

STAUGHTONS

Staughtons Trade Advisory Group Pty Ltd – ABN 65 605 424 459

PO Box 867, Bacchus Marsh, Vic., 3340

Ph +61 (0) 459 212 702

jack@itada.com.au

16th February 2017.

The Director,
Operations 1,
GPO Box 1632,
Melbourne, Vic., 3001

By email: operations1@adcommission.gov.au

**Anti-Dumping Notice No 2017/002.-Inv. No 384.
Alloy Round Steel Bars Exported ex China.
PUBLIC RECORD VERSION.**

Dear Director,

In accordance with the attached letter of authority we make the following submission on behalf of the Australian importer of alloyed steel bars from China, [REDACTED].

The applicant in this case has clearly stated in its application that in reality it is the only Australian producer of 'like goods' being those described in the above stated notice as the applicant explained that the only other Australian producer was the 'grinding rods' producer trading as 'Moly-Cop' which was an affiliated company during the investigation period.

The applicant stated in A.3.9 :-

"In addition to the applicant , there is one other Australian producer of like goods to the goods the subject of this application sold into the Australian domestic market for alloy steel bar"

That **other Australian producer** was stated to be Commonwealth Steel Company Pty Ltd. (trading as Moly-Cop Mining Consumables-Waratah Steel Mill).

The applicant further added:-

"Due to the small volume (approximately xxxx% of total production volume in the proposed investigation period) of like goods produced by this other Australian producer, they have elected to not become applicants to this application."

Apart from being an affiliated company to this applicant, the so called **only other Australian producer** has not even supported this application, and more significantly, the Public Record submission on behalf of Donhad Pty Ltd has comprehensively dealt with how broad a range of goods the applicant is attempting to capture with this investigation.

Despite the applicant's characteristic use of excessive 'black box' redactions, what is factual is that the applicant's alloy bar production is limited to:-

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'Onesteel' only produce round steel bars in the "as rolled" condition, being in a "Black" surface condition and in diameters of from 12mm to 100mm. 'Onesteel' do not produce any alloy steel bars in a semi or finished peeled ;peeled and polished ;or centerless ground surface condition.

Of even more relevance to our client's imports is the fact that '**Onesteel**' **do not produce** any **Heat Treated (quenched and tempered) alloy steel bars** and for grade 4140 bars, 'Onesteel' only produces 4140 in the 'As rolled Black' condition and only in the size range of 26mm to 95mm. Because of the heat treatment (**HT**) applied to our client's imports of 4140 alloy bars, the goods are classified for Customs Tariff purposes to tariff item 7228 60 90 by reason that the HT alloy steel bars are, for Customs Tariff purposes, [REDACTED].'

In conclusion however it is indisputable that the applicant is not a producer of HT 4140 alloy steel bars on the basis of the applicant's responses to A.3.9 of the application. The issue however is that the HT 4140 grade alloy steel bar has no distinct or discrete Customs Tariff item and since the investigation includes the Tariff item 7228 60 90, we need the Commission to **exclude the HT alloy steel bars**.

'Onesteel's' application is what it is-It clearly states it is the only local producer of like goods to those imported but they do not produce the [REDACTED] HT grade 4140 alloy steel bars.

We contend therefore that the Commission should seriously consider to, at its earliest opportunity, exclude the HT alloy steel bars of item 7228 60 90 from this investigation on the basis the applicant is factually not a producer of such goods and also, as no Australian producer of HT alloy steel bars has even supported this application, let alone made any apparent application for an investigation of HT alloy steel bar exports from China.

We further contend that the Commission has no valid scope, or legitimate jurisdiction, to broaden the scope or range of goods in this investigation to include imported goods that are clearly not like goods to those goods that the applicant actually produces.

The Commission is requested to issue a notice to have the HT 4140 alloy steel bars excluded from this investigation. To continue to have the HT bars included would risk the Commission providing unintended protection to imports of goods that no local producer of such has requested be included in any known anti- dumping application.

Please contact the writer for any further information in support of this request.

Thank you for your consideration, and
Regards,

M J Howard..