

15 January 2021

Mr Gavin Crooks
Assistant Director
Investigations 3
Anti-Dumping Commission
Level 35
55 Collins Street
Melbourne Victoria 3000

Received 15 January 2021

Email: Gavin.Crooks@adcommission.gov.au

Public File

Dear Mr Crooks

Investigations No. 540 and 541 – Submission by Kamco Aluminium dated on 4 January 2021

Capral Limited (“Capral”) refers to the submission on behalf of Kamco Aluminium Sdn Bhd (“Kamco”) dated 4 January 2021 concerning Statement of Essential Facts No. 540 and 541 (“SEF 540 & 541”).

Kamco has made representations concerning its categorisation as an “uncooperative exporter” by the Anti-Dumping Commission (“the Commission”) through the conduct of Investigations 540 and 541. Kamco has detailed the timeline associated with its correspondence with the Commission (refer Annexure A to submission of 3 December 2020).

The Commission determined that at the commencement of the verification of data provided by Kamco that the information was inadequate and could not be relied upon (despite two previous attempts to secure all requested, relevant information).

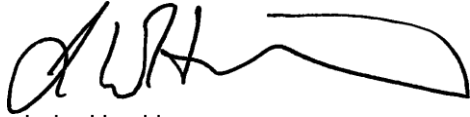
The Commission is presently at a stage of post publication of a Statement of Essential Facts (“SEF”) and a Preliminary Affirmative Determination (“PAD”) in both investigations. The Commission cannot now at this late stage of the investigations revert back to a pre-verification phase to validate Kamco’s information. To do so what establish an unacceptable precedent that would result in regular requests by exporters to re-visit inadequate presentations of data at the commencement of an investigation.

Kamco further asserts that its export volumes to Australia are minimal. Kamco has incorrectly cited the size of the Australian market for demonstrating the relativity of its export volumes during the investigation period. The correct benchmark is the import volume during the investigation period as per subsection 269TDA(4) of the *Customs Act*.

We consider that Kamco’s request for the Commission to re-visit information supplied by Kamco, including a process to re-assess its completeness and reliability of the information provided, would not permit the Commissioner to complete final recommendations in respect of Investigations 540 and 541 in a timely manner. We therefore recommend that the Commissioner reject Kamco’s request for the exporter’s information be reconsidered and a verification of the information provided be rejected and the preliminary findings as per SEF 540 and 541 in respect of Kamco form the basis of a final recommendation to the Minister for Industry, Science and Technology.

If you have any questions concerning this submission please do not hesitate to contact me on (02) 8222 0113 or Capral's representative Mr John O'Connor on (07) 3342 1921.

Yours sincerely

A handwritten signature in black ink, appearing to read 'LHAWKINS', with a long horizontal flourish extending to the right.

Luke Hawkins
General Manager – Supply and Industrial Solutions