Australian Government
Anti-Dumping Review Panel

ADRP REPORT No. 30

Steel Reinforcing Bar

January 2016

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Review of a Decision of the Commissioner of the Anti-Dumping Commission to terminate part of an investigation into the alleged dumping of steel reinforcing bar from the Republic of Korea, Malaysia, Singapore, Spain, Taiwan, the Kingdom of Thailand and the Republic of Turkey.

Contents

Summary

1 OneSteel Manufacturing Pty Ltd ("OneSteel") applied pursuant to s 269ZZO of the *Customs Act 1901* for review of the decision of the Commissioner of the Anti-Dumping Commission ("Commissioner")[1] to terminate some parts of investigation no. 265 ("Decision").[2]

2 The investigation was into the alleged dumping of steel reinforcing bar (or "rebar") from the Republic of Korea, Malaysia, Singapore, Spain, Taiwan, the Kingdom of Thailand and the Republic of Turkey. The Decision was only in respect of goods exported from Malaysia, Turkey and Thailand and by Power Steel Co., Ltd from Taiwan.

3 OneSteel contended that terminating the investigation in respect of Malaysian, Turkish and Thai exports was not the correct and preferable decision because:

(a) the Commissioner failed to "examine" the information provided by cooperative Malaysian and Turkish exporters and, in particular, wrongly failed to carry out onsite verification visits in respect of at least one Malaysian exporter and the Turkish exporter; and

(b) in respect of goods exported from Thailand by Millcon Steel Public Company Limited ("Millcon"), the Commissioner failed to:

(i) properly investigate the cost of billet supplied to Millcon by Burapa, a subsidiary of Millcon; and

(ii) properly investigate or make an adjustment in respect of differences in the weight of rebar produced by Millcon to domestic Thai standards, for domestic sales, and Australian standards, for export sales to Australia.[3]

4 I considered that the Decision was the correct and preferable decision because:

(a) the Commissioner was not required to conduct an onsite verification visit to the Malaysian or Turkish exporters in order to "examine" or "verify" the information provided by them, either as a general rule or in the particular circumstances of this case. The Commissioner did not misapprehend its role in evaluating information provided by the exporters when deciding whether to undertake an onsite verification visit;

(b) the investigation of the cost of billet used by Millcon was appropriate in all the circumstances; and

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[1] The Anti-Dumping Commission performs services for the Commissioner at his direction under section 269SQM.
[2] The decision was published as Anti-dumping Notice 2015/122.
[3] OneSteel did not challenge the Decision in so far as it related to goods exported from Taiwan.

(c) there was no basis for an adjustment under s 269TAC(8) in respect of goods exported by Millcon. Billet costs were appropriately investigated.

5 I affirmed the Decision.

Background

6 The general background to this application for review is set out below.

7 On 8 August 2014, OneSteel applied pursuant to s 269TB(1) seeking the imposition of dumping duties on exports of stainless steel reinforcing bar to Australia from the Republic of Korea, Malaysia, Singapore, Spain, Taiwan, the Kingdom of Thailand and the Republic of Turkey. An investigation was initiated by the Commissioner by notice published on 17 October 2014.

8 The goods the subject of the investigation were:

> Hot rolled deformed steel reinforcing bar whether or not in coil form, commonly identified as rebar or debar, in various diameters up to and including 50 millimeters, containing indentations, ribs, grooves or other deformations produced during the rolling process.

The goods include all steel reinforcing bar, regardless of the particular grade or alloy content or coating. Plain round bar, stainless steel and reinforcing mesh were excluded.

