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Anti-Dumping Notice No. 2016/40

**Public notice under subsection 269TC(4)  
of the *Customs Act 1901***

**Quicklime**

**Exported from Malaysia, the Kingdom of Thailand and the**

**Socialist Republic of Vietnam**

**Initiation of an Investigation into alleged dumping**

*Customs Act 1901 – Part XVB*

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have initiated an investigation following an application lodged by Cockburn Cement Limited, a manufacturer of quicklime (the goods) in Australia. The application seeks the publication of a dumping duty notice in respect of quicklime exported to Australia from Malaysia, the Kingdom of Thailand and the Socialist Republic of Vietnam.

The application alleges that the goods have been exported to Australia at prices less than their normal value and that the dumping has caused material injury to the Australian industry through:

- Loss of sales volume;
- Reduced market share;
- Price depression;
- Price suppression;
- Loss of profits;
- Reduced profitability;
- Reduced capacity utilisation; and
- Reduced employment.

The non-confidential version of the application, which contains the basis of the alleged dumping, is available on the public record.

Particulars of the reasons for the decision to initiate this investigation are in *Anti-Dumping Commission Consideration Report No. 348*, which is available on the public record.

The date of initiation of this investigation is the date of publication of this notice.

## The Goods

The goods the subject of the application are:

*Quicklime, also known as Calcium Oxide (CaO) as this is the dominant chemical composition of quicklime.*

The applicant provided further details as follows:

*Other common names to describe this product include Burnt Lime and Unslaked Lime. Quicklime is a white to grey, caustic, crystalline solid at room temperature.*

The goods are currently classified to tariff subheading 2522.10.00 (statistical code 26) of Schedule 3 to the *Customs Tariff Act 1995*.

These goods are duty free.

## Investigation Process

The investigation period is 1 January 2015 to 31 December 2015. I will examine exports to Australia of the goods during this period to determine whether dumping has occurred. I will examine details of the Australian market from 1 January 2012 for injury analysis purposes.

Where the Assistant Minister for Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)<sup>1</sup> is satisfied, as to goods of any kind, that:

- (a) the amount of the export price of the goods that have already been exported to Australia is less than the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods; and
- (b) because of that, material injury to an Australian industry producing like goods has been or is being caused or is threatened, or the establishment of an Australian industry producing like goods has been or may be materially hindered;

the Parliamentary Secretary may, by public notice, impose interim dumping duties.<sup>2</sup>

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<sup>1</sup> On 23 December 2014, the then Minister for Industry and Science delegated his powers and functions under Part XVB of the *Customs Act 1901* to the Parliamentary Secretary to the Minister for Industry and Science. On 20 September 2015, the Department of Industry and Science became the Department of Industry, Innovation and Science. The titles of the Minister and Parliamentary Secretary also changed to the Minister for Industry, Innovation and Science, and the Parliamentary Secretary to the Minister for Industry, Innovation and Science. On 20 September 2015, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Science.

<sup>2</sup> In accordance with section 269TG of the *Customs Act 1901*.

## **Public Record**

I must maintain a public record of each investigation. Documents included in the public record are available at [www.adcommission.gov.au](http://www.adcommission.gov.au) or can be examined at the Commission's office by contacting the Case Manager on the details provided below. The public record will contain, among other things, a copy of the application, *Anti-Dumping Commission Consideration Report No. 348* and copies of all non-confidential submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the investigation.

## **Lodgement of Submissions**

Interested parties, as defined by subsection 269T(1) of the *Customs Act 1901* (the Act), are invited to lodge submissions concerning the publication of the dumping duty notice sought in the application, no later than the close of business on 25 May 2016, addressed to:

The Director  
Operations 2  
GPO Box 1632  
Melbourne VIC 3001  
Australia

Or by email to [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au), or by fax to +61 3 8539 2499.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged by the due date. Interested parties should note that I am not obliged to have regard to a submission received after the date above if, to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

Interested parties should also note that I am now directed to consider the matters set out in the *Customs (Extensions of Time and Non-cooperation) Direction 2015* in certain circumstances. This is available at [www.legislation.gov.au](http://www.legislation.gov.au).

Interested parties may reply to matters raised by other parties during the course of the investigation and in response to the statement of essential facts.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

### **Provisional Measures**

Pursuant to the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the PAD Direction), I will make a preliminary affirmative determination (PAD) 60 days after the initiation of the investigation, provided I am satisfied, under section 269TD of the Act that there appears to be sufficient grounds for the publication of a dumping duty notice or there appears that there will be sufficient grounds for the publication of a dumping duty notice subsequent to the importation of the goods into Australia.

In accordance with section 269TD of the Act, the Commonwealth may apply provisional measures, including the taking of securities under section 42 of the Act, in respect of interim dumping duty that may become payable on the goods, where a PAD has been made.

Where a PAD is not made 60 days after initiation of the investigation, the PAD Direction directs me to publish a status report providing reasons why a PAD was not made. The PAD Direction is available on the Federal Register of Legislation website, [www.legislation.gov.au](http://www.legislation.gov.au).

### **Statement of Essential Facts**

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. In accordance with section 269TDAA of the Act, a statement of essential facts will be placed on the public record by 6 August 2016, or by such later date as the Parliamentary Secretary may allow in accordance with section 269ZHI of the Act. The statement will set out the essential facts on which I propose to base my recommendations to the Parliamentary Secretary. Interested parties are invited to lodge submissions in response to the statement within 20 days of the statement being placed on the public record.

Submissions received in response to the statement of essential facts within 20 days of that statement being placed on the public record will be taken into account in completing the report and recommendation to the Parliamentary Secretary.

### **Report to the Parliamentary Secretary**

A recommendation to the Parliamentary Secretary will be made in a report on or before 20 September 2016 (or such later date as the Parliamentary Secretary may allow under section 269ZHI), on the basis of the examination of exportations of the goods to Australia during the investigation period, unless I terminate the investigation.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or such longer period as the Parliamentary Secretary considers appropriate.

### **Anti-Dumping Review Panel**

Certain persons will have the right to seek review with the Anti-Dumping Review Panel in accordance with Division 9 of Part XVB of the Act of either a decision by me to terminate the investigation, or a decision of the Parliamentary Secretary to publish or not to publish a dumping duty notice after considering my report.

### **Anti-Dumping Commission Contact**

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8539 2477, fax number +61 3 9539 2499 or by email to [operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au).



Dale Seymour  
Commissioner  
Anti-Dumping Commission

18 April 2016

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