PUBLIC VERSION

15 September 2026

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

Case 705 – Steel flat bar exported from Taiwan

Dear Director,

Macsteel International Australia ("Macsteel") lodged a submission in this investigation on 28 August 2026. The applicant, InfraBuild NSW Pty Ltd ("InfraBuild"), responded to it on 4 September 2026. Macsteel makes this short further submission because InfraBuild's response relates directly on whether a preliminary affirmative determination should be made, and securities taken, on or after 18 September 2026.

On a number of the matters Macsteel raised, InfraBuild does not contest the point made.

Pricing

InfraBuild states that its pricing "followed the direction of the lowest priced import offers being made to its customers". It adds that its flat bar offers "are typically made around the tenth day of each month, following an indication of Taiwanese price offers into the market". That is the import parity mechanism described in Macsteel's submission. A price set by the lowest import offer responds to offers from every origin, whether dumped or not. It does not respond to InfraBuild's own costs.

Contraction in demand

InfraBuild accepts that imports of fabricated structural steel "may have contributed to this contraction in market size for all market participants". A factor capable of having contributed is one whose effects s.269TAE(2A) requires to be examined and separated out, which is the matter raised in Macsteel's submission.

Price comparison

InfraBuild accepts that the importers "have pointed out the obvious", namely that its free-into-store prices and export FOB prices "are at different levels of trade and cannot form the basis of undercutting analysis".

Imports from other origins

InfraBuild states that it "has not been able to discern, by source, imports of flat bar under tariff code 7214.91.00.49" since November 2024. That covers the whole of the investigation period.

Raw material supply

InfraBuild confirms that "imported billet has been sourced by InfraBuild in order to maintain supply", and refers to capital investment in billet capacity "including Sydney Steel Mill where flat bar is produced".

InfraBuild's financial position

InfraBuild states that it "remains a financially viable going concern that is investing in capacity expansion to remain a sustainable operation for the foreseeable future". Macsteel does not dispute that statement and is not asking the Commission to make a finding about InfraBuild's solvency. The point made in our original submission is a narrower one. During the injury analysis period, the financial position of InfraBuild, and of other companies within the same ownership group, including the events at the Whyalla Steelworks, was reported publicly and at length. Those reports were and continue to be in the minds of customers, and have formed a key factor in their purchasing decisions.

A customer that places import orders so as not to depend on a single domestic source for its supply is responding to that concern, and its decision does not depend on the price of the imported goods. A statement from the applicant that it remains a going concern, however accurate, does not remove the concern from the market or reverse the purchasing decisions already made in response to it. Macsteel asks that the Commission examine, at verification, the applicant's supply and credit arrangements with its customers over the injury analysis period, and treat the matter as a known factor under s.269TAE(2A).

What remains unanswered

Section 269TAE(2A) of the Act requires the Minister to "consider whether any injury to an industry ... is being caused or threatened by a factor other than the exportation of those goods", and provides that "any such injury or hindrance must not be attributed to the exportation of those goods".

Interestingly, InfraBuild's response does not refer to s.269TAE(2A). Instead, it relies on s.269TAE(2B), which it says "expressly contemplates that injury may be caused by factors other than dumped imports". Section 269TAE(2B) concerns threat of injury. It 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".

Macsteel does not contend that dumping must be the sole cause of injury. The Ministerial Direction on Material Injury, which InfraBuild cites, deals with both propositions in consecutive sentences: "Injury caused by other factors must not be attributed to dumping or subsidisation. However, I direct that dumping or subsidisation need not be the sole cause of injury to the industry." InfraBuild relies on the second sentence whilst ignoring the first.

Having accepted that other factors were operating, InfraBuild gives no account of how much of its lost volume and revenue they explain. The Consideration Report does not supply one either.

Provisional measures would be premature

The applicant has now accepted that several factors other than the exportations were operating in the injury analysis period, and neither the applicant nor the Consideration Report has attempted to separate their effects. Verification of the applicant has not begun, as InfraBuild itself records. Until that work is done, the causal link on which a notice depends is an assumption rather than a finding.

Yours faithfully,

Macsteel International Australia Pty Ltd