

International Trade, Industry Policy & Customs Services

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Director Policy
Trade Measures Branch
Customs House
5 Constitution Ave
CANBERRA ACT 2601

Dear Sir,

Re: Response to exposure draft of the Australian Customs Service manual as outlined in ACDN 2008/47

We wish to respond to the subject exposure draft relating to dumping and submit the following for your consideration.

Re: Establishing the date of sale (Line numbers 1943 through 1959)

Evidence derived from recent inquiries (conducted during 2008) suggests that in the case of wildly fluctuating commodity prices, comparisons between domestic and export prices on the basis of invoice dates alone, frequently lead to erroneous conclusions.

We have observed the common occurrence of longer lead times associated with export shipments (once orders are received) and that domestic consignments are generally shipped and billed in the same month of order. Export shipments on the other hand, are frequently shipped and invoiced the following month, especially when orders are received by exporters around the middle of the preceding month.

This implies that even though both domestic and export customers can actually negotiate identical pricing during a particular month, their respective invoice values may not be compared during the same period.

To date, Customs practice simply involves comparisons of invoices raised during the same period (e.g. the same month) and tends to disregard values reflecting the more factual and contemporary pricing negotiations evidenced by purchase orders received from domestic and export customers. Because of the "export lag", Customs will always find evidence of dumping in "rising markets" even when identical prices are negotiated with domestic and export customers. The practice constitutes an inherent and significant bias against all exporters during periods of rising economic activity and demand.

Director Policy
Trade Measures Branch

In the circumstances, we contend the draft proposal be modified to reflect a more equitable attempt to determine appropriate dates of sale. We respectfully suggest the dates upon which firm purchase orders are actually received by exporters become the definitive dates for the purpose of comparing domestic and export invoice values.

Because of its significance, the matter requires attention and resolution as soon as possible.

Please contact the undersigned should you wish to further discuss this submission.

Thank you for your attention.

Yours sincerely,
Casselle Commercial Services Pty Ltd

A handwritten signature in black ink, appearing to read "J. Caldis". The signature is fluid and cursive, with a large initial "J" and a stylized "C".

John G. Caldis
Director