



**Australian Government**  
**Department of Industry,  
Innovation and Science**

**Anti-Dumping  
Commission**

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## **Exemption Inquiry Report: EX0052**

### **Grinding Balls**

**Exported to Australia from The People's Republic of  
China**

**Applicant: Anhui Sanfang New Material Technology  
Co., Ltd**

**June 2017**

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# Abbreviations

Abbreviations/short form	Full reference
Applicant	Anhui Sanfang New Material Technology Co., Ltd
Commission	the Anti-Dumping Commission
Commissioner	the Commissioner of the Anti-Dumping Commission
Customs Act	<i>Customs Act 1901</i>
Dumping Duty Act	<i>Customs Tariff (Anti-Dumping) Act 1975</i>
Duties	Anhui Sanfang New Material Co., Ltd is subject to the all other exporter effective rate of duty of 103.6%.
Exemption goods	The goods subject of the application as described in section 2.
Parliamentary Secretary	The Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

# 1. Summary and recommendations

This report sets out the findings of the Anti-Dumping Commission (the Commission) in response to an application by Anhui Sanfang New Material Technology Co., Ltd (Sanfang) requesting an exemption from dumping duty and countervailing duty (the duties) under subsections 8(7)(a) and 10(8)(a) of the *Customs Tariff (Anti-Dumping) Act 1975*<sup>1</sup> (the Dumping Duty Act) in relation to the export of grinding balls (exemption goods) from the People's Republic of China (China).

This report sets out the Commission's findings on which the Commissioner of the Anti-Dumping Commission (the Commissioner) relied to make a recommendation to the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)<sup>2</sup> on whether or not to exempt goods from the duties.

## 1.1 Recommendation

The Commission has found that like or directly competitive goods are offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade. The Commission considers the conditions of subsections 8(7)(a) and 10(8)(a) of the Dumping Duty Act for granting an exemption are not satisfied.

The Commissioner recommends to the Parliamentary Secretary that the exemption goods not be exempted from the duties.

## 1.2 Application of law to facts

### 1.2.1 Authority to make the decision

Subsections 8(7) and 10(8) of the Dumping Duty Act set out, amongst other things, the matters to be considered by the Parliamentary Secretary in deciding whether to exercise their discretion to exempt goods from the duties.

This exemption inquiry:

- is concerned with the criterion in subsections 8(7)(a) and 10(8)(a) (like goods criterion), namely whether like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade;
- assesses whether available information and evidence provides a sufficient basis for the Parliamentary Secretary to be satisfied of the like goods criterion; and
- if the available information and evidence provides such a basis, recommends how the Parliamentary Secretary should exercise the discretion.

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<sup>1</sup> A reference to a division, section or subsection in this report is a reference to a provision of the *Customs Tariff (Anti-Dumping) Act 1975* unless otherwise specified.

<sup>2</sup> On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this inquiry the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

## **1.2.2 Initiation of inquiry**

After examining the application, the Commission initiated an inquiry on 30 January 2017. The details of the initiation are contained in Anti-Dumping Notice (ADN) No.2017/15.<sup>3</sup>

## **1.3 Findings and conclusions**

The Commission has made the following findings and conclusions based on the application and information provided by the Australian manufacturers of grinding balls, Commonwealth Steel Company Pty Ltd t/a Moly-Cop (Moly-Cop) and Donhad Pty Ltd (Donhad):

- there is an Australian industry producing like or directly competitive goods; and
- the goods are offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

Based on these findings the Commissioner recommends to the Parliamentary Secretary that the exemption goods not be exempted from the duties.

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<sup>3</sup> Link to [ADN 2017/15](#).

## 2. Background to measures

### 2.1 Original investigation

On 6 June 2016, the Commission completed an investigation into the alleged dumping and subsidisation of grinding balls exported to Australia from China (Anti-Dumping Commission Report 316 (REP 316) refers).

The Parliamentary Secretary accepted the Commissioner's recommendations and found that grinding balls from China had been dumped and subsidised and that the dumping and subsidisation had caused material injury to the Australian industry. Dumping and countervailing duty notices were published on 1 September 2016.

