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7 November 2016

The Director  
Operations 4  
Anti-Dumping Commission  
GPO Box 1632  
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Our ref: RXW  
Your ref: ADC 355

By email: [operations4@adcommission.gov.au](mailto:operations4@adcommission.gov.au)

**Attention Mr Jukka Mantynen**

Dear Mr Mantynen,

**Submission – Definition of excluded goods**

We act for Geelong Holdings Limited (**Geelong**) and its related parties.

We refer to the submissions by Summit Select Pty Ltd (**Summit**) dated 30 September 2016 and 31 October 2016 which in part address the meaning to be given to the terms “industrial shelving” and “slotted angle shelving” in Summit’s application for dumping and countervailing duties on certain steel shelving.

The meaning of these terms was addressed by Geelong in its submission dated 18 August 2016. This submission is to be read in conjunction with that earlier submission.

**1. Industrial shelving**

Geelong agrees with the assertion by Summit that the term “industrial shelving” includes heavy duty shelving and that shelving with a per shelf load weight limit of 200 kg or above is heavy duty shelving. However, Geelong believes that the term “industrial shelving” also includes each of the following:

- a) Heavy duty shelving with a weight load limit of less than 200 kg;
- b) Steel shelving suitable for use in an industrial setting; and
- c) Steel shelving that is industrial in appearance.

It is submitted that shelving made from galvanised steel will in most cases fall within the definition of “industrial shelving” due to its industrial appearance.

It is naturally difficult to precisely set a per shelf load weight limit that is characteristic of heavy duty, or “industrial”, shelving and, by contrast, a weight limit of shelving that is not industrial. It is submitted that a 50 kg per shelf load is not characteristic of heavy duty shelving and that 200 kg per shelf weight limit is clearly characteristic of heavy duty shelving. Within those ranges it is also contended that it is unlikely that there would be a domestic use of steel shelving that would necessitate a per shelf weight load in excess of 100 kg.

This reason alone supports the view that shelving with a weight loading of 100 kg or above is heavy duty shelving and should be considered to be “industrial shelving”.

Summit has expressed the opinion that Geelong's interpretation of the term "industrial shelving" is illogical. This largely seems to be on the basis that Geelong asserts an interpretation that would render Summit's application largely ineffective. It is contended that a term in the description of the goods under consideration cannot be given an unnatural meaning simply to accommodate the Australian applicant.

An interpretation of the term "industrial shelving" which covers much of what is produced by Summit does not become illogical simply because it is inconvenient for Summit. Similarly, the term "industrial shelving" cannot be defined by what is produced by Summit or what is imported by Stormor. The ADC should not look at Summit's motives for including certain exclusions to the goods under consideration when interpreting the meaning of those exclusions.

On page two of its 30 September 2016 submission Summit argues for a "logical and ordinary" meaning of the term "industrial shelving". Given the broadness of the term "industrial shelving", it is submitted that a logical and ordinary meaning of the term should reference appearance, strength and potential uses of the relevant goods. There is nothing in the wording used by Summit which supports the narrow interpretation it advances for the term "industrial shelving". It has advocated for the term to cover only one type of "industrial shelving" (heavy duty) when there is nothing in the words "industrial shelving" which carries this limitation.

## **2. Slotted angle shelving**

Geelong maintains its submission that the term "slotted angle shelving" covers the goods manufactured by Summit. Summit contended in its 31 October 2016 submission that the term "slotted angle steel" has an accepted industry meaning in Australia. What this accepted meaning is was not put forward by Summit. We request that it provide its contended meaning and evidence that the meaning is clearly accepted.

We presume Summit contends that the meaning of "slotted angle steel" is the meaning given to the term in Summit's application. That meaning was "steel strips with holes punched in them with a right angle bend down the middle".

If this is in fact the industry meaning, it is hard to see how this is not a precise description of the steel used to manufacture nut and bolt and boltless shelving.

In its 31 October 2016 Summit provided a confidential exhibit which consisted of internet searches purportedly supporting its definition of "slotted angle shelving". We have not been able to produce internet searches that support the narrow definition of "slotted angle shelving" proposed by Summit. In these circumstances, we request a copy of the Summit internet search provided with its 31 October 2016 submission, or an explanation of how an internet search can contain confidential information.

An internet search of "slotted angle shelving" limited to Australian sites shows a wide variety of shelving with the only consistent theme being that the legs are made from steel strips with holes punched in them with a right angle bend down the middle. This is the case with the vast majority of nut and bolt and boltless shelving.

We encourage the ADC to review the images from the below search of Australian website in respect of the term slotted angle shelving.

[https://www.google.com.au/search?q=slotted+angle+shelving+site:.au&as\\_st=y&hl=en&biw=1920&bih=967&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjL9Z-hI47QAhULx7wKHa-ACLsQ\\_AUICCGB&dpr=0.8#imgrc=\\_](https://www.google.com.au/search?q=slotted+angle+shelving+site:.au&as_st=y&hl=en&biw=1920&bih=967&source=lnms&tbm=isch&sa=X&ved=0ahUKEwjL9Z-hI47QAhULx7wKHa-ACLsQ_AUICCGB&dpr=0.8#imgrc=_)

There is no one accepted Australian meaning of slotted angle shelving and, as a result, the words must be given their ordinary meaning. The only meaning offered by Summit describes the goods imported by Geelong and other importers.

Please contact us if you have any questions.

Yours faithfully  
**Hunt & Hunt**



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