

Non-Confidential

Date: 9 December 2022

**By Email**

Dr Bradley Armstrong  
Anti-Dumping Commissioner  
Anti-Dumping Commission  
Melbourne VIC 3000

Dear Commissioner,

***RE: Continuation Inquiry No 591 –Exports of Aluminium Extrusions from Malaysia and Vietnam –  
Reinvestigation***

As you know, I act for Press Metal Aluminium Australia Pty Limited (**PMAA**) and for its related bodies corporate, including PMB Aluminium Sdn Bhd (**PMBA**), in relation to Continuation Inquiry 591 (**Inquiry**).

I refer to the submissions made by Capral Limited (**Capral**) of 8 and 17 November 2022 in connection with the reinvestigation of the finding that:

*“finding that material injury to the Australian industry is not likely to continue or recur in the absence of measures”,*

and to file note of the meeting between representatives of Capral and the Anti-Dumping Commission (**Commission**) on 10 November 2022 at the request of Capral.

I concur with and reiterate the concerns expressed by J Bracic & Associates on behalf of East Asia Aluminium(**EAA**) in its submission of 30 November 2022. Specifically, that Capral seeks to introduce ‘new information’ into the reinvestigation, no doubt to alter the above finding to one in its favour.

It is my understanding that any reinvestigation is to be based only on ‘relevant information’, as that term is defined in section 269ZZK(6)(d) of the *Customs Act 1901*, this being the only information to which the Anti-Dumping Review Panel (**ADRP**) may have regard to pursuant to section 269ZZK(4) of the *Customs Act 1901*. This is, of course, unless you consider that ‘new information’, that is, information that you did not have regard to, or were, under paragraph 269ZHF(3)(a) of the *Customs Act 1901*, required to have regard to, when making the findings set out in your report under section 269ZHF of the *Customs Act 1901* to the Minister in relation to the making of the ‘reviewable decision’, may be taken into account and be included in your report to the Panel Member following the reinvestigation..

I note that your file note on the public file announcing the reinvestigation is silent on this issue and did not invite interested parties to make submissions containing ‘new information’, which

presumably would have been the case if you were to take into account 'new information' in the reinvestigation. Also, the Panel Member's letter of instruction appears similarly silent on this issue.

If you are of the view that you may have regard to 'new information' in the reinvestigation of the abovementioned finding and base your report and recommendations to the Panel Member, in whole or in part, on such 'new information', I would be grateful if you would advise that you consider that you are entitled to do so and, on that basis, invite interested parties to submit any such 'new information' that they consider would assist in your reinvestigation of the abovementioned finding.

If, on the other hand, you consider that you may not have regard to 'new information', would you please confirm that this is the case and confirm that you will not be having regard to any 'new information' in the reinvestigation, nor will be basing any part of your report and recommendations to the Panel Member on any 'new information'.

It would be appreciated if your response to the above requests could be provided in advance of the preliminary reinvestigation report.

This letter and attachments to it may be placed on the Commission's electronic public file for this reinvestigation.

Please note that Capral's submissions and the matters raised by the Panel Member's letter of instruction for the reinvestigation will be addressed in a separate submission in due course.

If you have any questions, please let me know.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Andrew Percival', with a large, stylized initial 'A' at the start.

Andrew Percival

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