

Non Confidential

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25 May 2023

The Director
Investigations
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

BY EMAIL: Investigations@adcommission.gov.au

AUSTRALIAN INDUSTRY MEMBER SUBMISSION: EXEMPTION INQUIRY EX0093

Dear Director,

Austube Mills Pty Ltd (**ATM**) makes this submission as a member of the Australian industry producing like goods the subject of the anti-dumping measures. This submission is made in response to the submission made by DE Engineers/Kasia Nominees Pty Ltd (**Kasia Nominees**) on 24 February 2023,¹ in relation to this *Exemption Inquiry No. 0093 (EX0093)* concerning hollow structural sections exported from China, Korea, Malaysia and Taiwan.

At the outset, ATM refutes; in the strongest terms; the claim of Kasia Nominees that it provided 'false and misleading information', in either its Questionnaire response to this inquiry (EX0093), or in relation to the previous exemption inquiry (EX0015).

ATM rejects the claim made by Kasia Nominees that *...they do not manufacture goods that are like or directly competitive to the goods subject to this application* [emphasis added]. Although ATM does not manufacture **identical** goods, they do manufacture goods that are '**like or directly competitive** to the goods subject to this application' and such 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. Indeed, Kasia Nominees admits this in their submission. By providing photographs of ATM's DuraGal product being used for silo stands on farms in Western Australia² confirms that ATM's DuraGal product is directly substitutable to the proposed exempt goods, in other words, ATM produces in Australia and supplies goods into the same market that the proposed exempt goods compete.

Furthermore, ATM supplies the like or directly competitive goods to the proposed exempt goods to customers who are in direct competition to Kasia Nominees, i.e. domestic silo manufacturers. If ATM produced and sold in Australia, goods that were not like or directly competitive to the proposed exempt goods, then how could they be used in the manufacture of domestic silos by Kasia Nominee's competitors, but not Kasia Nominees itself. Clearly, the applicant for exemption is seeking to directly import like goods at dumped and subsidised prices, but not pay the interim duties applicable.

¹ EPR EX0093/005 (published 28 February 2023)

² EPR EX0093/005, p. 3, 4 and 7.

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Examples of ATM's customers who are direct competitors to Kasia Nominees in the manufacture of domestic silos, and use ATM's domestically produced and supplied DuraGal products instead of the proposed exempt goods are:

- [REDACTED] (one of the largest domestic silo manufacturers) [example customer 1],
- [REDACTED] [example customer 2], and
- [REDACTED] [example customer 3].

This is clear evidence that although ATM's domestically produced DuraGal product is not identical to the proposed exempt goods, it is substitutable, and sales are based on customer choice, in other words, in competition to the proposed exempt goods by potential customers of both products.

Kasia Nominees' false claim concerning ATM imports and production in Australia

It remains for ATM to respond to the following false claim by Kasia Nominees in their submission:

Finally, DE Engineers notes that neither Orrcon or ATM addressed in their respective submissions the significant quantities of imported HDG cold-blown pipe in square and rectangular sections, distributed by both, to meet the need in the market for HDG cold-blown pipe product.³

This claim is false. ATM **does not** import any hot dipped galvanised (**HDG**) product in square and rectangular sections. ATM manufactures in Australia, DuraGal product in square and rectangular sections. The only HDG product that ATM imports is in circular sections.

If you have any questions concerning any aspect of this submission, please do not hesitate to contact your ATM representative on record.

FOR AND ON BEHALF OF THE AUSTRALIAN INDUSTRY MEMBER,

AUSTUBE MILLS PTY LTD

Submission date: 25.05.2023

³ EPR EX0093/005, p.14