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

Case No. 705: Steel Flat Bar exported from Taiwan

Dear Director,

GP Marketing International Pty Ltd (GP Marketing) imports steel flat bar under investigation, and is an interested party in case 705. The submission identifies a number of matters that are directly relevant to the questions the Commission must answer under s.269TAE of the Customs Act 1901 (“the Act”), and that are not resolved on the material contained in the application, and that in GP Marketing's view, the investigation should examine and resolve on available evidence.

Each matter is raised for the purpose of bringing it within the scope of what the Commission knows and can assess, so that the examination the Act requires is conducted on it. GP Marketing puts forward what it observes as a purchaser in this market. It asks the Commission to test those observations, and to test the applicant's account of the same matters alongside them.

Section 269TAE(2AA) of the Act provides that a determination under that section “must be based on facts and not merely on allegations, conjecture or remote possibilities”. That discipline governs the whole of the injury and causation assessment, and it applies to the material supporting the application as it applies to anything GP Marketing might say. Section 269TAE(2A) of the Act requires the decision-maker to consider whether injury is being caused by factors other than the importations under investigation, and not to attribute the injury caused by those other factors to the subject imports.

The Commission's published policy is that the s.269TAE(2A) factors are mandatory to the extent that they are known and assessable, and that the object of the exercise is to disentangle the effects of other factors and ask whether they break the causal link[1]. The practical consequence is that whether a factor is examined turns in part on whether it has been brought to the Commission's attention in a form that permits assessment. That is the purpose of this submission.

Section 269TAE implements Article 3 of the Anti Dumping Agreement ("the ADA"). Article 3.1 requires that an injury determination be based on positive evidence and involve an objective examination of the volume and price effects of the imports and their consequent impact on the domestic industry. The Appellate Body[2] has explained that "positive evidence" concerns the quality of the evidence, which "must be of an affirmative, objective and verifiable character" and "must be credible", and that an "objective examination" concerns the conduct of the investigation itself, which requires that the domestic industry and the effects of dumped imports "be investigated in an unbiased manner, without favouring the interests of any interested party". GP Marketing raises this

[1] ADC, Dumping and Subsidy Manual, December 2021, chapter 22 (Causation), section 22.3, page 100.
[2] United States – Certain Hot-Rolled Steel Products from Japan, WT/DS184/AB/R, paras 192–193.

point because the matters outlined below concern precisely the even-handedness with which competing accounts of this market are tested.

Information presently before the Commission

The injury findings in CON 705 rest, in substantial part, on data supplied by the applicant and not yet verified. The Commission confirms that sales volumes and market share are drawn from combined applicant and Australian Border Force data, but the injury factors including price, profit and profitability are based on the applicant's data, and the applicant is treated as indicative of the Australian industry.

The Commission has already found that material to be imperfect. It identified variances between the applicant's data and its own, held the Australian Border Force import database to be more reliable than the data relied on by the applicant, expressly because that database permits the goods description to be filtered for excluded goods such as galvanised and stainless-steel bars, and reassessed the market accordingly. On export price it did not adopt the applicant's estimate at all. It constructed its own from the Border Force database, found the applicant's estimate higher than its own, and relied on its own figure.

There is a structural reason for caution beyond those specific findings. An application is prepared by a party seeking the imposition of duties, from the information commercially available to it. Information that would assist other parties to contest the claims made is not, in the ordinary course, volunteered in the non-confidential version of the application. GP Marketing does not suggest anything improper, but merely notes that it is the predictable consequence of the process. It does however affect how much weight the Commission should give to unverified applicant information, and how carefully it should be checked before it is relied on.

Two features of the application illustrate the point without requiring the Commission to accept anything GP Marketing says. First, the applicant's own tables are in several places incompatible with one another. Its capacity utilisation index shows change of 100, 87, 42 and 91 across the four annual periods, while its production index shows change of 100, 116, 84 and 75 against a capacity series that is effectively flat at 100, 97, 100 and 99. On the applicant's own figures, utilisation in the period ending March 2025 cannot both be 42, and the result of dividing a production index of 84 by a capacity index of 100.

