



The Director - Investigations 1
Anti-Dumping Commission
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Investigation 692 - Certain welded steel mesh sheets from China, Malaysia

We refer to Investigation 692 concerning certain welded steel mesh sheets (WSMS) exported from China and Malaysia.

1. Australian Steel Association

The ASA is an independent association that represents the interests of a wide array of companies operating in the steel industry today. ASA members include steel intensive manufacturers, fabricators, roll-formers, roof fixers, traders, transport and shipping companies and trade credit insurance providers.

Since 1980 the ASA has championed the need for an open market and even playing field for all manufacturing users and converters of steel products. It is our view that fair trade and a competitive market are essential for the steel industry to thrive.

The ASA's members include those both companies that have access only to imports (they are excluded from domestic supply) and companies that are able to access both domestic and international supply. The supply chain that the ASA represents brings to the Australian market world-class steel mills who are operating with leading-edge technology and efficiencies that have been missing from Australian manufactured steel for decades.

2. Supply chain uncertainty

The Commission would be well aware that from April 2026 Australia has experienced a period of significant supply chain uncertainty due to the shut down of the Whyalla blast furnace. We have been informed by our members that Australian purchasers of WSMS have reported increased prices and unreliable supply of Australian produced material.

It is crucial that the Commission properly recognised the extent to which claimed material injury to the Australian industry is caused not by the price of imported product, but by the unreliability of Australian produced material.

While the Australian industry has claimed that supply chain interruptions were momentary and have passed, such a view ignores that the impact of a supply chain disruption can continue after the supply chain issue has been resolved (if it fact that is the case). It is not unreasonable that a customer would elect to purchase goods from a supplier that can offer reliable consistent supply. While Australian manufacturers can claim that the supply chain issues have been resolved, purchasers of materials will form their own views as to the reliability of such claims.

It is not unreasonable that a purchaser is not prepared to risk a further unexpected two and a half month supply chain disruption.

3. Relevance of post investigation period injury claims

The Australian industry has repeatedly claimed that events which occur after the investigation has commenced are irrelevant to the assessment of whether dumping duties should be imposed. However, such claims are inconsistent with:

- The claims that a preliminary affirmative determination (PAD) should be made to prevent injury that the Australian industry is currently suffering; and
- InfraBuild's 10 June 2026 submission where it expressly put an alternative claim for dumping duties on the basis of the threat of material injury. InfraBuild direct the Commission to a claimed increase in importations following the end of the investigation period.

It may be inconvenient for the applicant that events have occurred during the investigation that clearly demonstrate non-price factors that result in it losing market share. However, it is appropriate for the Commission to take into account such factors in assessing:

- The true extent of any connection between past alleged dumping and claimed material injury;
- The extent to which factors such as price certainty and supply chain reliability impact customer decisions;
- Whether Australian industry pricing is driven by the price of exported goods (noting recent Australian industry price increases);
- Whether there is any credibility to claims that a PAD is needed to prevent imported goods causing injury during the conduct of the investigation; and
- Whether there is any threat of material injury due to the price of imported goods.

It is clear that the anti-dumping system is not intended to be applied to provide to protection to an Australian industry that cannot consistently supply the relevant product. Section 8(7)(a) of the Customs Tariff (Anti-Dumping) Act 1975 reflects this by permitting an exemption from dumping duties where like or directly competitive goods are not offered for sale in Australia to all purchasers on equal terms or under like conditions having regard to the custom and usage of trade.

In this respect, it is open to the Commission to review importations of WSMS over the past 3 months and form a view as to whether the Australian industry or related parties of the Australian industry have imported the goods. The Commission is entitled to draw reasonable conclusions about the ability of the Australian industry to supply Australian produced WSMS if members of the Australian industry, or its related parties, are importing WSMS.

The state of the Australian industry needs to be tested

The Commission needs to properly assess the claims by Australian industry that supply chain issues have been resolved. In its 21 July 2026 submission, InfraBuild claim that "...supply has been effectively restore..." (emphasis added). Supply has either been restored or it has not. InfraBuild make the demand that "...a line may now be drawn under any further claims of any other factor, other than future exports of dumped goods, causing injury". With respect, it is not the role of InfraBuild to direct what inquiries the Commission will make and it is entirely reasonable for the Commission to investigate (1) whether the InfraBuild claims are correct, (2) whether a 10 week disruption to supply is the cause of any injury to InfraBuild, and (3) whether past supply disruptions may impact future purchasing decisions.



The Commission may wish to inquire whether supply has been maintained at the same prices and levels as prior to the Whyalla shut down and whether any customers have communicated that they have changed suppliers due to supply chain uncertainty. While the Commission will make its own decisions as to the conduct of the investigation, it would seem relevant to make inquiries with the Australian industry and purchaser of WSMS as to whether supply has normalised. To this end, we find it extraordinary that the Commission met with 6 members of the Australian industry in May and June 2026 and, based on the published file notes, the impact of the Whyalla shut down was not discussed with a single manufacturer. If in fact such issues were discussed, we request that the content of the discussion be included in the public file notes.

If supply issues were not discussed, it would seem appropriate for the Commission to reinterview these manufacturers to determine the extent to which they needed to import goods, are now offering consistent supply of Australian produced goods, were able to raise prices and the extent to which foreign price pressure has caused any loss compared to supply chain disruptions.

The ASA would also be pleased to introduce the Commission to members involved in the supply of WSMS who can inform the Commission of the extent to which importers received inquiries following a reduced ability of the Australian manufacturers to supply WSMS.

Public interest and ministerial direction / statement of expectations

In preparing its report to the Minister, the Commission must have regard to submissions made during the investigation and may have regard to any other matter that the Commission considers relevant (section 269TEA(3) of the Customs Act 1901). In this matter, there have been numerous submissions regarding the supply chain difficulties facing the Australian industry. The Commission must have regard to these submissions in making its recommendation.

The extent to which supply chain disruptions are taken into account is a matter for the Minister to consider. However, it is submitted that the Commission is required to properly investigate these matters and inform the Minister of these matters, so that the Minister can take all relevant matters into account when exercising his discretion.

In this respect, the Minister has made clear in his Statement of Expectations dated 18 September 2025 that:

- The anti-dumping system's role is to create a level playing field by remedying injury caused by dumped or subsidised goods imported into Australia which is essential to support Australian innovation and jobs. – To this extent, it is important that the Minister is aware of the extent to which injury is caused by factors other than the price of imported goods and whether the imposition of dumping duties for WSMS will support Australian jobs;

- The Commission should be responsive to the needs of Australian industry and remedy unfair trade where it is taking place. – It is important that the Minister is made aware of the impact of supply chain disruption on Australian industry. This includes not just the steel manufacturing industry, but also the employment intensive construction industry; In our view, compliance with the Statement of Expectation involves informing the Minister of:

1. Factors other than alleged dumping that have caused injury to the Australian industry;
2. The extent to which the imposition of dumping duties will support Australian jobs both in the sector producing WSMS and the sectors that rely on the consistent supply of WSMS;
3. Whether there is any reason to believe that the Australian industry cannot guarantee reliable supply of the goods.

It would defeat the purpose of the anti-dumping system if a recommendation was made purely on historic information when there is relevant contemporaneous information that could significantly impact the Minister's judgement as to whether dumping duties are warranted.

Regards



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