



14 April 2014

Mr Dale Seymour  
Commissioner  
Australian Anti-Dumping Commission  
1010 Latrobe St  
Docklands Vic 3008

Dear Mr Seymour,

**DUMPING INVESTIGATION – QUICKLIME FROM THAILAND**

We represent the representative of the Australian industry producing quicklime, Cockburn Cement Ltd (“Cockburn”) to the captioned investigation.

The purpose of this letter is to provide you with a brief history of this investigation and to request your intervention to bring an early Statement of Essential Facts (“SEF”) and resumption of this investigation by the Commission following the Anti-Dumping Review Panel’s revocation of Customs’ termination decision on 8 August 2013, ie 8 months ago.

This investigation, initiated by Customs in October 2011, has determined that –

- imports of quicklime from Thailand have caused Cockburn material injury in the form of substantial profit reduction, resulting from price reductions in term contracts in response to price undercutting by these imports; and
- the said imports were dumped at a margin of 48%.

Customs terminated the investigation in April 2012 and May 2013 on respective grounds that –

- a) because the price reductions in response to price undercutting by imports from Thailand which led to substantial loss of profit took place in the 4 months immediately preceding the investigation period in which the 48% dumping was found, the resulting material injury cannot be attributed to dumping; and
- b) Cockburn’s substantial loss of profit does not constitute material injury (despite the investigation having earlier established that it does constitute material injury).

Both terminations were overturned by the Trade measures Review Office (“the TMRO”) and the Anti-Dumping Review Panel (“the ADRP”) respectively on the following grounds:

- The TMRO concluded that it is open for Customs to link injury occurring prior to the investigation period to that dumping, and the specific circumstances of this case make it appropriate to do so. He also found that Cockburn’s substantial profit reduction because of the imports from Thailand constitutes material injury.
- The ADRP did not address the finding of the TMRO concerning the timing of the injury vis-à-vis the dumping found by Customs but, like the TMRO, found that Cockburn’s substantial profit reduction caused by imports found to be dumped at a 48% margin constitutes material injury.

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As you were advised in a letter from Cockburn of 27 February 2014 requesting a meeting to discuss the investigation (to which you have not replied), import volumes of dumped quicklime from Thailand have grown by 500% since their commencement in 2010 and the compounding material injury from these dumped imports, together with the downturn in the gold processing industry, has forced Cockburn to commence rationalising one of its manufacturing operations in Dongara, WA. The Commission has been made well aware of this situation during the period since the ADRP's revocation of Customs' most recent termination decision.

The lengthy delays in Customs' and the Commission's conduct of the investigation are extraordinary and inexplicable. They are as follows:

1. The TMRO revoked Customs' first termination decision in June 2012; and Customs published an SEF concerning the resumed investigation in March 2013, ie 9 months later.
2. The ADRP revoked Customs' second termination decision in August 2013; and The Commission has not yet published an SEF concerning the resumed investigation, ie 8 months has elapsed since the ADRP's revocation of Customs' termination decision.

We invite your early attention to section 269ZZT of the Customs Act which requires the Commission to publish an SEF **as soon as practicable** after the ADRP has revoked a termination decision and to resume the investigation initiation following publication of this SEF.

Cockburn has made no contribution to the abovementioned delays but is paying the severe penalty of compounding material injury by reason of increasing dumped imports from Thailand at decreasing prices.

I am sure you will understand Cockburn's disappointment and frustration with Customs' and the Commission's approach to this investigation and how this disappointment and frustration has been added to by your failure to respond to their request for a meeting with you.

We earnestly advocate your early positive response to Cockburn's request for a meeting with you.

Yours sincerely,



Roger Simpson