



Trade (Anti-dumping and Countervailing Duties) Act 1988

2025 Application for Full Review

Canned peaches from South Africa

Initiation Memorandum

MBIE/AD/R/2025/001

NON-CONFIDENTIAL

ISBN 978-1-991316-77-6

March 2025



INITIATION MEMORANDUM

DATE 12 March 2025

TO Sebastian Doelle, Manager, Trade and Supply Chains

PREPARED BY Trade Remedies Team

SUBJECT **APPLICATION FOR START OF A FULL REVIEW OF ANTI-DUMPING DUTY UNDER THE TRADE (ANTI-DUMPING AND COUNTERVAILING DUTIES) ACT 1988**

RECOMMENDATIONS

You have delegated authority to make certain decisions under the Trade (Anti-dumping and Countervailing Duties) Act 1988 (the Act). We recommend that you:

Note that the Trade Remedies team, having assessed the application for a continuation of the anti-dumping duties on imports of canned peaches from South Africa, considers that the New Zealand industry has provided positive evidence justifying the need for a full review.

Noted

Agree to start a full review of anti-dumping duties under section 17D(1) of the Act on the basis that the requirements in that section to start a full review have been met.

Agree/Disagree

Agree to sign the attached *Gazette* notice giving notice of the decision to start a full review stage 1 in accordance with section 17E of the Act, notice will also be given to notified parties.

Agree/Disagree

12 March 2025
Sebastian Doelle
Manager, Trade and Supply Chains
Communications, Infrastructure & Trade Branch

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

1. INTRODUCTION

1. In this report we assess an application from Heinz Wattie’s Limited (HWL) asking that the chief executive of the Ministry of Business, Innovation, and Employment (MBIE) (chief executive) start a full review under the Trade (Anti-dumping and Countervailing Duties) Act 1988 (the Act) to determine whether the continued imposition of anti-dumping duties on canned peaches from South Africa is necessary to offset dumping, and that material injury to the New Zealand industry would be likely to continue or recur if the duty expired or were otherwise removed or varied.
2. Section 17D(1) of the Act provides that the chief executive must start a full review after receiving an application from an interested party that includes positive evidence justifying the need for a full review.
3. You, as the Manager of the Trade and Supply Chains team, have delegated responsibility from the chief executive to determine whether or not an application from an interested party meets the threshold of including positive evidence justifying the need for a full review.
4. Having reviewed the evidence provided in the application, we recommend that, following your review of the evidence in the application (and summarised in this memo), you determine that the application has met the threshold of providing positive evidence justifying the need for a full review. The evidence provided by HWL in support of its application, together with any additional information used by MBIE to assess the reliability, and credibility of that evidence is set out in **Annex 2** of this memorandum for your consideration.
5. Should you agree with this recommendation you will then be required to start a full review stage 1 into anti-dumping duties on canned peaches from South Africa. Details of the process and timeframes for this are set out in **Annex 1** to this Memorandum for your information.

2. APPLICATION FOR REVIEW OF ANTI-DUMPING DUTIES

6. On 12 December 2024, MBIE received an application from HWL requesting a review of anti-dumping duties on canned peaches from South Africa under section 17D of the Act. HWL claims that if the existing anti-dumping duties cease to be payable then imports of canned peaches from South Africa will cause a recurrence of dumping and material injury to the New Zealand preserved peach industry.

3. LEGAL REQUIREMENTS

7. Section 17C of the Act provides that the purpose of a full review is to investigate, in relation to an anti-dumping duty, whether the continued imposition of the duty is necessary to offset dumping, and whether material injury or threatened material injury to an industry would be likely to continue or recur if the duty expired or were otherwise removed or varied.
8. Section 17D(1) of the Act provides that the chief executive must start a full review of a duty after receiving an application from an interested party that includes positive evidence justifying the need for a full review. MBIE considers therefore that in a review, the positive evidence provided in an application should support a proposition that the continued imposition of anti-dumping duty is necessary to offset dumping and that material injury to

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

the New Zealand industry would be likely to continue or recur if the duty expired or were otherwise removed or varied.

9. The full text of relevant provisions from the Act, referred to in this memorandum, is set out in **Annex 3** of this memorandum.
10. In assessing whether evidence provided by the industry is “positive evidence”, MBIE notes that in *US – Hot-Rolled Steel*, the World Trade Organisation (WTO) Appellate Body stated that “the term ‘positive evidence’ relates, in our view, to the quality of the evidence that authorities may rely upon in making a determination.” It further explained that “[t]he word ‘positive’ means, to us, that the evidence must be of an affirmative, objective and verifiable character, and that it must be credible.”¹
11. The evidence in the application is assessed below against these requirements.

4. PREVIOUS PROCEEDINGS

12. Anti-dumping duties were first imposed on preserved peaches from South Africa in August 1996, following an application from HWL. Since then, at the application of HWL, MBIE has conducted reviews of those duties in 2001, 2007, 2013 and 2019.
13. The 2019 review resulted in *ad valorem* (i.e., percentage based) duties being reinstated at the rates below.

South African Producer	Goods	Duty
Langeberg & Ashton Foods	A10 (e.g. 2.95kg/3kg/3.06kg)	No duty
	Other can sizes (e.g. 410g/415g/420g/820g/825g)	16.4%
Rhodes Food Group	All can sizes	No duty
All other producers	All can sizes	16%

5. SUBJECT GOODS

14. The goods that are alleged to be imported or intended to be imported into New Zealand are canned peaches from South Africa (subject goods). The description of the subject goods is:

Canned peaches (halves, slices and pieces) packed in various concentrations of sugar syrup and in can sizes ranging from 110 grams to 3 kilograms (A10).
15. The goods are currently classified under Tariff Item 2008.70.09 and Statistical Key 00L, which classification is provided for convenience and New Zealand Customs Service purposes only, the written description being dispositive. The goods are subject to a zero percent normal tariff.
16. The application included evidence that the subject goods are being imported into New Zealand. MBIE has reviewed the evidence and checked it against import data provided by the New Zealand Customs Service (Customs NZ) and is satisfied that HWL has provided positive evidence that imports of the subject goods from South Africa have taken place. The

¹ WTO document WT/DS184/AB/R, Appellate Body Report, *US – Hot-Rolled Steel*, para. 192.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

chart in section 8 below details import volumes from South Africa, and other countries, since 2021.

