

Gross & Becroft

L A W Y E R S

International Trade • Customs • Commercial Law

Dr. Ross S. Becroft B.A., LL.B., M.Comm.Law, PhD

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Our Ref: RB:3244

4 February 2015

BY EMAIL

The Director
Operations 2
Anti-Dumping Commission
Level 5, Customs House
5 Constitution Ave
CANBERRA CITY ACT 2601

Dear Sir/Madam,

**Re: ADC Case No. 238: Deep Drawn Sinks from China
Application for Ministerial Exemption – Cleaner's Sinks pursuant to TC 1436584 & Hand
Wash Basins pursuant to TC 1436587**

We confirm that we act for an importer of deep drawn sinks, Tom Stoddart Pty Ltd trading as Stoddart Manufacturing.

Our client seeks an exemption from any dumping and countervailing duty notices that may be published in relation to investigation no. 238 concerning exports of deep drawn sinks from China. Under s8(7) and 10(8) of the *Customs Tariff (Anti-Dumping) Act 1975* the responsible Minister has the power to issue an instrument to exempt goods in certain prescribed circumstances including where a Tariff Concession Order ('TCO') is in force.

We **attach** copies of TCO numbers TC 1436584 and TC 1436587 which relate to cleaner's sinks and hand wash basins respectively.

You would be aware that, under s269C of the Customs Act, the core criterion for the granting of a TCO is that no substitutable goods are produced in Australia in the ordinary course of business. Hence, the granting of a TCO represents strong and clearly defined grounds for the granting of an exemption from dumping and countervailing duties. Further, in this case, the sole manufacturer and applicant in ADC case number 238, Tasman Sinkware Pty Ltd ('Tasman') provided letters to us, which were in turn provided to Australian Customs, confirming that it did not object to the granting of the two subject TCOs.

We further **attach** copies of correspondence from Tasman of 3 February 2015 confirming that it has no objection to the granting of a Ministerial exemption covering the two subject Tariff Concession Orders.

We would be pleased to provide any further information in support of this application should this be required and note that the Commission is due to provide its final report and recommendations to the responsible Minister by 19 February 2015.

Yours faithfully
GROSS & BECROFT



Dr. Ross Becroft
Principal

Encl.

Oliveri

ABN 12 007 551 886
PO Box 2141 Regency Park
SA 5942 Australia
P 61 8 8348 6444 F 64 8 8348 6495
E Sinkware@oliverisinks.com.au

3 February 2015

BY EMAIL: ross@grossbecroft.com.au

Messrs Gross & Becroft
Lawyers
Level 17, 390 St Kilda Road
MELBOURNE VIC 3004

Dear Sirs,

Re: Application for Ministerial Exemption of Goods from a Dumping Duty and Countervailing Duty Notice ADC Case No. 238: Deep Drawn Sinks from China – Cleaner's Sinks within the scope of Tariff Concession No. TC 1436584

I refer to dumping and subsidisation case number 238 concerning deep drawn sinks exported from China. You act for Tom Stoddart Pty Ltd trading as Stoddart Manufacturing.

I confirm your advice that you are proposing to seek an exemption from any dumping and countervailing duty that may be imposed. The exemption would cover imported goods that meet the terms of TC 1436584.

The applicant in ADC case no. 238, Tasman Sinkware Pty Ltd does not object to the granting of a ministerial exemption for imported products that meet the terms of TC 1436584.

Yours faithfully,



Michael Watters,
Commercial Manager,
Tasman Sinkware Pty Ltd.

Oliveri

ABN 12 007 551 886
PO Box 2141 Regency Park
SA 5942 Australia
P 61 8 8348 6444 F 64 8 8348 6495
E Sinkware@oliverisinks.com.au

3 February 2015

BY EMAIL: ross@grossbecroft.com.au

Messrs Gross & Becroft
Lawyers
Level 17, 390 St Kilda Road
MELBOURNE VIC 3004

Dear Sirs,

Re: Application for Ministerial Exemption of Goods from a Dumping Duty and Countervailing Duty Notice ADC Case No. 238: Deep Drawn Sinks from China – Hand-wash Basins within the scope of Tariff Concession No. TC 1436587

I refer to dumping and subsidisation case number 238 concerning deep drawn sinks exported from China. You act for Tom Stoddart Pty Ltd trading as Stoddart Manufacturing.

I confirm your advice that you are proposing to seek an exemption from any dumping and countervailing duty that may be imposed. The exemption would cover imported goods that meet the terms of TC 1436587.

The applicant in ADC case no. 238, Tasman Sinkware Pty Ltd does not object to the granting of a ministerial exemption for imported products that meet the terms of TC 1436587.

Yours faithfully,



Michael Watters,
Commercial Manager,
Tasman Sinkware Pty Ltd.



Australian Government
**Australian Customs and
Border Protection Service**

Reply to the Chief Executive Officer

Quote: TC 1436584
Your Ref: RB:3244

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6483
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

12 January 2015

MR ROSS BECROFT
GROSS & BECROFT LAWYERS
LEVEL 17 390 ST KILDA ROAD
MELBOURNE VIC 3004

RECEIVED
14 JAN 2015

Dear Mr Becroft,

BY:

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 1436584 lodged on 17 October 2014.

As a delegate of the Chief Executive Officer I am satisfied that the application meets the core criteria on the basis of section 269C of the *Customs Act 1901* and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette Number TC15/02 of 14 January 2015.

The TCO, as detailed in the attachment, will also be published in the Schedule of Concessional Instruments as soon as possible.

Yours sincerely,

Paul Mercer
Delegate of the Chief Executive Officer



Australian Government
**Australian Customs and
Border Protection Service**

Reply to the Chief Executive Officer

Quote: TC 1436587
Your Ref: RB:3244

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: (02) 6275 6483
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

12 January 2015

MR ROSS BECROFT
GROSS & BECROFT
LEVEL 17 390 ST KILDA ROAD
MELBOURNE VIC 3004

RECEIVED
14 JAN 2015

BY:

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Yours sincerely,

Paul Mercer
Delegate of the Chief Executive Officer

