

23 March 2026

Anti-Dumping Commission  
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## Public File

Dear Director,

### **Investigation No. 679 concerning Light Gauge Stud and Track (LGST) from China**

The member of the Australian industry producing like goods to the goods the subject of this inquiry, Rondo Building Services Pty Limited (**Rondo**) provides the following submission in relation to the above-noted inquiry (**INV 679**).

#### **1. Opening comments**

The Anti-Dumping Commission (**the Commission**) treats foreign exporters the subject of a trade remedy inquiries in one of three ways: cooperative, non-cooperative and all other, or residual. It is this treatment that then determines how, for example, normal values are calculated, how subsidies are assessed, and what level of remedy is ultimately imposed to address dumping and/or subsidisation. The origins of this treatment reside in the motivations of the exporters, who elect to either cooperate or not with the Commission. Where cooperation is not forthcoming, the statute mandates that the exporter be assessed in a prescribed manner.

In this way, the treatment of exporters is relatively black and white, with no scope for hybrid-type assessments or, in the context of this submission, no scope for accommodating Australian importer representations that seek to pick-and-choose most favourable outcomes for their aligned exporter without committing in full to the inquiry.

#### **2. Introduction**

Rondo refers to the submission filed by *Intex Group International Pty Ltd* (**Intex**) dated 11 March 2026 concerning the corporate status of entities in Intex's Chinese import supply chain in INV 679 (**the Intex submission**).

The Intex submission acknowledges that its Chinese supplier did not complete and lodge an Exporter Questionnaire within the legislated period.<sup>1</sup> Rather than address that fundamental deficiency, the submission seeks to advance selective representations regarding the non-SIE status of upstream supply chain entities, supported principally by output from an artificial intelligence search engine. Rondo submits that the Commission should afford this material no weight, and that it cannot substitute for the verification processes mandated by the *Customs Act 1901* (Cth) (the **Act**) and the WTO Anti-Dumping Agreement (**ADA**).

### **3. Non-cooperation cannot be selectively resolved**

The Intex submission concedes the Chinese exporter's status as an uncooperative exporter under section 269T and a non-cooperative exporter under section 269TAACA.<sup>2</sup> This has significant consequences. The exporter's failure to lodge a questionnaire means it has not submitted to the investigative process and has not provided the Commission with the comprehensive data required for the determination of export price, normal value, or countervailable subsidy.

Rondo submits that it is impermissible for an interested party to refuse cooperation across all substantive aspects of an investigation while simultaneously seeking (and notably, indirectly) to dictate the Commission's treatment of one discrete element – in this case, the SIE status of upstream suppliers. The Act establishes a coherent framework for the gathering and verification of information. An exporter that declines to participate in that framework cannot be permitted to pick-and-choose the aspects of the investigation it engages with, submitting representations (and again, indirectly) only where it perceives a favourable outcome while withholding all other material information.

Section 269TAC(6) directs the Commissioner to determine the export price and normal value of an uncooperative exporter having regard to all relevant information. Similarly, section 269TAACA(1)(c) permits the Commissioner to act on the basis of all the facts available in the determination of a countervailable subsidy. These provisions envisage a holistic assessment, not an ad-hoc or piecemeal reconstruction of the factual record at the importer's direction.

### **4. Verification obligations under the ADA**

The ADA imposes clear obligations on investigating authorities on verification and reliability of information used in dumping and subsidy determinations. These obligations cannot be circumvented by the submission of unverified, self-selected representations from the importer of a non-cooperating party.

Article 6.6 of the ADA requires that investigating authorities *...shall during the course of an investigation satisfy themselves as to the accuracy of the information supplied by interested parties upon which their findings are based.*<sup>3</sup>

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<sup>1</sup> The Intex submission, p. 1.

<sup>2</sup> Ibid.

<sup>3</sup> Refer [https://www.wto.org/english/docs\\_e/legal\\_e/adp\\_e.htm#art6](https://www.wto.org/english/docs_e/legal_e/adp_e.htm#art6)

Article 6.8 and Annex II of the ADA address the consequences of non-cooperation. Annex II, paragraphs 3, 5 and 7 further constrain the use of information in a facts-available context. Paragraph 3 requires that all information which is verifiable, appropriately submitted, and supplied in a timely fashion should be taken into account.<sup>4</sup> Paragraph 5 provides that even where information is not ideal in all respects, this should not justify the authority from disregarding it, provided the party has acted to the best of its ability.<sup>5</sup> However, paragraph 7 ultimately stipulates that:

*If the authorities have to base their findings...on information from a secondary source,...they should do so with special circumspection. In such cases, the authorities should, where practicable, check the information from other independent sources at their disposal, such as published price lists, official import statistics and customs returns, and from the information obtained from other interested parties during the investigation. **It is clear, however, that if an interested party does not cooperate and thus relevant information is being withheld from the authorities, this situation could lead to a result which is less favourable to the party than if the party did cooperate.** [emphasis added].*

The ADA therefore establishes that an investigating authority is not permitted to base findings on unverified information, regardless of its source, and that the facts available mechanism is not an invitation for a non-cooperating party to submit selective, self-serving representations in lieu of full cooperation. Put another way, a non-cooperating party cannot expect to achieve through partial, unverified submissions the same outcome it would have achieved through full cooperation and verification.

