



**Australian Government**  
**Anti-Dumping Commission**

Application for a  
review of  
anti-dumping measures

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## APPLICATION UNDER SECTION 269ZA OF THE *CUSTOMS ACT 1901* FOR A REVIEW OF ANTI-DUMPING MEASURES

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In accordance with section 269ZA of the *Customs Act 1901*, I request that the Anti-Dumping Commissioner initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. ☐ **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- ☐ normal value
- ☐ export price
- ☐ non injurious price
- ☐ subsidy

The variable factors review is in relation to:

- ☐ a particular exporter
- ☐ exporters generally

**or**

2. ☒ **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

- ☒ the dumping duty notice
- ☐ the countervailing duty notice
- ☐ the undertaking

The revocation review is in relation to:

- ☐ a particular exporter (*if so provide name and country details*)
- ☒ exporters generally

### NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

## DECLARATION

I believe that the information contained in this application:

- provides reasonable grounds for review of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:

Name:

Position:

Director

Company:

Global Procurement Pty Ltd

ABN:

54003432755

Date:

31 March 2015

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### Signature requirements

Where the application is made:

*By a company* - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

*By a joint venture* - a director, servant, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

*On behalf of a trust* - a trustee of the trust must sign the application.

*By a sole trader* - the sole trader must sign the application.

*In any other case* - contact the Commission's client support section for advice.

### Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

**Phone:** 1300 884 159 or +61 2 6275 6066 (outside Australia)

**Fax:** 1300 882 506 or +61 2 6275 6888 (outside Australia)

**Email:** [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Other information is available from the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Small and medium enterprises (i.e., those with up to 200 employees) may obtain assistance, at no charge, from the International Trade Remedies Adviser, employed by Australian Industry Group and funded by the Australian government. To access this service, visit [www.aigroup.com.au/traderemedies](http://www.aigroup.com.au/traderemedies) or telephone (03) 9867 0267.

### Required information

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (eg are you concerned with the exportation of the goods, the importation of the goods, or part of the Australian industry, or acting on behalf of the Government of an exporting country).
5. Provide details of the current anti-dumping measure(s) the subject of this review application, including:
  - tariff classification
  - the countries or companies

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	<ul style="list-style-type: none"><li>- specified date of publication of the measure</li></ul>
<b>Applications for review of variable factors</b>	<p>6. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.</p> <p>If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:</p> <ul style="list-style-type: none"><li>• the factor(s) you wish to have reviewed;</li><li>• the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and</li><li>• in your opinion the causes of the change and whether these causes are likely to persist.</li></ul>
<b>Application for a revocation review</b>	<p>If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.</p> <p>Include evidence in support of your view that there are reasonable grounds for asserting that the measures are no longer warranted. Refer to the “Guidelines for Preparing an Application for Review of Measures” as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:</p> <ul style="list-style-type: none"><li>• <i>no dumping or no subsidisation</i>: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.</li><li>• <i>no injury</i>: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.</li></ul>
<b>Lodgement of the application</b>	<p>This application, together with the supporting evidence, should be lodged with:</p> <p>The National Manager - Operations Anti-Dumping Commission Customs House 1010 Latrobe St Docklands VIC 3008</p> <p>or</p> <p>Sent by facsimile to <b>1300 882 506</b> or <b>+61 2 6275 6888 (outside Australia)</b></p>
<b>Public Record</b>	<p>During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission’s website at <a href="http://www.adcommission.gov.au">www.adcommission.gov.au</a>.</p> <p>At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application <u>must</u> be submitted. Please ensure each page of the application is clearly marked “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-</p>

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confidential version, contact the Commission's client support section for advice.

**GLOBAL COMPANIES PTY LTD**  
**APPLICATION FOR REVOCATION OF MEASURES**

**REQUIRED INFORMATION**

**Applicant:**

Global Procurement Pty Ltd (GlobalCo)  
Suite 1 Level 3,  
7-9 Merriwa St  
Gordon, NSW, 2072

**Contact person:**

[REDACTED]

Director  
Tel: +61 2 9499 5002  
Fax: +61 2 9498 7395  
Email: marketing@globalco.com.au

**Other parties supporting this application:** N/A

**Applicant's interest:**

GlobalCo is an importer and distributor of preserved mushrooms exported from the Peoples Republic of China (China).