9 OneSteel is the sole Australian manufacturer of the goods and is the Australian industry.

10 The Commissioner sent questionnaires out and reviewed responses from the following exporters:

(a) Daehan Steel., Ltd of Korea;

(b) Amsteel Mills Sdb Bhd of Malaysia;

(c) Ann Joo Steel Berhad of Malaysia;

(d) Southern Steel Berhad of Malaysia;

(e) Natsteel Holdings Pte Ltd of Singapore;

(f) Celsa Barcelona/Celsa Nervacero of Spain;

(g) Power Steel Co. Ltd of Taiwan;

(h) Wei Chih Steel Industrial Co., Ltd of Taiwan;

(i) Millcon of Thailand; and

(j) Habbas Sinai Ve Tibbi Gazbar Istinhsal Endustri AS (Habbas) of Turkey.[4]

[4] SEF at 6.5.

11 The Commissioner considered that all responses were substantially complete.

12 Onsite exporter verification visits were conducted to Daehan Steel, Natsteel, Celsa Barcelona/Celsa Nervacero, Wei Chih Steel and Millcon.

13 Exporter verification visits were *not* undertaken in relation to Amsteel Mills, Ann Joo, Southern Steel, Habbas and Power Steel.

14 In addition to onsite investigations involving the exporters identified above, the Commissioner also conducted onsite verification visits in respect of 4 importers of the goods, Stemcor Australia Pty Ltd, Commercial Metals Australia Pty Ltd, Sanwa Pty Ltd and Best Bar Pty Ltd. Together these 4 entities accounted for about 66% of the total imports of the goods during the investigation period.[5]

15 Commission officers also visited OneSteel.

16 A Statement of Essential Facts (SEF) was published on 2 September 2015.

17 On 19 October 2015, the Commissioner published a termination report (TER).[6]

18 OneSteel's application for review under s 269ZZNO was made on 18 November 2015.

19 I wrote to the Commissioner on 10 December 2015 inviting its comment on the application. A response was received on 18 December 2015. A copy of the response will be added to the public record for this review

The issues

20 The Decision involved a couple of steps.

21 First, the Commissioner concluded that goods exported by Ann Joo, Millcon and Habbas were not dumped. The investigation of goods exported by those entities was terminated for that reason under s 269TDA(1)(b).[7]

22 The Commissioner then concluded that the volume of dumped goods from each of Malaysia, Turkey and Thailand was "negligible", within the meaning of that expression in s 269TDA(4). The Tribunal had found that exporters from Malaysia other than Ann Joo had dumped goods, but the volume of dumped goods exported by the other Malaysian exporters was less than the 3% volume specified

[5] SEF at 5.6.
[6] A Final Report has since been published and dumping duties imposed.
[7] The Commissioner also concluded that the dumping margin for goods exported by Power Steel Co., Ltd from Taiwan was less than 2% and terminated the investigation in respect of that entity under s 269TDA(1)(ii) of the Act.

by s 269TDA(4). Consequently, the Commissioner terminated the investigation under s 269TDA(3) in respect of all other exports from each of Malaysia, Turkey and Thailand.

23 Five issues are raised by the application for review:

(a) was the failure to carry out an onsite verification visit on Habbas and the Malaysian exporters, or any of them, a failure to "examine" the information provided by the Malaysian and Turkish exporters, as required by the Act?

(b) in deciding whether to undertake an onsite verification visit on the Malaysian and Turkish exporters, did the Commissioner wrongly consider whether the information provided by them was "reasonable", rather than "reliable", as required by the Act?

(c) did there exist particular circumstances in relation to Malaysian exporters which meant that the Commissioner was required to carry out an onsite investigation in respect of at least one Malaysian exporter?

(d) did the Commissioner wrongly fail to examine the full recovery cost of billet purchased by Millcon from a subsidiary, "Burapa"?

(e) did the Commissioner wrongly fail to examine, or make an adjustment under s 269TAC(8), on account of "differential light rolling" by Millcon in respect of goods for domestic and export sales?

24 The first three issues are the issues raised by that part of the application which deals with exports from Malaysia and Turkey in section 8 of the application. The final two issues reflect that part of the application which deals with rebar from Thailand.

