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Your Ref:

10 October 2013

The Director
Operations 1
Anti-Dumping Commission
5 Constitution Ave
CANBERRA ACT 2601

NON-CONFIDENTIAL VERSION – FOR PUBLIC RECORD

Dear Sir/Madam

Re: Dumping Investigation ADC 219 – Power Transformers exported from China, Indonesia, Korea, Taiwan, Thailand and Vietnam
Submission by Importer – Origin Energy Resources Limited as upstream operator for and on behalf of Australia Pacific LNG Pty Limited (ABN 68 001 646 331) (“Origin”)

We act for Origin in relation to this dumping investigation.

Origin's Profile concerning the Goods under Consideration

Australia Pacific LNG Pty Limited (ABN 68 001 646 331) (APLNG) is an incorporated joint venture between three shareholders with interests that include a coal seam gas (CSG) to liquefied natural gas (LNG) development in central Queensland consisting of three key parts:

1. further development of CSG fields in the Surat and Bowen Basins in south-west and central Queensland;
 2. construction of a 530km gas transmission pipeline from the CSG fields to an LNG facility on Curtis Island off the coast of Gladstone, Queensland; and
 3. construction of an LNG facility on Curtis Island to convert CSG to LNG for export to overseas markets,
- (the APLNG Project).

Origin as upstream operator of the APLNG Project has entered into a goods supply contract with

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Siemens Ltd (ABN 98 004 347 880) to supply a number of specifically designed power transformers (Power Transformers) for the APLNG Project. These Power Transformers are manufactured in the supplier's facilities in China and exported to Australia. Under the goods supply contract, APLNG is the nominated importer for customs purposes.

The Power Transformers procured by Origin are integrated into the APLNG Project as a component of the upstream gas processing facilities which are located within the CSG fields.

APLNG submits that there are a number of significant problems with the applicant, Wilson Transformers, initiating this dumping investigation. The Anti-Dumping Commission (ADC) in examining this complaint will face a number of difficulties in establishing that any dumping of Power Transformers has occurred or caused any material injury to the local industry. Origin details key points below for the ADC to consider during its investigation.

Allegations of Dumping for Power Transformers supplied under Formal Tender

Origin procured the Power Transformers supplied to the APLNG Project by way of a formal global market tender conducted in late 2010 and early 2011. The Power Transformers requested through the tender process were of particular design specifications based on their intended use within the facilities in which they are to be located.

[DELETED – SUMMARY OF POWER TRANSFORMER PROCUREMENT TENDER PROCESS]

[DELETED – INFORMATION ABOUT CONTRACT AWARDED UNDER TENDER]

The bespoke requirements of design and functionality set out by Origin for these particular Power Transformers and the tender processes described above, would of themselves, make it very unlikely for a foreign exporter to consider selling these goods at less than the normal value in their home market. Notwithstanding the facts stated above, if elements of dumping were to occur, the local industry would need to demonstrate that it would have won the tender if the exporter had not sold the goods at dumped prices to a buyer in Australia. Logically therefore Wilson Transformers and other local producers will be required to prove that in each project that it participated in between 1 July 2011 and 30 June 2013 as a tendering party, in the absence of the alleged dumping they would have successfully been awarded the tender.

This evidentiary task is difficult for the local industry to establish through the ADC investigation process because it will have to show that all the bidders who participated in the tendering process and who would have been chosen ahead of the complainant or other local producer were also dumping. This assessment would involve examining the relative prices of every tenderer. In addition, the complainant would have to demonstrate that each tender was awarded solely or principally based upon competing prices, which in relation to the APLNG Project, is not the case. **[DELETED – SUMMARY OF TENDER EVALUATION CRITERIA]**

There is also the issue of the lack of a nexus between a party missing out on a tender and the time of importation of goods. The importation usually will occur between one and three years after the contract is awarded. As such, any injury may be said to pre-date the importation of goods, which is the reverse of the usual position.

Further, any analysis of causation must take into account the fact that there is unlikely to be a stable market for the supply of Power Transformers in Australia in the same way as there is a market for commodity type products, such as glass, packaging and base metals, which frequently are the subject of dumping investigations. Should there be a significant decline in resources projects or in capital investment in electricity networks then various suppliers of Power Transformers may suffer injury. It would not be any dumped imports necessarily causing injury to local producers but rather a case of a lack of projects to tender on.

Given the nature of Origin's tendering process in the APLNG Project for the Power Transformers, it is highly unlikely that any dumping occurred or if any dumping did in fact occur, that any alleged material injury was caused by such dumping.

General Criticisms of the Application of Wilson Transformers

Construction of Normal Values and Export Prices

We note that in section B-4 of the complaint, that Wilson Transformers has constructed Normal Values using a deductive method whereby it starts with Wilson Transformer's sale price offered in Australia and then makes a number of adjustments. Starting with the sale price that Wilson Transformers has bid for Power Transformers is an unreliable and erroneous method as it may bear little or no relationship to Normal Values. Further, taken at face value, there are at least 11 adjustments upwards or downwards to arrive at a notional Normal Value. This is the basis on which Wilson Transformers has claimed the existence of an average dumping margin of 34.6 percent for China and between 8.4 and 48.8 percent across the 6 export countries being investigated. This method is therefore extremely unreliable because many parts of the deductive calculation are likely to be based upon incorrect or insufficient information or false assumptions about the cost of production or profit margins in the countries of export.

It is important that the ADC adopt a more reliable method to establish Normal Values. Ideally Normal Values should be based upon domestic sales of like goods. This is frequently the simplest valuation method that is less subject to variances that may apply to constructed valuation methods. If sales of like goods cannot be established then an alternative method such as cost to make and sell based on information provided by foreign exporters and then factoring in adjustments to arrive at a fair comparison should be utilised. The ADC has already acknowledged in section 7.6.1 of the Consideration Report that this deductive approach to establishing normal values is only suitable for its assessment of prima facie evidence of dumping and that other methodologies will be explored during the investigation. The criticisms of the

calculation of Normal Values can equally be applied to the method by which export prices have been calculated as described in section B-2 of the complaint.

Claims of Material Injury

It is incumbent upon the ADC to thoroughly investigate the claim that Wilson Transformers has suffered material injury. In part A-8 of its complaint, Wilson Transformers lists declining market share, reduced tender margins and lost sales as the principal indicia of its claim of material injury. If established, decline in market share by Australian producers may be due to a multitude of factors and the ADC would need to examine the complainant's own cost structures and financial position. We are instructed that Wilson Transformers is a successful business that has won a number of tenders in recent years to build Power Transformers, distribution transformers or similar equipment. This includes the supply of Power Transformers to at least two major resources projects in Queensland being the QCLNG and GLNG projects, which are very similar to the APLNG Project.

Further, we understand that Wilson Transformers has also expanded its production facilities, revenues and workforce in recent years. We **attach** some information marked 'Attachment 1' concerning the profile and recent activities of Wilson Transformers, which cites this company as having annual sales exceeding \$250 million and employing over 700 people. In a submission to the Productivity Commission in 2000, which forms part of the attachment, Wilson Transformers indicated as having annual sales of \$70 million and employing 280 people.