6. NEW ZEALAND INDUSTRY AND LIKE GOODS

17. Section 3A of the Act provides that the term “industry” (i.e. the New Zealand industry), in relation to any goods, means –
- (a) the New Zealand producers of like goods; or
 - (b) such New Zealand producers of like goods whose collective output constitutes a major proportion of the New Zealand production of like goods.
18. Section 3(1) of the Act provides that like goods, in relation to any goods, means—
- (a) other goods that are like those goods in all respects; or
 - (b) in the absence of goods referred to in paragraph (a), goods which have characteristics closely resembling those goods.
19. The application provided evidence of the production of like goods by the New Zealand industry. HWL produces, as part of its product range, a range of styles of preserved peaches (halves, slices and dices), packed in various media (such as syrup, fruit juice and lite) in various can sizes.
20. MBIE is satisfied that HWL is the sole New Zealand producer of canned peaches which are like goods to the imported peaches and therefore constitutes the New Zealand industry.

7. EVIDENCE OF THE NEED FOR THE CONTINUED IMPOSITION OF THE DUTY TO OFFSET DUMPING

21. The following section sets out evidence we have received and reviewed from HWL to see whether the application meets the requirement in s17C of the Act of including positive evidence justifying the need for a full review, in particular the proposition that the continued imposition of anti-dumping duty is necessary to offset **dumping**.

Dumping

22. Section 3(1) of the Act provides that dumping, in relation to goods, means the situation where the export price of goods imported into New Zealand or intended to be imported into New Zealand is less than the normal value of the goods as determined in accordance with the provisions of this Act, and dumped has a corresponding meaning.

Export price

23. Section 4 of the Act sets out how export price is to be determined for the purposes of the Act. In summary, section 4 provides that the export price shall be the price paid by the importer other than any additional costs, charges and expenses incurred in preparing the goods for shipment to New Zealand, and any other costs, charges and expenses arising after the shipment. The determination also differs depending on whether or not the purchase of the goods by the importer was an arm’s length transaction, and whether or not the purchaser is known.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Summary of evidence provided by HWL on export price

24. HWL has presented an export price based on data on imports from South Africa sourced from Statistics NZ's (Stats NZ) Infoshare data² for the year ended September 2024. Using this data, HWL has established a base price from the average value in New Zealand dollars (NZD)/kilogram (kg), which is effectively the free on-board (FOB) value/kg. HWL converted NZD to South African Rand (ZAR) using an average exchange rate from www.x-rates.com over the 12-month period to September 2024. Confidential **Annex 2 (Table 1(a))** shows HWL's export price calculation using Infoshare data.
25. MBIE notes that the import data sourced from Stats NZ likely includes importations of other goods such as preserved nectarines and containers other than cans because the tariff code and statistical key does not discriminate between canned peaches, nectarines or different types and sizes of cans and containers.
26. HWL proposed an adjustment to the base price for inland freight from the South African factory to port of export in South Africa in order to calculate an *ex-factory* export price. The adjustment for freight has been estimated by HWL from freight cost data. HWL considers that this adjustment of one per cent of the VFD is likely understated.
27. Relevant to its case that the goods continue to be dumped, HWL also provided preserved peach export volumes and values from South Africa to all global markets. The source of this data is TradeData International Pty Ltd.³ The data enabled HWL to calculate an average export price for the one-year period August 2023-July 2024. The export price is in USD and has been converted to ZAR using the average exchange rate from www.x-rates.com for the year ending July 2024. Confidential **Annex 2 (Table 1(b))** shows HWL's export price calculation using this method.
28. Also relevant to its case that the goods continue to be dumped, HWL also provided an average export price from South Africa to all global markets but for one month only (November 2023). HWL claims that the TradeData used to compile the export price data from South African to all global markets shows a variance in export prices from month to month and the November 2023 export price was the lower end of this range. HWL noted, in particular the recent price volatility and that it appears that at certain times the South Africa peach industry has surplus inventory. According to HWL, this demonstrates that in some months when there was surplus inventory available, the South African peach industry was able to more aggressively price exports leading to greater levels of dumping.
29. In support of its case that the goods continue to be dumped, HWL also provided export prices based on its own imports from South Africa which it sources when required. HWL calculated an FOB (VFD) per kilogram price from canned peaches it had sourced from South Africa in June 2023. HWL deducted an amount for South African Inland freight (from factory to port) to derive an *ex-factory* export price (in ZAR). The company noted that the export price calculated via this method was very similar to the average South African export price to all global markets for the year-end July 2024 period calculated using the TradeData statistics (see above). Confidential **Annex 2 (Table 1(c))** shows HWL's export price calculation using this method.

² <https://infoshare.stats.govt.nz>

³ <https://tradedata.net>

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Summary of MBIE's assessment of export price

30. On the basis that the Stats NZ (Infoshare) data provided by HWL, is likely to include importations of non-subject goods such as canned nectarines and containers other than cans, MBIE has assessed HWL's evidence by using the more accurate Customs NZ data for the year ended September 2024 as a check on the **base price** proposed by HWL. MBIE used descriptions in Customs NZ data to identify subject goods only and confirmed that the base price used by HWL is higher than that calculated using Customs NZ data which excludes non-subject goods but is satisfied that the evidence used by HWL constitutes positive evidence. Confidential **Annex 2 (Table 1(d))** shows MBIE's calculation using Customs NZ data.
31. MBIE examined the inland freight evidence provided by HWL and considers that HWL's estimate of one per cent adjustment to the New Zealand dollar VFD (FOB) prices to account for **freight from factory to port** is reasonable. While HWL suggests that its amount for inland freight to port is likely underestimated, MBIE does not consider it impacts significantly on the quality and accuracy of the export price evidence provided by HWL. Also, there are likely to be other costs involved in the export of the goods up to the FOB point in South Africa, such as port handling charges and clearance fees. Such costs would reduce the export price further, increasing HWL's estimated dumping margin.
32. To test the reliability of HWL's export price, MBIE calculated an ex-factory **export price** on the basis of the more accurate Customs NZ data. Confidential **Annex 2 (Table 1(d))** shows MBIE's ex-factory export price calculation. The resulting export price is lower than that estimated by HWL using Infoshare data suggesting that HWL's export price is inflated by the addition of non-subject imports. MBIE also notes that the three alternative methods proposed by HWL result in lower export prices than HWL's preferred method based on the Infoshare data over the full year-end September 2024 period.
33. On the basis of a comparison with the ex-factory export price calculated by MBIE and that provided by HWL (using its preferred method), MBIE is satisfied that the evidence provided by HWL in respect of export prices is affirmative, objective, verifiable, and credible and on that basis recommends that you conclude that HWL has provided positive evidence of those matters.