25 After setting out some general principles, I will deal with each of these issues in turn.

General Principles

26 The Act was amended by the *Customs Amendment (Anti-dumping Measures) Act (No 1) 2015* ("Amending Act"). While the Amending Act commenced on 20 May 2015, the amendments only apply to reviewable decisions made on or after 2 November 2015. As the reviewable decision in this matter was made on 19 October 2015, the review has been completed by reference to the Act as it stood prior to these recent amendments.

27 Section 269ZZT requires that I either affirm the reviewable decision or revoke it. It may be inferred from s 269ZZQA of the Act that a decision to terminate will be affirmed under s 269ZZT if it is the correct and preferable decision and will be revoked if the decision to terminate was not the correct and preferable decision. The "correct and preferable" test is also applicable to the review by the Panel of Ministerial decisions whether or not to make a declaration under s 269TG or 269TJ of the Act. [8]

28 A review under s 269ZZN is directed at the substantive merits of the decision to terminate, rather than the investigatory or decision making process, leading up to the termination. A decision arrived at by an irrational, illogical or slipshod process may still be the "correct and preferable" decision. Other avenues may be available to an affected party to correct a flawed decision making process.

29 However, there may also be circumstances in which the decision making process, and, in particular, conduct of the investigation by the Commissioner leads to the conclusion that the decision to terminate the investigation was not the correct or preferable decision. Without seeking to define comprehensively these circumstances, a decision to terminate which was made before the Commissioner had taken investigatory steps required under the Act would not be the correct and preferable decision. A decision to terminate made on the basis of information which could not support the conclusions of fact necessary for the Commissioner to act under s 269TDA would not be the correct and preferable decision either.

30 The Panel is mindful that it does not have a general supervisory role in relation to the conduct by the Commissioner of investigations under Part XVB of the Act and that the Panel has very limited information about the administrative constraints under which the Commissioner conducts investigations.

31 It is also important to note that OneSteel did not contend in the application for review, that the various calculations made by the Commissioner were wrong, or that the Commissioner's conclusions were not supported by the evidence in its possession. OneSteel's case was that there should have been further investigation and that further investigation could well produced information resulting in different outcomes as to the dumping margins, and the termination of the investigation. Unless, therefore, there is some warrant for further investigations to be carried out, the Commissioner's conclusions as to the

[8] As to the scope of review, see the comments of The Hon Michael Moore at paragraphs 7 to 16 of his report in relation to Power Transformers exported from the Republic of Indonesia, Taiwan, the Kingdom of Thailand and the Socialist Republic of Vietnam (ADRP Report No 24).

dumping margins can be treated as accurate and the partial termination of the investigation as the correct and preferable decision.

The requirement to "examine" exporter information by onsite verification visits

32 OneSteel contended that the Commissioner should have conducted an onsite investigation in respect of the Turkish exporter and at least one Malaysian exporter.

33 OneSteel's argument appeared to involve the following steps:

(a) except where permitted by s 269TACAA, the Commissioner must "examine" information provided by each exporter;[9]

(b) an "examination" of information supplied by an exporter requires the Commissioner to conduct an onsite verification visit because that is required under the Act, having regard for the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (ADA); and

(c) therefore, the Commissioner's decision to terminate the investigation in respect of exports from Malaysia and Turkey without an onsite verification visit was not the correct and preferable decision.

34 I consider that the legislation does not lay down a general rule that an onsite investigation is required in respect of information provided to the Commissioner by exporters, with the consequence that this argument must be rejected. My reasons for this conclusion are as follows.