Assessment of Injury from Multiple Countries

We note from the tables relied upon by Wilson Transformers in Part B of the complaint that the incidence of dumping claimed, both by volume and value, for each country under investigation varies significantly in each financial year, and in particular between the 2011/12 and 2012/13 financial years. It is therefore imperative that the ADC thoroughly investigates the question of whether material injury has been sustained by the local industry in relation to **each** country under investigation. This would involve more than a mere correlation between an increase in imports from specific countries and any financial harm experienced by particular Australian companies. As discussed above, injury will have to be assessed on a case by case basis in light of the tendering process for these capital goods.

Inappropriateness of Provisional Measures

Origin considers that it would be inappropriate for the ADC to impose provisional measures during the course of this investigation. The goods under consideration are technical, high-value, made to order products that are procured and sold through complex contractual arrangements. The ADC must thoroughly investigate and reach considered conclusions regarding the allegations of dumping. We note that the ADC has already recognised some of these matters in the Consideration Report and has already extended the investigation timeframes. In addition,

the dumping complaint does not disclose any circumstances that would mean that provisional measures are necessary to prevent injury during the investigation.

Conclusion

In the circumstances, Origin is of the view that:

1. Given the complex nature of the tender assessment process for the sale of the goods under consideration, it is highly unlikely that there can be a basis for a finding that any dumping that may be found to have occurred has in fact caused material injury to the Australian industry; and
2. The application contains a number of deficiencies or matters requiring further investigation concerning the establishment of dumping and material injury. It is likely that the application fails to establish the core criteria for the imposition of dumping duties.

Should you have any queries or require further elaboration on or information concerning the above, do not hesitate to contact the writer.

Yours faithfully
GROSS & BECROFT



Dr. Ross Becroft
Principal

Encl.

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Wilson Transformer Company

USER LOGIN

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ABN

73004216979

Contact Details

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Mr Joel Pontt, Business Development & External
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Australia

Postal Address

PO Box 5
Glen Waverley VIC 3150
Australia

Principal Services

Wilson Transformer Company (WTC) is an independent, Australian owned transformer manufacturer. The company's principal activities cover the design, manufacture, testing, installation and servicing of a wide range of transformers including: - Power transformers from 3 MVA up to 500 MVA and 400 kV, including Substation transformers, Generator transformers, Rectifier and Furnace transformers, Traction transformers and Mobile transformers - Distribution transformers from 16 kVA up to 5 MVA and 72 kV, including Pole mounted transformers, Ground mounted transformers, Kiosk and Pad mounted substations - FR3 – High Fire Point Environmental fluid can be supplied as an option to oil for liquid filled transformers and - Dynamic Ratings monitoring and control systems for power transformers and rotating equipment. Our Services team specialises in the management and service of transformers from the first stages of design right through the transformers life. We offer a variety of services include transformer installations and commissioning, site and factory based repairs, refurbishments and rating upgrades, condition assessment and audit services, oil sampling and testing and spare parts & accessories.

Company Record

Wilson Transformer Company is the largest transformer manufacturer in Australia with annual sales exceeding \$250 million. Founded in 1933, we are 100% Australian owned and employ over 700 people. Our major customers are in Utility, Mining, Oil & Gas and Industrials sectors. We are a Chevron qualified global supplier for transformers and recently awarded the Wheatstone LNG project. Other major projects include QCLNG, GLNG, Victoria Desalination plant, Scotland Wind Farm, London and Sydney Olympic Stadiums and London Bridge Substation.

Plant Equipment

The Corporate Head Office and Power Transformer manufacturing plant are located on a 4 hectare site in Glen Waverley, 20 km east of Melbourne's CBD. In this plant, a wide range of power transformers up to 500MVA and 400kV are developed, designed and manufactured. The Services department also has workshop and storage facilities located in Dandenong, Victoria and regional workshops around Australia and utilises in excess of \$6M of specialist site processing and test equipment. Standard and customised distribution transformers and compact substations are manufactured at our Wodonga plant across two sites covering 8 hectares with a total floor area of 13,500m². Between 2009 and 2012, \$80 million has been invested in upgrading the Glen Waverley and Wodonga facilities to increase capacity and capability to safely and efficiently produce high quality products.

Special Techniques

Wilson Transformer Company has been certified to ISO 9001: Quality Management Systems since 1990. We comply with the relevant and current Health and Safety legislation and industry standards such as AS/NZS 4801:2001 OH&S Management System. We are also certified to ISO 14001 Environmental Management System.

Establishments

Number of Employees: 700
\$250 million

Annual Turnover:

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WILSON TRANSFORMER COMPANY PTY. LTD.
A.C.N. 004 216 979

Group Sales and Power Operations
Wilson Road, Glen Waverley, Victoria, Australia

P.O. Box 5, Glen Waverley, Victoria 3150, Australia

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Email: sales@wtc.com.au

Corporate Fax: (03) 9560 0499
General Fax: (03) 9560 0599
Service Fax: (03) 9560 0793

27th June, 2000

Mr Herb Plunkett
Assistant Commissioner
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Mr Plunkett,

REVIEW OF AUSTRALIA'S GENERAL TARIFF ARRANGEMENTS – DRAFT REPORT

Wilson Transformer Company provided information to the Australian Industry Group and the Australian Electrical and Electronic Manufacturers Association in support of their earlier submissions to the Review of Australia's General Tariff Arrangements. We have reviewed the Draft Report of the Productivity Commission, and now wish to make the following submission on the Draft Report.

Wilson Transformer Company is the largest Australian owned manufacturer of power and distribution transformers, employing 280 Australians, with sales approaching \$70 million. Our products and services are used in the electricity supply, mining, processing, industrial and commercial sectors.

We have two factories in Victoria, one in Glen Waverley making large power transformers, and the other in Wodonga making smaller distribution transformers. A distribution transformer Joint Venture commenced operations in Malaysia in 1994. Recently the Company developed the DRMCC (Dynamic Rating Monitoring Control and Communication) product in collaboration with a local electronics design house. This product is intended to be manufactured in Australia, primarily for export markets. We also have a growing service business.

Exports have typically comprised 20% - 30% of sales in the mid to late 1990's, primarily to South East Asia. More recently exports have been achieved to the United Kingdom.

1. What do Wilson Transformer Co. (WTC) recommend

(a) We vehemently disagree with the Productivity Commission's draft recommendations of:

- "1. General tariff rates on goods under reference be reduced to Free sooner rather than later, preferably on 1 July 2001
2. Consistent with Draft Recommendation 1, concessional arrangements related to the goods under the reference be abolished on 1 July 2001."