## **5. Evidentiary deficiencies in the Intex submission**

The Intex's characterisation of the supply chain entities as non-SIE rests on two categories of evidence: (i) a document prepared by the non-cooperating exporter itself; and (ii) output from the AI search engine Perplexity AI. Rondo submits that neither category satisfies the evidentiary standard required for the Commissioner to rely upon the information as "relevant information" or "facts available."

Firstly, a self-prepared document from a non-cooperating exporter that has refused to submit to the investigation's questionnaire and verification process cannot be treated as reliable evidence. The exporter's very status as uncooperative undermines the credibility of the selective representations it now chooses to advance. The Commission has had no opportunity to verify the accuracy of these representations against the exporter's accounts or other primary source material.

Secondly, AI-generated outputs from a search engine, however "well-regarded," do not constitute primary evidence in trade remedy inquiries. Such outputs are algorithmically generated summaries of publicly available sources. They are not verified and cannot be traced to originating source documents.

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<sup>4</sup> Refer [https://www.wto.org/english/docs\\_e/legal\\_e/adp\\_e.htm#art6](https://www.wto.org/english/docs_e/legal_e/adp_e.htm#art6)

<sup>5</sup> Ibid.

To Rondo's knowledge, the Commission has never accepted AI-generated summaries as a substitute for verified corporate ownership data, and accepting such material would set an undesirable precedent.

Rondo also notes that the Commission's standard practice in determining SIE status involves detailed analysis of corporate registration documents, shareholder structures, articles of association, and government shareholding records, typically obtained through the exporter questionnaire process followed by verification. The Intex submission offers none of this.

## **6. Inconsistency with Intex's conduct in concurrent proceedings**

The selective nature of Intex's representations in INV 679 is further emphasised by its conduct in two concurrent proceedings – INV 677 (Steel Corner Beads and Angles from China - **SCBA**) and INV 653 (Ceiling Steel Framing Members from China - **CSFM**). In both, Intex is an importer of goods manufactured from Chinese galvanised steel. And in both, the same HRC LTAR subsidy program is at issue.

### **INV 677**

In INV 677, neither Chinese exporters nor the Government of China (**GOC**) elected to cooperate.<sup>6</sup> The Commission acted on the basis of all facts available and determined that Chinese exporters of SCBA were in receipt of the HRC LTAR subsidy.<sup>7</sup> The Commission found that galvanised steel constitutes 75–80 percent of the overall costs of manufacture of SCBA,<sup>8</sup> and that it was reasonable to assume the benefit had passed through fully to producers of the final product.<sup>9</sup> Intex made no representations in INV 677 regarding the non-SIE status of its supply chain entities.

### **INV 653**

The position of Intex in INV 653 is further instructive.

In INV 653, Intex was the largest importer of CSFM from China.<sup>10</sup> The Commission conducted an onsite verification of Intex's response to the importer questionnaire and relied on Intex's verified data to determine export prices under section 269TAB(3) of the Act.<sup>11</sup> As in INV 677, all Chinese exporters were non-cooperative and the GOC did not participate. The Commission found that galvanised steel constitutes 85–90 percent of the overall costs of manufacture of CSFM<sup>12</sup> and applied the HRC LTAR subsidy to all exporters on facts available,<sup>13</sup> calculating a total subsidy margin of 4.5 percent.<sup>14</sup>

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<sup>6</sup> *Statement of Essential Facts No. 677 (SEF 677)*, 23 February 2026, p. 18-19.

<sup>7</sup> *Ibid*, Appendix A, p. 102.

<sup>8</sup> *Ibid*, p. 101.

<sup>9</sup> *Ibid*.

<sup>10</sup> *Report No. 653, Alleged Dumping and Subsidisation of Ceiling Steel Framing Members Export to Australian from the People's Republic of China (REP 653)*. 16 January 20026, p. 41.

<sup>11</sup> *Ibid*, p. 45.

<sup>12</sup> *Ibid*, Annex A, p. 123.

<sup>13</sup> *Ibid*, p. 124.

<sup>14</sup> *Ibid*, p. 7 and elsewhere in REP 653.