Normal value

34. Section 5 of the Act sets out how normal values are to be determined for the purpose of the Act. In summary, section 5 provides that the normal value shall be the price paid for like goods sold in the ordinary course of trade for home consumption in the country of export in sales that are arm's length transactions by the exporter or, if like goods are not so sold by the exporter, by other sellers of like goods.

Summary of evidence provided by HWL on normal value

35. Confidential **Annex 2 (Table 2)** shows HWL's normal value calculation.
36. HWL accessed September 2024 online retail prices for preserved yellow peaches that were available from major South African retailers. HWL provided retail prices in ZAR, inclusive of VAT, for a number of brands including Koo, Rhodes, Woolworths, Pick n Pay and Ritebrand. HWL listed these prices by their can size, 410g or 825g, and converted these prices to ZAR per kg. HWL calculated the average retail price of the canned peaches in South Africa as the **base price** for estimating a normal value for South Africa.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

37. HWL stated that there is **VAT** of 15 per cent in South Africa which it deducted from the VAT inclusive retail price.
38. HWL proposed the deduction of a **retail margin** based on its knowledge of the margin and distribution costs for preserved peaches sold in New Zealand. HWL calculated a percentage retail margin on preserved peaches, based on its own prices to retailers and the average New Zealand retail price of canned peaches which was sourced from IRI Retail data. HWL provided data and calculations in support of its retail margin.
39. HWL proposed an adjustment for **inland freight** to customers based on HWL's understanding of freight charges in New Zealand. HWL supported its estimate of the adjustment required for freight with a weighted average calculation of freight rates to customers in the North and South Islands of New Zealand. HWL has not provided an explanation as to why New Zealand freight charges are appropriate for establishing normal values in South Africa.

Summary of MBIE's assessment of normal value

40. MBIE notes that the average retail price used by HWL in its calculation of a normal value was in respect of both 410gm and 825gm cans and within the 12-month period for which HWL provided export prices. The export prices of the goods shipped to New Zealand also include 410gm and 825gm sizes allowing for a fair representation of the normal value when compared with the export prices. There is no suggestion that the retail prices provided by HWL are not in respect of sales throughout South Africa.
41. MBIE notes that the South African Government taxes sales of preserved peaches at a rate of 15 per cent. This is confirmed through a check of the website of the South Africa Revenue Service (<https://www.sars.gov.za/TaxTypes/VAT/Pages/default.aspx>). MBIE agrees with HWL making a deduction from the VAT inclusive price to take account of this rate of **VAT**.
42. HWL provided data in support of its calculation of the **retail margin** for preserved peaches in South Africa which it claims is based on its knowledge of the margin and distribution of preserved peaches in New Zealand. The company did not provide an explanation of why it considers a New Zealand retail margin is a relevant retail margin in the South African market, or that the New Zealand market displays sufficiently similar characteristics to South Africa to use the same retail margin.
43. MBIE checked the **retail margin** provided by HWL with a retail margin it had calculated in a previous review application. For the purpose of assessing HWL's 2021 Spain review application, MBIE calculated a New Zealand **retail margin** by first calculating the average online retail price per kg for Wattie's brand canned peaches (in net weight sizes ranging from 400g to 820g) sold by Countdown, New World and Pak n Save and then deducting HWL's ex-store net sales value per kg for sales of the Wattie's brand. The retail margin calculated by MBIE is similar to the percentage retail margin calculated by HWL for the purpose of the current South Africa review application.
44. MBIE is satisfied that the evidence HWL has provided on **inland freight** from factory to customers is reasonable and suffices for the purpose of initiation. On the basis of an analysis of the evidence provided by HWL, MBIE is satisfied that the evidence provided by HWL in respect of normal values is affirmative, objective, verifiable, and credible and on that basis recommends that you conclude that HWL has provided positive evidence of those matters.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Dumping margins

45. Confidential **Annex 2 (Table 3)** shows HWL's dumping margin based on its export price and normal value calculations. HWL's estimated dumping margin based on the South African export prices to New Zealand (from Infoshare data) and South African retail prices, indicates a dumping margin of 15 per cent. HWL's estimated dumping margin, based on South African export prices to global markets (using TradeData data over a full year) and South African retail prices, indicates a dumping margin of 32 per cent.

Conclusion on the evidence of dumping

46. MBIE has reviewed and tested, where necessary, the evidence provided by the applicant on export prices and normal values, and the resulting dumping margins of canned peaches from South Africa. MBIE's assessment of the totality of the evidence provided in the application is that there is positive evidence justifying the need for a full review to determine whether the continued imposition of the duty is necessary to offset dumping.

8. EVIDENCE THAT MATERIAL INJURY WOULD BE LIKELY TO CONTINUE OR RECUR IF THE DUTY EXPIRED

47. The following section sets out evidence we have received and reviewed from HWL to see whether the application meets the requirement in s17C of the Act of including positive evidence justifying the need for a full review, in particular the proposition that **material injury** to the New Zealand industry would be likely to continue or recur if the duty expired.
48. To gauge the extent to which the removal of the anti-dumping duties will likely cause material injury to the domestic industry in the foreseeable future, MBIE generally requires the domestic industry to provide projections or forecasts of the injury it considers it will suffer as a result of the removal of the duties. These projections are made in light of the company's past performance (with the duties in place to prevent injurious dumping) and projected future performance (both with duties in place and in the absence of duties). MBIE examines whether the application contains positive evidence of the likelihood of a continuation or recurrence of material injury if the duties expire.