Second, section A-10 advances increased financing costs as a form of injury, while the applicant's own index of funding and finance records those costs falling from 100 to 53 across the injury analysis period. Section A-10 likewise advances reduced research and development expenditure as an injury form, on a series that stands at 251 against a base year of 100.

GP Marketing does not ask the Commission to draw adverse conclusions from these matters. It asks that they be reconciled before the series in which they appear are relied on, and it notes that the Commission will have the applicant's verified records and GP Marketing will not.

Set against that, an importer's knowledge of this market is of a different character. GP Marketing transacts in the goods continuously and at the point where competition actually occurs. It seeks quotations from overseas suppliers, compares offers, negotiates, places orders, receives or fails to receive product within lead times, and pays landed costs into particular Australian destinations. Those transaction records are contemporaneous, and none was created for this investigation. Where the questions before the Commission concern the conditions of competition, the delivered cost of imported goods, the availability of domestically produced goods, and the terms on which customers choose between sources, an importer's records are the primary evidence and the applicant's characterisations are secondary. GP Marketing submits that at this stage of the investigation, information of that kind should be actively sought and given commensurate weight, rather than received and set against the applicant's untested account as though the two were of equal evidentiary quality.

Comparison of import and domestic prices

The Commission has not made a price undercutting finding in CON 705, and the price analysis is confined to price depression and price suppression. The matter raised here concerns the comparison the Commission will need to make if undercutting is to be assessed, and the comparison on which the applicant's causation material presently rests.

The applicant's principal price chart sets the Australian industry's quarterly free-into-store (FIS) prices against the quarterly free-on-board (FOB) export prices of the goods from Taiwan. Those are different levels of trade. An FOB price at a Taiwanese port does not include ocean freight, marine insurance, customs duty, Australian port and handling charges, terminal and delivery-order costs, or inland freight within Australia to the customer's store. An FIS price in Australia includes the domestic equivalents of all of them. The difference between the two series is therefore not a measure of undercutting, and its movement over time reflects movements in those intervening cost layers as much as anything else. GP Marketing observes that several of those cost elements moved substantially between 2022 and 2026.

The Commission's own policy addresses this. The Manual requires the undercutting analysis to focus on "data that covers transactions made during the investigation period", comparing the price of the imported goods with the sales price of the locally produced goods while "ensuring that the transactions are made under the same conditions (e.g. timing, volume, discounts, delivery, credit, same customer etc.)"[3]. In WTO terms, "price comparability needs to be considered in all price effects analyses to ensure that the injury determination involves an objective examination based on positive evidence"[4]

One element of that comparison deserves separate treatment. The applicant's delivered prices carry the cost of moving product from its mill to the customer, and that cost is not the same in every part of the country. GP Marketing submits that the price comparison be made on a common and properly constituted delivered basis, and that where domestic freight is a component of the applicant's delivered cost, it be identified as such. GP Marketing holds landed cost build-ups by destination for its own imports and will provide them.

Single national market & where goods compete

The application deals with the geography of this market in two sentences. Under section A-5 it states that "[i]n terms of geographic segmentation InfraBuild Steel sells and distributes Flat Bars across Australia", and that "[s]imilarly, imported Flat Bars are sold and distributed across Australia". Nothing in the non-confidential version supports that proposition with data. It is an assertion about the structure of the market, and every share, price and volume comparison in the application rests on it.

The applicant's own material gives reason to test it. It produces the like goods at a single facility, InfraBuild NSW Pty Limited being the entity that "operates the Sydney (Rooty Hill) Bar mill in the production of the like goods", and the application confirming that "[t]he applicant produces Flat Bars at its facility in Rooty Hill, NSW". It sells through a distributor network, into a market it describes as "concentrated in the state capital cities or large regional centres such as Newcastle, as this is where the larger fabricators and manufacturers are generally based". Flat bar is heavy and its value to weight ratio is low. What it costs to put a tonne of it into a fabricator's yard in Perth from a mill in western Sydney is not what it costs to put the same tonne into a yard in Newcastle, and that difference falls on the producer rather than on the importer.

