



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZG(1)

Steel Pallet Racking exported from the People's Republic of China and Malaysia

The Anti-Dumping Review Panel (Review Panel) has received an application for review of the decision by the Minister for Industry, Science and Technology made under subsections 269TG(1) and (2) of the *Customs Act 1901* (the Act) in respect of Steel Pallet Racking exported from the People's Republic of China (China) and Malaysia (the Reviewable Decision). The application was made by One Stop Pallet Racking Pty Ltd (One Stop).

Under section 269ZYA of the Act, the Senior Member of the Review Panel has specified in writing that the Review Panel is to be constituted by me, Jaclyne Fisher.

Pursuant to section 269ZZG(1)(a) of the Act, the Review Panel is not satisfied that the application made by One Stop sets out reasonable grounds for the Reviewable Decision not being the correct or preferable decision and requests that further information as follows, be supplied no later than 5:00pm AEST on Friday, 7 June 2019:

1. The applicant, One Stop, must specify with greater detail the reasons that the Reviewable Decision is not the correct or preferable decision. That is, One Stop must specify why the decision of the Minister for Industry, Science and Technology, to publish a dumping duty notice under subsections 269TG(1) and (2) on exports of Steel Pallet Racking exported from China and Malaysia, is not the correct or preferable decision. Section 269TG(1) and (2) of the Act states:
 - (1) *Subject to section 269TN, where the Minister is satisfied, as to any goods that have been exported to Australia, that:*
 - a) *the amount of the export price of the goods is less than the amount of the normal value of the goods; and*
 - b) *because of that:*
 - i. *material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered; or*
 - ii. *in a case where security has been taken under section 42 in respect of any interim duty that may become payable on the goods under section 8 of the Dumping Duty Act—material injury to an Australian industry producing like goods would or might have been caused if the security had not been taken;*
- the Minister may, by public notice, declare that section 8 of that Act applies:*
- c) *to the goods in respect of which the Minister is so satisfied; and*
 - d) *to like goods that were exported to Australia after the Commissioner made a preliminary affirmative determination under section 269TD in respect of the goods referred to in paragraph (c) but before the publication of that notice.*

- (2) *Where the Minister is satisfied, as to goods of any kind, that:*
- a) *the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and*
 - b) *because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;*
- the Minister may, by public notice (whether or not he or she has made, or proposes to make, a declaration under subsection (1) in respect of like goods that have been exported to Australia), declare that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of the notice or such later date as is specified in the notice.*

This entails a statement/s specifying the grounds under which the Reviewable Decision is not correct or preferable. This should also include a statement of what the decision should have been and how this is materially different to the existing Reviewable Decision. In outlining the grounds for why the Reviewable Decision is not correct or preferable, specific information should be provided to demonstrate why these grounds are reasonable. This should refer to evidential material, not only allegations or opinions.

2. Section 269ZZH of the Act provides that a non-confidential summary of any confidential information in the application must be provided in accordance with section 269ZZY, otherwise the application must be rejected. The Review Panel considers that the non-confidential attachment to the One Stop application does not include a summary of confidential information provided in the confidential attachment.

As referred to above, this notice requires submission of this further information by no later than **5:00pm AEST on Friday, 7 June 2019.**

Jaclyne Fisher
Panel Member
Anti-Dumping Review Panel
6 June 2019