refunds for overpaid duties, ensuring measures remain proportionate and the system maintains credibility while deterring exporters from price manipulation.

Refined Accelerated Reviews:

1. Should timeframes for accelerated reviews be extendable, in line with other legislated case timeframes, and/or should the timeframe be increased beyond 100 days?

Yes, the ADC should have the ability to extend accelerate review timeframes.

2. Should exporters that have previously been subject to a review of measures (regardless of whether they cooperated with the review or not) be eligible to request an individual rate through an accelerated review?

No.

3. Should exporters be required to have already exported goods to Australia, or demonstrate a firm commitment to supply a substantial quantity, before they can apply for an accelerated review?

Yes.

4. Would applying a residual duty rate to new exporters to decrease resourcing pressures on the process still result in a fair review system and balanced trade remedies system?

Yes.

Providing greater flexibility for investigative timeframes:

1. Are existing timeframes appropriate? If not, should they be shorter or longer?

Existing timeframes should be shorter to improve the responsiveness and effectiveness of Australia's trade remedies system. Effectiveness is paramount – expansive inquiry timeframes typically lead to ongoing and intensified material injury when and until measures are imposed.

Shortening timeframes should be achieved through operational improvements, prioritization, and resource allocation rather than extending statutory timeframes, which serve an important accountability function.

Currently, actual timeframes are significantly longer than the statutory 155 days, averaging 462 days for investigations in FY2024-25 (nearly triple the statutory timeframe). This substantial gap indicates that statutory timeframes are not being met consistently, extensions are being used routinely rather than exceptionally, and the system is not operating as efficiently as intended.

2. Do you see a benefit in setting timeframes as a benchmark by which to judge the effectiveness of the trade remedies system?

Timeframe benchmarks are an essential tool for accountability, continuous improvement, and stakeholder confidence. They should be maintained and taken seriously as performance metrics, with transparent reporting on achievement and clear analysis when benchmarks are not met. The focus should be on improving actual performance to meet existing benchmarks, rather than lowering the benchmarks to match current performance.

3. Have there been occurrences when business decisions were affected by the risk of measures lapsing while awaiting the outcome of a continuation inquiry?

Not directly. However. it has been recognised as a risk for Australian industry.

Options for a more accessible trade remedies system

Supporting SME access to trade remedies:

The Council supports reforms that improve anti-dumping system access for small and medium-sized enterprises, which face unique challenges including resource constraints and limited familiarity with complex regulatory requirements that can create significant barriers to seeking legitimate trade protection.

While the Council is unaware of specific SME arrangements in other jurisdictions, the ITRA could be more effective by providing direct, targeted assistance to SMEs through dedicated liaison officers, simplified guidance materials, early-stage case assessments, and proactive outreach to industry associations, which would help level the playing field and ensure legitimate claims receive appropriate consideration regardless of applicant size or resources.

Making the trade remedies system easier to use:

1. How would an automated TCO system or faster duty refunds affect importing operations (e.g. in terms of cash flow, administrative workload, or risk)? Can you foresee any procedural improvements or complications for customs brokers from automating TCO exemptions?

The Council is unable to comment on procedural matters or complications from the perspective of customs brokerage. However, greater automation should result in administrative and process improvements.

2. Should a formal mechanism to advise whether goods are subject to duties be open to submissions? Should there be public notification of the outcomes of goods advices?

Yes.

3. Should a formal mechanism to advise whether goods are subject to remedies be subject to challenge? If so, would the ADRP or another body be best placed to conduct the challenge?

Yes. The ADC would be best placed to conduct the challenge, then possibly subject to merits review.

4. Are there challenges you experienced when applying for an investigation or inquiry with the Anti-Dumping Commission that you think a digital platform would have overcome, particularly for SMEs or first-time applicants?

The Council understands that current application forms are generally fit-for-purpose. Refer above comments regarding SMEs also.

<u>*Other reforms to improve effectiveness, timeliness and accessibility:*</u>

1. What are your views on how the reform options in this paper could be implemented, including interdependencies between reforms?

The reform options presented in this consultation paper are interconnected and should be implemented in a coordinated manner to maximise effectiveness. However, the Council emphasises again that the ITRF Early Harvest and anti-circumvention reforms should form the foundation of any reform package, as they represent the product of extensive multi-stakeholder consultation and address many of the key issues raised in this paper.

2. What other reform ideas not listed in this paper would improve the effectiveness, timeliness and accessibility of the system?

The Government should prioritise implementation of the remaining ITRF Early Harvest reforms that have not been fully addressed in this consultation paper. The Government should also seek to implement the reforms proposed by the ITRF Compliance and Anti-Circumvention Sub-Committee, and consider the previous reforms proposed by the ITRF sub-committee on data access. The Council reiterates that these reforms represent extensive multi-stakeholder consensus and provide ready-to-implement solutions.

3. Are there examples in your industry where lower environmental or labour standards are being used by other countries to produce goods in a manner that distorts prices downward providing an unfair advantage? If so, are there examples of any international standards which could be applied to determine if there is an unfair advantage, and its extent?

The Council does not have experience in this regard, but notes that certain members of the ITRF have recently raised the matter of where foreign exporters can gain an unfair cost advantage by suppressing wages through forced/exploited labour or by ignoring environmental obligations. The Council understands that this issue will be furthered by the ITRF in due course.

References

[i] https://www.industry.gov.au/sites/default/files/2025-06/resources-and-energy-quarterly-june-2025.pdf
[ii] https://aluminium.org.au/about/our-members/
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