Material Injury

49. Section 8(1) of the Act provides that in determining for the purposes of the Act whether or not any material injury to an industry has been or is being caused or is threatened [...] by means of the dumping [...] of goods imported or intended to be imported into New Zealand from another country, the chief executive shall examine—
- (a) The volume of imports of the dumped or subsidised goods; and
 - (b) The effect of the dumped or subsidised goods on prices in New Zealand for like goods; and
 - (c) The consequent impact of the dumped or subsidised goods on the relevant New Zealand industry.
50. Section 8(2) provides that without limiting the generality of section 8(1), and without limiting the matters that the chief executive may consider, the chief executive shall have regard to a number of specific matters when determining whether or not any material injury to an

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

industry has been or is being caused, or is being threatened. **Annex 3** details section 8(1) and 8(2) of the Act in full, including the specific matters the chief executive shall have regard to.

51. Below MBIE has assessed the application to determine whether positive evidence has been provided with regard to the material injury matters set out under Section 8(1) and 8(2) of the Act.

Import volume effects

52. Section 8(2)(a) of the Act provides that the chief executive shall have regard to the extent to which there has been or is likely to be a significant increase in the volume of imports of dumped goods either in absolute terms or in relation to production or consumption in New Zealand.

Summary of evidence provided by HWL on import volumes

53. In its application, HWL provided import data from Stats NZ for all imports under Tariff Item 2008.70.09.00. It is noted that preserved peaches coming within the subject goods are not separately identified in the Tariff of New Zealand, as the Tariff item also includes non-subject goods such as nectarines and peaches in containers outside of the description of the subject goods. The Customs NZ data shows an import volume of canned peaches from South Africa much less than the volumes indicated through use of the Infoshare data, once non-subject goods are removed from the calculations. However, the South African volume is still high compared to all other countries except for Chinese imports over the same period.
54. HWL stated that it understands that many of the importers and some exporters previously involved in exporting preserved peaches from South African to New Zealand remain active, and that should the duties be removed it is almost without question that these parties would be able use the unfair advantage of dumped prices to increase imports of canned peaches into New Zealand.
55. In terms of the likely change in import volumes from South Africa should the duty be removed, HWL noted that since 2018 imports have been steady and that given the information available to it, it does not expect imports from South Africa to decline (even with the current duties remaining in place). HWL also noted that should the anti-dumping duties be removed it would be expected to suffer market share loss with cheaper product available for retailers and consumers. However, HWL noted that it would initially defend its market share through price support to sell existing inventories of canned peaches and that in order to sell its inventories and maintain market share it is reasonable to expect that it would have to discount its brands by the price undercutting percentage. HWL provided a forecast of its sales volumes over the next year if the duty is removed, which indicates an increase in sales volume when compared to the last two years (2023 and 2024) but significantly less than in 2021 and 2022.

Summary of MBIE's assessment of import volumes

56. In order to assess the evidence provided by HWL in its application, MBIE has analysed imports on the basis of Customs NZ data. The Customs NZ data shows an import volume of canned peaches from South Africa much less than the volumes indicated through use of the Infoshare data (used by HWL), once non-subject goods are removed. The chart below, derived from Customs NZ data, shows import volumes from South Africa in absolute terms and compared to total import volumes (all sources) since 2020.

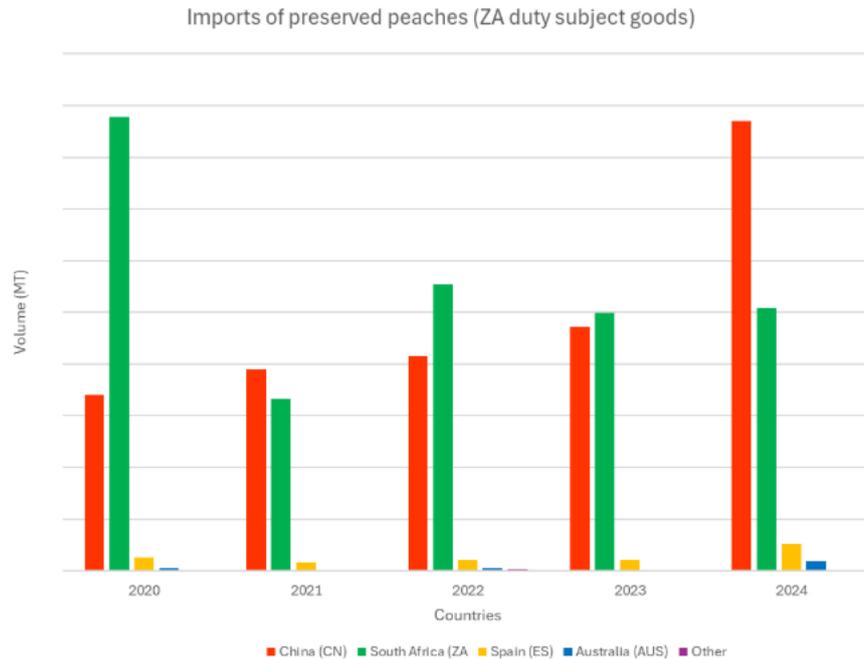
NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Chart 1: Imports Trend (Volume in MT)



Source: Customs NZ (2025)

57. MBIE notes that South Africa is still the second largest source of canned peaches (behind only China), and this is with anti-dumping duties currently being in place on one of the two South African companies that produce canned peaches of the type exported to New Zealand.
58. MBIE notes that South Africa is already contributing a significant portion of supply to the New Zealand canned peach market with anti-dumping duties on place, and that this volume is unlikely to decrease if the anti-dumping duties are removed. MBIE is satisfied on the basis of the evidence on import volumes, provided by HWL in its application, and addressed above in this section, that, should the anti-dumping duties expire, there is the likelihood of significant import volumes recurring in the short term but not necessarily in the longer term. This is based on HWL's strategy to compete with the imports on price and on the past behaviour of parties following changes in duties in past investigations and reviews of the same goods. MBIE is satisfied that the evidence provided by HWL in respect of import volumes is affirmative, objective, verifiable, and credible and on that basis recommends that you conclude that HWL has provided positive evidence of those matters.

Price Effects

59. Sections 8(2)(b) and (c) of the Act provide that the chief executive, when determining whether or not any material injury to an industry has been or is being caused, shall have regard to:
- 59.1. The extent to which prices of the dumped goods represent significant price undercutting in relation to prices in New Zealand (at the relevant level of trade) for like goods of New Zealand producers, and

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

59.2. The extent to which the effect of the dumped goods is or is likely significantly to depress prices for like goods of New Zealand producers or significantly to prevent price increases for those goods that otherwise would have been likely to have occurred (price suppression).

