



Whites Group Pty Ltd ABN 25 001 845 478

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RECIEVED 04/03/2016

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PUBLIC FILE

### ANTI DUMPING NOTICE No 2015/152 –Response to OneSteel letter 24 February 2016

As we stated in our original submission we believe that there are strong reasons as to why the products we are importing should be excluded from the dumping action and any future dumping margins.

Recapping, we gave a number of reasons to support our claim as follows;

- 1) The reinforcing bar that Whites import and resell is designed as a retail pack for sale and use in the general hardware market. It is not imported in 6m to 15m lengths as specified in the application
- 2) The rebar imported by Whites is not made to particular standards nor has ACRS certification as it is for general hardware use.
- 3) Whites would pay a premium of 20- 30% more than the rebar identified in the application. This premium takes into account the small volume purchased, the extra work in preparing the product for sale in the hardware industry.

We believe that we are not direct market competition with OneSteel and that we are paying a premium for our goods, however as the volume of goods we import is extremely small there is a danger that our arguments will be dismissed as relatively insignificant in the whole matter.

OneSteel responded to our submission and suggested that the goods Whites had detailed were within the definition of the GUC and that Australian goods are completely substitutable and as such should not be excluded from the investigation.

The OneSteel response refers to subsection 269t (1) which defines 'like' goods, however if we refer back to the Australian Government Anti-Dumping commission document "*STATEMENT OF ESSENTIAL FACTS REPORT NO. 300 ALLEGED DUMPING OF STEEL REINFORCING BAR EXPORTED FROM THE PEOPLES REPUBLIC OF CHINA -6 FEBRUARY 2016*" and examine para 3.7 Like goods assessment; the Commission appears to have a wider scope of 'like' goods than that detailed in the OneSteel response and lists four reasons why the OneSteel goods are 'like' to the imported goods under assessment.

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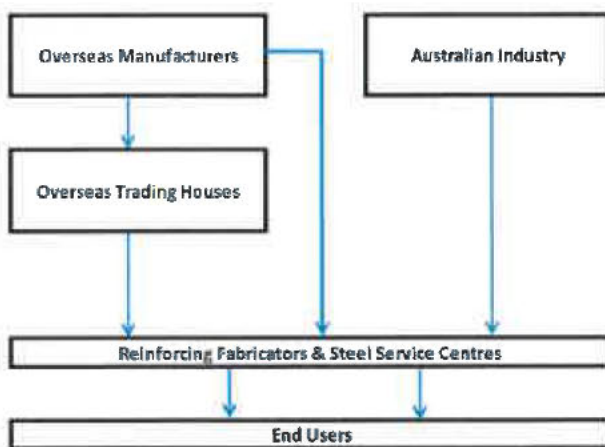
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However we believe that at least two of these points don't apply to the Whites goods in reference to this enquiry;

Dot Point 2 – We would contend that the goods are **not** commercially alike as they are **not** sold to common users and **do not** directly compete in the same market. (OneSteel included a specific distribution of rebar diagram in their form B108 Application for dumping (Page 18)). This clearly shows a different route to market and a focus on a different set of end users to the Whites product. As far as we know OneSteel do not offer or display in their brochures/website a retail pack as supplied by Whites. (OneSteel included a "REODATA" handbook in their original submission).

As per our submission, Whites sell small packs, packaged and labelled for display on shelves in the hardware industry, eg Bunnings, MITRE 10 who make the goods available to all customers.



Dot Point 3- We would contend that the goods **do not** have a similar range of end users. Our goods are not confined to the concrete/reinforcing industry. The goods are packed in small enough units where they are used for a wide range of projects and end uses .eg they can be used as a landscaping peg or part of a sculpture.

The OneSteel response also included reference to Section 269TG (Customs Act) which refers to 'like or directly competitive goods'. Again our contention is that they are **not** 'like or directly competitive goods' for the reasons already detailed. We would also contend that if a 'reasonable' person were shown the goods from both companies in their respective typical packing formats, they would think that the goods are 'not like or directly competitive'



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The response from Onesteel also referenced 7(1) of 269TG:

*" the export price of any of those goods that have been exported to Australia is less than the normal value of the goods so exported; and"*

*"the exportation of those goods is causing or threatening injury to an Australian industry....."*

Leaving aside the definitions of *'like or directly competitive goods'* Whites has provided previous data of our costings that will show that the goods imported by Whites is at a cost level consistently higher than the bulk product at issue and as such Whites goods are **not causing or threatening injury to Australian industry.**

To summarize we contend that:

- Whites goods are not *'like or directly competitive'* (OneSteel do not even offer for sale the Whites retail packs)
- Whites sell to a different market and end user.
- Whites believe that the imported costs levels of our products do not constitute dumping.( data supplied to the commission)

Yours Faithfully

Brian Gray

Innovation and Technical Development Manager