**Details of current anti-dumping measures:**

The goods subject to anti-dumping measures are preserved mushrooms or champignons of the genus Agaricus, whole, sliced or as stems and pieces, in brine, sauce or some other similar preserving medium, packed in containers, including bottles, cans bags, pails and barrels.

**Tariff classifications**

The tariff subheadings and statistical codes subject to measures are:

- Tariff subheading: 2003.10.00
- Statistical code: 87

**Country subject to the notice:**

The People's Republic of China

**Date of publication of the notice:**

Anti-dumping measures were initially imposed by public notice on 12 January 2006 and the measures were last revised on 4 March 2011.

## GROUNDINGS FOR REVIEW

GlobalCo is seeking a review on the grounds that the measures applying to preserved mushrooms exported from China are no longer warranted. GlobalCo requests that the Minister revoke the current measures on the basis that the sole Australian producer of preserved mushrooms, Windsor Farm Foods Pty Ltd (Windsor Farm), has ceased manufacturing preserved mushrooms in Australia and, therefore, there is no longer an Australian industry producing like goods.

To support the statement that there is no longer an Australian industry producing like goods, GlobalCo provides at **non-confidential attachment 1** a media release dated 12 March 2012 by the voluntary administrators of Windsor Farm, Grant Thornton, announcing 'Unfortunately, it has been necessary to cease manufacturing and terminate the workforce without pay.'

Further, the administrators provided an annual report to creditors (**non-confidential attachment 2**) on 4 August 2014, with an update on the progress of the liquidation. In the report the administrators highlight:

- *Liaised with various parties concerning the purchase of the cannery business. Despite receiving expressions of interest from in excess of 30 parties, the liquidators were unable to secure a sale of the cannery as a going concern, and as such the individual assets were sold:*
  - o *Plant and equipment was sold for c. \$453,000 (excl. GST) – the majority of this was sold by Grays Online via an online auction; and*
  - o *Intellectual property in connection with the dry goods business was sold for c. \$12,000 (excl. GST).*

GlobalCo provides the following evidence (<http://www.abc.net.au/news/2013-07-30/nrn-cowra-processing-onfarm/4852342>) which confirms that the plant and equipment referred to in the administrator's report above were purchased by a local beetroot grower.

It is clear then that Windsor Farm, the sole Australian producer of preserved mushrooms at the time of the measures being imposed in 2006 and more recently continued in 2011, no longer undertakes production of like goods in Australia. Further, extensive research into Australia's food processing industry has also failed to show or indicate that any other party or entity produces like goods in Australia.

Therefore GlobalCo contends that there appear to be reasonable grounds for asserting that the anti-dumping measures are no longer warranted. As such, GlobalCo requests the Commission to initiate a revocation inquiry to examine whether there is an



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Australian industry producing like goods, and if satisfied, recommend to the Minister that the notice be revoked generally.

Yours Sincerely

John Bracic



# Grant Thornton

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## Media Release

Issued: 12 March 2012

### Media enquiries to:

Emma Cooney  
National Public Relations  
Manager, Grant Thornton

M 0415 842 801  
T 02 8297 2426  
E [emma.cooney@au.gt.com](mailto:emma.cooney@au.gt.com)

**Voluntary Administrators appointed to Windsor Farm Foods Group Limited ACN 001 249 038, Windsor Farm Foods Pty Limited ACN 003 054 199, Cowra Export Packers Limited ACN 078 850 174, Cowra Cannery Pty Limited ACN 065 370 256 (“the Group”)**

Grant Thornton Recovery and Reorganisation Partners, Trevor Pogroske, Said Jahani and Paul Billingham were appointed Joint and Several Voluntary Administrators of the above Companies on 12 March 2013 pursuant to Section 436A of the Corporations Act 2001.

The principal activities of the Group comprise the canning of food products for the retail and food service industry, and the preparation and distribution of dry food products to the food service industry and manufacturing.

Trevor Pogroske said: “We have been appointed to all the Companies in the Group, including the canning operation in Cowra, as well as the head office and warehouse in Arndell.”