**Quality
Endorsed
Company**
AS/NZS ISO 9001
Lic No 357
Standards Australia

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Distribution Operations
10 Maloney Drive, Wodonga, Victoria
P.O. Box 809, Wodonga, Victoria 3689
Telephone: (02) 6024 5944 Fax: (02) 6024 7981

- (b) Based on our commercial understanding and experience in international trade, WTC strongly recommends -
- (i) The retention of the 5% General Tariff until at least 1 January 2005, in line with stability in the PMV and TCF industries where substantial restructuring and adjustment programs exist.
 - (ii) The removal of the "Preferential Tariff" for some Developing Countries, which have been substantially industrialised (with investments from Developed Countries), and where industries in many cases are more developed than in Australia, e.g. China, Thailand, Malaysia, Indonesia and India.
 - (iii) Any reductions in the 5% General Tariff post 1 January 2005 should be contingent on our trading partners -
 - First, reaching this level of tariff
 - Second, substantially eliminating non tariff barriers
 - Third, occur only on the basis of reciprocal and proportionate adjustments.
 - (iv) The Tariff Concession System be reinstated without the 3% duty from 1 January 2001.
 - (v) Efforts to abolish 'nuisance tariffs' should continue vigorously where such tariffs serve only to increase business input costs and do not provide support to any local manufacturing capability.

2. Background and reasons for coming to the foregoing recommendations

(a) Tariff reforms and market access between 1988 and 1996

Australia has substantially reformed its assistance to industry such that tariffs are amongst the lowest in the world, and unlike other countries, Australia hardly has any non tariff barriers.

For electrical transformers, between 1988 and 1996 the General Tariff reduced from 25% to 5%, while the Preferential Tariff for Developing Countries reduced from 20% to 0%. Now is not the time for Australia to deliver the last step on General Tariff reductions when in most developed and more so in developing countries, tariffs and particularly non tariff barriers are higher than in Australia.

Where imports are being successful in Australia in our industry is from so called Developing Countries (with a 0% tariff) where Developed Countries have established low cost manufacturing operations.

Australian manufacturers find it particularly difficult to access most overseas markets, due to a range of tariff, non tariff barriers (NTBs) and support mechanisms in competing economies. Australia has substantially removed NTBs while other countries have retained them. Why should Australia then assist overseas manufacturers in defeating Australian manufacturers at home by eliminating the General Tariff?

Australia has more than met its commitments to trade liberalisation to date. It is time for other countries to catch up to Australia.

Trade Minister, The Hon Mark Vaile MP, also has publicly stated the tactical value of retaining the General Tariff while we negotiate reciprocal trade liberalisation with key trading partners.

(b) Tariff Concession System – 3% duty

Approximately 30% of the selling price of our products are materials which are not manufactured in Australia, and which are subject to the 3% duty imposed in 1996 under the Tariff Concession System. This new import duty imposed for revenue raising reasons adds approximately 1% to the cost of our products in our domestic market. Interestingly, products entering Australia at present from so called Developing Countries, incur no such import duty, which places them at an advantage against Australian manufacturers in Australia.

(c) Investment in efficient industry

If we want to maintain and develop efficient industry, the environment needs to encourage investment. The General Tariff system is about the only meaningful mechanism Australia has to encourage investment and provide some support for manufacturing.

Abolition of the General Tariff without many years to continue the adjustment process (and without any industry adjustment program) could spell the end for many manufacturers.

Investment in –

- Industries such as ours employ large numbers of Australians who would experience considerable difficulty finding alternative employment. This is both due to the specialised nature of their skills and the continually reducing scope for employment due to the general decline of manufacturing as a proportion of the economy.
- Although there is a strong desire to move to high technology industries, the reduced R & D Grant tax deductions, and the more restrictive legislation does not encourage these industries sufficiently.

(d) Competition policy and potential benefits of tariff reduction

Australian import and export competing industries are normally exposed to -

- Intense domestic competition from other domestic suppliers
- Significant overseas competition within Australia and in offshore markets.

Competition laws within Australia are amongst the strongest in the world, and are certainly implemented vigorously within Australia. In other countries, such strong competition laws either do not exist, or if they do exist may not be imposed with the same vigour as within Australia.

Australian competition laws ensure that there is no opportunity for price exploitation. Further, in our industry pricing for like product is very competitive by world standards, and hence the Productivity Commission's assumptions regarding price reductions with the removal of tariffs would not be achieved.

(e) Exchange rate uncertainty

With a floating exchange rate there is now extreme volatility in the Australian dollar. This places Australian manufacturers at significant commercial risk, and 5% duty can act as a significant buffer against this volatility.

(f) Defence benefits

For Australian society and business to function properly we need a reliable and competitive supply of electricity. In recent years with the privatisation of the electricity system in Victoria, significant restructuring has occurred such that the skill, capability and knowledge base has been severely reduced in the electricity supply industry and we now face a potential shortage of power in Victoria.

In our business we have maintained our technical capability and expanded a number of our services to the ESI from our manufacturing base. Should this manufacturing base be lost to imports there would be a further reduction of industry capability which would place our electricity system at additional risk. Australia cannot rely upon many core products and services from overseas due to the supply chain logistic issues, particularly in a defence crisis environment.

(g) Compliance Costs and Tariff Application

We strongly disagree with the Productivity Commission's view that the interaction of the tariffs and concessional duty arrangements are complex or cause significant monitoring or compliance costs for business.

Further, we disagree that mistaken application of tariffs by the ACS is justification for the total removal of tariffs.

(h) Opportunities for our children in an industrialised economy

Manufacturing industry is a valuable resource for Australia, which -

- Contributes to addressing the trade imbalance with import replacement and export activities
- Provides direct employment and employment in the service and supply industries that support manufacturing
- Provides R & D and supports technical education and innovation
- Supports Government through corporate tax, payroll tax and personal income tax, which far exceeds any potential price reduction from a potential 5% General Tariff reduction.

Recognising the benefits of manufacturing industry to Australia, I find it very hard to reconcile the modelling conducted for the Productivity Commission which demonstrates potential gains from the abolition of the very low 5% General Tariff.

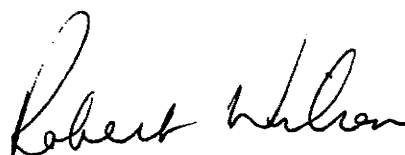
3. Conclusion

Whether we like to or not we live in a world where we are at war, not a military war, but a trade war, where countries and multinational businesses try to defeat each other.

To succeed, Australia needs to –

- (a) Encourage investment in efficient industry, which is internationally competitive and outward oriented
- (b) Not give up our few remaining bargaining chips before our trading competitors introduce meaningful change and catch up to Australia.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Robert Wilson".

