

AUSTRALIAN STEEL ASSOCIATION INC. A0020339V

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9th April 2013

Director Operations 3 International Trade Remedies Branch Australian Customs and Border Protection Service Customs House 5 Constitution Avenue CANBERRA ACT 2601

Re: Hot Rolled Plate Steel exported from the People's Republic of China, the Republic of Indonesia, Japan, the Republic of Korea and Taiwan (ACDN No 2013/18)

Submission – Public File Version

Please find below the Australian Steel Association Inc submission in response to Australian Customs and Border Protection Services (Customs) investigation into the alleged dumping of Hot Rolled Plate Steel (HRPS) exported from the People's Republic of China, the Republic of Indonesia, Japan, the Republic of Korea and Taiwan and the investigation of countervailing in respect of hot rolled plate steel from the People's Republic of China following an application lodged by Bluescope Steel Limited (the Applicant).

Summary:

The Australian Steel Association contend that any increase in the volume of the GUC is a direct and understandable response of the Australian market to the decision of the Applicant to close its' Westernport hot rolled production facility and subsequent industry uncertainty as to the future intentions of the Applicant.

The closure of the Western Port Hot Strip Mill announced in August 2011¹ has been attributed to "an unprecedented combination of economic challenges in the form of a record high Australian dollar, low steel prices, and high raw material cost and these challenges are compounded by a low domestic steel demand in the wake of the GFC" ²

Whilst it is acknowledged that there has been an "unprecedented combination of economic challenges", these are consistent with the commercial ebb and flow of business confronting the steel industry internationally.

Accordingly, attributing material injury to the goods under consideration is not substantiated given the significant external factors noted and given that the actions of the Applicant in dealing with these external factors transpired prior to the period under investigation.

Supporting the claim that material injury should not be attributed to the allegation of dumping against the GUC, we draw attention to the following:



1. The Application:

Considering the Application, we offer the following comments:

1.1: Industry / Company Structure:

- (i) We note the Applicant is the sole domestic manufacturer of the goods under consideration³.
- (ii) Hot rolled plate steel is produced by either:
 - A Plate Mill (for XLERPLATE®)
 - A Hot Strip Mill and cut to length (as for XLERPLATE® LITE).

i.e: HRPS is produced from Hot Rolled Coil (HRC) that is cut to length.

- (iii) Observations from the Applicant's industry and company structure are:
 - Imported HRPS offers the only alternate form of competitive supply to Australian manufacturers.
 - Any change to the Applicant Hot Rolled Coil (HRC) production potentially has a direct and significant effect on the availability and reliability of HRPS.
 - Imported HRPS is critical as an insurance to guarantee surety of supply to Australia's plate steel manufacturing operations.
- (iv) We also note that the organisation structure submitted does not reflect the operations of the Applicant as at 30 June 2012.

Since March 2011, prior to period under investigation, the organisational structure of the Applicant has included Australian & New Zealand operations as part of the one business unit-

An update on this organisational restructure was provided as part of the ASX media release advising of the closure of the Western Port Hot Strip Mill.⁴

The organisational structure of the Applicant impacts the accuracy of the `Your Sales' data tabled in the Application. As presented the Applicant's own sales are understated during the period of investigation and import sales are overstated.

This has previously been raised and was noted by Customs in the Hot Rolled Coil Statement of Essential Facts⁵



1.2 Basis of Claims: Data Accuracy

(i) Claims of material injury are not based on imports into Australia but from estimates derived from export data for 9 months of the period under investigation.

As noted in the Application, "2011/12 data is incomplete due to a lag in Country of Origin data supply, there are no import volumes recorded for September 2012"⁶

This extrapolation is at odds with available published import data.

- (ii) The Applicant's own domestic sales⁷ have not been provided for the PUI but rather for a period that includes the October to December 2011 period immediately following the closure of the Western Port Hot Strip Mill.
- (iii) The reliability of the data provided with the Application & the conclusions drawn from that data are therefore questioned.
- (iv) The ASA request consideration that any decline in the Applicant's sales from the 4th quarter 2011 (prior to the PUI) and any resultant increase in imports of the GUC was a direct and consequential result of the Applicant's announcement to restructure and close a significant part of their operations.