The Commission's own policy provides for this inquiry. Chapter 4 of the Dumping and Subsidy Manual contains a section headed "Market segment analysis", and among the circumstances it

[3] ADC, Dumping and Subsidy Manual, December 2021, section 22.3, page 100.

[4] China - X-Ray Security Inspection Equipment from the European Union, WT/DS425/R, [7.68].

identifies as giving rise to one are "geographically separate markets". The Manual states that "[e]ven so, there is nothing to preclude the Commission from performing a sectoral analysis of an industry and/or market if it yields a better understanding of the effects of imports and a more thorough analysis and conclusion", subject to the requirement that "[a]ny conclusions drawn from a sectoral analysis must explicitly be related back to the industry as a whole". It sets out the objective data by which separate market sectors may be established, including whether "production destined for one market does not enter the other market" and whether "prices, and price movements, between the markets are dissimilar"[5]. Those are questions of fact. They can be answered from the applicant's own delivery records and from the Australian Border Force import database, and they have not been asked in this investigation.

The Ministerial Direction on Material Injury 2012 is addressed to the same subject. It provides: "In considering cases with regional implications I direct that you bear in mind that an industry's vulnerability to dumped or subsidised imports may be confined to a specific region of Australia. Injury may be occurring in the part of the industry located in that region, without directly affecting the rest of the Australian industry. In this circumstance it is still possible to take account of regional injury of this kind and, in appropriate circumstances, to judge such injury to be material to the industry as a whole."[6]

GP Marketing does not ask the Commission to depart from the settled position that the Australian industry is national. The Federal Court has held that the expression "Australian industry" in the anti-dumping legislation "refers to an industry viewed throughout Australia as a whole and does not refer to a part of that industry, whether the part be determined by geographic, market or other criteria"[7]. GP Marketing does not submit that any State or region should be excluded from the injury assessment, or treated as a separate Australian industry. In that same case the Court accepted that the relevant market for the goods was Western Australia, and upheld the approach of examining the impact of the imports on the regional industry before considering the impact on the industry Australia-wide.

The Commission has conducted that examination in practice. In Termination Report 348 the applicant put its case on a quicklime market said to operate on a regional basis. The Commission verified the premise with importers and with the other Australian producers, recording that "[c]ooperating entities confirmed that the geographic segmentation of the market is due to the cost of freight from the eastern states of Australia to Western Australia".[8] It accepted a second separation, between two plants within the same state, on the same freight reasoning, and concluded that "both Swan Portland Cement and the Ministerial Direction on Material Injury 2012 state that regional injury may constitute material injury to the entire Australian industry in certain circumstances, which involves an analysis of the facts of a particular case".

In the ammonium nitrate investigation the Commission weighted profit foregone transaction by transaction back to national production. The Anti-Dumping Review Panel recorded that the ratio "was applied on a transaction basis because the percentage of total Australian production differed for some examples because of the regional breakdown of the market and because not all industry players competed with each other in all regions"[9]. The Panel[10] upheld the approach, finding nothing in it inconsistent with Lockhart J's judgment in Swan Portland Cement. The Panel also recorded that on

[5] ADC, Dumping and Subsidy Manual, December 2021, section 4.3, 'Market segment analysis', pages 17 to 19.

[6] Ministerial Direction on Material Injury, April 2012, page 3.

[7] Swan Portland Cement Limited and Cockburn Cement Limited v the Minister of Small Business and Customs and the Anti-Dumping Authority [1991] FCA 49, Lockhart J at [39]

[8] ADC Termination Report No. 348, Alleged dumping of quicklime exported from Malaysia, Thailand and Vietnam, pages 33 and 35

[9] ADRP Report No. 107, Ammonium nitrate exported from China, Sweden and Thailand, at [46]. The underlying calculation is at Confidential Attachment 17 to REP 473, as recorded by the Panel at [48].

