

From: [GIBSON Michelle](#)
To: [OLIVER Rebecca](#)
Subject: FW: Hot Rolled Plate Steel - Nippon Steel & Sumitomo Metal Corporation (NSSMC) [ME-ME.FID2258526]
[SEC=UNCLASSIFIED]
Date: Thursday, 2 May 2013 9:42:57 AM

From: John Cosgrave [mailto:John.Cosgrave@minterellison.com]
Sent: Wednesday, 1 May 2013 6:46 PM
To: REID Joanne
Cc: GIBSON Michelle; FLOR Timothy
Subject: Hot Rolled Plate Steel - Nippon Steel & Sumitomo Metal Corporation (NSSMC) [ME-ME.FID2258526]

For Public Record

Dear Ms Reid

We refer to your misaddressed letter of 18 April 2013, published yesterday on the public file, concerning, in part, the categorisation of our client in the above investigation. Although the unnecessarily pejorative label is regrettable, we do not dispute the categorisation you have applied.

A number of the assertions in your letter, however, must be rebutted. You state that you will rely on 'all other relevant information available to me', thus implying that evidence provided by our client that is relevant to the assessment of export price will be disregarded. Such a position is not authorised by the Customs Act which specifically requires the CEO, subject to timeliness constraints, to have regard to all submissions irrespective of the categorisation of a particular participant. Evidence relevant to the assessment of export price can be obtained from a range of sources including the Customs data base, importers, end users and the exporter. It is a corroborative process and the evidence supplied by our client is integral to that process as was demonstrated in the recent HRC Steel inquiry.

It is ironical that in that inquiry, in identical circumstances, one of your colleagues, on the same flawed ground, initially purported to reject our client's evidence before subsequently embracing it and recommending to the Minister that export prices should be based on that evidence.

We are also concerned that the last paragraph of your letter implies that Customs has some authority in relation to the extent to which a party can participate in an investigation. On the contrary our client, as an interested party under s.269T of the Act, has a right to make submissions on any issues relevant to the consideration of the publication of a dumping notice and will exercise that right as necessary in the current inquiry.

Yours sincerely

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