The Commission's public record shows that Intex was comprehensively engaged in INV 653. It made extensive submissions on injury, causation, like goods assessment, and the Australian market structure. It contested the Commission's findings of material injury and challenged the characterisation of CSFM as a standalone product. It provided detailed arguments regarding the pricing dynamics of the Australian market and the competitive positions of domestic manufacturers.<sup>15</sup>

At no point however, and despite its active engagement and verified participation, did Intex submit that its Chinese supplier sourced raw materials from privately held, non-SIE companies. It did not tender search engine outputs or exporter-prepared documents to challenge the application of the HRC LTAR subsidy. Instead, it accepted the Commission's application of facts available in respect of the subsidy assessment.

### ***The obvious inconsistency***

The same importer, confronting the same structural circumstances (an uncooperative Chinese exporter, non-participation by the GOC, and a facts-available assessment of the HRC LTAR subsidy) has adopted conflicting positions across concurrent investigations. In INV 653 and 677, Intex accepted the Commission's treatment without challenge. In this investigation, it seeks to carve out a favourable exception.

This inconsistency suggests that the Intex submission is not a principled contribution to the public record but rather a strategic, outcome-driven intervention designed to minimise the subsidy margin applicable to Intex's imports in this investigation.

The contrast with INV 653 is particularly telling, as Intex was sufficiently engaged in that proceeding to make multiple submissions contesting injury and causation findings, yet chose not to challenge the SIE characterisation or the HRC LTAR subsidy. If Intex genuinely held the view that its Chinese supply chain comprised non-SIE entities, it would logically have advanced that position in INV 653 and 677, where the same subsidy program was at issue and the same or similar raw material supply chains were engaged.

Rondo acknowledges that Intex's Chinese supplier may source raw materials from different entities across different product lines, and that the SIE status of those entities may differ between investigations. However, the Intex submission does not address this distinction or offer any explanation for the divergent approach.

In the absence of such an explanation, the inconsistency speaks for itself and further supports the conclusion that the representations should be afforded no weight.

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<sup>15</sup> EPR 653, folio no's 7 ([like goods, injury and profit](#)), 10 ([response to Rondo submission](#)), 15 ([regarding competition and questions to the ADC](#)), 19 ([injury and causation](#)), 21 ([Siniat's market impact](#)) and 28 ([response to SEF](#)).

## **7. The burden of cooperation rests with the exporter, not the importer**

The Intex submission concludes by stating that:<sup>16</sup>

*If the information in this email is not considered to be “relevant information” and “facts available”, or is thought to be “unreasonable”, we would appreciate being provided with the information that the Commission believes is superior to the information we have provided in this email.*

Respectfully, this request misconceives the nature of the investigative framework. The answer to the question posed by Intex is straightforward: the information that is superior to unverified importer representations and search engine outputs is the information that would have been obtained through full cooperation by the exporter – i.e., a completed exporter questionnaire, then verified through the Commission’s standard verification processes.

The *Customs Act* does not place the burden on the Commission to identify alternative sources of information where an exporter has elected not to cooperate. It is not for the Commission to do the work that the exporter has refused to do.

The statute provides a clear mechanism for the consequences of that refusal: the Commissioner acts on the basis of all facts available and makes such assumptions as the Commissioner considers reasonable. The Intex submission’s closing request effectively asks the Commission to justify its reliance on the statutory framework in preference to self-selected, unverified material tendered by the importer of a non-cooperating exporter. That is not a burden the Commission is required to discharge.

## **5. Conclusion**

For the reasons outlined above, Rondo requests that the Commission:

- afford no weight to the Intex representations regarding the SIE status of Intex’s upstream supply chain entities;
- continue to treat Intex’s Chinese supplier as an uncooperative exporter for all purposes under the Act, including the determination of export price, normal value, and countervailable subsidies;
- not permit the selective submission of unverified information to circumvent the consequences of non-cooperation;
- have regard to Intex’s inconsistent conduct across INV 653, 677 and 679 in assessing the credibility and weight of the representations made in the Intex submission; and
- determine the dumping margin and countervailable subsidy in respect of goods exported by Intex’s Chinese supplier having regard to all relevant information and facts available.

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<sup>16</sup> The Intex submission, p. 4.

Rondo also reemphasises the need for preliminary measures. As noted in its submission of 20 January 2026, Rondo continues to experience material injury from dumped and subsidised Chinese LGST as INV 679 progresses. Rondo maintains the view that sufficient grounds exist for the imposition of provisional measures and requests that the Commission apply such measures, including the taking of securities, under section 42 of the Act.

FOR AND ON BEHALF OF

*Rondo Building Services Pty Limited*

THE AUSTRALIAN INDUSTRY APPLICANT