[10] Ibid., at [47], [49] and [51].

reinvestigation the Commission replaced that quantitative method with a qualitative assessment, because it did not hold profit data for the other Australian manufacturers.[11]

GP Marketing submits that the Commission is able to, and ought to, assess injury having regard to the regional structure of the market. What follows for this investigation is a question of causation rather than of scope. If the delivered economics of a single mill in western Sydney mean that the applicant does not in practice compete for particular customers in particular States, then sales made to those customers out of imported stock are not sales it lost, and price or volume outcomes in those places are not affects of the exportations under investigation. If it does compete for them, it does so by carrying freight the importer does not carry, and the margin it gives up in doing so is a cost of its own supply chain and a condition of competition in this market. Section 269TAE(2A) requires the decision-maker to consider factors other than the exportations under investigation and not to attribute the injury caused by those factors to those exportations. On either answer, geography is such a factor.

The same principle imposes a corresponding discipline on the Commission's own analysis, and GP Marketing raises it now so that it is on the record before the Statement of Essential Facts. The Appellate Body has accepted that “it may be highly pertinent for investigating authorities to examine a domestic industry by part, sector or segment”, but held that where they do so they “should, in principle, examine, in like manner, all of the other parts that make up the industry, as well as examine the industry as a whole”, or “provide a satisfactory explanation as to why it is not necessary to examine directly or specifically the other parts of the domestic industry”, because an examination of one part alone “may give a misleading impression of the data relating to the industry as a whole”[12]. If the injury findings in this investigation come to rest on outcomes in the eastern States, where the applicant's mill and the larger part of the market are located, the position in the remainder of the market must be examined on the same footing.

GP Marketing asks that the Commission establish, on evidence, where the applicant's sales of flat bar were actually delivered across the injury analysis period and on what delivered terms, what domestic freight is embedded in its delivered prices by destination, which parts of the Australian market it did not supply and why, and where the goods exported from Taiwan were landed and delivered, the Border Force database recording the port of discharge for every consignment. GP Marketing holds landed cost build-ups by destination for its own imports, can identify the destinations it supplies and those it does not, and will provide both.

Stability of supply from Taiwan

The applicant advances a claim of threat of material injury in the alternative, and the Commission has reserved that claim for examination during the investigation. Section 269TAE(2B) provides that the Minister "must take account only of such changes in circumstances, including changes of a kind determined by the Minister, as would make that injury foreseeable and imminent unless dumping or countervailing measures were imposed", and s.269TAE(2AA) provides that a determination "must be based on facts and not merely on allegations, conjecture or remote possibilities".

GP Marketing's observation, from its own purchasing history, is that supply of these goods from Taiwan has been a long-established and stable feature of the Australian market rather than a recent or escalating one. It offers that observation as something to be tested, and notes that the applicant's own answers under section C-2 are consistent with it rather than against it. The applicant states that it has found no evidence to suggest that Taiwan's capacity to produce flat bar has substantially changed over the injury analysis period, that the estimated dumping margins across the proposed investigation period were relatively consistent, and it does not address exporter inventories. The question inviting an analysis or projection of trends and market conditions demonstrating that material injury is foreseeable and imminent is answered "Not applicable".

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[11] Ibid., at [48].

[12] United States - Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan, WT/DS184/AB/R, Appellate Body Report, at [204].

There is a directly relevant baseline against which those answers should be read. The Commission examined the hot-rolled goods within the present description in Investigation No. 584, and terminated that investigation on 6 September 2022 under s.269TDA(13) of the Act. The termination report found that "the evidence does not support a threat of material injury", identified as the basis of that view "the relatively static trend of import volumes, the capacity utilisation of exporters and the upward trend of export prices", and concluded that "[t]he combination of these factors do not satisfy the commission that there is a change in circumstances whereby material injury from dumping is clearly foreseen and imminent"[13]. Dumping margins were found in that investigation notwithstanding the termination. GP Marketing does not suggest that the earlier termination decides anything in this investigation. The September 2022 termination is the most recent occasion on which the circumstances relevant to threat were examined for goods of this kind from Taiwan, and the applicant's own answers identify no change since, in Taiwanese capacity or in the consistency of the estimated margins. GP Marketing asks that the threat claim be assessed against that baseline.