On 6 June 2016, the Commissioner's decision to terminate the case in so far as it related to the following exporters, was published (ADN 2016/58 refers):

- In relation to Jiangsu Yute Grinding International Co Ltd (Yute), no countervailable subsidy has been received in respect of the goods and, therefore, the countervailing investigation must be terminated in accordance with subsection 269TDA(2)(b)(i) of the *Customs Act 1901* (the Act) in so far as it relates to this exporter; and
- In relation to Changsu Longte Grinding Ball Co., Ltd (Longte), Jiangsu CP Xingcheng Special Steel Co.,Ltd (Xingcheng) and Hebei Goldpro New Materials Co.,Ltd (Goldpro), countervailable subsidies have been received in respect of some or all of the goods, but the subsidy never, at any time during the investigation period, exceeded the negligible level of countervailable subsidy under subsection 269TDA(16) and, therefore, the countervailing investigation must be terminated in accordance with subsection 269TDA(2)(b)(ii) in so far as it relates to those exporters.

The reasons for the Parliamentary Secretary's decision are contained in REP 316.

### 2.2 The goods subject to measures

The goods exported from China, covered by the current dumping duty and countervailing duty notices are:

Ferrous grinding balls, typically used for the comminution of metalliferous ores:

- whether or not containing alloys;
- cast or forged;
- with diameters in the range 22mm to 170mm (inclusive).

The following goods were excluded from the investigation:

- stainless steel balls;
- precision balls that have been machined and/or polished; and
- ball bearings.

### 2.3 Tariff classification

The goods subject to measures may be classified under the following subheadings in Schedule 3 of the *Customs Tariff Act 1995*:

- 7325.91.00 [26]

- 7326.11.00 [29]
- 7326.90.90 [60]

As of 1 January 2017, the general rate of duty is zero per cent for goods imported from China with the tariff classifications:

- 7325.91.00;
- 7326.11.00.

For goods imported under the tariff subheading 7326.90.90 statistical codes 60, the general rate of duty for goods imported from China is zero per cent and 5% for all other countries not subject to Schedules 5, 6, 7, 8, 9, 10, 11 or 12.

## 3. Exemption inquiry

### 3.1 Exemption application

On 6 January 2017, Anhui Sanfang New Material Technology Co.,Ltd (Sanfang) wrote to the Commission requesting an exemption from interim dumping duty and interim countervailing duty in relation to its imports of grinding balls (**Attachment 1**).

Sanfang's letter outlined the following grounds in support of its application for an exemption from interim dumping duty and interim countervailing duty:

- the raw materials, production equipment and processes for cast grinding balls are totally different from forged grinding balls;
- neither of the two Australian applicants or the four cooperating Chinese exporters produce cast grinding balls, nor do they have any production equipment and machinery related to the production of cast grinding balls;
- cast grinding balls have significantly different chemical compositions than forged grinding balls;
- cast grinding balls and forged grinding balls have different end uses such that cast grinding balls exported from China cannot be used as substitutes for domestically produced forged grinding balls;
- Australian manufacturers have no capacity to produce cast grinding balls; and
- Australian industry grinding balls are not acceptable for technical reasons.

### 3.2 Exemption inquiry

The Commission accepted Sanfang's letter as an application for an exemption from the duties. On 30 January 2017, the Commissioner initiated an exemption inquiry, by publishing Anti-Dumping Notice (ADN) 2017/15. ADN 2017/15 advised that an exemption inquiry had been initiated, provided details of the goods subject to the inquiry and outlined the procedures to be followed during the inquiry.

The Commission sent Moly-cop and Donhad, an invitation to respond to Sanfang's application on 31 January 2017, by completing the 'Response to Exemption Application' questionnaire (the questionnaire) and requested that responses be received no later than 21 February 2017.

A completed response from Donhad to the questionnaire (**Attachment 2**) was received on 1 February 2017.

A completed response from Moly-cop to the questionnaire (**Attachment 3**) was received on 20 February 2017.

