



CONTINUATION INQUIRY 595

CERTAIN WIRE ROPE EXPORTED TO AUSTRALIA FROM THE REPUBLIC OF SOUTH AFRICA

File Note – Corporate restructure of Scaw South Africa Pty Ltd

Scaw South Africa Pty Ltd (Scaw) advised the Anti-Dumping Commission (the commission) that it is undergoing a process of corporate restructure. That restructure has resulted in the creation of a new legal entity, Haggie Steel Wire Rope Pty Ltd (HSWR). From 1 June 2022, HSWR is a wholly owned subsidiary of Scaw and is the entity that manufactures and exports wire rope from the Republic of South Africa (South Africa).

Statement of Essential Facts No. 595 (SEF 595)

The commission found that Scaw was the sole exporter of the goods from South Africa during the inquiry period (1 January 2021 to 31 December 2021).

Accordingly, the Commissioner of the Anti-Dumping Commission (the Commissioner) made a preliminary recommendation in SEF 595 that Scaw is the exporter subject to the anti-dumping measures (the measures), and would continue to be so if the continuation of the measures were to be secured by the Minister for Industry and Science (the Minister).

Scaw has submitted that HSWR is the relevant entity producing the goods.¹

The commission's proposal

The commission has examined the information provided by Scaw. The commission is satisfied that the corporate restructure and the creation of HSWR does not have any application to the inquiry period. However, the commission considers that, if the measures are continued, HSWR is the relevant entity to which the measures should apply.

Based on the information before it, the commission is satisfied that from 1 June 2022 HSWR assumed the role previously held by Scaw as the producer, and therefore exporter, of the goods from South Africa.² The commission finds that the entity Scaw, as it was prior to 1 June 2022 and the new entity HSWR from 1 June 2022 are, in effect, one and the same exporter for the purpose of the measures. This finding is based on information that HSWR:

- is wholly owned by Scaw
- incorporates what was previously the subdivision of Scaw producing wire rope, into a separate legal entity

¹ [EPR 595, document no. 21.](#)

² Refer to [Attachment A](#).

- assumes relevant business functions related to its operations including sales and banking, and
- retains the same business address and employees and its operations are essentially unchanged.

For the avoidance of doubt, and regardless of the Commissioner's recommendation to the Minister (which is due by 1 November 2022), the commission proposes to describe the exporter of wire rope from South Africa in *Anti-Dumping Commission Report No. 595* as:

- 'Scaw', for all goods exported up to 31 May 2022 and
- 'HSWR' for all goods exported on or after 1 June 2022.

Enquiries in relation to this file note may be directed to the case manager on telephone number +61 3 8539 2471 or investigations1@adcommission.gov.au.

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