

**APPLICATION FOR  
MINISTERIAL EXEMPTION OF GOODS FROM A  
DUMPING DUTY AND/OR A COUNTERVAILING  
DUTY NOTICE**

**APPLYING TO**

**Aluminium Zinc Coated Steel  
Exported from  
The People's Republic of China and the Republic  
of Korea**

**APPLICANT**

**Kasia Nominees Pty Ltd (T/A DE Engineers)**

**Pursuant to**

**Subsections 8(7) and 10(8) of the *Customs Tariff  
(Anti Dumping) Act 1975 (Cth)***

**APPLICATION FOR MINISTERIAL EXEMPTION FROM DUMPING  
AND/OR COUNTERVAILING DUTY**

Kasia Nominees Pty Ltd (T/A DE Engineering), an importer of goods on which the following notices have been, or may be, published:

- a dumping duty notice ; and/or
- a countervailing duty notice,

in respect of

Aluminium Zinc Coated Steel exported to Australia from The People's Republic of China (**China**), the Republic of Korea (**Korea**).

hereby requests that the Minister, by notice in writing exempt the following goods:

aluminium zinc coated steel, being a flat rolled product of iron and non-alloy steel, plated or coated with aluminium-zinc alloys, whether or not surface treated including combinations of surface treatments, whether or not including resin coating, having ALL of the following:

- (a) width of 1,200 mm;
- (b) thickness of 1.60 mm.

For the purpose of this description, tolerance allowance for (a) & (b) are +/- 10%.

from:

- dumping duties pursuant to:
  - paragraph 8(7)(a) of the *Customs Tariff (Anti Dumping) Act 1975 (Dumping Duty Act)*; and/or
  - paragraph 8(7)(b) of the *Dumping Duty Act*; and/or
- countervailing duty pursuant to:
  - paragraph 10(8)(a) of the *Dumping Duty Act*; and/or
  - paragraph 10(8)(aa) of the *Dumping Duty Act*.

Evidence in support of this application for ministerial exemption is provided as follows:

- that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade pursuant to paragraphs 8(7)(a) and 10(8)(a) of the *Dumping Duty Act* is provided in section B-1, and/or,
- that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the exempt goods is in force pursuant to paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act* is provided in section B-2

The following supporting information is contained in attachments to this application:

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- Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader) – see section A-1
- Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation – see section A-2
- Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser – see section A-3
- Full description of the exported goods to which the application relates (the Exempt Goods) – see section A-4
- The tariff classification/statistical code of the Exempt Goods – see section A-5

Signature:



.....  
*for and on behalf of Kasia Nominees Pty Ltd*

Name:

Kevin Prater

Position:

General Manager

Application Name: Kasia Nominees Pty Ltd T/A DE Engineering

Date:

The *20<sup>th</sup>* day of *October* in the year of 2014

**APPLICATION FOR MINISTERIAL EXEMPTION**

**ATTACHMENT A – Applicant and Exempt Goods details**

**A-1 Name, street and postal address, and form of business of the applicant (for example, company, partnership, sole trader)**

Applicant name : Kasia Nominees Pty Ltd  
ABN : 26 529 822 454  
Entity type : Proprietary Company  
Street address : 131 Clayton St Bellevue WA 6065  
Postal address : Refer street address

**A-2 Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation**

Company contact : Kevin Prater  
Title/position : General Manager  
Telephone contact : 08 9274 2632  
Facsimile contact : 08 9274 6618  
E-mail : kevin@deengineers.com.au

**A-3 Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser**

Consultant name :  
Position :  
Organisation :  
Telephone contact :  
Facsimile contact :  
E-mail :

**A-4 Full description of the exported goods to which the application relates**

The exported goods to which the application relates are Aluminium Zinc Coated Steel a flat rolled product of iron and non-alloy steel; plated or coated with aluminium-zinc alloys whether or not surface treated including combination surface treatment resin coated and in width equal to or greater than 600mm exported to Australia from China and Korea.

**A-5 The tariff classification/statistical code of the imported goods**

The goods are classified to tariff subheadings 7210.61.00 (statistical codes 60, 61, and 62) in Schedule 3 of the *Customs Tariff Act 1995*.

**APPLICATION FOR MINISTERIAL EXEMPTION**

**ATTACHMENT B – Basis that the notice is inappropriate**

**B-1 Evidence that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade**

1. In the last 12 months, has an enterprise produced and sold, in Australia, goods that are identical in all respects to the goods described in section A-4 of this Application?

YES, answer B-1.2 and B-1.3

NO, answer B-1.5

2. Name the enterprise that has produced in Australia, goods that are identical in all respects to the goods described in section A-4 of this Application?

3. Are these products available to all purchasers on equal terms under like conditions?

YES, the conditions for the making of a ministerial exemption have not been satisfied under paragraphs 8(7)(a) and 10(8)(a) of the *Dumping Duty Act*

NO, answer B-1.4

4. Provide evidence and explain why you consider that these products are not available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

5. In the last 12 months, has an enterprise produced and sold, in Australia, goods that are like or directly competitive to the goods described in section A-4 of this Application?