Summary of evidence provided by HWL on price effects

60. HWL claim that should dumped canned peaches return to the market from South Africa, it will incur injury through **price undercutting, price depression and price suppression**.
61. The company provided its calculation for likely **price undercutting** in the absence of duties. HWL has calculated a current ex-wharf import price for canned peaches from South Africa sourced from TradeData and using export prices from South Africa to all global markets, rather than South African exports to New Zealand only, to reflect the fact that the South African export prices of canned peaches to New Zealand might be influenced by the current imposition of anti-dumping duties. HWL then added ocean freight and insurance costs sourced from Infoshare to derive an estimated South Africa ex-wharf import price to New Zealand in the absence of anti-dumping duties.
62. HWL has then compared its estimated South Africa ex-wharf import price to its ex-factory prices (for Wattie's and Oak) which it claims it would need to price at, in order to maintain what it considers is a viable profit margin, for both brands. The ex-factory level of trade is the level of trade which HWL considers the imported and domestically produced products first compete with each other in New Zealand. HWL calculated resulting levels of price undercutting by South African imports. Confidential **Annex 2 (Table 4(a))** shows the outcome of HWL's price undercutting analysis for both Wattie's and Oak brands. The result of HWL's price undercutting exercise is that the company would incur significant price undercutting in the absence of anti-dumping duties on imports of South African canned peaches.
63. HWL claimed that **price depression and suppression** will occur, in the absence of anti-dumping duties. The company considers it will incur **price depression** as a result of not being able to counter the imported prices through price increases. With the duties in place to remedy the dumping, the company expects to price its Wattie's and Oak brands at a level sufficient to maintain EBIT levels similar to what it experienced in previous years.
64. HWL also provided information on likely **price suppression** in the absence of duties which it stated would exist through being unable to offset the significant undercutting by means of cost savings and price increases elsewhere. Cost information provided by HWL shows a significant increase in costs relative to revenue in 2025 if the duties were to be removed.
65. Confidential **Annex 2 (Figures 1 and 2)** shows HWL's price depression and price suppression analysis since 2021 including its forecast price depression and suppression in the absence of anti-dumping duties.

Summary of MBIE's assessment of price effects

Price undercutting

66. To test the reliability of HWL's estimated ex-wharf cost of South African canned peaches, MBIE has identified from Customs NZ data all importations from South Africa subject to anti-dumping duties. For some importations, anti-dumping duty was not payable because the 2019 review found that there was no dumping for these South African exporters/can sizes.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

67. Using the actual import statistics sourced from Customs NZ, MBIE calculated an ex-wharf import price to New Zealand from South Africa, excluding non-subject imports. MBIE has compared this ex-wharf import price with HWL's estimated ex-wharf import price to New Zealand calculated from Infoshare. The HWL and MBIE per kilogram ex-wharf import prices from South Africa are very similar. Because the anti-dumping duty is applied to South African imports on an *ad valorem* basis on the import price of the goods, rather than a reference price, MBIE is satisfied that the Customs NZ ex-wharf import prices of South African canned peaches are unlikely to have been affected by the anti-dumping duties.
68. MBIE considers that the South African imported price used by HWL is indicative of an import price for South African preserved peaches unaffected by the anti-dumping duties in place. However, in its price undercutting calculations, HWL used its forecast domestic selling price *if the duties were to continue*. The domestic selling prices were calculated based on an increase in selling price (for Wattie's and Oak) required to maintain EBIT levels experienced in previous years. The level of price undercutting calculated was therefore higher than what HWL would have calculated had the company used its forecast selling prices *in the absence of anti-dumping duties* because it has projected its selling prices would be significantly depressed and suppressed if the duties are removed.
69. MBIE tested the reliability of HWL's price undercutting calculations by used the company's forecast selling prices if the duties were removed which results in significantly less undercutting amounts. Confidential **Annex 2 (Table 4(b))** shows the outcome of MBIE's price undercutting analysis. The lower price undercutting is clearly because the projected price suppression and depression the company has forecast in the absence of duties is reflected in lower prices for Wattie's and Oak brands.
70. MBIE is satisfied that the evidence provided by HWL in respect of **price undercutting** constitute positive evidence in terms of showing price undercutting if the anti-dumping duties were to remain in place on South African imports but does not constitute positive evidence if the duties were to be removed.

Price depression and price suppression

MBIE considers that the projections provided by HWL on its selling prices, if the anti-dumping duties were to be removed, show that the company will be unable to increase its selling prices to match expected cost increases and to the extent needed to maintain EBIT levels similar to what it experienced in previous years. Therefore, MBIE is satisfied that the evidence provided by HWL in respect of price depression and suppression is affirmative, objective, verifiable, and credible and on that basis recommends that you conclude that HWL has provided positive evidence of those matters.

Consequential Economic impact of dumping

71. Section 8(2)(d) of the Act provides that the chief executive shall have regard to the economic impact of the dumped goods on the industry (consequent impact), including—
- i. actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilisation of production capacity; and
 - ii. factors affecting domestic prices; and
 - iii. the magnitude of the margin of dumping; and

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

- iv. actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investments.

