



## FOR PUBLIC RECORD

14 July 2022

Your ref: Inquiry 606

The Director  
Investigations 3  
Anti-Dumping Commission  
GPO Box 2013  
CANBERRA ACT 2013  
ADDRESS

By email: [investigations3@adcommission.gov.au](mailto:investigations3@adcommission.gov.au)

Dear Sir/Madam,

### Anti-Circumvention Inquiry No. 606 Concrete Underlay Film

We refer to your email to [REDACTED] **[Name of Bunnings contact]** of Bunnings Limited (**Bunnings**) dated 23 June 2022. We act for Bunnings in respect of Anti-Circumvention Inquiry No.606 (**Inquiry**). The purpose of this submission is to provide the Anti-Dumping Commission (**ADC**) with information relevant to the Inquiry.

#### 1. Importations and sales by Bunnings

The Inquiry relates to concrete underlay film with a width of 1.95 metres (**the Modified Goods**). Bunnings has not imported or sold the Modified Goods.

[REDACTED]  
[REDACTED] **[Details of products imported by Bunnings]**

Bunnings has not, and has no intention to, import or sell the Modified Goods.

[REDACTED]  
[REDACTED] **[Details of products imported by Bunnings and intentions regarding supply chain]**

#### 2. Completion of Exporter Questionnaire

The ADC has invited Bunnings to complete an exporter questionnaire in respect of the Inquiry.

[REDACTED]  
[REDACTED] **[Details of Bunnings supply chain]**

Bunnings welcomes the opportunity to assist the ADC with the Inquiry. While Bunnings' export and import activities do not justify the extensive work required to complete an exporter questionnaire, it is happy to address any specific questions that the ADC may have.

### 3. Change to supply chain

[REDACTED]

[REDACTED]

[REDACTED]

[Details of changes to the Bunnings supply chain, the time of those changes and the reasons for those changes]

### 4. Scope of measures

The original dumping measures specified a width from 2 – 6 metres. It is Bunnings' experience that concrete underlay film is predominately sold in widths of either 2 or 4 metres. Cromford Film has sought that the dumping measures be altered so that there is no width specification.

If the ADC does find that a circumvention activity has occurred, the ADC will have to consider whether any modification of the goods description is appropriate to address that circumvention activity. Assuming that the only circumvention activity identified is the modification of the width of goods to 1.95 metres, it is submitted that it would be incorrect for the ADC to address that circumvention activity by completely removing the width requirement. Rather, the width should be expanded to cover the Modified Goods.

To remove the width requirement would result in very narrow concrete underlay film (say with a width of less than 1 metre) being subject to dumping duties. The ADC should be slow to adopt this approach in circumstances where there is no evidence that:

- goods are being modified to a width less than 1.95 metres; and/or
- narrow concrete underlay film is a like good to the goods currently subject to the dumping notice.

In addition, the Minister only has power to address a slight modification of the goods. Changing the width of the goods from a minimum of 2 metres to significantly less than 2 metres would not be a slight modification of the goods, but rather, a substantial change to the goods. The dumping notice should not be modified to cover goods that fall outside of the definition of circumvention activities.

Put differently, the anti-circumvention regime should not be used to enlarge the scope of the dumping notice beyond the goods that constitute the alleged circumvention activity. If Cromford Film wishes to obtain dumping duties on all Malaysian produced concrete underlay film regardless of width (**Wider Goods**) then it is appropriate for Cromford Film to apply for an investigation into the matter so that the ADC can investigate:

- whether the Wider Goods are exported to Australia;
- the dumping margin on any exported Wider Goods;
- whether any dumping of the Wider Goods is causing material injury to the Australian industry.



Please feel free to contact us with any questions.

Yours faithfully

**CGT Law**

A handwritten signature in black ink that reads 'RWiese'.

**Russell Wiese**  
Director

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