[9] Section 269TACAA permits the Commission to "sample" information from exporters where there are so many exporters from a particular country that it is not practical to examine the exports of all those exporters. In such circumstances, the Commission may conduct an inquiry on the basis of information obtained from an examination of a selected number of exporters but nevertheless make findings in relation to all the exporters from that country. OneSteel suggested that, if the burden of onsite verification visits in this investigation was too great, it would have been open to the Commission under s 269TACAA to examine (by the conduct of an onsite verification visit) the exports of only one Malaysian exporter. This suggestion does not assist in resolving the application. It does not deal with the situation in relation to Habbas, which was the only Turkish exporter – the Commission could not have been required to examine fewer Turkish exporters. Further, the question whether an onsite investigation is an essential part of an examination of exporter information remains, even if the Commissioner relies on s 269TACAA so as to entitle it to only examine some exporters' information. Finally, the Commission did not rely on s 269TACAA.

35 The Commissioner has an obligation to ensure that information upon which it proposes to rely in exercising its powers under s 269TDA is sufficiently reliable to enable the Commissioner to be satisfied as to the various matters identified in subsections 269TDA(1) and (3). Various words are used in the Act to describe the function or task of the Commissioner in relation to information acquired by it in the course of an investigation. OneSteel used the word "examine" in its submissions, no doubt because of its use in s 269TACAA. The word "consider" is used in the title to Division 2 of Part XVB and s 269TC. Section 269TDAA(2) requires the Commissioner to "have regard to" submissions. The same expression is used in s 269TEA(3). Article 6.6 of the ADA says that authorities, such as the Commissioner, shall "during the course of an investigation satisfy themselves as to the accuracy of the information supplied by interested parties upon which their findings are based". Article 6.7 of the ADA uses the word "verify" as a synonym for this expression. There is, perhaps, little difference between the words, "examine" and "verify", but, for present purposes, I shall use the latter. It suggests a pro-active role, which is in keeping with the fact that the Commissioner conducts "investigations" under Part XVB of the Act.

36 Whatever word best describes the Commissioner's function in relation to information in its possession, the Act does not explicitly identify any particular steps which must be taken to perform that function. Division 3 sets out various procedural steps, but these are directed primarily to giving notice to interested parties and providing an opportunity for them to provide information and make submissions to the Commissioner.

37 As a matter of common sense, information may be verified in a number of ways. Considering information is one method of verification, in that a consideration of information may reveal that the information is inherently implausible or internally inconsistent. Comparison between information provided by one party and information provided by other parties is another means by which information can be verified. The Commissioner may also require the providers of information to formally "verify" information provided by them by way of statutory declaration or signed statement. It might also be said that information is verified if it comes from an independent and trustworthy source.[10] The Commissioner may also seek to

[10] In *United States – Anti-dumping duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or above from Korea* (WT/DS99/R, 29 January 1999), the Panel suggested at footnote 513 that information about interest rates obtained from a central banking authority did not need further verification.

verify information by interrogating the provider of the information, without an on-the-spot investigation, for example, by email, telephone or video conference.

38 Onsite verifications visits are methods both of obtaining and verifying information and are frequently used by the Commissioner. There were 10 onsite verification visits in this investigation, of which 5 were of exporters. Verification visits are commonly conducted after information has been provided by the entity which is the subject of the investigation. The advantage of an onsite verification visit is that there is the possibility of "real time personal interface" or dialogue with the information provider. Questions can be put and answered on the spot. Documents can be produced. Onsite verification visits will frequently take place overseas, in situations where the Commissioner has no coercive powers to compel the provision of information. Notwithstanding that limitation, one can proceed on the basis that onsite verifications are the most effective weapon in the Commissioner's arsenal to verify information.

39 As the Act does not contain specific guidelines about when onsite verification visits or the other verification methods available to the Commissioner should be used, the decision about how best to verify information is a matter for the discretion of the Commissioner having regard to the framework and purpose of the legislation and the circumstances of the case. The circumstances of the case would include the quality of the other information in the possession of the Commissioner about the exporter, the importance of the exporter in the overall framework of the investigation, the expense of an on-the-spot investigation and whether it is feasible for officers of the Commissioner to go to the exporter's premises. The Act does not support the contention that the Commissioner must carry out an onsite verification visit in order to "examine" information provided to it.