“Unfortunately, it has been necessary to cease manufacturing and terminate the workforce without pay. However, a number of key staff will be retained in order to complete specific orders and to undertake certain financial reviews. Should the company go into liquidation, all employees who have been terminated will be fully assisted to submit their claims under the Fair Entitlements Guarantee (FEG) through the Department of Education, Employment and Workplace Relations,” said Mr Pogroske.

The Administrators will conduct investigations and review the business in an effort to try to sell the business and realise assets for the benefit of all creditors.

“We are holding urgent discussions with various interested parties in relation to the sale of the business. In the meantime, we will be speaking with employees, union representatives, customers and suppliers,” said Mr Pogroske.

A first meeting of creditors will be held in Cowra on Friday 22 March 2013 at 2:00pm. All media enquiries should be directed to Emma Cooney, National Public Relations Manager for Grant Thornton on 0415 842 801 or 02 8297 2426.

- ends -

### About Grant Thornton Australia Limited

Grant Thornton Australia provides audit, tax and advisory services to dynamic, growing organisations and is a single national firm operating from eight offices, with over 150 Partners, more than 1,200 people across Australia and national turnover of AUD \$232 million. Grant Thornton International is the fastest growing international accounting network in the world, with a global turnover of US\$3.7billion and more than 30,000 people and 2,500 partners.

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# Grant Thornton

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To the Recipient as Addressed

Level 17, 383 Kent Street  
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Sydney NSW 1230

4 August 2014

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F +61 2 9299 4445  
E [info.nsw@au.gt.com](mailto:info.nsw@au.gt.com)  
W [www.grantthornton.com.au](http://www.grantthornton.com.au)

Dear Sir or Madam,

**WINDSOR FARM FOODS PTY LTD ACN 003 054 199**  
**WINDSOR FARM FOODS GROUP LIMITED ACN 001 249 038**  
**COWRA CANNERS PTY LTD ACN 065 370 256**  
**COWRA EXPORT PACKERS PTY LTD ACN 078 850 174**  
**(ALL IN LIQUIDATION)**  
**("THE COMPANIES")**

As you are aware Said Jahani, Paul Billingham and I were appointed Joint and Several Liquidators of the Companies on 23 April 2013.

We do not intend to convene an annual meeting of creditors pursuant to s508(1)(b)(i) of the Corporations Act 2001 ("the Act").

Detailed below is an update on the progress of the liquidations for the period from 23 April 2013 to 30 July 2014.

## 1. Conduct of Liquidation

### Asset realisations and trading

- Sold or disposed of all saleable stock on hand at the date of appointment to various third parties. These sales generated c. \$2.3 million;
- Liaised with various parties concerning the purchase of the cannery business. Despite receiving expressions of interest from in excess of 30 parties, the liquidators were unable to secure a sale of the cannery as a going concern, and as such the individual assets were sold:
  - o Plant and equipment was sold for c. \$453,000 (excl. GST) – the majority of this was sold by Grays Online via an online auction; and

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- Intellectual property in connection with the dry goods business was sold for c. \$12,000 (excl. GST).
- Negotiated settlements with a number of suppliers who received preference payments (as at the date of this report these settlements total c. \$198,000 (excl. GST));
- Liaised with various 3rd parties to collect other amounts including monies from Kerry Ingredients Australia Pty Limited pursuant to a Trade Services Agreement, and an insurance claim recovery;
- Liaised with McGrath Nicol who were appointed agent by the National Australia Bank (“NAB”) to collect the debtors over which the bank held security;
- Liaised extensively with various suppliers, utility providers and lessors concerning their ongoing support throughout the liquidation; and
- Sold the land and buildings at 58 North Logan Road, Cowra – the net sale proceeds of c. \$444,000 were distributed to the secured creditor, the NAB.

### Employees

- Engaged employees on a casual basis to assist with customer sales and the wind down of the canning operations;
- Addressed all employee queries concerning their entitlements and the liquidation process;
- Issued separation certificates to all employees upon making staff redundant;
- Calculated outstanding employee entitlements. This involved:
  - (1). A review of the Companies’ books and records; and
  - (2). Liaison with various parties concerning the applicability of the Windsor Farm Foods Group Ltd Redundancy Agreement 2000, including employees, former management, the Australian Manufacturers Workers Union (“AMWU”), the Department of Education, Employment and Workplace Relations that administers the Fair Entitlements Guarantee Scheme (“FEG”), and legal advisors.
- Provided assistance to employees to complete their claim forms and liaised with employees who had not lodged their forms;
- Distributed FEG contributions totalling c. \$3.0 million to employees (less applicable PAYG which was remitted to the Australian Taxation Office (“ATO”)); and
- Prepared and distributed PAYG Payment Summaries for FY14.