Summary of evidence provided by HWL on consequential impact

72. HWL relied on the experience of past investigations and dumping of preserved and canned peaches to show that it is likely to lose **market share** if duties are removed. As evidence, HWL refers to previous successful investigations, which have indicated that the entry into the New Zealand market of dumped canned and preserved peaches has resulted in a loss of market share for HWL canned peaches.
73. HWL provided its projected **sales revenue** upon the assumption that if duties are removed importers will pass on cost savings to consumers and HWL will need to compete at the new price level through increased promotional discounts to customers leading to a loss of sales revenue and profit (i.e. earnings before interest and taxation, or EBIT). The projections show that HWL's sales revenue will increase in 2025, compared to sales revenue it achieved in 2023 and 2024, but will decline significantly compared to sales revenue it achieved in 2021 and to a lesser extent in 2022. Confidential **Annex 2** (Table 3) shows HWL's sales revenue since 2021 including its forecast sales revenue both with and without anti-dumping duties in place.
74. HWL provided **profit** projections based on the need to compete with the cheaper imported prices (in the absence of duties) by incurring more promotional spend to protect its market share. The company claims that the loss of sales revenue (see above) will directly impact profits. These projections show that HWL's profit will decline significantly in 2025 compared to all its previous years in the absence of duties. This same decline does not occur in its projections with duties in place. Confidential **Annex 2** (Table 4) shows HWL's EBIT since 2021 including its forecast EBIT both with and without anti-dumping duties in place.
75. HWL provided information on the impact of the removal of duties on **productivity**. It acknowledged that there is no current injury to its productivity caused by dumping due to the fact that HWL sources all of the raw peaches available for processing in Hawkes Bay and converts them into canned preserved peaches. Presently, HWL has commitments to contracted growers to take their crop for 2025 through 2026.
76. HWL provided information on its **return on investments**, particularly amounts spent on plant and processing equipment. It stated that it continues to invest in its canned preserved peach processing operation and recently installed a new colour sorter and replaced all its peach pitters with new equipment.
77. HWL noted that its **production capacity** is constrained by the size of the peach crop its contracted orchardists can deliver and that it sources all the raw material the orchardists can deliver for conversion into canned preserved peaches.
78. In terms of its ability to **raise capital and investment** in the industry, HWL stated that it has invested significant capital due to its favourable view of the industry moving forward and that it will continue to invest in the industry as long as there is a trade remedies system in place to defend local industries from dumped imports.
79. In terms of its **cash flow, inventories, and employment and wages**, HWL stated that these injury factors are not good indicators of injury, that it is not making an injury claim in relation to these factors, or that there are currently no adverse effects on these injury factors.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Summary of MBIE's assessment of consequential impact

80. MBIE accepts that, with anti-dumping duties in place, dumped imports of canned peaches from South Africa should not currently be having an injurious effect on HWL. The company has made some general comments concerning what it considers would be the impact of the removal of the duties on particular injury indicators including productivity, return on investment, cash flow, inventories and employment etc. While these comments cannot be considered positive evidence, MBIE considers that HWL has provided positive evidence that if the current anti-dumping duties were removed and dumped imports from South Africa were to recommence, it would likely result in a recurrence of material injury in the form of reductions in market share, sales revenue, and profits, which would likely have flow on effects on the company's ability to raise capital and investment.
81. In terms of **sales revenue**, MBIE considers that the projections provided by HWL, without duties in place, show that the company's sales revenue will decline significantly when compared to the levels it experienced in 2021 and to a lesser extent in 2022. Likewise, in terms of **profits**, MBIE considers that the projections provided by HWL, without duties in place, show that the company's profit levels will decline significantly when compared to the levels it experienced in previous years. MBIE is satisfied that the evidence provided by HWL in respect of the economic impact of the dumped goods on the industry, including on market share, sales revenue and profits, is affirmative, objective, verifiable, and credible and on that basis recommends that you conclude that HWL has provided positive evidence of those matters.

Factors other than dumping that cause injury

82. Section 8(2)(e) of the Act provides that the chief executive shall have regard to factors other than the dumped goods that have injured, or are injuring, the industry, including—
- i. the volume and prices of goods that are not sold at dumped prices or that are not subsidised; and
 - ii. contraction in demand or changes in the patterns of consumption; and
 - iii. restrictive trade practices of, and competition between, overseas and New Zealand producers; and
 - iv. developments in technology; and
 - v. the export performance and productivity of the New Zealand producers:

Summary of evidence provided by HWL on factors other than dumping

83. HWL stated that it is not aware of any material injury being caused through fairly traded competitor branded products. MBIE does not consider this statement to be positive evidence.

Imports of the dumped goods by the New Zealand industry

84. Section 8(2)(f) of the Act provides that the chief executive shall have regard to the nature and extent of importations of dumped goods by New Zealand producers of like goods, including the value, quantity, frequency, and purpose of any such importations.

Summary of evidence provided by HWL on imports by the industry

85. HWL has noted that in times of short supply it is compelled to import preserved peaches which may be subject to trade remedies, including imports from South Africa. According to

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

the company, the sale of these products in the New Zealand market protects the market share, shelf space and consumer good will for New Zealand preserved peaches in a time of shortage and does not cause injury to HWL. HWL provided data on its imports from South Africa.

Summary of MBIE's assessment on imports by the industry

86. MBIE considers the data provided by HWL on its importations of the subject goods from South Africa constitutes positive evidence that the company imports the subject goods when required. A review of the Customs NZ import statistics confirms that in 2023 HWL imported subject goods from South Africa.

Any other matters

87. As well as the matters the chief executive shall have regard to in section 8(2) of the Act, the chief executive must also consider any other matters raised in the application that may be relevant to the consideration of the likelihood that material injury would be likely to continue or recur if the duty expired or were otherwise removed or varied.

Summary of evidence provided on other matters

88. HWL has not identified any other matters that should be considered by MBIE.

Conclusion on the evidence of injury

89. MBIE has reviewed and tested, where necessary, the evidence provided by the applicant on the import volume and price effects, and the consequential economic impact on the domestic industry if the duties were removed. MBIE's assessment of the totality of the evidence provided in the application is that there is positive evidence justifying the need for a full review to determine whether material injury to an industry would likely continue or recur if the duty expired.

9. CONCLUSIONS

90. MBIE's overall conclusion is that on the basis of the evidence provided in the application there is positive evidence justifying the need for a full review, and in accordance with section 17D(1) of the Act a full review of the duties should be started.

ANNEX 1: REVIEW PROCEDURES

Review stages

Full Review

- A1. The purpose of a full review is to investigate whether the continued imposition of a duty is necessary to offset dumping and whether material injury to an industry would be likely to continue or recur if the duty expired or were otherwise removed or varied. At the end of stage 1 of a full review, the Minister must make a determination of whether the continued imposition of the duty is necessary to offset dumping and whether material injury to an industry is likely to continue or recur if the duty expired or were otherwise removed or varied.

Determination of Anti-Dumping Duties

- A2. Where the outcome of a review indicates that anti-dumping duties should continue to be applied, then in accordance with section 17G(2)(a) of the Act the Minister must determine the rate or amount of duty, in accordance with section 10E, that will form the basis for a stage 2 public interest investigation.