YES, answer B-1.6 and B-1.7

NO, answer B-1.9

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6. Name the enterprise that has produced in Australia, goods that are like or directly competitive to the goods described in section A-4 of this Application?

7. Are these products available to all purchasers on equal terms under like conditions?

YES, the conditions for the making of a ministerial exemption have not been satisfied under paragraphs 8(7)(a) and 10(8)(a) of the *Dumping Duty Act*

NO, answer B-1.8

8. Provide evidence and explain why you consider that these products are not available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

9. Provide evidence and explain why you consider that these products are not like or directly competitive to the goods described in section A-4 of this Application?

Refer **CONFIDENTIAL ATTACHMENT B-1.9.1 and B-1.9.2**

**B-2 Evidence that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the exempt goods is in force pursuant to paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act***

1. Does a Tariff Concession Order under Part XVA of the *Customs Act 1901* is in force in respect of the goods described in section A-4 of this Application?

YES, answer section B-2.2 and B-2.3

NO, the conditions for the making of a ministerial exemption have not been satisfied under paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act*

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2. Provide details of the Tariff Concession Order (TCO) Number, Operative Date and Declared Date

<i>TCO Number</i>	<i>Operative Date</i>	<i>Declared Date</i>

3. Provide extracts of relevant notices made pursuant to section 269R(1) of the *Customs Act 1901*.

Not applicable.

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**CONFIDENTIAL ATTACHMENT B-1.9.1**

**[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK]**





131 CLAYTON ROAD  
BELLEVUE WA 6056

PHONE (08) 9274 2632  
FAX (08) 9274 6618  
FREECALL 1800 633 666

ABN 26 529 822 454

7<sup>th</sup> May, 2015

Operations 9 | Anti-Dumping Commission  
Level 35, 55 Collins Street  
Melbourne VIC 3000

Dear Mr Peters

Please see amendments to page 2 & 6 of my application for exemption of goods from a dumping duty and or countervailing duty.

The amendment of page 2 at A-4 being the description of the goods in which exemption is sought and page 6 at 9-A being a description of the evidence of goods specified in the Confidential Attachment B-1.9.1 and B-1.9.2

Please let me know if these changes are sufficient to further proceed with our Application of Exemption.

Yours faithfully

Kevin Prater  
Proprietor

## **APPLICATION FOR MINISTERIAL EXEMPTION**

### **ATTACHMENT A – Applicant and Exempt Goods details**

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Entity type : Proprietary Company  
Street address : 131 Clayton St Bellevue WA 6065  
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#### **A-2 Name; title/position; telephone and facsimile numbers; and e-mail address of a contact within the organisation**

Company contact : Kevin Prater  
Title/position : General Manager  
Telephone contact : 08 9274 2632  
Facsimile contact : 08 9274 6618  
E-mail : kevin@deengineers.com.au

#### **A-3 Name of consultant/adviser (if any) representing the applicant and a copy of the authorisation for the consultant/adviser**

Consultant name :  
Position :  
Organisation :  
Telephone contact :  
Facsimile contact :  
E-mail :

#### **A-4 Full description of the exported goods to which the application relates**

Aluminium zinc coated steel, being a flat rolled product of iron and non-alloy steel, plated or coated with aluminium-zinc alloys, whether or not surface treated including combinations of surface treatments, whether or not including resin coating, having ALL of the following:

- (a) width of 1,200 mm;
- (b) thickness of 1.60 mm.

For the purpose of this description, tolerance allowance for (a) & (b) are +/- 10%.

YES, answer B-1.6 and B-1.7

NO, answer B-1.9

6. Name the enterprise that has produced in Australia, goods that are like or directly competitive to the goods described in section A-4 of this Application?

7. Are these products available to all purchasers on equal terms under like conditions?

YES, the conditions for the making of a ministerial exemption have not been satisfied under paragraphs 8(7)(a) and 10(8)(a) of the *Dumping Duty Act*

NO, answer B-1.8

8. Provide evidence and explain why you consider that these products are not available to all purchasers on equal terms under like conditions.

Evidence can be in the form of sales invoices, sales contracts, sales reports or advertisements and brochures.

9. Provide evidence and explain why you consider that these products are not like or directly competitive to the goods described in section A-4 of this Application?

a. Material in the con CONFIDENTIAL ATTACHMENT B-1.9.1 and B-1.9.2 shows shows that Kasia has attempted to purchase the product from the Australian supplier. This confidential material has been referred to in the non confidential version of the application as "evidence ... why [the applicant] consider[s] that these products are not like or directly competitive to the goods in section A-4". This does not sufficiently describe the confidential material such that interested parties can gain a reasonable understanding of the substance of the material, ie that an unsuccessful attempt has been made to purchase from an Australian producer the product for which the exemption application is being made.

b. CONFIDENTIAL ATTACHMENT B-1.9.1 and B-1.9.2

**B-2 Evidence that a Tariff Concession Order under Part XVA of the Customs Act 1901 in respect of the exempt goods is in force pursuant to paragraphs 8(7)(b) and 10(8)(aa) of the *Dumping Duty Act***