



Australian Government
Anti-Dumping Review Panel

Customs Act 1901

Notice under section 269ZZI

Alloy Round Bar exported from the People's Republic of China

The Anti-Dumping Review Panel (ADRP) received an application from OneSteel Manufacturing Pty Ltd dated 17 April 2019 for a review of a decision by the Minister for Industry, Science and Technology to publish a notice under s 269TL of the *Customs Act 1901* in respect of Alloy Round Bar exported from the Peoples' Republic of China (Reviewable Decision).

The Reviewable Decision was published on the Anti-Dumping Commission (ADC) website on 18 March 2019 (ADN 2019/17).

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

1. ADC Report 384a was not authorised by the Act in that:
 - a. there was no obligation to provide a report to the Minister as the Commissioner was obliged to terminate the investigation under s 269TDA(13); and
 - b. the recommendation made by the Commissioner was in relation to all the goods the subject of the application and goods of a like kind when s 269TL only provides for a recommendation concerning goods of a particular kind or goods of a like kind to particular goods.
2. the Reviewable Decision was not authorised by s 269TL, the Minister's power to make a declaration in pursuance of that section being limited to specifying particular goods that fall within the class of goods described in Part XVB of the Act and in Report 384a as the goods the subject of the application. Section 269TL does not authorise a declaration that purports to apply to all the goods the subject of the application;
3. the evidence presented in Report 384a to support the finding that the threat of injury was negligible consisted of statements of intent that were not determinative of what would happen in the future. In relying on such evidence, the Reviewable Decision was not based on findings of fact and instead relied on allegations, conjecture or remote possibilities; and
4. the Minister did not consider or analyse the threat of injury to OneSteel and Milltech Pty Ltd in market sectors other than grinding bar and the preferable decision was to limit the

specification of the goods in the notice under s 269TL to round bar and publish a notice under s 269TG(2) applying s 8 of the *Customs Tariff (Anti-Dumping) Act 1975* to other alloy bar.

The goods to which this review relates are:

Hot-rolled solid sections of 'alloy steel', having round or near-round cross-sectional dimensions of not less than 9.5 millimetres (mm) and not greater than 98.5 mm not in coil.

For the purpose of the description of the goods the subject of this application, 'alloy steel' here means steel containing a chemical composition that at least meets or exceeds the minimum chemical element proportions specified in Note (f) "Other alloy steel" to Chapter 72 under Schedule 3 of the *Customs Tariff Act 1995* as appearing on 10 January 2017.

Commonly identified as 'rod', 'round bar', 'engineering bar' 'spring steel', 'alloy bar', high alloy bar', 'silico-manganese bar', 'grinding rod' or bar used for the production of grinding media', the goods covered by this application include all round or near-round hot-rolled solid sections of alloy steel bar meeting the above description of the goods regardless of the particular grade, coating, or minor modification of bar-end finish (including but not limited to, painting or chamfering).

The goods are more fully described in Anti-Dumping Notice No. 2019/17.

The ADRP proposes to conduct a review of the decision.

Submissions

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

If your submission contains confidential information, you must provide a public version that can be published on the ADRP 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 application for review, which sets out the grounds for seeking review in full, 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

Scott Ellis

Panel Member

Anti-Dumping Review Panel

26 April 2019