

PUBLIC RECORD

FURTHER SUBMISSION ON BEHALF OF ONESTEEL AUSTRALIAN TUBE MILLS TO THE ANTI-DUMPING REVIEW PANEL CONCERNING A REVIEW OF A MINISTERIAL DECISION TO PUBLISH DUMPING DUTY NOTICES APPLYING TO ZINC COATED (GALVANISED) STEEL EXPORTED FROM TAIWAN

Introduction

1. OneSteel Australian Tube Mills Pty Ltd (**ATM**) is an interested party directly concerned with the importation into Australia of Zinc Coated (**Galvanised**) Steel from Taiwan, a person who uses the goods the subject of the reviewable decision in the production or manufacture of other goods in Australia and an applicant in this matter.
2. We refer to the original statement (**Statement**) by ATM contained in Appendix A to an Application of 4 September 2013 to the Review Panel in relation to the above matter and to a supplementary submission on behalf of ATM dated 18 October 2013. The purpose of this submission, made pursuant to s 269ZZJ of the *Customs Act 1901 (Cth)* (**Act**), is to respond briefly to the following claims made by BlueScope Steel Limited in section 2(ii) of its submission of 17 October 2013 to the Review Panel.

Post the investigation period ... BlueScope commenced production of galvanised hot rolled coil ...

AND

Commercial quantities were supplied to OneSteel ATM commencing in April/May 2013

3. Discussions between the two companies up until 10 April 2013 were conducted on the basis of BlueScope's plan to produce Galvanised CRC substrate for use in the production of structural pipe and tube products. That plan, as can be seen from ATM's submission to the Commission of 19 April 2013, never resulted in any commercial production with the concept test supply being limited to two coils of steel in December 2012. That ATM submission, which has never been rebutted or responded to by the applicant, sets out the total change to plans for trial production that were communicated to ATM on 10 April 2013. The new plan involved production trials of Galvanised HRC substrate but by no

stretch of the imagination could the quantities supplied in April/May 2013 be characterised as 'commercial'. In fact there was no commercial production by the applicant of either Galvanised CRC or HRC substrate for the manufacture of structural pipe and tube products in the period before the Commission reported to the Minister and since that time ATM has been advised of successive reductions in the scope of the new production plan resulting from a lack of capability to meet the necessary range of specifications for structural pipe and tube products.

4. The applicant also seeks to revive the like goods argument in relation to Galvanised CRC and HRC steel. We again submit that the Commission's finding on this issue is fatally flawed for the reasons set out in paragraphs 20 to 32 of ATM's Statement to the Review Panel of 4 September 2013 but, more importantly, the issue is not relevant. In circumstances where the applicant simply did not produce like goods during either the investigation period or the immediately subsequent period through to the date of the Commission's report, there are no grounds for any finding that exports of goods that are not 'like' to those produced by the Australian industry in the relevant period could possibly be causing or threatening material injury.



MINTER ELLISON

Contact: John Cosgrave Direct phone: +61 2 6225 3781 Direct fax: +61 2 6225 1781
Email: john.cosgrave@minterellison.com
Partner responsible: Russell Miller Direct phone: +61 2 6225 3244
Our reference: 26-7715595

MINTER ELLISON GROUP AND ASSOCIATED OFFICES

ADELAIDE AUCKLAND BEIJING BRISBANE CANBERRA DARWIN GOLD COAST HONG KONG
LONDON MELBOURNE PERTH SHANGHAI SYDNEY ULAANBAATAR WELLINGTON