ROBERT WILSON
MANAGING DIRECTOR

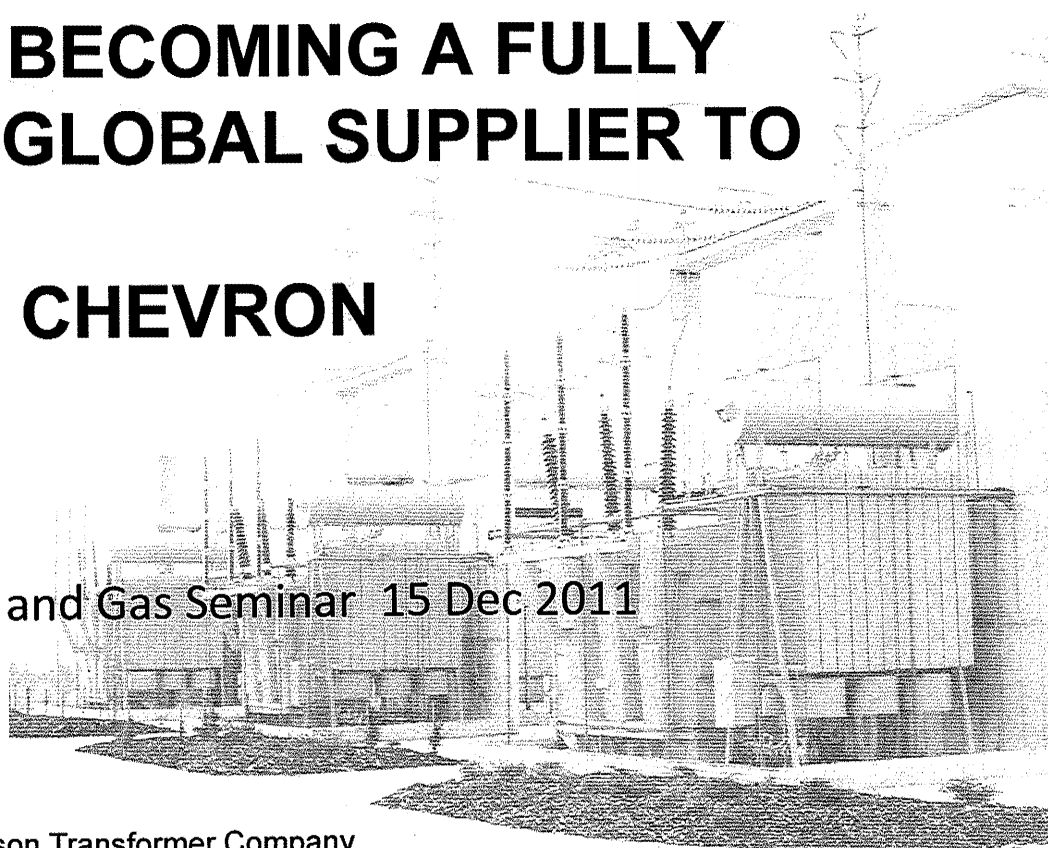


WILSON TRANSFORMER COMPANY

PATH TO BECOMING A FULLY QUALIFIED GLOBAL SUPPLIER TO

CHEVRON

ICN – Oil and Gas Seminar 15 Dec 2011



Wilson Transformer Company



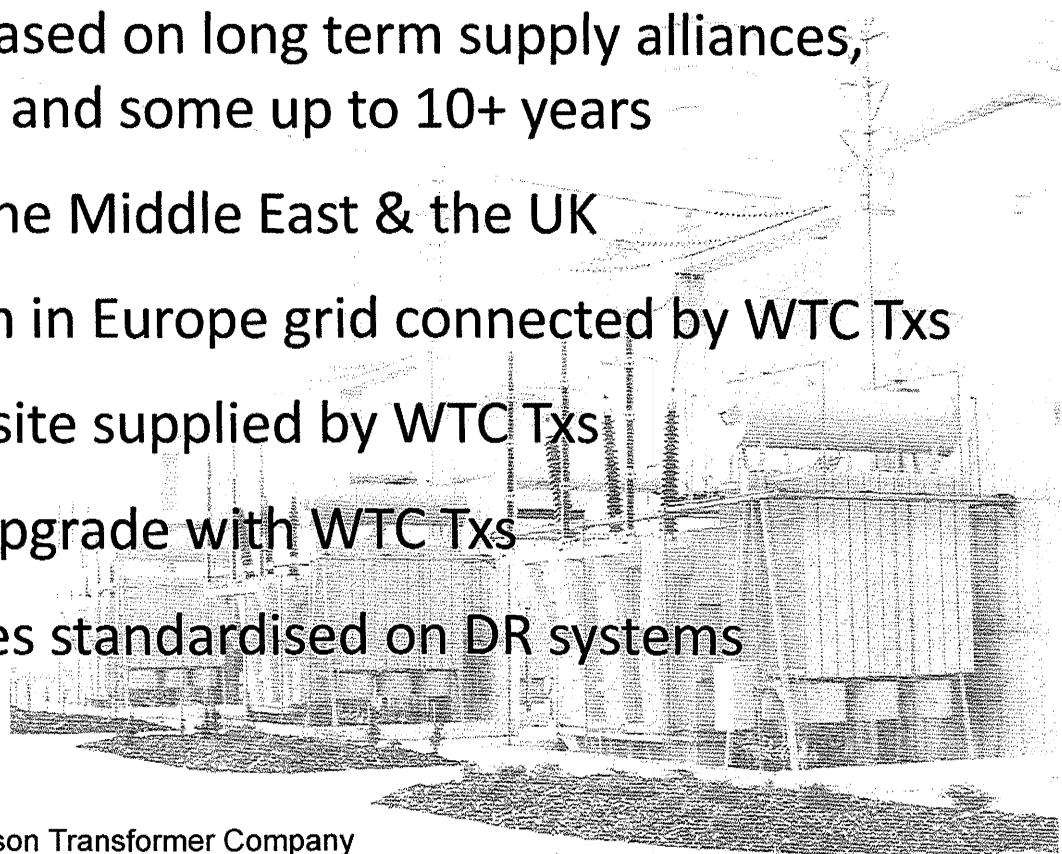
WILSON TRANSFORMER COMPANY (WTC)

- Australian owned & controlled transformer manufacturer
- Founded in 1933 by Jack Wilson
- Glen Waverley – Power Transformer Manufacturing
- Wodonga – Distribution Transformer Manufacturing
- Service Facilities – Vic, NSW & Qld
- Dynamic Ratings (DR) – Monitoring & Control Business with operations in Australia and the USA
- TJ|H2b Analytical Services – Oil labs in Vic & Asia x2
- Distribution Transformer JVs – Malaysia, Saudi Arabia
- Aust employment – Approx 700 including 85 engineers



OVERVIEW OF WTC

- Annual sales > \$250m
- Australian power utilities major customer group
- Over 50% sales based on long term supply alliances, typically 5+ years and some up to 10+ years
- Exports to Asia, the Middle East & the UK
- Largest wind farm in Europe grid connected by WTC TxS
- London Olympic site supplied by WTC TxS
- Central London upgrade with WTC TxS
- Major USA utilities standardised on DR systems



Wilson Transformer Company



WILSON TRANSFORMER COMPANY UPGRADE

WTC commenced major upgrades in Aust in early 2009

- Power - \$60m, Distribution - \$15m

Purpose:

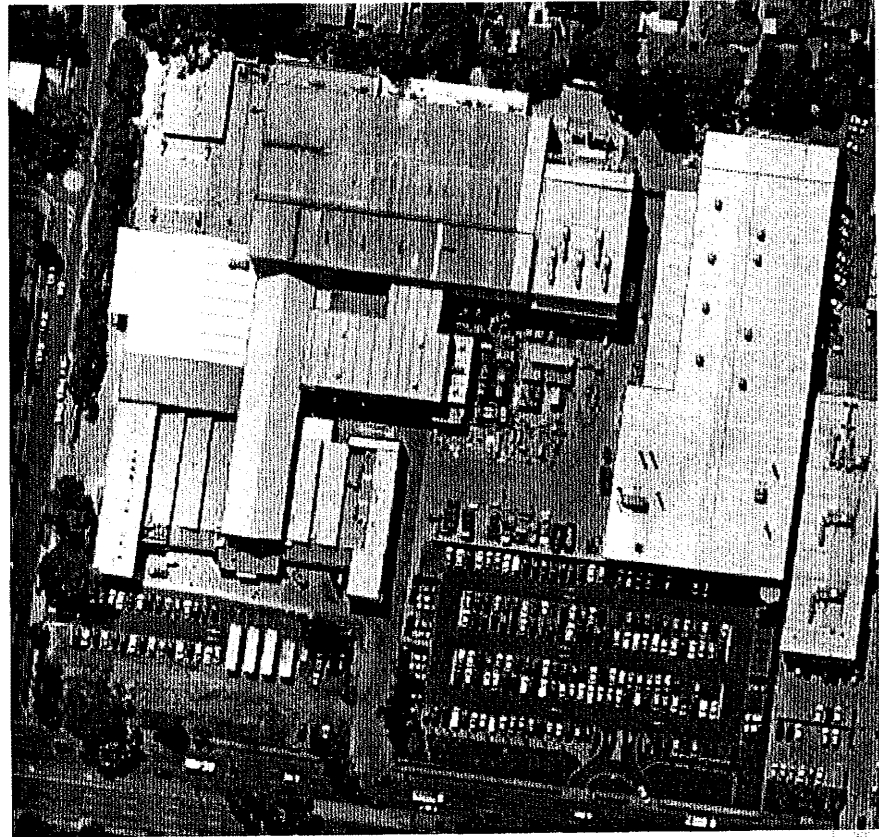
- Increased Capacity & Productivity - latest technology
- Improve Quality - latest technology
- Design Safety into manufacturing processes

Outcomes:

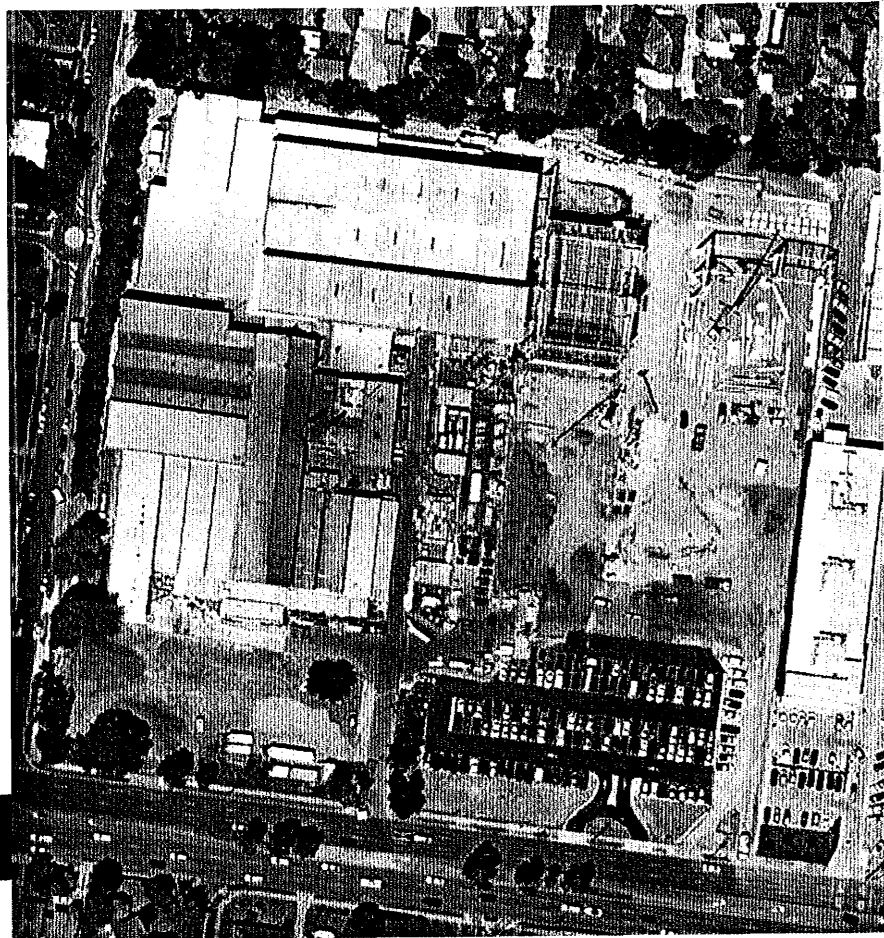
- World Class Design, Manufacturing, Testing & Support
- Australian skills and capability committed to supplying and servicing electricity infrastructure

