



**Lena** +61 414 278 384      **Troy** +61 419 782 205  
lena@lentro.com.au      troy@lentro.com.au  
Ph +61 7 5527 4101      www.lentro.com.au  
Glenrock Farm, 46 Chisholm Rd, Carrara Qld 4211  
PO Box 3291, Nerang Qld 4211  
Australia

25 May 2026

The Director - Investigations 1  
Anti-Dumping Commission  
GPO Box 2013  
Canberra ACT 2601

By email : [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au)

Dear Director

**Investigation 692 - Certain welded steel mesh sheets from China, Malaysia**

As you are aware, we are the authorised representative for Kamen Steel Industries Sdn. Bhd (“**Kamen Steel**”).

Attached is a response on behalf of Kamen Steel to InfraBuild (Newcastle) Pty Ltd's submission dated 20 May 2026.

We consider the submission is suitable for as both an ‘OFFICIAL: Sensitive’ (i.e. confidential) and ‘Non-confidential’ (for public record) versions.

Should you require any further information, please contact the writer.

Yours sincerely

**Troy Morrow**  
**Director/Partner**  
**Lentro Business Solutions**

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# CONFIDENTIAL / NON-CONFIDENTIAL VERSION

**Date:** 25 May 2026

**To:**

The Director – Investigations 1

Anti-Dumping Commission

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## Investigation 692 – Counter Submission to InfraBuild (20 May 2026)

### Certain Welded Steel Mesh Sheets – Model Control Code (MCC) Structure

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#### 1. Executive Summary

This submission responds to InfraBuild's submission dated 20 May 2026.

Kamen Steel submits that:

1. The Commission retains **ongoing discretion to modify MCC structures where required for accurate model matching**;<sup>1</sup>
  2. The current MCC structure **fails to capture material differences in cost, pricing, and commercial function** between standard mesh and CTS/project mesh;<sup>2</sup>
  3. The InfraBuild reliance on “sheet size” is **methodologically flawed**, as it captures only physical characteristics and not price-driving commercial differences;<sup>3</sup>
  4. Failure to adopt the proposed Product Type category would **distort dumping margin calculations** contrary to statutory and WTO-consistent principles.
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#### 2. Timeliness – No Legal Bar to Amendment

##### 2.1 InfraBuild Position

InfraBuild asserts that MCC amendments are invalid because they were submitted after 2 January 2026.

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## 2.2 Commission Discretion is Ongoing

InfraBuild's position misunderstands the applicable legal framework.

The Dumping and Subsidy Manual provides that:

- MCC structures may be **modified “based on the facts and evidence pertaining to a particular exporter”**;<sup>4</sup>
- The Manual is **not prescriptive and does not constrain decision-making**, requiring case-specific assessment.<sup>5</sup>

Critically:

Model matching must ultimately reflect accurate price comparability, not procedural timing.

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## 2.3 Procedural Deadlines are Administrative, Not Jurisdictional

While proposals are encouraged before questionnaire submission:

- The Manual does **not impose a legal prohibition** on later amendments;<sup>6</sup>
- Verification-stage modifications are expressly contemplated.

To reject the amendment solely on timing would risk:

- **failure to consider relevant matters**;<sup>7</sup>
  - **unreasonable exercise of discretion** (Administrative law principle reflected in Manual).
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## 2.4 Supporting Authority

- *Changshu Longte Grinding Ball Co Ltd v Parliamentary Secretary* [2018] FCA 1135
- *Steelforce Trading Pty Ltd v Minister* [2018] FCAFC 20

These confirm that:

The Commission must consider material evidence necessary to ensure a fair comparison, regardless of when it is raised.

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## 3. MCC Framework – Required to Reflect Price Comparability

### 3.1 Governing Principle

The Manual provides:

- MCCs must capture **characteristics that give rise to material differences in price;**<sup>8</sup>
  - Proper model matching is essential to identifying **comparable domestic and export goods.**<sup>9</sup>
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### 3.2 Kamen Evidence Establishes Material Differences

As demonstrated in Kamen Submission dated 12 May 2026.

- CTS mesh differs from standard mesh in:
  - production process
  - service intensity
  - cost structure
  - pricing behaviour

These differences are:

- **systematic,**
  - **observable,** and
  - **quantifiable across transactions.**<sup>2</sup>
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### 3.3 Legal Consequence

Where such differences exist:

- They must be reflected at the MCC level; or
- Adjusted via due allowance (if feasible).