### 3.3 Goods subject to the application for exemption

The goods subject to the application for exemption (the exemption goods) are described as follows:

*Cast grinding balls with:*

- *chromium content equal or above 15%; and*
- *diameters between 25 mm and 50 mm (inclusive).*



### 3.4 Claims made in the application

In support of its claim that the like or directly competitive goods were not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade, the applicant provided the following evidence in its application:

- *Australian Manufacturers only have capacity to produce forged grinding balls as evidenced by their website and production facilities;*
- *Australian Industry does not have the major equipment required to produce cast grinding balls;*
- *The importer has a particular mining condition determining its operational requirements for the grinding balls [details are provided at Confidential Attachment C]*
- *The importer cannot use the Australian Industry grinding balls for technical reasons detailed in a tender evaluation summary provided at Confidential Attachment E.*

### 3.5 Legislative requirements for an exemption

Sanfang has applied for an exemption under subsections 8(7)(a) and 10(8)(a) of the Dumping Duty Act.

Amongst other things, subsection 8(7) provides:

The Minister may, by notice in writing, exempt goods from interim dumping duty and dumping duty if he or she is satisfied:

- (a) that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade;

...

Subsection 10(8) provides:

The Minister may, by notice in writing, exempt goods from interim countervailing duty or countervailing duty if he or she is satisfied:

- (a) that like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade;

...

In its application, Sanfang requested that the Parliamentary Secretary exercise their discretion to exempt goods from the duties on the basis that like or directly competitive goods are offered for sale in Australia but not to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

### 3.6 Definition of “like or directly competitive goods”

#### Like goods

The term “like goods” is defined in subsection 269T(1) of the Act. Section 6 of the Dumping Duty Act provides that the Act is incorporated and shall be read as one with

the Dumping Duty Act. Accordingly, the definition of “like goods” in the Act is applicable to the Commission’s assessment of whether the exemption goods are ‘like goods’ under subsection/s 8(7)(a) and/or 10(8)(a) of the Dumping Duty Act.

Subsection 269T(1) of the Act defines “like goods” as:

*Goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration.*

Chapter 2 of the Commission’s *Dumping and Subsidy Manual* embodies the Commission’s established policy and practice in relation to like goods. Where two goods are identical they are automatically like goods, but where two goods are not alike in all respects the Commission will assess whether they have characteristics closely resembling each other including assessing their physical likeness, commercial likeness, functional likeness and production likeness.

#### Directly competitive goods

The term “directly competitive” is not defined in the Dumping Duty Act or the Act and has not been the subject of judicial consideration by Australian courts.

Accordingly, assistance in understanding this term can be derived by having recourse to relevant dictionary definitions and case law. Case law suggests an assessment of a “direct” relationship is a question of fact and degree.<sup>4</sup> Drawing on the Macquarie Dictionary and case law, the Commission defines “directly” as:

*excluding that which is indirect or remote,<sup>5</sup> absolutely; exactly; precisely.*

The Macquarie Dictionary also defines “competitive” as:

*of, relating to, involving, or decided by competition; and  
having a feature comparable or superior to that of a commercial rival.*

The phrase “*directly competitive*” can therefore be taken to refer to goods with comparable features that rival each other in a commercial market. The assessment will be one of fact and degree, and the goods will not merely remotely or indirectly compete.

#### Alternatives to satisfying subsection/s 8(7)(a) and/or 10(8)(a) of the Dumping Duty Act

The exemption provisions in subsection/s 8(7)(a) and/or 10(8)(a) of the Dumping Duty Act specifically provide for exemptions where either like goods or directly competitive goods are not offered for sale in Australia. It is not necessary to be satisfied that there are both like goods and directly competitive goods for sale in Australia in order to deny the application for an exemption. It is sufficient for there to be either like goods or directly competitive goods for sale in Australia for the requirements of the exemption not to be met.

If there are no like or directly competitive goods offered for sale in Australia, then the requirements for exemption in subsection 8(7)(a) and 10(8)(a) of the Dumping Duty Act will be met.

If there are like or directly competitive goods, it is then necessary to consider whether these like or directly competitive goods are offered for sale in Australia to all

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<sup>4</sup> *Adelaide Development Co Pty Ltd v Corporation of the City of Adelaide and Anor* (1991) 56 SASR 497 at [45].

<sup>5</sup> *Ibid.*

purchasers on equal terms under like conditions having regard to the custom and usage of trade.

