

26 July 2019

Attention: Ms Jaclyne Fisher

Panel Member
Anti-Dumping Review Panel
Department of Industry, Innovation and Science
10 Binara Street
CANBERRA CITY ACT 2601

By email: adrp@industry.gov.au

Dear Ms Fisher,

**Anti-Dumping Measures on Steel Pallet Racking exported from the People's Republic of China and Malaysia: Anti-Dumping Notice (ADN) No. 2019/45
Submissions to the Anti-Dumping Review Panel**

1. We refer to the Notice under s. 269ZZI of the *Customs Act 1901* (Cth) (the **Act**), dated 28 June 2019, published by the Anti-Dumping Review Panel (**ADRP**) advising of their intention to conduct a review of the decision made by the Minister for Industry, Science and Technology (the **Minister**) in respect of imposing anti-dumping measures on steel pallet racking exported from the People's Republic of China and Malaysia and contained within the Anti-Dumping Notice No. 2019/45 (the **Reviewable Decision**).
2. The Reviewable Decision is the outcome of Investigation number 441 (the **Investigation**) by the Anti-Dumping Commission, overseen by the Commissioner of the Anti-Dumping Commission (the **Commissioner**).
3. The purpose of this letter is to provide submissions to the ADRP. Paracella Pty Limited ACN 626 034 008, trading as 'Abbott Storage Systems' ABN 33 525 899 077 (**Abbott**), is an interested party and an applicant for the review of the Reviewable Decision.

Ground 1: The making of the Reviewable Decision was an improper exercise of power as the Minister erred in deciding there are goods or 'like goods' being dumped and causing material injury to the Australian industry. The goods the subject of the notice do not exist in the Australian market and are unable to be manufactured in Australia.

4. The goods the subject of the Investigation that is the basis for the Reviewable Decision are described as follows:

'Steel pallet racking, or parts thereof, assembled or unassembled, of dimensions that can be adjusted as required (with or without locking tabs and/or slots, and/or bolted or clamped connections), including any of the following - beams, uprights (up to 12m) and brace (with or without nuts and bolts).'



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5. Goods of this description do not exist, in Australia or elsewhere. For this reason, the Investigation and consequent Reviewable Decision is fundamentally flawed.
6. In its submission dated 25th July 2019 to the ADRP, Dematic supports the correctness of paragraph 5 above in that it states in relation to the following:

“the steel pallet racking is adjustable to only limited premanufactured fixed adjustment points of one component only in one single axis direction”

That;

“This is the case for all goods and like goods where the upright has adjustment points.”

Thus, confirming that all goods examined by the Commission during Investigation 441 were limited in their adjustment ability to specific adjustment points, distinctly limiting the goods from being adjusted “as required” and preventing all such goods from being the goods as described the subject of the Reviewable Decision.

7. In its submission, Dematic also states that *“Abbott further argues that its imported goods are not pallet racking”* and *“do not exist in the Australian market”*

Abbott makes no such claim(s).

The pallet racking imported to Australia by Abbott, is in fact pallet racking and does exist in the Australian market, unlike the goods as described the subject of the Reviewable Decision which do not exist.

Concluding remarks:

8. In the circumstances set out above and to enable the prescribed importation process to be carried out in conformance with Australian Consumer Law (that is, to avoid misleading and deceptive conduct surrounding the characteristics and functionality of Abbott’s goods, amongst other effected third parties), the preferential and correct decisions is that the Investigation should have been terminated altogether, or at least in so far as it relates to Abbott, and that the Minister should revoke any anti-dumping measures that may be perceived to apply to imports of steel pallet racking systems by Abbott.

Yours Sincerely,

Kelvin Flintoff
Director.