2 External Factors unrelated to the allegations of dumping.

"Economic Conditions Drive Restructure" was the rationale for the major restructure that included the closure of the Western port Hot Strip Mill announced by the Applicant in August 2011⁸.

"an unprecedented combination of economic challenges in the form of a record high Australian dollar, low steel prices, and high raw material cost and these challenges are compounded by a low domestic steel demand in the wake of the GFC".

This was reinforced in subsequent presentations to the industry in the quarter prior to the PUI⁹.

Considering each of the economic challenges identified as the basis of the operational restructure:

2.1: Record high Australian dollar

The August 2011 ASX release, commented that the impact of the strong Australian dollar "is evidenced by the underlying \$487 million EBIT loss experienced in 2011 on export sales".

Analyst's commented that "Bluescope loses about \$137 per tonne of steel it exports for US\$668 a tonne based on an Australian dollar exchange rate of \$US1.03"¹⁰

A \$1.03 USD / AUD exchange rate has persisted from the 2nd half of the 2011 financial year and through the period under investigation. (refer Fig 1 & Fig 2 below)



Fig1: AUD / USD Exchange Rate



2.2 Low Steel Prices

Price undercutting has been claimed as a cause of material injury.

Industry analysis provided as part of the Applicant's 2012 Annual Report indicates that HRC prices for fell by approximately \$USD100 per tonne across the East Asian region for the period of investigation.

As is evidenced in Figure 1 these rises and falls are part of the normal ebb and flow of business and per S269TA of the Customs Act (1901) should not be attributed to dumping or subsidisation.

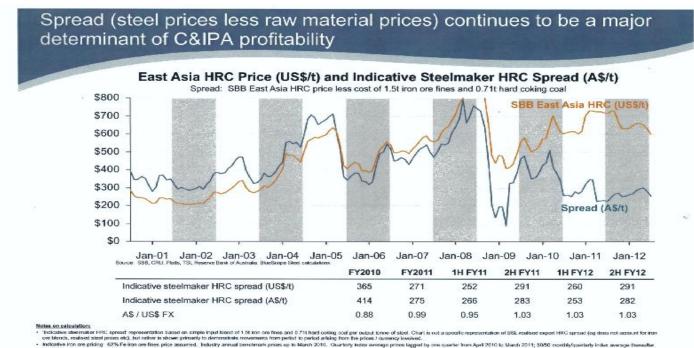


Fig2 : East Asia HRC Price

Source: BSL 2012 Annual Report; page 32

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Page 32

March 2010, gu



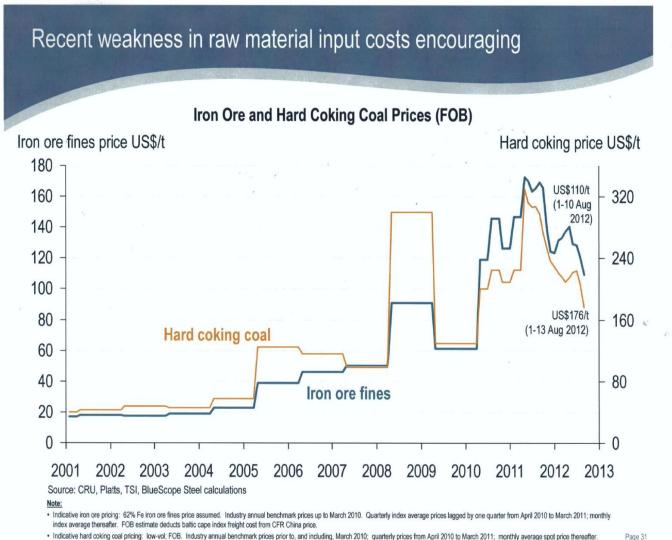
2.3: High Raw Material Costs

(i) Iron Ore Costs

Iron ore pricing along with coking coal pricing have had the largest impact on Bluescope Steel profitability in recent years. Iron ore fines increased from \$USD 60 per tonne prior to the PUI to a peak of almost \$USD 180 per tonne during the PUI.