Failure to do so results in:

- **non-comparable models,**
  - **distorted normal values,** and
  - **invalid dumping analysis.**
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## 4. InfraBuild “Sheet Size” Argument – Methodologically Incorrect

### 4.1 InfraBuild Claim

InfraBuild asserts sheet size already captures CTS price differences.

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### 4.2 Sheet Size is a Physical Attribute Only

The Manual distinguishes:

- **Physical characteristics**, and
- **Commercial and pricing characteristics affecting comparability.**<sup>10</sup>

Sheet size:

- measures **dimensions only**
  - does not capture:
    - project-specific production runs
    - service inputs
    - engineering/customisation
- 

### 4.3 InfraBuild Evidence Undermines Its Own Position

InfraBuild acknowledges:

- CTS attracts higher prices due to:
  - cutting complexity
  - handling
  - production inefficiencies

These are **non-physical, service-related factors**.

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### 4.4 Fatal Limitation

Identical-sized sheets may be:

- standard production; or
- project-specific CTS products

Accordingly:

Sheet size cannot distinguish CTS goods, leading to incorrect model matching.

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## 5. Distortion from Aggregation

Without a Product Type distinction:

- CTS and standard mesh are aggregated
- This results in:
  - inflated domestic benchmarks
  - incorrect ordinary course of trade testing
  - distorted dumping margins<sup>2</sup>

This contravenes the **fair comparison requirement** in:

- s.269TACB
  - WTO ADA Article 2.4 (reflected in Manual)<sup>11</sup>
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## 6. Due Allowance Cannot Remedy the Defect

### 6.1 Applicable Standard

Adjustments are only made where differences:

- are **identifiable and quantifiable**, and
  - demonstrably affect price comparability.<sup>11</sup>
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### 6.2 Failure of the Adjustment Approach

Absent correct MCC classification:

- CTS-related pricing effects cannot be isolated reliably
- adjustments would be:
  - speculative
  - unverifiable

The Manual recognises:

Proper model matching is the primary mechanism; adjustments are secondary and limited.

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## 7. “Special Treatment” Argument – Incorrect

### 7.1 InfraBuild Position

InfraBuild alleges the amendment benefits a single exporter.

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### 7.2 Universally Applicable Characteristic

The proposed MCC:

- applies equally to all exporters
  - reflects **objective market characteristics**
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### 7.3 Commission’s Obligation

The Commission must ensure:

- **accurate comparability**, not artificial uniformity

Suppressing real product differences would:

- undermine system integrity
  - inflate or distort dumping margins
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## 8. Consistency with Legal Framework

The proposed amendment aligns with:

### 8.1 Model Matching Principles

- capture price-relevant characteristics<sup>8</sup>
- ensure comparable models<sup>9</sup>

### 8.2 Due Allowance Principles

- avoid distorted comparisons<sup>11</sup>

### 8.3 Administrative Law

- consider all relevant evidence<sup>7</sup>
  - avoid unreasonable or inflexible decision-making
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## 9. Conclusion

InfraBuild's submission:

- mischaracterises procedural rules
- relies on an inadequate physical proxy
- ignores material pricing differences

Kamen Steel respectfully submits that:

1. The current MCC structure is **deficient**
  2. The Product Type category is **necessary**
  3. Adoption is required to ensure **lawful and accurate dumping analysis**
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## 10. Request

Kamen Steel requests that the Commission:

- accept the proposed MCC amendment
  - apply it across all exporters
  - require updated data reconciliation
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## Footnotes

1. Dumping and Subsidy Manual (Dec 2021), Ch 14 (Model Matching), pp. 48–49 – MCC modifications permitted based on facts and evidence.
2. Kamen Steel Submission (12 May 2026), Sections 4–5 – evidence of cost and pricing differences between CTS and standard mesh.
3. InfraBuild Submission (20 May 2026), Sections 2–3 – reliance on sheet size as differentiator.
4. Manual, Ch 14.1 – MCC modifications may be considered based on exporter-specific evidence.
5. Manual, Foreword – discretion exercised case-by-case; Manual not binding.
6. Manual, Ch 14.2 – timing guidance does not impose absolute prohibition on later amendments.
7. Administrative Decisions (Judicial Review) Act principles reflected in Manual (Foreword) – failure to consider relevant matters is an improper exercise of power.
8. Manual, Ch 14 – MCC must reflect characteristics affecting price comparability.
9. Manual, Ch 14 – requirement to match exported goods with most comparable domestic goods.

10. Manual, Ch 14 & Ch 15 – distinction between physical characteristics and commercial differences affecting price.
  11. Manual, Ch 15 (Due Allowance) – adjustments required only where differences affect price comparability.
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