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Our Ref: RB:3001

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PUBLIC FILE VERSION

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BY EMAIL: tmops1@customs.gov.au

Director
 Operations 1
 International Trade Remedies Branch
 Australian Customs & Border Protection Service
 Customs House
 5 Constitution Ave
 CANBERRA ACT 2601

Dear Sir/Madam

Re: Quicklime exported from Thailand – Initiation of an investigation into alleged dumping – Australian Customs Dumping Notice Number 2011/53

We act on behalf of [CONFIDENTIAL TEXT DELETED – INFORMATION WHICH WOULD IDENTIFY PERSON MAKING THIS SUBMISSION] which owns and operates the [CONFIDENTIAL TEXT DELETED – INFORMATION WHICH WOULD IDENTIFY PERSON MAKING THIS SUBMISSION] in Western Australia.

This letter is in response to the Issues Paper 2012/179, in which Australian Customs have inter alia discussed whether there is a threat of material injury to the local producer of Quicklime, being Cockburn Cement.

We note that in s269TAE(2B) of the *Customs Act 1901* and article 3.7 of the WTO Anti-Dumping Agreement a finding of a threat of material injury must be clearly foreseen and imminent. There must be verifiable evidence that injury is about to occur. This was expressed in the WTO panel decision of *Mexico – Com Syrup*, WT/132/R, [7.125], as the requirement for the investigating authority to conclude that 'material injury would occur' in the absence of an anti-dumping duty or price undertaking.

In this case, we understand that Chememan has not taken market share from Cockburn in either the alumina or non-alumina sectors and there is no evidence of local customers intending to

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change en masse their current quicklime supply arrangements.

PUBLIC FILE 146

Our client is a [CONFIDENTIAL TEXT DELETED - RELATIONSHIP TO COCKBURN] for the supply of Quicklime. The presence of Chememan in the quicklime market is unlikely to change our client's procurement decisions, which are based on a range of factors.

An important consideration [CONFIDENTIAL TEXT DELETED - RELATIONSHIP TO COCKBURN] is that Cockburn has been in the market place for a long time and being a domestic supplier, there may be less of a prospect of any interruption in supply. This is absolutely critical for a [CONFIDENTIAL TEXT DELETED - DETAILS OF BUSINESS] that functions on a twenty-four hour seven days per week basis.

Our client is strongly of the view that there should be competition in the quicklime market to ensure that the best quality products are made available at competitive prices. Imposing anti-dumping duties based on conjecture and speculation as to future plans of a foreign exporter is not a justifiable or lawful remedy.

Yours faithfully
GROSS & BECROFT



Dr. Ross Becroft
Principal