### Other

- Responded to creditor queries regarding the status/progress of the liquidation;
- Convened four Committee of Inspection meetings to provide updates to the Committee in relation to the liquidation of Windsor Farm Foods Pty Limited;
- Liaised with legal advisors regarding a range of issues including sale of assets, Personal Property Security Act (“PPSA”) claims, investigations and general advice in relation to the liquidations;
- Liaised with various suppliers concerning their PPSA claims;
- Liaised with various government bodies including food standard organisations and the Cowra City Council;
- Secured the Companies’ books and records, including its electronic files;
- Attended to enquiries from the media; and

- Attended to all statutory lodgements (including lodgement of BAS with the ATO and 6 monthly receipts and payments with the Australian Securities and Investments Commission (“ASIC”)).

## 2. Investigations

The liquidators undertook a detailed investigation into the Companies’ affairs and lodged their reports with ASIC pursuant to s533(1) of the Act.

ASIC subsequently requested the liquidators prepare a supplementary report for Windsor Farm Foods Pty Limited – this was lodged with ASIC on 24 April 2014.

As these reports are confidential I am unable to provide creditors with a copy or details of my findings. ASIC however has advised it does not intend investigating any matters raised in the reports at this stage (albeit it may in the future), and that the liquidators can proceed to finalise the liquidations.

## 3. Receipts and Payments

I enclose a copy of my receipts and payments for the Companies for the period 23 April 2013 to 30 July 2014 as **Appendix A**.

## 4. Remuneration

As detailed in the attached receipts and payments, voluntary administrators’ and liquidators’ remuneration for the Companies totalling \$1,427,504 (excl. GST) has been approved and paid to date. The table below provides a summary of remuneration per entity:

**Windsor Farm Food Group Remuneration Overview as at 30 July 2014 (excl. GST)**

	Windsor Farm Foods (\$) (excl. GST)	Cowra Export Packers (\$) (excl. GST)	Windsor Group (\$) (excl. GST)	Cowra Canners (\$) (excl. GST)	FEG (\$) (excl. GST)	Total (\$) (excl. GST)
Remuneration approved and paid to date	1,258,052	99,915	15,112	14,225	40,200	1,427,504

Detailed records in respect of the work undertaken are available for inspection at the offices of Grant Thornton should creditors wish to inspect them.

## 5. Finalisation

The following matters require completion prior to the liquidations being finalised:

- Liaise with FEG to resolve any outstanding issues in relation to the remaining employees claims;
- Respond to any queries raised by creditors with respect to the finalisation of the liquidations;
- Prepare and issue PAYG Payment Summaries for FY15;
- Finalise any further preference payments settlements;



- Communicate with employees and FEG concerning the dividend process;
- Distribute net circulating assets to priority creditors;
- Convene final meetings of creditors; and
- Destruction of the Companies' books and records.

At this stage I anticipate the above outstanding matters and the liquidations will be finalised by December 2014.

Based on information provided to date, outstanding pre-appointment superannuation totals c. \$73,500 – the liquidators anticipate this will be paid in full from circulating charge asset realisations during October 2014.

The liquidators anticipate the dividend distribution that may be paid during October 2014 to FEG and employees with remaining outstanding entitlements (e.g. if no FEG claim form has been lodged) will be c. 10 cents in the dollar.

The actual distribution paid to FEG and employees will be calculated and paid in accordance with the principles outlined in s556 of the Act.

It is not anticipated there will be a dividend payment to unsecured creditors.

## **6. Contact Details**

Copies of all communications with members and creditors are available at the following web address:

[http://www.grantthornton.com.au/Businessportal/Sydney/Windsor Farm Foods Group.asp](http://www.grantthornton.com.au/Businessportal/Sydney/Windsor_Farm_Foods_Group.asp)

Should you have any queries in relation to the above, please contact Andre Lakomy of our office on (02) 8297 2540 or [andre.lakomy@au.gt.com](mailto:andre.lakomy@au.gt.com).