Iron ore pricing resulted in a negative EBIT variance of \$480M in the year to June 2011 which was only partially offset during the PUI.

Fig 3: Raw material cost changes



Indicative hard coking coal pricing: low-vol; FOB. Industry annual benchmark prices prior to, and including, March 2010; quarterly prices from April 2010 to March 2011; monthly average spot price thereafter

Public File Version



(ii) Australian Coking Coal Costs

Similarly for Premium Hard Coking Coal prices increased from \$US125/t to a peak exceeding \$US 320 per tonne during the PUI. The impact of coking coal prices was a negative \$428 million variance for the 2011 financial year which was only partly offset during the PUI.

Raw material costs increases are a significant factor impacting profitability however any material injury experienced as a result of sustained high raw material costs is unrelated to the allegations of this Application.

2.4 Low Domestic Steel Demand

Low demand levels are not attributable to the allegations of this Application.

Demand levels are however affected by the overall competitiveness of Australia's manufacturing sector which is addressed separately.

3. Internal Factors unrelated to the allegations of dumping

3.1 Announcement of exit from Export Sales and Restructure of Australian operations

On 22nd August 2011, in the period prior to the PUI, the Applicant announced the exit from export markets and a major restructure of its' Australian operations. As was communicated at the time

"The decision was a direct response to the economic factors affecting the business"¹¹

A downturn in domestic sales would reasonably be expected in the period immediately following the closure of a major facility for producing the GUC.

This is evidenced by the Applicant's "pro-active communication developed to mitigate against feedback that end customers are concerned about BSL's ongoing viability and commitment to the domestic market"¹² in the period immediately prior to the closure.

This is further evidenced by promotional material issued by the Applicant immediately prior to the Western Port Hot Strip Mill closure.¹³

One aspect of the announced restructure was a reduction of HRC capacity by 25 per cent¹⁴. HRC, as noted, is one of the two routes used to produce Hot Rolled Plate Steel.



3.2: Responses to the restructure of Australian operations.

The announcement to restructure and close the Westernport hot rolling operations has driven a number of outcomes:

- (i) An urgency to ensure immediate availability of hot rolled steel plate to ensure the viability of their Australian manufacturing operations.
- (ii) A need to find alternate (imported) supply for product no longer able to be provided by the Applicant.

[Customer communication]

(iii) A need to address the longer term issue of supply given ongoing uncertainty surrounding the sole domestic supplier¹⁵.

Collectively these responses have resulted in a step change in the volume of imported hot rolled steel plate as the market adjusts to the reduced capability and ongoing uncertainty of supply from the sole domestic supplier.

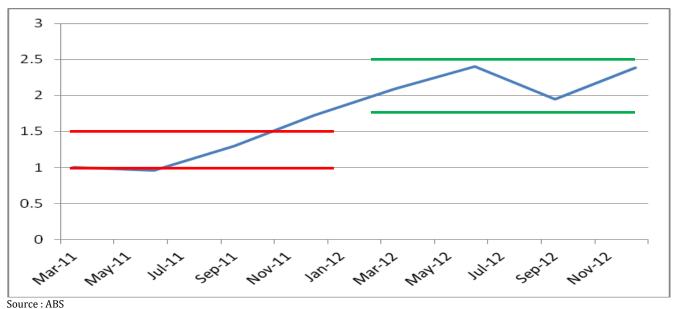


Fig 2: Index of Hot Rolled Steel Plate pre & post closure of Westernport hot rolling operations.

Includes BSLNZ HRPS imports (to be excluded from data)

The Australian Steel Association contend that this change is not due to the allegations of dumping but rather reflects the commercial imperative of the Australian plate users in establishing a new supply equilibrium in light of actions undertaken by the Applicant.