### 3.7 Definition of “custom and usage of trade”

Although the domestically produced goods may be “like or directly competitive goods”, the Parliamentary Secretary may still grant an exemption to duties in circumstances where the “like or directly competitive goods” are not offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the “custom and usage of trade”.

The term “custom and usage of trade” is not defined in the Dumping Duty Act or the Act. The Macquarie Dictionary defines “custom” as:

*a habitual practice; the usual way of acting in given circumstance; and habits or usages collectively; convention.*

The Macquarie Dictionary defines “usage” as:

*customary way of doing; a custom or practice;*

*the body of rules or customs followed by a particular set of people;*

*usual conduct or behaviour.*

As custom can only to be inferred from a large number of individual acts, the existence of a custom and usage of trade must involve:

*the multiplication or aggregation of a great number of particular instances; but these instances must not be miscellaneous in character, but must have a principle of unity running through their variety, and that unity must show a certain course of business and an established understanding respecting it.<sup>6</sup>*

Custom or usage of trade is a term used in common law in the interpretation of implied terms in contracts within a particular trade or industry.<sup>7</sup> When considering what is “custom or trade usage” the courts have concluded that:

1. Custom or usage was established mercantile usage or professional practice: *Byrne v Australian Airlines Ltd* (1995) 185 CLR 410 at 440; and
2. Evidence of actual market practices was crucial to the existence of a custom or usage. However, universal acceptance was not necessary: *Con-Stan Industries of Australia Pty Ltd v Norwich Winterthur Insurance (Australia) Ltd* (1986) 160 CLR 226.

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<sup>6</sup> *Anderson v Wadey* (1899) 20 N.S.W.R. 412 at p. 417.

<sup>7</sup> *Castlemaine Tooheys Ltd v Carlton & United Breweries Ltd* (1987) 10 NSWLR 468.

## 4. Australian industry’s offer for sale of ‘like’ or ‘directly competitive’ goods

In its application, Sanfang made a number of claims with regards to Australian industry’s offer of like or directly competitive goods. These claims were addressed by Australian industry in its response to the exporter questionnaire.

Further submissions were received from the importer, the applicant and the Australian industry in relation to these claims.

All submissions in relation to Australian industry’s offer for sale of like or directly competitive goods are summarised in the table below.

Sanfang’s claims	Australian industry’s response
<ul style="list-style-type: none"> <li>▪ The application is for cast grinding balls with chromium content equal or above 15% and between 25mm to 50mm;</li> <li>▪ Neither of the two Australian applicants produce cast grinding balls;</li> <li>▪ The raw materials, production equipment and processes for cast grinding balls are totally different from forged grinding balls;</li> <li>▪ Cast grinding balls and forged grinding balls have different end uses such that cast grinding balls cannot be used as substitutes for domestically produced forged grinding balls;</li> <li>▪ Australian Manufacturers have no capacity to produce cast grinding balls; and</li> <li>▪ The importer cannot use the forged grinding balls for technical reasons.</li> </ul>	<p><b>Donhad</b></p> <ul style="list-style-type: none"> <li>▪ Cast and forged media are competing products and might be considered like goods in all circumstances;</li> <li>▪ The customer makes the choice between the two products based on cost benefit analysis – it is an economic decision; and</li> <li>▪ There are no differences in the end use of the product, only preferences based on whole of life considerations such as corrosive wear, impact and abrasion.</li> </ul> <p><b>Moly-Cop</b></p> <ul style="list-style-type: none"> <li>▪ Regardless of the manufacturing process, the end purpose of the grinding media remains the same; that is to grind down mineral ores to facilitate the recovery of the target mineral;</li> <li>▪ The competitiveness of each product is determined by the overall consumption and price;</li> <li>▪ Grinding media manufactured by Moly-Cop could be considered for all applications that may currently use high chrome cast media, and is a like good to the imported cast white iron grinding balls containing chromium.</li> <li>▪ Grinding media is supplied in different sizes and material properties, but its function and purpose are the same.</li> <li>▪ Locally manufacturers of grinding media compete with imported high</li> </ul>

