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June 6th 2019

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

Via email: ADRP@industry.gov.au

Dear Sir/Madam

RE: ADRP Review No. 100 - Wind Towers exported from the People's Republic of China and the Republic of Korea

Keppel Prince Engineering (KPE) would like to make a submission to this ADRP review of a Ministerial decision set out in ADC Report 487. KPE was the original applicant in Report 487, seeking the continuation of anti-dumping measures.

We reject the application lodged by Moulis Legal, the lawyers for the applicant (TSP). A consistent assertion by TSP is that the removal of anti-dumping measures against TSP would somehow be beneficial for KPE and other local suppliers and we cannot understand how this could ever be true.

Accordingly we would like to make a number of points in response. Our points predominantly relate to the second ground of appeal set out on pages 9-12 of the Moulis Legal letter dated 26 April 2019.

The applicant TSP claimed in its submission to ADC Report 487 and claims again in its appeal that "injurious dumping on TSP's part was unlikely to recur" and pointed to "the particular circumstances surrounding TSP's Australian sales" as a reason for this. This of course was rejected by the ADC in the original decision and should again be rejected in the appeal.

In the appeal TSP does little more than refer the ADRP to the exact same documents the ADC has already rejected.

One of the assertions made by TSP in the original decision and again in the appeal (see p.10 of the Moulis Legal letter) is "TSP did not supply any Victoria-based projects during the POI." This is unhelpful to the appeal, and perhaps shows why it was important for the dumping duties to be applied during the POI and even more important that they be continued into the future, so that dumped products do not cause injury to local suppliers. Moreover, it is a matter of record that TSP has supplied tower sections to the Stockyard Hill project in Victoria in recent times and has also sought (unsuccessfully) to supply other Victoria-based wind projects both during the POI and since that period. TSP is very much an active participant in the market and this underlines the importance of anti-dumping measures to avoid injury to local suppliers from dumped products.

Later on page 10 of the Moulis Legal letter TSP claims its "continued supply of wind towers to the Australian market has been and will continue to be beneficial to the Australian industry" and later "expiration of the anti-dumping measures can only benefit KPE, rather than injure KPE". We completely reject this assertion. Dumped product can never be beneficial to local suppliers. Our own experience in the market over more than a decade has shown us how tough it is to compete with a dumped product, particularly with only moderate anti-dumping measures in place.

On page 11 TSP asserts "the facts put forward by TSP" were "acknowledged by KPE" which is completely false. When TSP first sought to secure an exemption from the anti-dumping measures our representative Spring Sreet Advisory lodged a submission on our behalf to the ADC contesting TSP's application and rejecting their version of the facts on 27 February this year.

Also on page 11 TSP contests the ADC finding in Report 487 that "KPE is not the sole Australian industry member producing like goods". The ADC finding is demonstrably true, and the TSP claim is hence demonstrably false. Haywards Steel Fabrication and Construction (based in Launceston, Tasmania) is definitely producing "like goods" as defined in Report 487 and continues to do so to this day. Haywards is currently supplying steel wind towers to the Mortlake South wind farm in Victoria along with KPE, and it is also our understanding that Haywards is supplying steel wind towers to the Cattle Hill wind farm in Tasmania this year as well. It is inexplicable for TSP to ignore these facts.

These various misrepresentations of the facts by TSP cannot be allowed to stand uncontested, and shows the lack of merit in their application to appeal against the decision of the Minister on advice from the ADC. We would welcome input into any conferences or discussions as part of this appeal process.

Please contact Steve Garner or Dan McKinna on (03) 5523 8888 if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Dan McKinna', with a long horizontal flourish extending to the right.

Dan McKinna
Assistant General Manager
Keppel Prince Engineering