GP Marketing draws attention to one matter of characterisation. CON 705 records that "InfraBuild further notes that there does not appear to be any material constraint on Taiwan's existing production capacity, suggesting that export volumes are likely to be maintained or further increased". The application says that the applicant found no evidence of substantial change in capacity. An absence of evidence of change is not evidence of unconstrained capacity, and neither proposition supports an inference about future export volumes. CON 705 also describes the applicant as alleging an increase in the volume of dumped imports "at increasingly higher rates of dumping", where the application states that margins across the investigation period were relatively consistent, and CON 705 itself refers to consistent dumping margins. GP Marketing asks that the threat claim be assessed against what the application actually establishes, and that evidence of Taiwanese production capacity, capacity utilisation and inventories be obtained from the exporters rather than inferred.

Australian supply structure & covered goods

CON 705 records that BSL is the only other Australian producer of the like goods, and that it produces cold-formed or finished flat bar, made by slitting hot-rolled coil into narrower mults and cutting those to length, or by cutting plate into strips. The application excludes BSL's production from its analysis on the basis that the volume is small, and its market table records other Australian sales as nil in each of the four annual periods.

That exclusion warrants examination for two reasons. The first is that injury is assessed against the Australian industry as a whole, being the sum total of the industry in Australia and not any part of it, and BSL's output is production of like goods whether or not the applicant found it convenient to analyse. Excluding it from the market denominator as well as from the industry data affects every share figure in the application.

The second reason is more specific to this investigation. CON 705 records that the goods examined in Investigation No. 584 were hot-rolled only, whereas the present application also covers cold-rolled steel flat bar, and the goods description extends to tariff subheadings 7215.50.10 and 7215.50.90. Cold-formed flat bar is, on the Commission's own account, what BSL makes. The consequence is that the description under investigation has been extended to a segment for which the only identified Australian producer has been removed from the injury analysis, with the result that there is no injury evidence before the Commission referable to that segment at all.

GP Marketing does not submit that the goods description should be divided according to whether the sub-descriptions within it are alike. It submits that where a description is extended to goods for which no Australian production is included in the injury analysis, the Commission should establish, on evidence, whether there is an Australian industry producing like goods of that description, what its condition is, and whether it has suffered injury. GP Marketing asks that BSL be approached directly,

[13] ADC Termination Report No. 584, Merchant bar from Taiwan, 6 September 2022, page 47.

and that the applicant be asked to state which sections and grades within the goods description it has itself produced in each period of the injury analysis period. GP Marketing does not purchase from the applicants and is not able to state which sections it produces, which is why it asks that the question be put to the applicant directly.

Industry participation in import trade

The application states, under the heading of other factors, that the Australian industry did not import the goods across the proposed injury analysis period. Elsewhere the application states that all distributors, including those that are part of the InfraBuild Group, also distribute imported product.

Those statements may be reconcilable, on the basis that the producing entity did not itself import while related distribution entities handled imported goods. However, injury attributed to the presence of imported goods in a distribution channel operated within the applicant's own corporate group is injury arising from a factor other than the importations, within s.269TAE(2A). It is also relevant to the reliability of the delivered price series on which the price findings rest, if that series includes sales to related distributors.

The applicant also states that distributors use the price of imported flat bar to negotiate lower prices from it, and that it may either lower its prices closer to those of landed imports or risk losing sales volumes. It describes its pricing as a market based pricing policy under which imported product competes with its own offers at premiums above an import competing parity price. GP Marketing observes only that a pricing formula referable to observed import offers will track import prices whether the offers concerned are from Taiwan or elsewhere, and whether or not they are dumped, and that the applicant's own material records imports from other sources holding a material share of the market. Whether the applicant's price outcomes are attributable to the imports under investigation, to imports generally, or to the operation of its own pricing policy is a question the investigation should resolve rather than assume.

