

Ref: 19-054

6th June 2019

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

RE: ADRP Review No. 100 - Wind Towers exported from the People's Republic of China and the Republic of Korea

Dear Sir/Madam,

Haywards Steel Fabrication and Construction (Haywards) would like to make a submission to this ADRP review of a Ministerial decision set out in ADC Report 487. Haywards has been a supplier of steel wind towers to customers in Australia since 2003.

We have read the application lodged by Moulis Legal, the lawyers for the applicant (TSP) and would like to make a number of points in response. Our points relate to the second ground of appeal set out on pages 9-12 of the Moulis Legal letter dated 26 April 2019.

The applicant TSP claimed in its submission to ADC Report 487 and claims again in its appeal that "injurious dumping on TSP's part was unlikely to recur" and pointed to "the particular circumstances surrounding TSP's Australian sales" as a reason for this. This of course was rejected by the ADC in the original decision and should again be rejected in the appeal.

In the appeal TSP does little more than refer the ADRP to the exact same documents the ADC has already rejected.

One of the assertions made by TSP in the original decision and again in the appeal (see p.10 of the Moulis Legal letter) is "TSP did not supply any Victoria-based projects during the POI." This is unhelpful to the appeal, and perhaps shows why it was important for the dumping duties to be applied during the POI and even more important that they be continued into the future, so that dumped products do not cause injury to local suppliers. Moreover, it is a matter of record that TSP has supplied tower sections to the Stockyard Hill project in Victoria in recent times and has also sought (unsuccessfully) to supply other Victoria-based wind projects both during the POI and since that period.

Later on page 10 of the Moulis Legal letter TSP claims its "continued supply of wind towers to the Australian market has been and will continue to be beneficial to the Australian industry". We completely reject this assertion. Dumped product can never be beneficial to local suppliers. Our own experience in the market has shown us how tough it is to compete with a dumped product, even with anti-dumping measures in place.

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On page 11 TSP also contests the ADC finding in Report 487 that "KPE is not the sole Australian industry member producing like goods". Haywards is definitely producing "like goods" as defined in Report 487 and we continue to do so to this day. We are supplying steel wind towers to the Mortlake South wind farm and the Cattle Hill wind farm in Tasmania this year. It is inexplicable for TSP to ignore these facts.

These various misrepresentations of the facts by TSP cannot be allowed to stand, and shows the lack of merit in their application to appeal against the decision of the Minister on advice from the ADC. We would welcome input into any conferences or discussions as part of this appeal process.

Please contact Steve Edmunds or Shaun Brown on (03) 6391 8508 if you have any questions.

Yours sincerely,



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