

10 March 2017

Mr Gavin Crooks
Case Manager
Operations 3
Anti-Dumping Commission
Level 35
55 Collins Street
Melbourne Victoria 3000

Received 15 March 2017

Email: Gavin.Crooks@adcommission.gov.au

Public File

Dear Mr Crooks

Re Investigation No. 362 – Non-injurious price

Capral Limited (“Capral”) recognises that in the context of considering the level of anti-dumping measures to be applied to dumped goods exported to Australia, the Minister must have regard to the “desirability” of ensuring that the amount of dumping duty is not greater than is necessary to remove the effect(s) of injurious dumping.

ADN No. 2013/ 108 announced changes to the Anti-Dumping System that involved the discretion of the Minister to not consider the lesser duty rule where two or more small to medium sizes enterprises (“SMEs”) operate as members of the Australian industry.

Capral highlights with the Anti-Dumping Commission (“the Commission”) that there are more than two SMEs operating as local manufacturers of aluminium extrusions comprising the Australian industry. The company’s that are members of the Australian industry that Capral understands may be considered SMEs are:

- (i) Olympic Aluminium Co., Pty Ltd (Sunshine, Victoria);
- (ii) AluShapes (Somersby, Victoria); and
- (iii) Extrusions Australia (Truganina, Victoria).

An SME has been prescribed by the *Customs (Definition of “small-medium enterprise”) Determination 2013* for the purposes of subsection 269T(1) to mean, a producer or manufacturer with 200 or less full-time staff, which is independently operated and which is not a related body corporate for the purposes of the Corporations Act 2001.

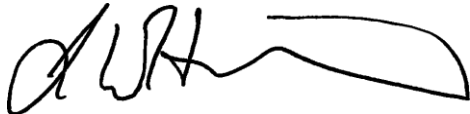
The change in policy allowing for the Minister’s discretion as to whether to consider the lesser duty rule in anti-dumping investigations operates “*whether or not that industry consists of other enterprises*” that may not be SMEs.

Capral urges the Commission to consider the change in policy on the Minister’s discretion to apply the lesser duty rule in Investigation No. 362. Aluminium extrusions imported from Malaysia and Vietnam at dumped and/or subsidised prices have injured all Australian industry producers – from Capral along with the three identified SME companies. The anti-dumping measures that may apply to the injurious exports should be at the full level of dumping and subsidisation (i.e. at the full margin) to ensure the SMEs are not

disadvantaged by measures that may be based upon a lower level not reflective of the full margin (of dumping and subsidisation).

If you have any questions concerning this letter, please do not hesitate to contact me on (02) 8222 0113 or Capral's representative Mr John O'Connor on (07) 3342 1921.

Yours sincerely

A handwritten signature in black ink, appearing to read 'LHAWKINS', with a long horizontal flourish extending to the right.

Luke Hawkins
General Manager – Supply and Industrial Solutions