



Federal Court of Australia

District Registry: New South Wales Registry

Division: General

No: NSD67/2024

PRESS METAL ALUMINIUM (AUSTRALIA) PTY LTD ACN 085 370 010 and another
named in the schedule
Applicants

MINISTER FOR INDUSTRY AND SCIENCE and others named in the schedule
Respondents

ORDER

JUDGE: Justice Younan

DATE OF ORDER: 20 November 2025

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The name of the First Respondent (**Minister**) be amended to '*Minister for Industry and Innovation*'.
2. Pursuant to s 16(1)(a), including as read with s 3(3), of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (**ADJR Act**):
 - (a) the ascertainment of the normal value and dumping margin for the Second Applicant (**PMBA**) by the Third Respondent (**ADC**) at [9.1] of ADC Report 591, together with [6.3.10], [6.3.11], [8.6.1] and [8.6.5] in so far as they concern those matters, be set aside;
 - (b) the recommendations of the Second Respondent (**ADRP**) contained in ADRP Report 155 be set aside, and ADRP Report 155 be quashed;
 - (c) the decision of the Minister, made on 14 December 2023 and published on 15 December 2023 (the **Minister's Substitute Decision**), be set aside;



3. Pursuant to ss 16(1)(b) and 16(2)(b) of the ADJR Act the matter be remitted to the ADC for preparation of a report and the making of recommendations on only the normal value and dumping margin for PMBA according to law.
4. In preparing a report and making recommendations on the normal value and dumping margin for PMBA in accordance with Order 3 above:
 - (a) the ADC is to invite further submissions and/or information from PMBA consistent with that requested and provided in other reviews and duty assessments concerning PMBA's exports, including in Review 640, within 7 business days of these orders and in order to address the issue referred to in Note A; and
 - (b) the ADC is to provide its report to the ADRP within 30 business days of receipt of the further submissions and/or information from PMBA, and at or about the same time to provide a copy to PMBA and publish a non-confidential version on its electronic public file.
5. Pursuant to ss 16(1)(b) and (d) and 16(2)(b) of the ADJR Act, upon the provision of the ADC's report referred to in Order 4(b), the ADRP is to prepare a report under s 269ZZK of the *Customs Act* in response to Capral's application for review dated 12 July 2022.
6. The report of the ADRP the subject of Order 5 above is to be completed within 40 business days of the publication of the ADC report referred to in Order 4(b) above.
7. The Minister is to re-make the Minister's Substitute Decision within:
 - (a) 30 days of issue of the ADRP report in accordance with Order 6 above; or
 - (b) if the Minister considers there are special circumstances that prevent the decision being made within that period—such longer period as the Minister considers appropriate, in which case the Minister must give notice of the longer period on the Review Panel's website on or before the expiry of the period referred to in order 7(a) above.



8. For the purpose of orders 4 and 6 above, any day in the period from 27 to 31 December is not treated as a business day.
9. The proceeding otherwise be dismissed.
10. The Respondents pay the Applicants' costs of the proceeding as agreed or taxed.

THE COURT NOTES THAT:

The parties have informed the Court that:

- A. In ADC Report 591, the ADC determined the normal value of the goods in question for PMBA, without obtaining information from PMBA on the level of trade adjustment, in circumstances where:
 - (a) officers of the ADC had identified what they considered to be a deficiency in the evidence on the level of trade adjustment that would be centrally relevant to the determination of the dumping margin in correspondence with one another;
 - (b) having regard to that correspondence, there were obvious questions that could have been asked of PMBA to correct the perceived deficiency in the evidence concerning the level of trade adjustment;
 - (c) PMBA was open to providing such information,and, in doing so, denied PMBA procedural fairness.
- B. In making the recommendations in ADRP Report 155, the ADRP relied on the ADC's conclusions with respect to the normal value and dumping margin for PMBA.
- C. In making the Minister's Substitute Decision, the Minister relied on and accepted the recommendations and reasons of the ADRP in ADRP Report 155 and the ADC's conclusions in ADC Report 591 with respect to the normal value and dumping margin for PMBA.



- D. The ADC's denial of procedural fairness could have affected part of ADC Report 591, being the ADC's conclusion on the normal value and dumping margin for PMBA.
- E. The ADC's denial of procedural fairness in relation to the normal value and dumping margin for PMBA could have affected the ADRP's conclusion with respect to material injury in ADRP Report 155 and its recommendations to the Minister as set out in ADRP Report 155.
- F. The ADC's denial of procedural fairness in relation to the normal value and dumping margin for PMBA could have affected the Minister's Substitute Decision.

Date orders authenticated: 20 November 2025

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

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|-------------------|---------------------------|
| Second Applicant | PMB ALUMINIUM SDN BHD |
| Second Respondent | ANTI-DUMPING REVIEW PANEL |
| Third Respondent | ANTI-DUMPING COMMISSION |