Public Interest Investigation

- A3. Where the outcome of a stage 1 review indicates that anti-dumping duties should continue to be applied, then in accordance with section 17G(2)(b) of the Act the Minister must direct the chief executive to immediately start a stage 2 public interest investigation, as provided for in sections 17H to 17K of the Act. The Minister must make a determination, within 90 days after the start of stage 2 of the review, whether continuing to impose the anti-dumping duty is in the public interest.
- A4. Upon the initiation of a review, duties will remain during the review. If, following stage 2 of the review, the Minister determines that the duties should continue to be imposed at the new rate, they will apply for another five years. If the Minister determines that the duties should not be continued, the Minister must terminate the imposition of the duty under section 17Y(1) of the Act.

Time frames

- A5. A full review is carried out in accordance with the provisions of sections 17C to 17K of the Act.
- A6. The time frames for a review as provided for in the Act are as follows:

<i>Statutory Timeframe</i>	<i>Action</i>
Initiation Date: 12 March 2025	
Stage 1 Essential Facts and Conclusions (EFC) Report. Within 150 days after the start of the stage 1 full review (section 17F(2)).	MBIE must give notified parties written advice of the essential facts and conclusions likely to form the basis for a determination to be made by the Minister at the end of the stage 1 full review.
Stage 1 Final Report. Within 180 days after the start of the stage 1 full review, but not less than 30 days after the written	The Minister must make a determination on whether continued imposition of the duty is necessary to offset dumping, and whether material injury or threatened material injury to

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

advice is given by MBIE under section 17F(2) (section 17G(1))	an industry would be likely to continue or recur if the duty expired or were otherwise removed or varied. If the Minister makes an affirmative determination, then the Minister must determine the rate or amount of duty that will form the basis for the full review stage 2, and direct the chief executive to immediately start the full review stage 2. If the Minister makes a negative determination, the Minister must terminate the imposition of the duty under section 17Y(1) of the Act..
Stage 2 Preliminary Findings Report. Within 60 days after the start of the stage 2 investigation (section 17I(1)).	MBIE must give notified parties written advice of the preliminary findings likely to form the basis for a determination to be made by the Minister at the end of the stage 2 investigation
Stage 2 Final Report. Within 90 days after the start of the stage 2 investigation, but not less than 30 days after the written advice is given by MBIE under section 17I(1) (section 17J(1))	The Minister must determine whether continuing to impose the duty is in the public interest.

Management of information

Submission of Information

- A7. In stage 1 of a full review, MBIE will seek information from interested parties through questionnaires provided to foreign producers, exporters and importers. In addition, MBIE will accept information or submissions provided by interested parties at any time during the review, subject to any deadlines which might be applicable.
- A8. With regard to responses to questionnaires, MBIE normally provides deadlines of 30 days for respondents.
- A9. Where MBIE is not satisfied as to the accuracy of the information provided, or where information is not available, other information can be used as “facts available”. The use of “facts available”, including secondary information, is limited to instances where information is not available because an interested party refuses access to, or otherwise does not provide the necessary information within a reasonable period or significantly impedes the investigation or review. In such circumstances, the normal value and export price are to be ascertained having regard to all available information. MBIE is required by the AD Agreement to take due account of any difficulties experienced by interested parties, in particular small companies, in supplying information requested.
- A10. In considering “facts available” MBIE can take into account information, such as the application (in relation to dumping); information from previous MBIE investigations or reviews; information from investigations or reviews undertaken by counterpart authorities in other jurisdictions; and information from reports and publications covering matters related to the subject matter of the investigation or review. In using information, MBIE

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

undertakes a process of reasoning and evaluating which “facts available” constitute reasonable replacements for missing information that can be considered reliable. In this context, MBIE notes that information that is not based on positive evidence but relies on inferences and assumptions may not be considered to be reliable.

Verification of information

- A11. Article 6.7 and Annex I of the AD Agreement provide for investigating authorities to carry out investigations in the territory of other Members in order to verify information provided or to obtain further details. Onsite verification is normally carried out, but MBIE may use other methods such as desktop verification, remote verification by videoconferencing, additional requests for information and cross-checking with other available information to satisfy itself of the accuracy of information.

Protection of Information

- A12. Confidential information is defined in section 3F(5) of the Act:

In this section, confidential information means information about which the submitter of the information has shown a good reason for the chief executive to believe 1 or more of the following:

- (a) that making the information available would give a significant competitive advantage to a competitor of the submitter of confidential information;*
- (b) that making the information available would have a significantly adverse effect on—
 - (i) the submitter of confidential information; or*
 - (ii) the person from whom the information was acquired by the submitter of the information; or*
 - (iii) any person to whom the information relates;**
- (c) that the information should be treated as confidential for reasons other than the reasons described in paragraphs (a) and (b).*

- A13. In seeking information from interested parties, MBIE points out that where a party requests that information be treated as confidential it should provide a non-confidential version, or a non-confidential summary of the information, or if the information is not susceptible to summarisation, an explanation of the reasons why not, and provide justification for the information being treated as confidential. MBIE points out that section 3F of the Act allows the chief executive to disregard any information for which a satisfactory non-confidential version (or summary or satisfactory statement of why such a summary cannot be given) is not provided.

- A14. Section 3F(1) of the Act provides that an interested party may ask the chief executive to provide copies of information relevant to trade remedy proceedings, but this provision does not apply to confidential information, or information that would be likely to be withheld if it was requested under the Official Information Act 1982.

Public File

- A15. MBIE makes available all non-confidential information via the public file for this review. Any interested party can request both a list of the documents on this file and copies of the documents on it.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

Period of investigation

- A16. The period of review for assessing current dumping (POR(D)) is 1 January 2024 to 31 December 2024. This period is in accordance with the period for assessing dumping of twelve months recommended by the World Trade Organisation.

Review details

- A17. For this review, unless otherwise stated, years are calendar years. All volumes are expressed on a metric tonne (MT) or kilogram (KG) basis unless otherwise stated. Unless otherwise stated dollar values are New Zealand dollars (NZD). The exchange rates used are those relating to specific transactions, where available, or the Customs NZ exchange rates for the relevant time or shipment, or the rate that MBIE considers most appropriate in the circumstances. In figures, column totals may differ from individual figures due to rounding.