40 OneSteel contended that consideration of the provisions of the ADA lead to a different conclusion. It referred to Art 6.6 and 6.7 of the Anti-Dumping Agreement, which provide:

> 6.6 Except in the circumstances provided for in paragraph 8, the authorities shall during the course of an investigation satisfy themselves as to the accuracy of the information supplied by interested parties upon which their findings are based.
>
> 6.7 In order to verify information provided or to obtain further details, the authorities *may*[11] carry out investigations in the territory of other Members as required, provided they obtain the agreement of the

[11] Emphasis added.

> firms concerned and notify the representatives of the government of the Member in question, and unless that Member objects to the investigation. The procedures described in Annex I shall apply to investigations carried out in the territory of other Members.

Annex 1 to the ADA sets out the procedures for what are called "on-the-spot investigations" pursuant to Act. 6.7. In conducting a verification visit on an exporter, the Commissioner would need to adhere to the procedure in Annex 1.

41 OneSteel asserted that these provisions "establish the practice of on-the-spot investigations" and that the on-the-spot investigation "is considered best, and most sound, evidentiary practice". These assertions may be accepted. However, articles 6.6 and 6.7 do not indicate in any way that an onsite verification visit is required, either in all investigations or in any particular circumstances. The use of an on-the-spot investigation remains a matter for the discretion of the authority, as shown by the use of the word "may" in the first sentence of Art 6.7. The greater prominence given to onsite verification in the ADA than in the Act may be to legitimise the conduct of an investigation by authorities of one government in the territory of another. The provisions of the ADA do not take the matter further than the Act.

42 I consider that the Commissioner has a discretion whether or not to conduct an onsite verification visit in respect of information provided by any particular person. This is not to say that, in any particular case, it might not be an error for the Commissioner to fail to conduct an onsite verification. However, the fact that the Commissioner did not carry out on site verification visits on any Malaysian exporter or the Turkish exporter does not, without more, mean that the Commissioner failed to "examine" or verify information provided by them. It does not mean that the Decision is not the correct or preferable decision.

Reasonableness of the information

43 The second argument advanced by OneSteel was that the Commissioner considered whether information provided by cooperating exporters was "reasonable" rather than whether it was "reliable" when the Commissioner was deciding whether or not to conduct on site investigations.

44 OneSteel quoted the following passage from the SEF:

> The Commissioner analysed the data submitted by cooperating exporters that were not visited and was satisfied that the data was reasonably

accurate, complete and without deficiency. This data was used to calculate dumping margins.[12]

45 OneSteel contended that the Commissioner was required to assess information by reference to its reliability, rather than its reasonableness. It asserted that this standard was applicable because ss 269TAC(7) and 269TAB(4) entitle the Minister to disregard information that is considered "unreliable" and that the passage quoted showed that the Commissioner had not considered whether the information was "reliable".

46 OneSteel's reading of the passage set out at paragraph 44 above is not a fair one. That passage is concerned with the overall reliability of the information provided by the cooperative exporters. The passage uses the expression "relevant, complete and without material deficiency" in relation to the information, which are criteria going to reliability. "Reasonably" is used in the expression "reasonably accurate" to qualify "accurate", rather than to establish "reasonableness" as a separate standard. Whether information, particularly in relation to matters such as dumping margins, is "accurate" or "reasonably accurate" is an important gauge of its reliability. Information which is unreasonable is, as a general rule, less likely to be reliable than information which appears reasonable.

47 OneSteel also said that it failed to understand how the Commissioner was able to establish the accuracy of the export price, domestic sales and cost data provided based simply on a review of exporter questionnaire responses. In the context of the Malaysian exporters, the export price, domestic sales and the cost data of each exporter could be compared against the export price, domestic sales and cost data provided by the other Malaysian exporters. Consequently, some amount of cross checking between exporters would have been necessary in any event. Further, information relevant to the Malaysian exporters would have been obtained as part of the information provided by the importers of their product.

