



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Steel Pallet Racking exported from the People's Republic of China and Malaysia

The Anti-Dumping Review Panel (Review Panel) has received applications seeking review of the decision by the Minister for Industry, Science and Technology to publish a notice under subsections 269TG(1) and (2) of the *Customs Act 1901* (the Act) in respect of Steel Pallet Racking exported from the People's Republic of China (China) and Malaysia (the Reviewable Decision).

The applications were made by:

- Abbott Storage Systems (Abbott)
- Jracking Group (Jrack), and
- One Stop Pallet Racking Pty Ltd (One Stop).

The Minister's decision was published on the Anti-Dumping Commission's (ADC) website on 8 May 2019 (ADN 2019/45).

The Review Panel is satisfied that the following grounds are reasonable grounds for the Reviewable Decision not being the correct or preferable decision:

Abbott:

- The making of the Reviewable Decision was an improper exercise of power as the Minister erred in deciding there are goods or 'like goods' being dumped and causing material injury to the Australian industry as the goods the subject of the notice do not exist in the Australian market and are unable to be manufactured in Australia.
- The goods supplied by Abbott do not fall within the description of like goods (in terms of characteristics and features of Abbott's goods: including whether the dimensions can be adjusted as required) and are not like goods as described in the section 269TG(1) and (2) notices signed by the Minister.
- The Minister erred in determining that any 'like goods' caused/cause material injury to the Australian steel pallet racking industry.

Jrack:

- The Minister erred in accepting the ADC's suggestion by identifying Jrack as an uncooperative exporter.

- The Minister made an incorrect decision to accept the ADC's assessment and determinations with respect to Jack's cost data.
- The Minister erred in accepting the ADC's suggestion of selecting unreasonable data to compute the Ascertained Normal Value (ANV) for Jack.

One Stop:

- The Minister erred in being satisfied that there is an Australian industry producing like goods and whether imports of like goods has been or is being caused or is threatening material injury to the Australian industry. In particular, whether the imports are 'like goods', whether the Australian industry has been correctly identified and whether material injury was caused to the Australian industry by factors other than dumping.
- The Minister erred in determining that dumping occurred given the decision regarding the determination of normal value being based on section 269TAC(2)(c) of the Act, when it should have been determined under section 269TAC(1) of the Act.

The Review Panel proposes to conduct a review of the Reviewable Decision in relation to the above grounds.

The goods to which these applications relate are:

Steel pallet racking, or parts thereof, assembled or unassembled, of dimensions that can be adjusted as required (with or without locking tabs and/or slots, and/or bolted or clamped connections), including any of the following - beams, uprights (up to 12m) and brace (with or without nuts and bolts).

Further information

The goods are adjustable static racking structures capable of carrying and storing product loads, and components used to make static racking structures.

Adjustable racking is a structure typically made from cold-formed or hot rolled steel structural members and includes components such as plates, rods, angles, shapes, sections, tubes and the like. Welding, bolting or clipping are the typical methods to assemble them. It may be racking installed within a building.

A typical storage configuration comprises upright frames perpendicular to the aisles and independently adjustable, positive locking beams parallel to the aisle, spanning between the upright frames, and brace designed to support unit load actions.

The racking layout and components used are designed to get the best efficiency for the shape and volume of the items stored. The applicable Australian Standard is AS 4084-2012.

Submissions

Interested parties have **30 days** from the date this notice is published to provide the Review Panel with a submission.

If your submission contains confidential information, you must provide a public version that can be published on the Review Panel's website. Failure to do so will result in your submission not being considered.

You may either email your submission to ADRP@industry.gov.au or mail the submission to:

Anti-Dumping Review Panel Secretariat
GPO Box 2013
Canberra City ACT 2601

Persons wishing to make further inquiries about this review should telephone (02) 6276 1781. Copies of the applications for review, which set out the grounds for seeking review, and other documents are available on the public record of the review at www.adreviewpanel.gov.au

The reports of the original investigation are available on the ADC website at www.adcommission.gov.au

Jaclyne Fisher
Panel Member
Anti-Dumping Review Panel
28 June 2019