GP Marketing asks that the Commission establish which entities within the applicant's group imported or distributed flat bar during the injury analysis period, in what volumes, whether the applicant's reported sales include sales to related distributors and on what pricing basis, and how the applicant's pricing policy operated in fact.

InfraBuild’s production and supply performance

GP Marketing does not purchase flat bar from the applicant, and does not receive offers from it. Its customers do. What GP Marketing knows of the applicant's supply performance across the injury analysis period comes from what customers described was difficulty on the applicant's part in securing raw material billet. That was widely understood in the market at the time. The matter is raised because a domestic producer's inability to supply particular sections, in the quantities and within the timeframes its customers require, is a factor bearing on sales volumes that is distinct from the price of imported goods.

GP Marketing’s customers hold continuing commercial relationships with the applicant, and are unwilling to be identified on the public record of an investigation in which the applicant seeks measures against their alternative source of supply. Nevertheless, the applicant's own material gives the Commission a reason to inquire into this independently of anything GP Marketing says. The capacity utilisation series discussed above falls to an index of 42 in the period ending March 2025 and recovers to 91 in the investigation period, against a production series that falls only from 116 to 84 over the same interval and a capacity series that does not move. Its closing stock series moves from 245 to 46 and then to 472 across three consecutive periods, while its inventory turnover measure rises from 79 to 154 in the final period. A utilisation figure of that kind, and a stock movement of that magnitude, are ordinarily associated with an interruption to production or to supply rather than with the price at which competing goods are offered.

The applicant's raw material position across the injury analysis period is documented, and much of the documentation is the applicant's own. On 10 March 2025 InfraBuild announced on its website that it had "taken delivery of 44 thousand tonnes of billet", that port stevedore crews were "working around the clock for 12 days to unload the massive shipment at Newcastle", and that the company "has previously sourced up to 30 percent of its billet requirements from Whyalla but has been de risking its reliance on the South Australian business given operational disruptions in the last 12 months".[14] The same announcement records that the electric arc furnaces at Rooty Hill and Laverton "also produce billet which feed InfraBuild's rolling mills". Rooty Hill is the facility at which the applicant produces the like goods.

The disruptions referred to are themselves a matter of public record. The Whyalla blast furnace became unusable in March 2024 after excessive cooling during routine maintenance, entered a series of shutdowns from August 2024 because of an inability to source sufficient coking coal, and was shut for four months before steelmaking resumed on 6 January 2025, at which point it was reported to be "running at half its capacity with a number of issues yet to be resolved".[15] The steelworks has been under administration since February 2025. The applicant's group recorded in its accounts that "[s]hould the Whyalla steelworks continue to face operational challenges as experienced during calendar year 2024, the consolidated group has forecast that billet can be sourced from other suppliers", and disclosed steel purchases from the facility of $382m in 2025 against $451m the previous year.[16] The blast furnace closed again for unscheduled maintenance in April 2026, a five-week shutdown reported as raising fears of shortages of steel reinforcing products.[17]

Those events sit inside the injury analysis period. The four-month shutdown and the half-capacity restart sit inside the year ending March 2025, which is the year for which the applicant reports a capacity utilisation index of 42 that its own production and capacity series do not explain.

Capacity utilisation is a relevant economic factor named in s.269TAE(3)(b), which refers to "the degree of utilization of the capacity of the industry to produce or manufacture goods of that kind, or like goods". It does not appear among the factors evaluated in CON 705. GP Marketing asks that the series be obtained, reconciled against the production and capacity series with which it is presently inconsistent, and evaluated. The Commission must establish whether the applicant experienced any interruption to raw material supply, production or delivery during the injury analysis period, and what effect any such interruption had on its sales volumes and stock position.