Yours faithfully

Trevor Pogroske  
Joint and Several Liquidator

Enc.

## **Appendix A**

### Liquidators' Receipts and Payments

**Windsor Farm Foods Pty Ltd (In Liquidation)****Liquidators' Summary of Receipts and Payments for the period 23 April 2013 to 30 July 2014**

Account	(\$) (incl. GST)
<b>Receipts</b>	
Cash balance transferred from Administration period	141,026.88
Pre-appointment accounts receivable	22,579.59
Stock sales	2,297,054.17
Rental income	8,834.42
Plant and equipment sales	499,907.30
Intellectual property sale	13,919.40
Preference payment recoveries	217,140.53
Insurance recovery	43,479.50
Intercompany Loan - Cowra Export Packers	158,549.89
FEG contribution	3,032,699.28
FEG payments to employees and ATO	(3,032,699.28)
Other income	67,502.93
Net GST received	152,419.00
<b>Total receipts</b>	<b>3,622,413.61</b>
<b>Payments</b>	
Appointee remuneration	(1,383,857.42)
Appointee disbursements	(41,450.27)
Agent fees	(98,084.80)
Legal fees	(336,069.62)
Trading supplies	(213,400.56)
Wages, salaries and on costs	(346,322.00)
Utilities	(139,470.42)
Freight	(86,546.60)
Hire & leasing	(67,426.58)
Waste disposal	(65,180.15)
Rent & rates	(44,485.40)
Insurance	(18,656.34)
Secured creditors (fixed): claims	(195,688.00)
Intercompany loan - related entities	(194,131.40)
<b>Total payments</b>	<b>(3,230,769.56)</b>
<b>Net receipts/(payments)</b>	<b>391,644.05</b>



**Cowra Export Packers Limited (In Liquidation)****Liquidators' Summary of Receipts and Payments for the period 23 April 2013 to 30 July 2014**

Account	(\$) (incl. GST)
<b>Receipts</b>	
Sale of land and buildings at 58 North Logan Road Cowra (inc. adj. at settlement)	1,129,620.02
Interest income	9,688.78
Intercompany loan - Windsor Farm Foods Pty Ltd (In Liquidation)	158,549.89
<b>Total receipts</b>	<b>1,297,858.69</b>
<b>Payments</b>	
Appointee remuneration	(109,905.95)
Appointee disbursements	(1,169.17)
Agent fees	(10,450.00)
Legal fees	(212,651.58)
Insurance	(7,671.36)
Land/water rates - Cowra Shire Council	(118,107.21)
Subdivision expenses – Kerry Ingredients	(133,867.70)
Secured creditors (Fixed): Claims	(443,793.00)
Intercompany loan - Windsor Farm Foods Pty Ltd (In Liquidation)	(158,549.89)
Other expenses	(3,887.41)
Net GST paid	(71,128.00)
<b>Total payments</b>	<b>(1,271,181.27)</b>
<b>Net receipts/(payments)</b>	<b>26,677.42</b>

**Windsor Farm Foods Group Limited (In Liquidation)****Liquidators' Summary of Receipts and Payments for the period 23 April 2013 to 30 July 2014**

Account	(\$) (incl. GST)
<b>Receipts</b>	
Intercompany loan - Windsor Farm Foods Pty Ltd (In Liquidation)	19,419.91
Net GST received	520.00
<b>Total receipts</b>	<b>19,939.91</b>
<b>Payments</b>	
Appointee remuneration	(16,622.65)
Appointee disbursements	(2,797.26)
<b>Total payments</b>	<b>(19,419.91)</b>
<b>Net receipts/(payments)</b>	<b>520.00</b>

**Cowra Cannery Pty Limited (In Liquidation)****Liquidators' Summary of Receipts and Payments for the period 23 April 2013 to 30 July 2014**

Account	(\$ (incl. GST)
<b>Receipts</b>	
Intercompany loan - Windsor Farm Foods Pty Ltd (In Liquidation)	16,161.60
Net GST received	449.00
<b>Total receipts</b>	<b>16,610.60</b>
<b>Payments</b>	
Appointee remuneration	(15,646.95)
Appointee disbursements	(514.65)
<b>Total payments</b>	<b>(16,161.60)</b>
<b>Net receipts/(payments)</b>	<b>449.00</b>