

To whom it may concern,

Non-Confidential Correspondence

In response to the Statement of Essential Fact finding report dated March 3rd 2014 we find the summary and recommendation unreasonable, as we believe that we have been both cooperative and accommodating throughout the review period. We have through Ms. Susan Danks earlier requested the Commission to extend the review period allowing the Commission to evaluate all information relevant to the case. We kindly ask the Commission to acknowledge receipts and consider Ms. Susan Danks' email dated February 26th 2014 outlining the process as perceived by us as well.

It is notable that the Commission also indicates on page 4 of the SEF229, that not enough information has been provided, yet not considering the facts as stated by Ms. Susan Danks i.e. requesting extensions and acknowledging that some delays have also been caused by the Commission, such as using wrong addresses, not considering both public holidays in both China and Australia as well as considering the sheer volume of the requests made. We have had the best intentions to accommodate the Commission on forwarding the material but given the short response times and failed correspondence, we have not been given the opportunity to rectify and forward information as requested within reasonable time frames. We also refer to earlier cases (ref. Brumby review Nov. 2012) that other companies have received up to 295 days extended review periods, ensuring both applicants as well as the Commission to consider all relevant information.

We acknowledge that there is an Australian Industry producing like goods, but the Commission is requested to investigate the type of products in question further. Aluglass Australia, who has been doing business with Alnan for almost 7 years, always design their own extruded sections, specific to the Glazing industry, and the tools made to produce them are manufactured in China at their expense. Companies such as Capral Aluminium have similar systems in place, i.e. they are a direct competitor of Aluglass Australia, so transferring the manufacturing of such extrusions to Capral is not an option due to intellectual property, confidentiality rights and costs involved in unnecessarily re-making dies for those sections. Capral's fight against and interest in Aluglass' application seems out of proportion considering Aluglass is only a local distributor with only a few clients for their systems and not a threat to a national company, on the contrary it is a company securing jobs in outback Australia.

It is unreasonable that Alnan Aluminium and Aluglass Australia, should not be allowed to have all information and details included in the submission and we must insist that the Parliamentary Secretary, as referred to in SEF229 - page 7, consider either extending the review period sufficiently allowing Alnan and Aluglass to respond and forward all information as requested, or as a minimum allow us to submit this week all documentation prepared since Director Reid's letter dated February 19th 2014 rejecting further submissions, despite several requests made on extensions.

The Commission also acknowledges Capral's late submissions (SEF229 - page 14) and indicates that it will be considered prior to the final report being made, i.e. Alnan Aluminium should be allowed the same opportunity.

We trust you all agree to our reasonable request and look forward to your receipt acknowledgement of the attached emails, material and submissions as requested. We believe it should allow the Commission to make a final recommendation to the Parliamentary Secretary

based on all information available and not letting time frames decide the future of Alnan and Aluglass. We do appreciate all your understandings.

Please see below details of how we have addressed the below deficiencies as listed by the AD commission, both in our original submission and in subsequent correspondence:

SEF229 page 12, item 4.2.1:

• the public file version of the questionnaire response was insufficient in accordance with the requirements of s.269ZJ(2) of the Act in that large sections were redacted without any summary of the information redacted;

We submitted a version of the public file questionnaire to customs with our initial submission on the 8th of January which we believed in good faith would given any third party an understanding of the nature of our claims and the case. For our submission on the 8th of January, we considered the information subsequently requested by the commission in its discrepancy list to be confidential information, and therefore did not include it in the initial submission. Upon notification that this was considered inadequate by the Commission, we then submitted an amended document on Thursday the 20th of February to the Commission. Our non-confidential submission contains potentially confidential information relevant to a number of parties, and we needed time to secure their consent.

• supporting documentation was not in English and required translation;

We began translation of submitted documents as soon as possible upon receipt of the deficiency list from the commission when we returned to work after Chinese New Year. Chinese New Year is a long and disruptive holiday for Chinese businesses - we are no exception, nor is our translation company. This led to delays in completing the requested translations. The Wednesday the 15th of January requests for further information email was sent to the wrong e-mail address and it was never received by us. It was finally received by Susan Danks on the 30th of January - at which time our factory had just closed for Chinese New Year. We returned to normal work from the 10th of February onwards. This mistake by the AD Commission made it impossible for us to get the work done within the timeframe set by the AD Commission, and for our contractors to get the work done on such short notice directly after a long holiday.

• delivery and payment terms for each transaction were not identified;

Delivery and payment terms for each Australian transaction during the review period was identified and supporting documentation provided. For domestic sales, the volume of data is enormous and it is prohibitive for us to provide information for each and every domestic transaction. For this reason we requested the Commission provide advice on how to best provide this information in a way which was not overly onerous to our business - we have received no response to date. We provided a complete list of domestic sales by client and by surface treatment of aluminium extrusions for the review period. Information of a large and representative number of domestic transactions was provided on the 20th of February.

• there was no explanation of levels of trade;

This information was provided in our e-mail to the AD Commission, sent by Susan Danks, on the 20th of February. Information was also contained in our 8th January submission on page 38.

• there was no explanation of proportional differences between sales volumes and values for different customers;

This information was provided in our e-mail to the AD Commission, sent by Susan Danks, on the 20th of February.

• there was no explanation of packing charges; and

Page 34 of our confidential submission of the 8th of January (Australian sales), page 28 (Domestic) contain information regarding packing charges. Further information clarifying AD Commissions deficiency list questions (for questions relating to the domestic sales spreadsheet) was provided in our e-mail to the AD Commission, sent by Susan Danks, on the 20th of February.

• supporting exhibits provided in email number 27 of original submission were missing.

According to the records of our advisor Susan Danks, this e-mail was received by the commission.

•In addition, the Commission identified significant inconsistencies in the turnover and sales information presented. It asked Alan to explain why the sales data provided in the domestic and export sales spreadsheets did not reconcile to the turnover spreadsheet.

This information and clarification is included in our e-mail of the 17th of February sent to the AD Commission by Eighth Bridge Pty Ltd on our behalf. Reconciled spreadsheets were provided to customs at this time. E-mails from Susan Danks on the 20th of February again contained this information.

Other areas we wish to directly address in the SEF are:

Section 4.3 Late Submission

We find it to be grossly unjust that a submission by Capral on the 26th of February 2014, received after the date when we responded to the overwhelming majority of deficiencies listed (20th of February 2014) in the SEF will be considered prior to the final report being prepared. Errors in correspondence by the AD Commission, compounded by busy holiday periods in Australia and China made information timelines impossible for us to manage.

4.4 Export Price

Our e-mails on the 17th of March include details reconciling the financial reports to our sales records. Further information was again sent on the 20th of March. We submit that the information provided to customs is an accurate reflection of the costs of manufacture and sale of relevant aluminium extrusions.

4.6.2 Current Review

For Preferential Income Tax Programs, Grants and Preferential Policy programs, we requested the Chinese language names of the programs listed on the questionnaire so as to ensure an accurate response to this section. We were told by customs that this could not be provided, and had to rely on English name translations of domestic Chinese programs to try to match with our lists of benefits received. Our disclosure of benefits received was complete in our January 8th submission and provided in good faith.

Grants and Preferential Policy Programs

The AD Commission has stated that in order to properly assess the claims of Alnan, further clarification would be required with the Government of China, of which there was insufficient time to do so. It is unjust that our full and complete disclosure for this section to the Commission has led to the finding that more time than is available in the review would be required to properly review our submission.

And we will send all the submissions again in the following emails.

We look forward to your writing confirmation of receipt of this correspondence, and early reply.

Kind regards,



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