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13 November 2015

Not confidential

By email: ADRP@industry.gov.au

Anti-Dumping Review Panel
c/o Legal, Audit and Assurance Branch
Department of Industry, Innovation and Science
10 Binara Street
CANBERRA CITY ACT 2601

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Dear Panel Member

Certain aluminium extrusions exported from the People's Republic of China

We act for Tai Shan City Kam Kiu Aluminium Extrusion Co Ltd and its related companies, Kam Kiu (Australia) Pty Ltd and Kam Kiu Aluminium Products SDN BHD (collectively, **Kam Kiu**).

As you will recall, on 18 September 2015, Kam Kiu submitted an application (**Application**) for review of a decision made by the Parliamentary Secretary to the Minister for Industry and Science (**Parliamentary Secretary**) following Anti-Dumping Commission (**ADC**) investigation ADC 248, concerning aluminium extrusions exported from the People's Republic of China.

On about 21 October 2015, the Anti-Dumping Review Panel (**ADRP**) announced that it proposes to conduct a review in response to the Application.

A day earlier, a decision of the Parliamentary Secretary dated 14 October 2015 (**Continuation Decision**) was published, following an inquiry (ADC 287) into the continuation beyond 28 October 2015 of the anti-dumping measures applicable to aluminium extrusions exported from China. The effect of that decision was to continue the measures that Kam Kiu has asked the ADRP to review.

Kam Kiu is concerned to ensure that if, following its consideration of the Application, the ADRP recommends that the anti-dumping measures applicable to Kam Kiu be varied, any decision by the Minister to follow that recommendation has the effect of varying prospectively, from at least the date of the Minister's decision, the anti-dumping measures applicable to Kam Kiu.

A decision by the Minister in those circumstances should not leave any room for argument that the varied measures determined by the Minister, following the ADRP's review, are superseded by the Continuation Decision, with a combined impact that following 28 October 2015 the measures continue as if they had not been varied by the ADRP and the Minister.

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Kam Kiu respectfully submits that if, after considering the Application, the ADRP recommends that the anti-dumping measures applicable to Kam Kiu be varied, the ADRP should also recommend that the varied measures apply from a date after the Continuation Decision (being 28 October 2015), to avoid any potential for argument that the varied measures are somehow superseded and nullified by the Continuation Decision.

Please do not hesitate to contact me if you have any queries in relation to this submission.

Yours sincerely



Andrew Korbel
Partner