

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY

TOPIC: Quicklime Exports from Thailand

REFERENCE: Question on Notice (Hansard, 2 June 2014, page 40)

QUESTION No.: BI-19

Senator KIM CARR: I was wondering if I could ask you about the status of the investigation into the dumping of quicklime exports from Thailand, which I understand was initially investigated or instigated in October 2011.

Mr Seymour: On 2 May 2013, the then Customs and Border Protection Service terminated an investigation of quicklime exported to Australia from Thailand for the second time. On 8 August 2013 the Anti-Dumping Review Panel overturned the termination decision, and the Anti-Dumping Commission resumed the investigation. Due to the particularly complex legal issues involved and the unique circumstances of the case, the commission's resumed investigation has taken longer than expected. The commission is currently working on a statement of essential facts for the resumed investigation, and I would expect to be in a position to publish that statement of essential facts very shortly.

Senator KIM CARR: I just want to be clear about a couple of factual matters. Is it true that Cockburn Cement made allegations that the firm experienced material injury as a result of products being dumped in the period from March to June 2010?

Mr Seymour: I do not have the case file in front of me, so I am hesitant to confirm matters of fact in relation to a very complex matter. May I take that on notice and come back to you?

Senator KIM CARR: Thank you. Was that the specific period that was subsequently investigated, and if not, why not? I presume you will tell me you have not got the case file here and cannot answer that.

Mr Seymour: I cannot answer it in detail other than to say that the statement of essential facts that I will be publishing will deal with that matter directly.

Senator KIM CARR: I would be interested to know whether or not it is correct that imports of quicklime products from Thailand were found to be dumped at a margin of 48 per cent in the period July 2010 to June 2011. Are you able to help me with that?

Mr Seymour: You are correct in terms of the period in question, but the matters are legally complex and I am hesitant to make a comment about them today. I would rather take that on notice and also ask that we rely upon my publishing of the statement of essential facts in that matter, which as I say is due very shortly.

In relation to the investigation into the dumping of quicklime exports from Thailand and allegations from Cockburn Cement that the firm experienced material injury as a result of products being dumped in the period March-June 2010.

- a. Was this the specific period that was subsequently investigated? If not, why not?
- b. Is it correct that imports of quicklime products from Thailand were found to be dumped at a margin of 48 per cent in the period July 2010-June 2011?
- c. Why hasn't the Anti-Dumping Commission determined the dumping status of imports of quicklime from Thailand in the period specified by Cockburn Cement, when imports immediately following this period have been found to be dumped?
- d. Does the Commission agree that this dumping determination is necessary to establish whether the material injury suffered by the Australian industry is caused by dumping?

ANSWER

- a. In October 2011, an investigation into the alleged dumping of quicklime exported from Thailand was initiated. This investigation has been terminated twice¹, and subsequently resumed twice as directed by the then Trade Measures Review Officer (TMRO)² and the Anti-Dumping Review Panel³.

For the initial investigation⁴, an 'investigation period' of 1 July 2010 to 30 June 2011 was established in order to examine exportations to Australia to determine dumping. Further analysis to determine whether dumped quicklime exports from Thailand had caused material injury to the Australian industry during January to June 2010 was conducted following the first resumption of this investigation.

Whilst there is no requirement to consider data outside the investigation period when determining whether dumping has caused injury, this additional analysis was conducted to address concerns raised by the TMRO and Cockburn Cement (the applicant seeking dumping duties).

- b. Yes.
- c. This issue will be addressed in the Anti-Dumping Commission's (the Commission's) Statement of Essential Facts (SEF) for the resumed dumping investigation for quicklime. This SEF will be published shortly, and will be available on the Commission's website at www.adcommission.gov.au.
- d. See response c.

¹ In April 2012 and May 2013.

² In June 2012.

³ In August 2013.

⁴ That was initiated in October 2011.