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7 October 2014

**The Director  
Operations 1  
Anti-Dumping Commission  
5 Constitution Avenue  
Canberra  
Australian Capital Territory 2601**

By email

Dear Director

## **Dumping investigation ADC 219 Power transformers exported from China, Indonesia, Korea, Taiwan, Thailand and Vietnam**

We refer to your letter dated 2 October 2014.

Thank you for addressing our requests as you have done in that letter.

Although the time for comments on the Statement of Essential Facts is now almost upon us, we do have these follow-up requests, and would be grateful for your consideration and response.

1 We refer to Attachment A, which is the reconsidered non-confidential version of the letter from Wilson Transformer Company Pty Limited ("WTC") dated 10 June 2014 ("the less-redacted letter"). The disclosure of more of that information is appreciated, however that does not detract from our client's concern about the failure on WTC's part to comply with (and on the Commission's part to police) the disclosure requirements of the *Customs Act 1901* ("the Act") when the confidential letter was first provided to the Commission. Putting that to one side, we have these further questions:

- (a) reference is made in the less-redacted letter to an "attached table" – does the Commission's opinion about the ability of interested parties to gain a reasonable understanding of the information presented in the confidential letter from the less-redacted letter extend to the non-disclosure of the table that was attached to the confidential letter, or is it considered that the information in that table could also now be provided to interested parties in a suitably redacted form?
- (b) in relation to this paragraph in the less-redacted letter:

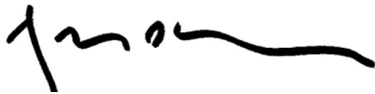
*Attached is a table of contracts for power transformers for [REDACTED]. We consider that the price discounts of [REDACTED]% and [REDACTED]% as indicated in the attached table indicates that the prices offered on these contracts are targeted dumping. Even the [REDACTED]% and [REDACTED]% discounts are supportive of targeted pricing. We request that these contracts be separately considered in the assessment of dumping duties, along with other contracts won from [REDACTED]. [Deleted reference to particular contracts]*

we have the following additional questions:

- (1) the setting out looks slightly different, and the square bracketed explanation has been changed, therefore we inquire as to whether the wording of this paragraph of the less-redacted letter been changed from that as appeared in the confidential letter;
  - (2) if the answer is “yes”, then can an explanation be offered by either WTC or the Commission for such an alteration of the evidence on the record.
- 2 Attachment B is a set of two emails from the Finance Director of WTC, Mr Robin Winckworth, to a previous Commission official, Mr John Bracic. In the email from Mr Winckworth to Mr Bracic dated 9 January 2014, reference is made to a pending visit by Mr Bracic to WTC that was to take place or did take place in the “*next week*”. We have these further questions:
- (a) did that visit take place;
  - (b) if the answer is “yes”, then what is the Commission’s position in relation to Section 269ZJ(4) of the Act as it applies to the information conveyed by WTC to Mr Bracic at that meeting.

As before, we are happy for this letter to be placed on the public record, and please do not hesitate to contact me to discuss any matters arising.

Yours sincerely



**Daniel Moulis**  
Principal