4. Other factors affecting the claims of Material Injury

4.1: Steel Transformation Plan:

Mitigating any claims of material injury should be that the Applicant's \$100 million subsidy received at the commencement of the PUI as part of the Steel Transformation Plan.

Competitiveness Assistance Advance

"On 21 December 2011, the Government announced that it would provide BlueScope Steel with a competitiveness assistance advance of \$100 million under the STP Payment of the competitiveness assistance advance to BlueScope Steel was made on 18 January 2012".¹⁶

4.2: Imports of fully manufactured goods.

The ASA concurs with the Applicant as to the impact of a low domestic steel demand affecting all Australian manufacturers.

A significant factor that is resulting in low level of demand for steel manufacturing raw materials such as hot rolled coil (HRC) and Hot Rolled Plate steel (HRPS) is the import of fully manufactured goods and the by-passing of the Australian manufacturing sector.

Whilst the application of dumping duties is nominally of benefit to Australian manufacturing, usage of the anti dumping system has been constrained to the producers of raw material inputs¹⁷.

As the Productivity Commission noted "the anti-dumping system provides benefits to a small … range of import competing industries" (raw material producers) "But these benefits can come at a significant cost to downstream industries and other users of the goods concerned¹⁸"

The imposition of dumping duties that are focused on raw materials, such as HRC and HRPS, effectively applies a tax on the inputs to Australia's manufacturing sector.

This reduces the competitiveness of Australia's downstream manufacturers in the immediate term and ultimately also affects the Applicant due to a diminished available market.

This is evidenced in the rate of transfer of value adding manufacture in Australia to wholesale importing of fully manufactured goods. The attached example alone has resulted in the loss of 29,000 tonnes of Hot Rolled Steel Plate, 60,000 of total steel and prospectively 3600 jobs lost to Australia's downstream manufacturers.¹⁹



Conclusion:

The Australian Steel Association respectfully advocate that any material injury experienced with hot rolled steel plate is not due to the GUC but rather the significant factors of:

- A prolonged high Australian dollar
- International softness in steel prices
- The impact of significant rises in raw material costs
- Low domestic demand that is compounded by rising input costs to Australia's manufacturing sector resulting in a transfer to the importing of fully manufactured goods.

Per S269TA of the Customs Act (1901) we request that injury caused by these external factors not be attributed to the allegations of dumping or subsidisation.

By contrast we advocate that changes in supply of imported hot rolled plate steel are the result of Australian manufacturer's commercial imperative to respond to the actions of the Applicant in restructuring its' operations in light of the challenging economic conditions noted.

Accordingly we request that Customs find that for hot rolled plate steel no material injury has occurred due to the allegations of dumping and subsidisation from the nominated countries.

AUSTRALIAN STEEL ASSOCIATION INC. A0020339V ABN 24 762 435 928



END NOTES:

- Attachment 1: Bluescope Steel ASX Press Release 22nd August 2011; page 1
- ² Bluescope Steel ASX Press Release 22nd August 2011; page 1
- ³ Application for Anti Dumping & Countervailing Duties on Plate Steel; December 2012;page 16
- ⁴ Bluescope Steel ASX Press Release 22nd August 2011; page 3; Bluescope Australia & New Zealand Restructure
- ⁵ Statement of Essential Facts No 188, Alleged Dumping of Hot Rolled Coil Steel Exported from Japan, the Republic of Korea, Malaysia & Taiwan, 6.2: Market Size; page 18
- ⁶ Application for Anti Dumping & Countervailing Duties on Plate Steel; December 2012;page 20, Note 2.
- Application for Anti Dumping & Countervailing Duties on Plate Steel; December 2012; Appendix 4 Bluescope Steel ASX Press Release 22nd August 2011; page 1
- ⁹ `Bluescope Responding to Structural Change' Presentation to ASI Conference, Canberra, September 2011.
- ¹⁰ Bluescope to shut furnace, mill and cut 100 jobs; The Australian August 22nd 2011.
- ¹¹ Attachment 1: Bluescope Steel ASX Press Release 22nd August 2011; page 1
- ¹² Bluescope Market Communication September 2011
- ¹³ Attachment 2: 'Committed to Manufacturing in Australia & Australian Customers'.
- ¹⁴ Attachment 2: `Committed to Manufacturing in Australia & Australian Customers' page 1
- ¹⁵ Attachment 3: Bluescope cuts production, jobs at Westernport steel mill; The Australian, January 14 2013
- ¹⁶ Steel Transformation Plan; DIICCSRTE website
- ¹⁷ Australia's Anti- Dumping and Countervailing System; Productivity Commission Inquiry Report; No 48: Overview; page xi
- ¹⁸ Australia's Anti- Dumping and Countervailing System; Productivity Commission Inquiry Report; No 48: Overview; Should Australia retain an anti- dumping system?; page xv
- ¹⁹ Attachment 3: LNG Project Supply Details