GW SITE UPGRADE

Nov 2011



Oct 2009

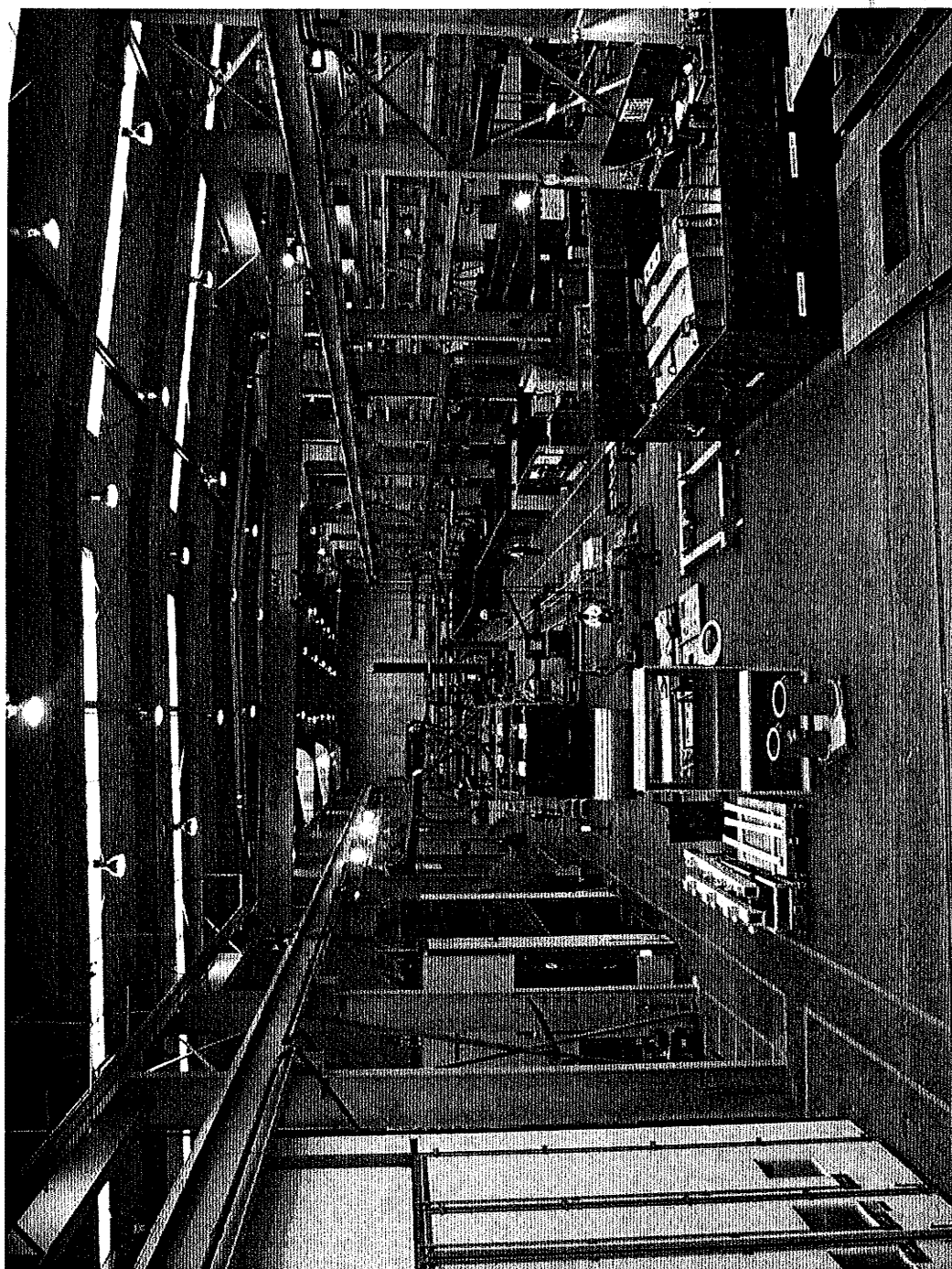


Wilson Transformer Company



GW SITE UPGRADE

New Mechanical Work Shop – Welding & Painting



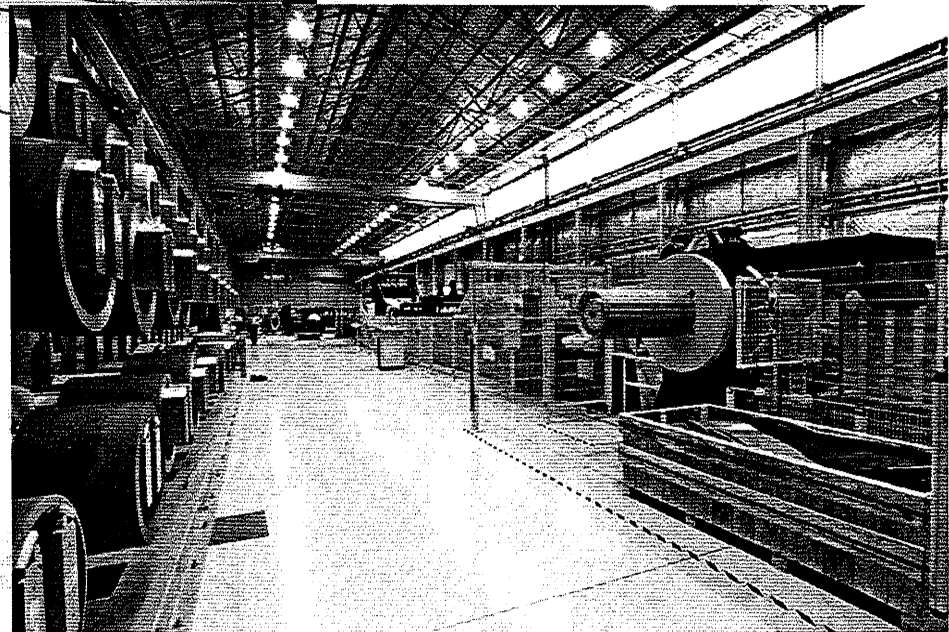
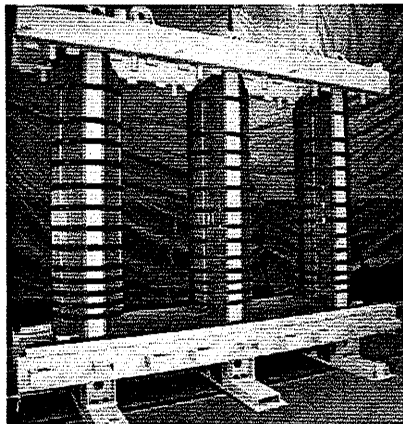
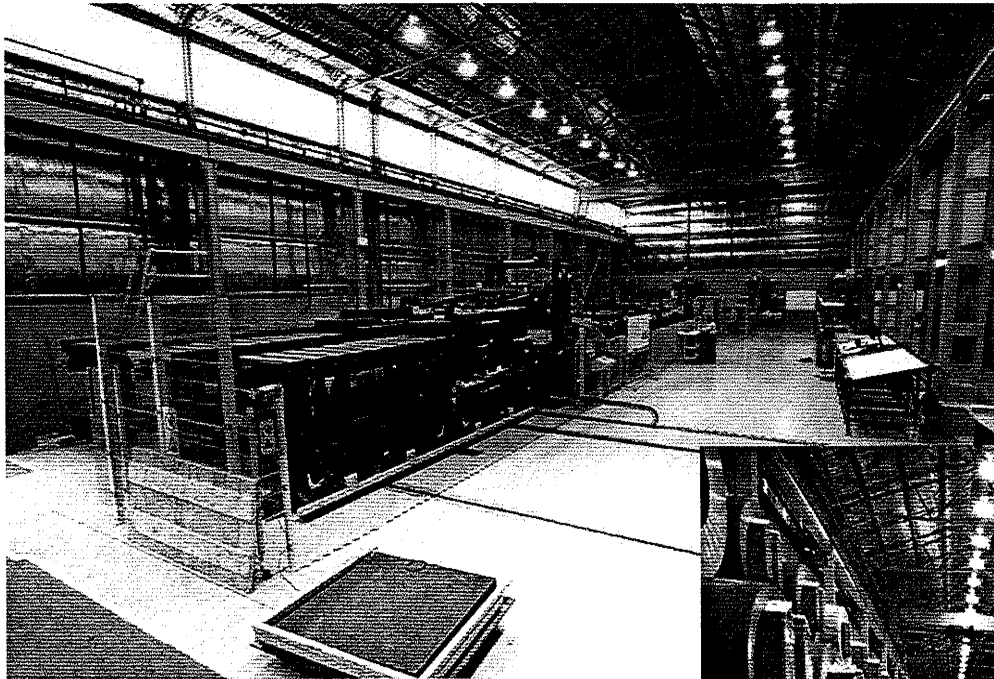
Wilson Transformer Company