48 In the case of the Turkish exporter, there was only a single cooperative Turkish exporter. There was less opportunity for benchmarking the Turkish exporter's information. However, the internal consistency of the information could be considered and some amount of benchmarking would be possible. The Commissioner had received exporter responses from exporters from a number of different countries and importers. Further:

[12] Page 29.

(a) exports from Turkey were only a small portion of the total imports of rebar into Australia; and

(b) in its comments on the application dated 18 December 2015, the Commissioner informed the Panel that there was an adverse travel advice from the Department of Foreign Affairs and Trade which made an onsite visit to Habbas impracticable. A concern about the safety of the Commission officers is a matter which can properly be taken into account by the Commissioner in deciding whether to conduct an onsite verification. It is conceivable that there would be circumstances where an investigation should be extended to enable an onsite verification visit to occur safely. In this case, however, the importance of the Turkish exports did not come close to justifying this course of action.

49 OneSteel also contended in this context that "it is incumbent on the Commissioner to demonstrate how they have satisfied themselves of the accuracy of the information". This is, in essence, a complaint about the adequacy of reasons given by the Commissioner. This is not itself a viable ground of review under s 269ZZN(b) of the Act, as the review is concerned with whether the decision is the correct and proper decision, rather than whether adequate reasons have been given for the decision. In any event, while the passage in the SEF about which complaint is made could have been expressed in a more fulsome way, I am not persuaded that the Commissioner's reasons were inadequate, given the many issues and different exporters the Commissioner was required to address during the course of this investigation.

Special risks associated with the Malaysian exporters

50 OneSteel contended that the Commissioner's evaluation of the Malaysian exporters as "low risk" did not adequately take into account the future threat of dumped exports from Malaysia. It said:

(a) historic import data showed that exports were as high as 14 per cent of total imports during 2010/2011;

(b) Malaysian exporters had demonstrated a "propensity" for increased volumes; and

(c) the Commissioner considered only volumes during the nominated investigation period when deciding whether to conduct on-the-spot investigations.

51 For the reasons given above, I consider that the decision whether or not to conduct an on-the-spot investigation in respect of a particular exporter is a matter for the discretion of the Commissioner, having regard to all the circumstances of the case. I do not consider the matters referred to by OneSteel show that an onsite verification visit was necessary or that, in the absence of at least one such visit to a Malaysian exporter, termination was not the correct and proper decision. Also, the Commissioner pointed out that Malaysian exports amounted to only 3.4% of total imports and that the Malaysian share of imports had been declining.

Billet purchased by Millcon from an associate

52 The Commissioner found that the dumping margin for Millcon was 0.0 per cent ie that the normal value of the goods was the same as the export price and that there was no dumping. The Commissioner determined the normal value of Millcon's goods partly by reference to sales in the ordinary course of trade for home consumption in Thailand under s 269TAC(1) of the Act, and partly by reference to Millcon's cost of manufacture under s 269TAC(2)(c) of the Act. The approach taken depended on whether there were sufficient domestic sales of models of rebar to enable comparison with the export sales of the same or similar models of rebar.

53 When constructing the normal value based on the cost to manufacture, the Commissioner investigated the cost to Millcon of billet. Billet is the primary component of rebar. The cost of billet was approximately [redacted] of the total costs of manufacture of Millcon's rebar. Millcon purchased [redacted] of its billet from an entity called "Burapa" and [redacted] from other suppliers. Millcon owned [redacted] of Burapa.

54 OneSteel contended that:

(a) in determining the normal value on a cost to manufacture basis under s 269TAC(2)(c), the Commissioner was required to determine the fully absorbed cost of production of the components; and

(b) the Commissioner wrongly failed to examine or adequately examine whether the purchase price paid by Millcon to Burapa for billet represented the fully absorbed costs of producing the billet.