Attachment 1

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ASX Media Release

Release Time: Date: Immediate 22 August 2011

BLUESCOPE ANNOUNCES MAJOR RESTRUCTURE TO AUSTRALIAN OPERATIONS AND REINFORCES COMMITMENT TO STEEL PRODUCTION IN AUSTRALIA

BlueScope Steel Chairman, Mr Graham Kraehe, today announced the Board has approved a major restructure of Australian operations to reposition the Company for improved profit and growth.

"We are experiencing significant economic challenges and structural change in the global steel industry. The restructure, which includes shutting down the No.6 Blast Furnace at Port Kembla and closing the Western Port Hot Strip Mill, will better align Australian steelmaking production with Australian domestic demand and see BlueScope exit the Australian export business.

"The restructure announced today will produce a more viable and sustainable Australian steel business and allow us to focus clearly on domestic markets and international growth opportunities. It will also lower fixed costs at our major facilities at Port Kembla (NSW) and Western Port (Victoria).

"We are committed to making steel in Australia and can now prioritise our resources and efforts towards even better service for our domestic customers," Mr Kraehe said.

BlueScope Managing Director and CEO, Mr Paul O'Malley said: "There is a compelling business case underpinning this decision. It will deliver a material improvement in future earnings and cashflow. It materially reduces export losses, reduces earnings volatility through the economic cycle and reduces long-term capital investment requirements at Port Kembla.

"For the Coated and Industrial Products Australia (CIPA) reporting segment, if the restructure had been in place for the full year, the Earnings Before Interest and Tax (EBIT) improvement would have been around \$225 million (management estimate on a pro forma FY2011 basis).

"It's the right decision for the long-term viability of our business. The Company has the support of its lenders to undertake the restructure. We will now enter a consultation process with our employees and affected stakeholders, including customers, unions, contractors, suppliers, governments and local communities," said Mr O'Malley.

Economic Conditions Drive Restructure

Mr O'Malley said the Company is experiencing an unprecedented combination of economic challenges in the form of a record high Australian dollar, low steel prices and high raw material costs and these challenges are compounded by low domestic steel demand in the wake of the GFC.

"This is evidenced by the \$487 million underlying EBIT loss experienced in FY2011 on our export sales. The economic conditions for export steelmaking from Australia appear unlikely to become favourable in the foreseeable future and our continued exposure to this market is clearly unsustainable. Our decision is a direct response to the economic factors affecting our business and is not related to the Federal Government's proposed carbon tax."

When fully implemented, the restructure plan will result in:

- Shut-down of No.6 Blast Furnace at Port Kembla, with production reduced to 2.6 mtpa. The shut down process
 will be completed in a manner that facilitates re-start of the furnace in the future should that be desirable.
- Closure of No. 4 cokemaking battery, No. 3 BOS steelmaking furnace and No. 1 slab caster. The PKSW hot strip
 and cold rolling mills, metal coating and paint lines will continue to operate.
- Closure of the Western Port Hot Strip Mill and mothballing of a metal coating line (MCL5).

Commitment to Australia and to Growth

"The restructure will better position us for profit and growth in Australia and allow us to grow our presence in building construction markets, in particular Pre-Engineered Buildings, where we are a world leader. We will also focus on growth opportunities, particularly in Asia.