Interested parties

- A18. Interested parties are those parties who have an interest in the review and may provide information to defend their interests.
- A19. Section 3 of the Act defines “notified parties” as including the Government of the country of export; exporters and importers known to have an interest in the goods; and the applicant in relation to the goods. Section 3E of the Act sets out the provisions relating to the giving of notice and written advice to notified parties.

New Zealand Industry

- A20. The New Zealand industry making the application for the continuation of anti-dumping duties has been established as HWL.

South African producers/exporters/intermediaries

- A21. MBIE has identified the following South Africa producers/exporters/intermediaries from Customs NZ data:
- a. Rhodes Food Group
 - b. Langeberg & Ashton Foods; and
 - c. Lessing Konfyte.
 - d. Hock Seng Food;
 - e. Sapro International;
 - f. Musclemans Imports Exports.

Importers

- A22. MBIE has identified the following New Zealand importers from Customs NZ data:
- a. Foodstuffs North Island;
 - b. Foodstuffs South Island;
 - c. General Distributors; and
 - d. Barkers Fruit Processors.
 - e. Kaans Catering Supplies
 - f. The South African Restaurant Group
 - g. Jan Adries Scholtz; and

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

h. South African Pantry.

Other parties

A23. Other notified parties include:

a. The Government of South Africa.

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

ANNEX 2: CONFIDENTIAL ANALYSIS

NOTE: This Attachment is Confidential in its entirety because making the information available would give a significant competitive advantage to a competitor of the submitter of the information. Sections 7 and 8 of this Memorandum provide a summary of the confidential information.

ANNEX 3: Trade (Anti-dumping and countervailing Duties) Act 1998 relevant sections

8. Material injury

- (1) In determining for the purposes of this Act whether or not any material injury to an industry has been or is being caused or is threatened or whether or not the establishment of an industry has been or is being materially retarded by means of the dumping or subsidisation of goods imported or intended to be imported into New Zealand from another country, the chief executive shall examine—
 - (a) the volume of imports of the dumped or subsidised goods; and
 - (b) the effect of the dumped or subsidised goods on prices in New Zealand for like goods; and
 - (c) the consequent impact of the dumped or subsidised goods on the relevant New Zealand industry.
- (2) Without limiting the generality of subsection (1), and without limiting the matters that the chief executive may consider, the chief executive shall have regard to the following matters:
 - (a) the extent to which there has been or is likely to be a significant increase in the volume of imports of dumped or subsidised goods either in absolute terms or in relation to production or consumption in New Zealand;
 - (b) the extent to which the prices of the dumped or subsidised goods represent significant price undercutting in relation to prices in New Zealand (at the relevant level of trade) for like goods of New Zealand producers;
 - (c) the extent to which the effect of the dumped or subsidised goods is or is likely significantly to depress prices for like goods of New Zealand producers or significantly to prevent price increases for those goods that otherwise would have been likely to have occurred;
 - (d) the economic impact of the dumped or subsidised goods on the industry, including—
 - (i) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilisation of production capacity; and
 - (ii) factors affecting domestic prices; and
 - (iii) the magnitude of the margin of dumping; and
 - (iv) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investments;
 - (e) factors other than the dumped or subsidised goods that have injured, or are injuring, the industry, including—
 - (i) the volume and prices of goods that are not sold at dumped prices or that are not subsidised; and

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

- (ii) contraction in demand or changes in the patterns of consumption; and
 - (iii) restrictive trade practices of, and competition between, overseas and New Zealand producers; and
 - (iv) developments in technology; and
 - (v) the export performance and productivity of the New Zealand producers:
- (f) the nature and extent of importations of dumped or subsidised goods by New Zealand producers of like goods, including the value, quantity, frequency, and purpose of any such importations.
- (3) For the purposes of this section, the chief executive may disregard any information that the chief executive considers to be unreliable.

17C Purpose of full review

The purpose of a full review is to investigate, in relation to an anti-dumping or a countervailing duty, whether—

- (a) continued imposition of the duty is necessary to offset dumping or subsidisation; and
- (b) material injury or threatened material injury to an industry, or material retardation of the establishment of an industry, would be likely to continue or recur if the duty expired or were otherwise removed or varied.

17D Start of full review

- (1) The chief executive must start a full review of a duty after receiving an application from an interested party that includes positive evidence justifying the need for a full review.
- (2) The chief executive may start a full review of a duty at the chief executive's discretion.
- (3) Subsection (4) applies if—
 - (a) the chief executive starts a full review of an existing duty; and
 - (b) the duty would, apart from subsection (4), cease to be payable during the period of the investigation.
- (4) The existing duty does not cease to be payable during the period of the investigation and remains payable until the duty is—
 - (a) terminated following a negative determination under section 17G(1); or
 - (b) terminated following a determination that continuing to impose the duty is not in the public interest; or
 - (c) replaced with a new duty under section 17K(2).

NON-CONFIDENTIAL

MBIE/AD/R/2025/001

Initiation Memorandum – Full Review (2025)

Canned Peaches from South Africa

17E Full review stages

- (1) If the chief executive starts a full review under section 17D, the chief executive must carry out full review stage 1 first and then, if directed to do so by the Minister under section 17G(2), carry out full review stage 2.
- (2) The chief executive must give notice of a decision to start each stage of a full review as soon as practicable after the decision is made, and that notice must include the date on which each stage of the full review started or will start.

17F Full review stage 1: investigation

Dumping, subsidy, and material injury

- (1) If the chief executive starts a full review, the chief executive must investigate, in relation to an anti-dumping or a countervailing duty, whether—
 - (a) continued imposition of the duty is necessary to offset dumping or subsidisation; and
 - (b) material injury or threatened material injury to an industry, or material retardation of the establishment of an industry, would be likely to continue or recur if the duty expired or were otherwise removed or varied.

Procedure

- (2) The chief executive must, within 150 days after starting full review stage 1, give the notified parties written advice of the essential facts and conclusions that are likely to form the basis for a determination to be made by the Minister under section 17G(1).
- (3) The chief executive must give interested parties a reasonable opportunity—
 - (a) to present, in writing, all evidence relevant to the full review and, on justification being shown, to present that evidence orally; and
 - (b) on request being made by an interested party, to meet other interested parties with adverse interests in order that they may present opposing views.
- (4) Subsection (2) does not require the chief executive to provide information that would not be available to an interested party under section 3F.
- (5) The chief executive must report the findings of full review stage 1 to the Minister.