GW SITE UPGRADE

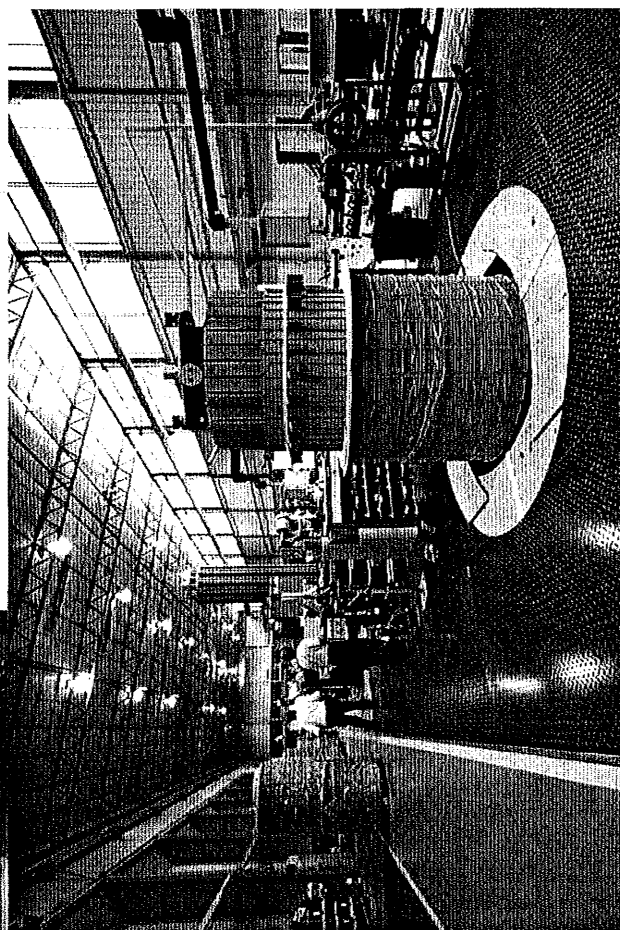
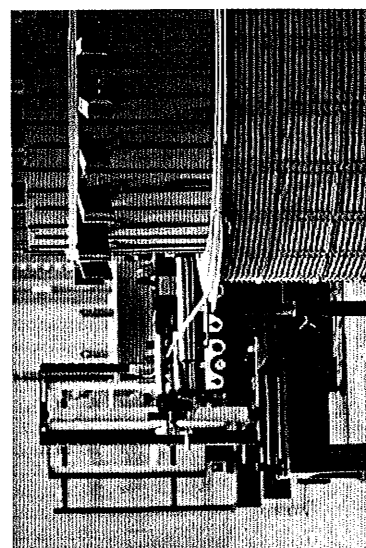
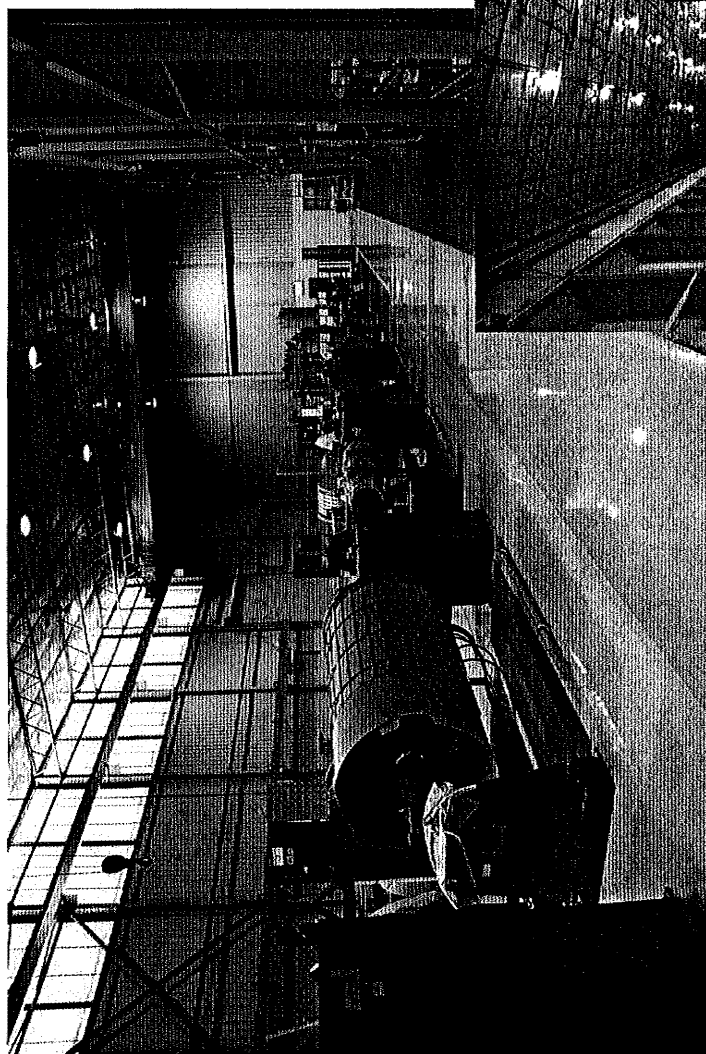
New Core Cutting & Building Facility (Renovated Building)



Wilson Transformer Company

GW SITE UPGRADE

Refurbished Winding Area



Wilson Transformer Company





GW SITE UPGRADE

Refurbished Final Assembly Area (1 of 2)

