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13 March 2012

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

Dear Mr Gleeson

### Public File

**ATM Correspondence 2012/04 - HSS exported from China, Korea, Malaysia, Taiwan and Thailand - Investigation No. 177 - Deletions from ASA Submission 5 March 2012, and Public File Exporter Visit Reports (Pacific Pipe and SAHA Thai Steel Pipe)**

#### Introduction

I am writing on behalf of OneSteel Australian Tube Mills Pty Ltd ("OneSteel ATM") and refer to the Pacific Pipe Public Co., Ltd and Saha Thai Steel Pipe Public Co., Ltd Exporter Visit Reports, and the submission by the Australian Steel Association Inc. of 5 March 2012, recently placed on the Electronic Public File

Australian Customs Dumping Notice ("ACDN") No. 2006/54 outlined changes to the supply of information for the public file. OneSteel ATM understands that the requirements contained in ACDN No. 2006/54 continue to apply to all investigations.

The Joint Study Report on the Administration of Australia's Anti-Dumping System released on 24 November 2006 included the recommendation concerning the omission of commercially-sensitive information from the public file contained in a document. Specifically, Recommendation 10 stated:

*"that, to improve the ability of interested parties to obtain a reasonable understanding of the substance of information in public file documents, every deletion be followed by a bracketed summary containing sufficient detail to permit a reasonable understanding of the substance of the information deleted."*

It is further stated (for clarification purposes):

*"The Act requires that to the extent that information given to Customs is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must (emphasis added) ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests."*

In light of these requirements for all investigations, OneSteel ATM requests Customs and Border Protection ("C&BP") to address significant shortcomings in the provision of information that "contains

*sufficient detail to allow a reasonable understanding of the substance of the information* in each of the following documents where it appears that claims of confidentiality are not justified and/or there exists an absence of a non-confidential summary of the information redacted from the document

1 Pacific Pipe Public Co. Ltd Exporter Visit Report

- Section 5 – Export sales process - Pages 10-12 Significant redactions and an absence of non-confidential summaries of information removed
- Section 6 – Cost to Make and Sell – P. 18. Removal of comments concerning HRC purchases. The non-confidential summary details “purchasing details” This is already understood, further clarification of what has been redacted is required
- Section 9 - Adjustments – Specification differences – P. 27 The reasons for adjustments are not commercially sensitive and should have been disclosed.

2 SAHA Thai Steel Pipe Public Co. Ltd Exporter Visit Report

- Section 2 – P.5 - Why are the names of Saha officials confidential?
- Section 5.1 – P. 14 The deletion of the export pricing process has been removed. A non-confidential summary of the methodology should be disclosed
- Section 5 – P. 15. The Date of Sale section is heavily redacted. There is insufficient information allowing the reader to understand Saha’s position.
- Section 6 – P. 20&21 – Discussion re HRC has been removed. The omission of information does not enable the reader to understand the essence of the issue.
- Section 6 – P. 24 – Administration expenses. The omission of information does not enable the reader to understand the essence of the issue, and whether the matter has been appropriately accounted for. Further disclosure required.
- Section 7 – P. 27. It is unclear as to why Saha’s sales process is confidential. Further disclosure required.
- Section 7 – P. 27 – Date of Sale – as per comments above re date of sale.
- Section 7 – P. 29 – The redaction of the first paragraph with a non-descriptive summary does not enable the reviewer to understand the basis of the issue.
- Section 9 – P. 35. Whole paragraph(s) deleted. No explanation of information redacted. Non-confidential summary required

3. ASA Submission 5 March 2012

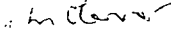
This document includes numerous deletions with inadequate commentary as to the substance of the information redacted (See Pages. 2, 4, 6, 7, 8, 9, 11, 12, 13 & 16). It is noted that some redactions are “Recommendations”, with others as “response on claims of material injury, or “comments on AC&BPS observations”. OneSteel ATM queries how the items removed can be considered confidential when they relate to the respondents attempts to address OneSteel ATM’s claims. OneSteel ATM requests that C&BP require the ASA to disclose the information removed from the document or, alternatively, provide non-confidential summaries that “contains sufficient detail to allow a reasonable understanding of the substance of the information”.

It is requested that C&BP examine the items detailed in this letter and provide advice to OneSteel ATM as to whether further disclosure of the items will be pursued.

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If you have any questions concerning this letter and attachments please do not hesitate to contact me on (07) 3342 1921

Yours sincerely



John O Connor  
Director

Cc **Stephen Porter, General Manager Sales – OneSteel Manufacturing**