	<p>chrome grinding media (established in INV 316)</p> <ul style="list-style-type: none"> <li>▪ Grinding media does cross over industries</li> <li>▪ Forged and cast can be used interchangeably.</li> </ul>
<p><b><i>CITIC (importer) in support of Sanfang</i></b></p> <ul style="list-style-type: none"> <li>▪ Australian Industry does not produce high chrome cast grinding balls;</li> <li>▪ Forged grinding balls manufactured by the Australian Industry cannot be offered on equal terms under like conditions to meet CITIC's needs.</li> </ul>	
<p><b>Sanfang</b></p> <ul style="list-style-type: none"> <li>▪ The scope of goods for the exemption should be limited to just the goods imported by the nominated importer;</li> <li>▪ Australian Industry cannot produce the said goods so the designated importer has to import the said goods from China;</li> <li>▪ Simply because the goods the subject of the exemption are like products due to the fact that they are functionally alike, is not sufficient to conclude that the exemption is not justified; and</li> <li>▪ Forged balls and cast balls (in particular the high chromium cast grinding balls), though functionally alike, are different in many important aspects including: <ul style="list-style-type: none"> <li>○ Raw materials</li> <li>○ Production equipment and processes</li> <li>○ Chemical composition</li> <li>○ Mechanical performance. <ul style="list-style-type: none"> <li>▪ Impact value</li> <li>▪ Wear resistance</li> <li>▪ Corrosive resistance</li> </ul> </li> </ul> </li> <li>▪ Forged grinding balls have greater toughness and lower wear resistance.</li> </ul>	<p><b>Moly-Cop</b></p> <ul style="list-style-type: none"> <li>▪ Moly-Cop does not consider that the high level of redactions in CITIC's submission allows an interested party to understand the arguments tendered.</li> </ul>

## 5. The Commission’s assessment – like or directly competitive goods offered for sale in Australia

### 5.1 Finding

The Commission finds that like goods are offered for sale in Australia.

### 5.2 Like or directly competitive goods offered for sale in Australia

The Commission has examined the evidence presented in the application and in the Australian industry questionnaire response, and considers that like or directly competitive goods to the exemption goods are offered for sale in Australia.

Factor	Parties’ claims	Commission’s assessment
Physical likeness	<p>The applicant has claimed that the chemical composition of the goods the subject of the exemption differ from the goods produced by the Australian Industry.</p> <p>The Australian Industry have not made a claim in relation to physical likeness.</p>	<p>The size, shape and appearance of the exemption goods are physically alike to the goods produced by the Australian Industry.</p>
Commercial likeness	<p>The applicant has claimed that high chromium cast grinding balls are more appropriate to use in certain commercial application than forged grinding balls and that price is not a purchasing driver.</p> <p>Australian Industry has claimed that the only factor determining interchangeability is cost benefit analysis.</p>	<p>The Commission accepts the position of the Australian Industry that the exemption goods are substitutable and interchangeable with the goods produced by the Australian Industry.</p>
Functional likeness	<p>The applicant claims that the Australian Industry goods cannot be used by the importer, who requires high chromium cast grinding balls such as the ones the subject of the application for operational purposes. The applicant states that the high chromium cast ball is better for particular applications in the mining industry.</p> <p>Australian Industry claims that the end-use is the same and selecting the goods the subject of the application over the Australian</p>	<p>The Commission has assessed the evidence provided by the applicant to support the position that the importer requires the goods the subject of the application for operational purposes.</p> <p>The Commission is of the view that the goods the subject of the application were selected for economic reasons and not because they had a different functional purpose.</p> <p>In fact, the evidence provided to support the applicant’s</p>

Factor	Parties' claims	Commission's assessment
	Industry goods is purely an economical decision.	position demonstrates that Australian Industry were invited to tender which indicates that the goods may be substitutable even if they are not preferred. As such, the Commission finds that the exemption goods are functionally alike to the goods produced by Australian Industry.
Production likeness	<p>The applicant claims that the chemical composition, production equipment and processes are different in high chromium cast grinding balls than that of forged grinding balls.</p> <p>The Australian Industry does not dispute that the production processes are different, but states that the end purpose remains the same.</p>	The Commission finds that the raw materials, production equipment and processes between the exemption goods and the Australian Industry goods may produce different product characteristics.

