



Australian Government
Anti-Dumping Review Panel

Anti-Dumping Review Panel
C/O Legal , Audit & Assurance
Department of Industry, Science, Energy and Resources
10 Binara Street
Canberra City ACT 2601
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Email: ADRP@industry.gov.au
Web: www.adreviewpanel.gov.au

By EMAIL

Zac Chami
Partner, Clayton Utz
Level 15, 1 Bligh Street
Sydney NSW 2000

Dear Mr Chami

ADRP Review No. 129 – Aluminium Extrusions exported from the People’s Republic of China

I write to you as the authorised representative for the PanAsia Group in relation to its application before me in ADRP Review No. 129. I refer to your email received on 8 January 2021 and to the email received from Mr Moss on 12 January 2021.

Request for Conference

Your email of 8 January 2021 requests a conference pursuant to s.269ZZHA of the *Customs Act 1901* (the Act). The reason given for the conference is the importance of the matter to your client and the intersection of this Review with the PanAsia Group’s ongoing duty assessment applications.

As you are aware, s.269ZZHA(1) provides that the Review Panel may hold a conference for the purpose of obtaining further information in relation to the application or review. Having regard to the issue raised by the ground for review in your client’s application and the reason given for the conference request, I do not propose to hold a conference. The ground for review raises a question of statutory interpretation. I am not aware of any further relevant information which would be obtained through holding a conference. No such information is identified as a basis for the request for a conference.

Extension of time

I note the advice in the email of 12 January 2021 that the Anti-Dumping Commission is taking steps to finalise the outstanding duty assessments and no longer considers that it is necessary to await any Ministerial decision arising from the present Review. In light of this, it is suggested that

consideration be given to an extension of the 60-day-period set out in s.269ZZK(3)(b)(i) of the Act until a time after the Commission has determined the duty assessments.

I advise that I do not intend to request that the Minister extend the period under s.269ZZK(3)(b)(i) for the report under s.269ZZK(1) to be made. The decision being reviewed in this Review is that of the Minister made on 12 October 2020 under s.269ZHG of the Act. It is noted that in making a report under s.269ZZK(1) the Review Panel is restricted in the information to which it can have regard. I do not consider that the circumstances described in the email constitute special circumstances within the meaning of s.269ZZK(3)(b)(i).

With regard to the suggestion that I consider issuing a notice under s.269ZZL of the Act, you will be advised if such a notice is issued by publication of a non-confidential version of the notice on the Review Panel website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joan Fitzhenry', written in a cursive style.

Joan Fitzhenry
Senior Member
Anti-Dumping Review Panel
14 January 2021