55 The Commissioner investigated the price paid by Millcon to Burapa. It found that the price paid by Millcon to Burapa was agreed by reference to prices paid by Millcon to other billet suppliers. The Commissioner noted that the price was amongst the highest of the prices paid by Millcon to its independent billet suppliers. The Commissioner also compared the Burapa billet prices to average

prices for semi-finished billet in the South East Asia region and found the prices paid by Millcon to be comparable with prices in the region. The Commissioner referred to Burapa's mixed profitability during the examination period. The Commissioner also investigated actual payments and was satisfied that the financial records sufficiently reflected the transactions between the entities.

56 Underlying this aspect of OneSteel's application was its belief that the market price for billet in South East Asia was in less than the fully recovered cost to manufacture the billet because there was an oversupply of billet in the South East Asian region.

57 I do not accept OneSteel's argument. Had Millcon purchased all its billet from independent manufacturers of billet rather than Burapa there would have been no basis for considering whether the billet was sold by the independent billet providers at more or less than their fully recovered costs. The Commissioner was satisfied that the prices Millcon paid for billet from Burapa were reasonably reflective of the prices that Millcon paid to independent suppliers. Other suppliers, which were not subsidiaries, supplied the majority of the billet used by Millcon. In the circumstances, I do not consider that it was necessary for the Commissioner to have gone behind the prices agreed between Burapa and Millcon for the billet to ascertain the cost of production of the billet. The Commissioner was entitled to treat the amount paid to Burapa as the cost of the billet supplied by Burapa and did not need to investigate the actual costs of production of Burapa.

Rolling light

58 The final issue raised by OneSteel is whether the Commissioner:

(a) adequately investigated whether Millcon "rolled light"; and

(b) ought to have made an adjustment to the normal value under s 269TAC(8) to take this practice into account.

59 As I understand it, "rolling light" is the practice whereby a mill produces goods at the 'lower" or "lighter" end of the range of acceptable weights in any applicable standards. The Exporter Visit Report indicated[13] that the Australian standards specified that the mass per metre length of bar of any size must be within 4.5%, more or less, of the nominal or theoretical weight. A piece of bar which contains 4% less steel than the nominal weight falls within the Australian standard but

[13] At page 35.

would be cheaper to produce than bar which contained the full nominal amount of steel. Rolling light might also influence the price which would be paid for goods in the market. If the standards applicable to domestic sales in Thailand had a greater range of weight tolerance than the Australian standard, it might have the result that product for the domestic Thai market would in fact be lighter than export goods of the same nominal weight because the mill would roll "extra light" for Thai domestic sales.

60 However, the Exporter Visit Report for Millcon[14] showed that the allowable mass tolerances on the domestic market depended on the thickness of the rebar and were as follows:

Thickness	**Tolerance**
6 – 8 mm	± 7%
10 – 16mm	± 5%
20 – 28mm	± 4%
32 – 40 mm	± 3.5%

OneSteel did not identify any other standards that were applicable to domestic Thai sales. There were no sales of like goods in the 6-8mm range. The tolerances in the other thickness ranges for the Thai domestic market are not that different from the tolerance range under the Australian standard. The tolerance in the Thai standard is smaller than the tolerance in the Australian standard for thicknesses above 20mm. In the circumstances, there is little opportunity for Millcon to roll product for the Thai market that was significantly lighter than product for the Australian market. Millcon indicated that, although it sold by nominal weight (rather than actual weight), its approach to rolling light did not vary depending on the standard applicable to the particular product. It aimed to roll between [redacted] light on all occasions, both for domestic and export sales. The Commissioner examined Millcon's production records to check this assertion.

61 There is no apparent need for additional investigation of the issue and no apparent need to make an allowance under s 269TAC(8) of the Act

[14] At 8.2.5 of the Exporter Visit Report.

Determination

62 I reject OneSteel application for review for the reasons given above. I consider that the Decision was the correct and preferable decision and I affirm it pursuant to s 269ZZT(1)(a) of the Act.

David Scott Ellis

Date: 13 January 2016