Additionally, the goods description in the original investigation (INV316) includes 'cast or forged' grinding balls.

### 5.3 Conclusion

The Commission finds that the Australian industry does offer for sale like or directly competitive goods to the exemption goods.

## 6. To all purchasers on equal terms under like conditions having regard to the custom and usage of trade

In its application, Sanfang made claims regarding whether Australian industry offers the like goods to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The Australian industry made a submission in response to these claims.

The claims made by both the applicant and Australian industry are summarised in the table below.

<b>Sanfang's claims</b>	<b>Australian industry's response</b>
<ul style="list-style-type: none"><li>▪ Cost benefit is a relevant “term and condition” that should be considered under subsections 8(7)(a) and 10(8)(a).</li></ul>	<ul style="list-style-type: none"><li>▪ The local industry manufactures grinding media that is a like good and is supplied to the Australian market for the same end-uses as the imported high chrome grinding media on a competitive basis.</li></ul>



## **7. The Commission's assessment - to all purchasers on equal terms under like conditions having regard to the custom and usage of trade**

### **7.1 Finding**

The Commission finds that the exemption goods are offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

### **7.2 To purchasers on equal terms under like conditions having regard to the custom and usage of trade**

The Commission has examined the evidence presented in the application and in the Australian industry questionnaire response, and considers that the exemption goods are offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

The applicant submitted that “to all purchasers on equal terms under like conditions” should include consideration of the cost benefit analysis and economic considerations of the high chromium cast grinding balls compared to the forged grinding balls.

However, the Commission is of the view that the requirement that the exemption goods are offered for sale on “equal terms, under like conditions having regard to the custom and usage of trade”, set out in subsection 8(7)(a) of the Dumping Duty Act, does not extend to the quality of the like goods, nor does it extend to the economic reasons for not purchasing from Australian industry.

The Commission considers that while the first part of the test in subsection 8(7)(a) may require consideration of the quality of the goods, the terms and conditions being referred to in the second part of the test in subsection 8(7)(a) are the terms and conditions of the actual sale of the like or directly competitive goods rather than the quality of those goods.

Noting that the second part of the test focuses on sales by the Australian industry, the relevant comparison is a comparison between the terms and conditions offered by the Australian industry to various purchasers of the like goods in Australia. For example, it is relevant to consider whether the Australian industry sells like goods at a lower price to some purchasers and at a higher price to other purchasers.

The Commission has relied upon evidence submitted by the applicant, as well as submissions made by interested parties.

It is also relevant to consider whether the Australian industry only sells to some purchasers and refuses to sell to others. It is not, however, relevant under this section to consider whether the goods sold by Australian Industry are “economical”.

### **7.3 Conclusion**

The Commission finds that the exemption goods are offered for sale in Australia to all purchasers on equal terms under like conditions having regard to the custom and usage of trade. Accordingly, the conditions of subsections 8(7)(a) and 10(8)(a) of the Dumping Duty Act for granting an exemption are not satisfied.

## **8. Recommendation**

Based on the Commission's examination of the application and submissions made to the inquiry, the Commissioner considers that like or directly competitive goods to the exemption goods are offered for sale in Australia.

Based on the Commission's examination of the application and submissions made to the inquiry, the Commissioner considers that the exemption goods are offered to all purchasers on equal terms under like conditions having regard to the custom and usage of trade.

Accordingly, the Commissioner recommends that the Parliamentary Secretary not exempt the exemption goods from the duties.

## 9. Attachments

Attachments	Confidentiality	Title	Electronic public record identifier
Attachment 1	Not confidential	Exemption Application	001
Attachment 2	Not confidential	Australian industry questionnaire response (Donhad)	003
Attachment 3	Not confidential	Australian industry questionnaire response (Moly-Cop)	004
Attachment 4	Not confidential	Importer's submission in response to questionnaire	005
Attachment 5	Not confidential	Applicant's submission in response to questionnaire	006
Attachment 6	Not confidential	Australian Industry's submission in response to Applicant's submission	007
Attachment 7	Not confidential	Applicant's submission in response to Australian Industry's submission	008
Confidential Attachment A	Confidential	Trial Usage Report	
Confidential Attachment B	Confidential	Tender Evaluation Summary	