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22 December 2011

The Director
Operations 2
International Trade Remedies Branch
Australian Customs and Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Our ref: ATH
Matter no:

By email: tmops2@customs.gov.au

Dear Director

**Aluminium Road Wheels exported from the People's Republic of China
Initiation of an investigation into alleged dumping and subsidisation
Submission by Boss Wheels Pty Ltd**

We act on behalf of Boss Wheels Pty Ltd ("Boss Wheels").

Our client has instructed us to advise as follows and make the following preliminary submission.

1. Boss Wheels received correspondence from the Australian Customs and Border Protection Service ("Customs") regarding the abovementioned investigation ("Investigation") initiated at the application ("Application") of Arrowcrest Group Pty Ltd ("Arrowcrest").
2. However, the directors and shareholders of Boss Wheels are also associated with the following companies which would make them "Related Corporations" within the meaning of the Corporations Act.
 - (a) [REDACTED] (which is an Importer of 4x4, trailer and commercial wheels); and
 - (b) [REDACTED] (which mainly imports steel wheels but with some specialist passenger alloy wheels).

In our view, Boss Wheels and the companies described in the preceding paragraphs ("Companies") are "interested parties" in relation to the Investigation and we have been instructed to make this submission on behalf of the Companies.

3. The Companies have a number of reservations regarding the Investigation and the possible application to goods imported by them which may be unintended.

For these purposes, our clients have instructed us to raise the following issues:

- (a) In paragraph 2.2.1 of Customs' consideration report number 181 ("Report"), Customs indicates that the goods the subject of the application excludes aluminium "All-Terrain Vehicles". The Companies import a variety of aluminium road wheels for use with "4x4" fitments. Would these be considered as "All-Terrain Vehicles" in terms of the Investigation or application

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of measures? In the view of our clients and in our view they should be specifically excluded from the investigation and any measures imposed.

- (b) A number of aluminium road wheels imported for use with "4x4" fitments could, conceivably, physically be fitted to "passenger motor vehicles" but they would not be suitable if that vehicle is to be driven. Again, our clients and ourselves are of the view that such items should be excluded from the investigation and the application of any measures.
- (c) Our clients are concerned as to how Customs would propose to exclude aluminium road wheels for commercial and 2-wheel drive vehicles from the investigation and the application of any measures.
- (d) If a type of aluminium road wheel is listed as being subject to dumping measures but is also subject to a tariff concession order which classifies the goods differently should it still be subject to measures? For example, "trailer wheels" are listed in the description of goods in paragraph 2.2.1 of the Report but our client is of the view that if the product has "trailer use only" stamped on it, the goods should be duty free under a relevant tariff concession order (as not being manufactured in Australia).
- (e) A number of products which our client imports into Australia from the PRC or the US (manufactured in China) are currently subject to a [REDACTED] payable to [REDACTED] which renders those goods significantly more expensive than the equivalent product which may be exported from China without the payment of [REDACTED]. For these goods;
- (1) our client believes that, in the case of the product imported from the US, such product should not be subject to the investigation or the application of measures; and
- (2) in relation to the goods imported from the PRC and which may be subject to the investigation, our client believes that there should be a separate determination as to whether measures are applicable to those goods.
- (f) Our client currently imports a quantity of blank aluminium road wheels (with no stud pattern). This product is intended to be placed on more uncommon stud pattern 4x4 vehicles [REDACTED]. The wheel sizes and offsets are oriented for 4x4 vehicles but the fact is there is some prospect that they could be fitted on passenger motor vehicles although it would not be suitable. In the view of our clients and ourselves, such goods should be excluded from the investigation and should not be subject to measures.
- (g) For current purposes, our client's importing history indicates that our client imports the majority of its aluminium road wheels bearing a tariff classification [REDACTED] as being the appropriate tariff classification and, as a result, items bearing that tariff classification should be excluded from the investigation and the application of any measures. These are [REDACTED].

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As you would be aware, this submission has been made at short notice without the benefit of significant time to review relevant material. Our client would welcome the opportunity of further discussing these matters with you and making further submissions on the more substantive aspects of the Investigation and the Application should it be considered that they apply to goods imported by our client.

As a consequence, our client believes that no interim measures should be applied pending further submissions by our client.

Yours faithfully
Hunt & Hunt



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