Contraction in demand

The Commission has found, in its own analysis and not merely on the applicant's assertion, that the size of the Australian market for these goods peaked in the period ending March 2024 and has decreased from that point, and that the market in the periods ending March 2025 and March 2026 was smaller than at the beginning of the injury analysis period. It describes the goods from Taiwan as having gained market share within a contracting Australian market. The applicant, for its part, puts the contraction across the injury analysis period at 12.8 per cent and addresses contraction in demand under the other-factors heading, although the figures in that section are redacted from the non-confidential version.

A contraction in demand is one of the factors s.269TAE(2A) directs the decision-maker to consider, and the sub-section requires that injury caused by such a factor not be attributed to the exportations. The Commission's policy describes the task as disentangling the effects of other factors and asking whether they break the causal link, and records that where no other cause at all is identified it is

[14] InfraBuild, Infrabuild secures major billet shipment, 10 March 2025.

[15] ABC News, Steelmaking resumes at Whyalla after four-month blast furnace shutdown, 6 January 2025,

[16] The Australian, 'Sanjeev Gupta's InfraBuild posts $250m loss as steel giant faces mounting debt crisis', 29 October 2025.

[17] Australian Financial Review, 'Whyalla Steelworks maintenance shutdown to extend until mid-May, 27 April 2026,.

reasonable to conclude that the causal link exists. The consequence is that where another cause has been identified, the disentangling is what is required before that conclusion is available.

GP Marketing submits that the analysis has not yet been performed. CON 705 records the applicant's position on other factors in tabular form and does not return to it. The Commissioner's assessment of material injury caused by dumping at section 5.5 does not address contraction in demand, and no part of the report refers to s.269TAE(2A). GP Marketing accepts that CON 705 is a report supporting the Commissioner's satisfaction under s 269TC(1) and not a determination under s 269TG, and it does not suggest that a full non-attribution analysis was required at that stage. Its submission is that the analysis is required before any determination is made, that the factor is now both known and assessable, and that the Statement of Essential Facts should set out the disentangling exercise and its result.

The other factors identified in this submission are required to be considered in the same way, including:

- imports from sources other than Taiwan, which on the applicant's own material hold a material and stable share of the market;
- the applicant's own pricing policy;
- the participation of entities within its group in the import trade;
- the domestic freight cost of serving geographically distant markets from a single mill in New South Wales, and the extent to which the applicant competes for customers in those markets at all; and
- any interruption to the applicant's production or supply.

GP Marketing submits that until each has been examined and its effects separated and distinguished, it cannot be known what part of the applicant's condition is attributable to the exportations under investigation, and s.269TAE(2A) does not permit that part to be assumed.

GP Marketing asks that the matters above be investigated and determined on evidence, that the Statement of Essential Facts record what was found, and in particular that:

- the price comparison be made on a common and properly constituted delivered basis;
- a market segment analysis be undertaken on the geographic dimension, in accordance with the Market segment analysis section of the Manual, establishing where the applicant's sales were delivered, where the goods from Taiwan were landed and delivered, and what part of the Australian market the applicant does not in fact supply, with any conclusion drawn from it related back to the industry as a whole;
- evidence of Taiwanese production capacity, capacity utilisation and inventories be obtained from the exporters, and the threat claim be assessed against it with Termination Report No. 584 as the baseline;
- the applicant's raw material position across the injury analysis period be established, including its billet sourcing, the effect of the Whyalla disruptions on its production of the like goods, and the basis of the capacity utilisation index reported for the year ending March 2025;
- BSL be approached directly, and its production included in the Australian industry and in the market denominator;
- the participation of entities within the applicant's group in the importation and distribution of the goods be established; and
- the examination required by s 269TAE(2A) be performed and its result set out.

GP Marketing offers its assistance with each of these matters. It holds contemporaneous records of its purchases, landed costs by destination, quotations sought from and offered by overseas suppliers, and lead times. Those records will be provided to the Commission, and GP Marketing is willing to receive a verification visit.

Yours faithfully,

GP Marketing International Pty Ltd