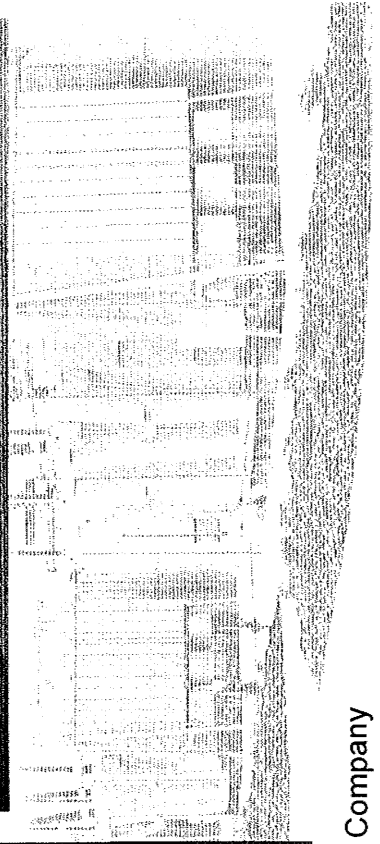
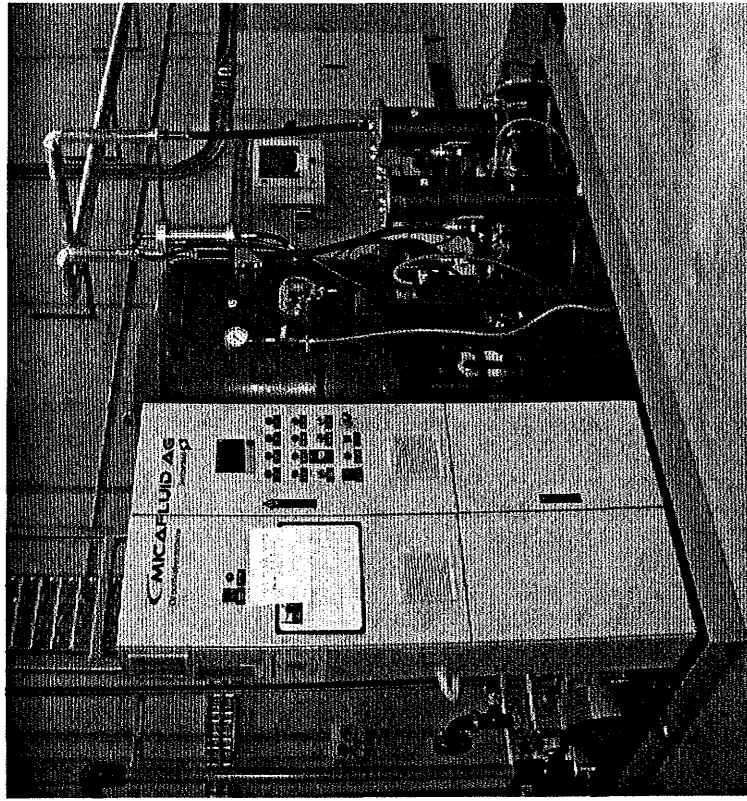
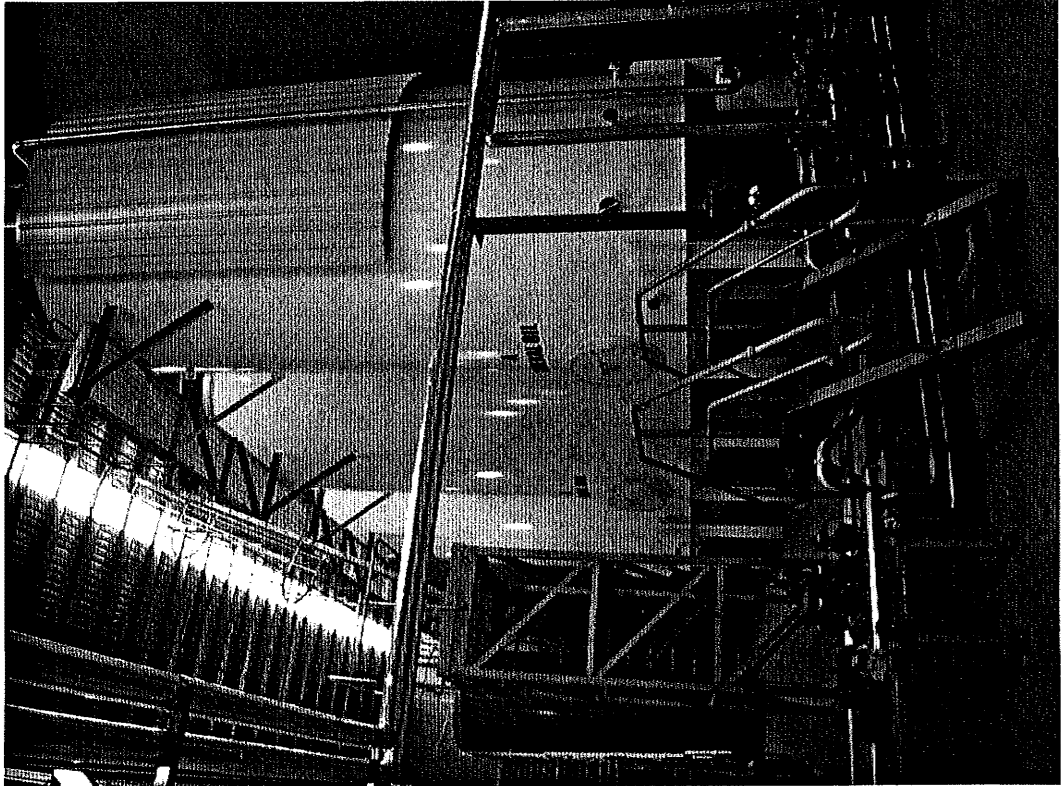


Wilson Transformer Company



GW SITE UPGRADE

New Transformer Oil Storage and Treatment Facility



Wilson Transformer Company



GW SITE UPGRADE

New High Voltage Testing Facility



Wilson Transformer Company



CHEVRON QUALIFICATION STORY

- Early 2009, a key ICN WA operative under SAMP (Supply Access Major Projects) started dialogue with WTC.
- August 2009, operative moved to Chevron to coordinate AIP Plan – Contact with WTC Bus Dev Consultant
 - Collaborative Value Proposition to electricity utilities had equal appeal to Chevron
 - Investment in facilities and WTC commitment to developing the business interested Chevron
 - The 5 stage Step by Step qualification process started
 - WTC advised process would take 2-3 years and cost substantial time and resources (>\$250k) – agree
- Jan 2010, Power GM and Sales Mgr visited Houston
 - Commercial & Technical Presentation
 - Follow up - AS/IEC & ANSI standards submissions



CHEVRON QUALIFICATION STORY

- July 2010, Chevron visited WTC GW & Wod for a week (Procurement Mgr, Senior Eng, Princ Auditor, AIP Coord)
 - Detailed Tech, Quality, Safety & Comm discussions
- Sept 2010, WTC visited Houston (MD, GM, Sales Mgr, Strategic Tech Officer) for detailed presentations and discussions with multiple audiences
- Nov 2010, WTC GM & HR Man visited Chevron WA to discuss HSE, the final significant hurdle
 - WTC blown away by Chevron HSE system
 - Have since rewritten HSE Manual and System to meet Chevron needs, but more importantly benefit WTC
- Early 2011, WTC Strategic Tech Officer again visited Chevron in Houston



CHEVRON QUALIFICATION ADVICE

- Chevron Equipment Category Group, Aust Bus Unit and AIP team led, developed & completed qualification of WTC as a fully qualified global supplier.
- Demonstrates Chevron supports Aust manufacturers to become globally competitive
- WTC - First qualified supplier who can provide Chevron's full range of IEC and ANSI transformer requirements
- All 5 legs of Chevron's Supplier Qualification process completed and CHESM ratings established and validated
- First grass roots Aust supplier to achieve full qualification
- WTC is qualified to compete for Chevron projects in Asia Pacific & Aust. Based on performance, WTC will be considered as a prospective IMA candidate.

Wilson Transformer Company