"The Company has a strong competitive advantage in coated steel with its world class ZINCALUME® and COLORBOND® steel products. In collaboration with Nippon Steel Corporation, we will develop the next generation of coated products for our customers. We expect these products to be launched initially in Australia and then rolled out across the Company's global footprint," said Mr O'Malley.

Consultation Before Implementation

Mr O'Malley said: "In managing the transition out of exports we will take a careful and considered approach. Regrettably, these changes will see a workforce reduction of around 1,000 people, with approximately 800 at Port Kembla and 200 at Western Port. There will be flow-on impacts for contractors and suppliers.

"The actual size of the workforce reduction will be the subject of discussions with employees and unions and we will examine alternatives, including flexible work patterns, retraining, voluntary redundancies and job substitution. There will be programs and local job centres to assist employees to transition into the next phase of their careers either within or external to BlueScope, or to early retirement," Mr O'Malley said.

The FY2011 Result - Performance In Line with Previous Guidance

The Company reported a Net Loss After Tax (NLAT) of A\$1,054 million for FY2011 (underlying NLAT of A\$118 million, in line with previous guidance). The reported NLAT includes the previously announced one-off impairment cost of A\$922 million, mainly relating to write-downs of the carrying value of two businesses; Coated and Industrial Products Australia and BlueScope Distribution.

The Board has decided there will be no final ordinary dividend. This follows the 2 cent per share interim dividend (fully franked) announced in February 2011.

Reflecting on the FY2011 Company performance, Mr O'Malley said, "The underlying result is in line with expectations and results from the tough economic challenges and structural changes our business faces.

Asia

"Following the successful transformation of our Coated and Building Products Asia division in FY2010, the segment delivered another excellent result, contributing \$108 million in underlying EBIT, a record result in constant currency. Highlights included another impressive contribution from our businesses in China and Malaysia.

New Zealand

"New Zealand and Pacific Products again provided a profitable contribution, with \$82 million underlying EBIT in FY2011, and over recent years has been a consistent performer. This business continues to benefit strongly from the sale of iron sands from Taharoa.

North America

"Our North American businesses have delivered an overall positive contribution of \$52 million in underlying EBIT in FY2011. This result was largely driven by an excellent second half performance by the North Star joint venture, leading to a \$72 million underlying EBIT result for Hot Rolled Products North America, which more than offset the \$20 million underlying EBIT loss for Coated and Building Products North America. More broadly, the US building business continues to remain subdued, given the state of the US economy.

Australia

"The Australian businesses delivered a poor result in FY2011, with the Coated and Industrial Products Australia business, which includes sales to the loss-making export market, accounting for \$258 million underlying EBIT loss and Australian Distribution and Solutions continuing to underperform with a \$34 million underlying EBIT loss," Mr O'Malley said.

Significant Initiatives

Mr O'Malley said: "BlueScope has undertaken several significant initiatives over the last 12 months that will help underpin the Company's future, these include:

1) Carbon Tax – Steel Transformation Plan

"The announcement of the Government's *Steel Transformation Plan* (STP) on 10 July 2011, effectively shields BlueScope from any material cost of the Carbon Tax for the first four years of the scheme.

2) BlueScope Australia & New Zealand (BANZ) Restructure

"Following the announcement to restructure the Australian and New Zealand businesses on 10 March 2011 from three businesses into one consolidated business (BANZ), the design and implementation of the restructure is now well advanced and will deliver a more efficient and effective customer interface.

3) Further Fixed Cost Reductions

"In FY2011, the Company has been able to achieve a further \$38 million in fixed cost reductions, whilst successfully maintaining the cumulative savings of \$696 million (\$340 million in permanent savings and \$356 million in temporary savings), based on FY2008 base levels.

"Cost reductions remain an ongoing focus for the business and we expect further improvements, once the BANZ restructure and the implementation of today's announcement are completed," said Mr O'Malley.

BlueScope's Outlook

Turning to the first half Outlook, Mr O'Malley said: "Three key drivers will continue to have a material influence on 1HFY2012 financial performance:

- A\$/US\$;
- Steel spread (function of HRC and raw material prices); and
- Demand.

"Restructure costs will have a material impact on financial performance in this half. We expect continued good performance from Asia, New Zealand and our 50% interest in North Star.

"Currently we expect:

- A significant reported Net Loss After Tax (NLAT) including restructuring costs (excluding NRV's and/or impairments); and
- A small underlying NLAT (excluding restructure costs, NRV's and/or impairments).

"We will update the market at the AGM in November."

For further information about BlueScope Steel Limited: www.bluescopesteel.com

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Attachment 2





Committed to Manufacturing in Australia and Australian Customers

On the 22nd of August 2011 BlueScope Steel announced it would restructure its Australian operations and significantly reduce its exposure to export markets. BlueScope Steel has historically exported 50% of its sales by volume. Closure of assets that have supported the majority of BlueScope's export sales will have little impact on BlueScope's continued commitment to manufacture steel in Australia for our Australian customers.

After the closure of one blast furnace and ancillary plant, the #5 metallic coating line and the Western Port Hot Strip Mill, BlueScope in Australia will continue to produce from:

- 1. A recently relined #5 Blast furnace of 2.6mt capacity
- 2. 3 out of 4 coke ovens batteries
- 3. 5 out of 6 metallic coating lines with over 1.4mt of capacity representing >85% of installed capacity
- 4. All 5 paint lines for the manufacture of COLORBOND® steel
- 75% of its Hot Strip manufacturing capacity (2.90mt out of 3.85mt)
- 6. The existing Plate Mill

Our manufacturing operations will employ over 3,000 skilled employees directly plus contractors, ensuring BlueScope Steel remains one of Australia's largest manufacturers. Based on FY2011 sales, BlueScope has a blast furnace capacity that exceeds demand by 25%.

At the announcement, BlueScope Chairman, Graham Kraehe said: "We are committed to making steel in Australia and can now prioritise our resources and efforts towards even better service for our domestic customers."

The Rationale for Change

Mr Kraehe explained: "We are experiencing significant economic challenges and structural change in the global steel industry". The economic conditions for exporting steel from Australia appear unlikely to become favourable in the foreseeable future due to the simultaneous alignment of negative factors: high raw material prices, the high Australian dollar and low global demand.

The restructure will better align Australian steelmaking production with domestic demand. BlueScope Managing Director and CEO Mr Paul O'Malley said: "It is the right decision for the long-term viability of our business".

The restructure is expected to deliver approximately A\$225 million EBIT improvement, noting the underlying EBIT loss for FY2011 was \$118 million. Significant fixed cost reductions will be achieved through the closure of #6 blast furnace, associated operations, the Western Port Hot Strip Mill and the mothballing of #5 metallic coating line, as well as the trimming of many of the BlueScope and external groups that have traditionally serviced the operational and maintenance needs of these assets.

Committed to Manufacturing in Australia and Australian Customers



- Exiting the export business will enable the release of cash to redeploy and invest in growth opportunities. For example we continue to explore opportunities to obtain equity in ironmaking raw materials.
- As an Australian steel company with a global foot-print, we continue to deliver on our investment and the restructure of our Asian businesses - now delivering strong returns as we grow our satisfied customer base.
- Continue to grow our global presence through Asia and the USA in the building and construction markets, particularly in pre-engineered buildings.
- In North America we have expansion opportunities at North Star and having restructured our US buildings business we are well placed to benefit when the US economy recovers.

A future built on product leadership and great customer service

- BlueScope Steel remains committed to manufacturing in Australia for its Australian customers.
- BlueScope will continue to invest in leading technologies including Next Generation coated steels, high strength steels, and COLORBOND[®] steel to deliver superior, high performance products specifically for our Australian customers' needs.
- We are retaining capacity substantially in excess of FY2011 domestic demand.

In summary, the restructure of our Australian business allows us to focus our finances and sales efforts on working together with our Australian customers for a sustainable future.



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