



Safeguards inquiry into the import of fabricated structural steel

Call for submissions

The PC has released this paper to assist individuals and organisations to prepare submissions. It contains and outlines:

- the scope of the inquiry
- the PC's procedures
- matters about which the PC is seeking comment and information
- how to make a submission.

February 2026

Acknowledgement of Country



The Productivity Commission acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to their Cultures, Country and Elders past and present.

The Productivity Commission

The PC is the Australian Government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long-term interest of the Australian community.

The PC's independence is underpinned by an Act of Parliament. Its processes and outputs are open to public scrutiny and are driven by concern for the wellbeing of the community as a whole.

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Call for submissions

The PC has released this paper to assist individuals and organisations to prepare submissions to the inquiry. It contains and outlines:

- the scope of the inquiry
- the PC's procedures
- matters about which the PC is seeking comment and information
- how to make a submission (see attachment B).

Participants should not feel that they are restricted to comment only on matters raised in this paper. The PC wishes to receive information and comment on issues which participants consider relevant to the inquiry's terms of reference.

Key dates

Receipt of terms of reference	23 January 2026
Due date for submissions	20 April 2026
Public hearings	To be advised
Release of interim report	By 23 September 2026
Final report to Government	November 2026

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What we have been asked to do

The Productivity Commission has been asked to conduct an inquiry into whether safeguard measures are warranted against imports of certain fabricated structural steel products set out in our terms of reference (attachment A). The inquiry must be conducted in accordance with the *Productivity Commission Act 1998* and the World Trade Organization (WTO) safeguard investigation procedures. The PC is the 'competent authority' in Australia for investigating proposed safeguard measures (Gazette no. S 297 of 25 June 1998).

The PC has been asked to prepare:

- an interim report about whether provisional safeguard measures should be applied – due by 23 September 2026
- a final report about whether definitive safeguard measures should be applied – due 23 November 2026.

The interim report will also function as a draft of the final report.

Inquiry participants are invited to make submissions or brief comments in response to this call for submissions paper. These will inform both the interim and final reports. Submissions are due by **20 April 2026**.

Further opportunities to make submissions, including in response to the interim report and in response to submissions from others, will also be provided later in the inquiry.

The PC will meet with some participants before and after the release of the interim report. We will also gather other data to inform the inquiry.

Public hearings will also be held, with the dates and locations to be announced on the PC's website. Interested parties wishing to appear at a public hearing are encouraged to contact the PC. The PC may also approach others to appear.

The final report will set out in detail our findings, reasoned conclusions and recommendations, as required by the Agreement on Safeguards and the *Productivity Commission Act 1998*. The Treasurer must table the final report within 25 Parliamentary sitting days, at which point the report will be published on the PC website.

Fabricated structural steel

The Australian fabricated structural steel industry manufactures steel components, including for the construction, mining, manufacturing, defence and agriculture sectors. Fabricators cut, shape, hole, weld and bend semi-finished steel, such as beams, plates and coils, to create finished steel products. Final products can range from simple components, such as brackets, to more bespoke and specialised products, such as bridge sections and mining infrastructure. This inquiry is about the specific fabricated structural steel products set out in the terms of reference.

According to the Australian Bureau of Statistics, there were over a thousand employing businesses in the fabricated structural steel industry in 2023-24, employing over 20,000 people, largely in eastern Australia (ABS 2025a). Most enterprises are small, employing less than 50 people, however, large vertically integrated firms also fabricate steel. Total sales and service income for the sector was \$9.6 billion in 2023-24 and industry value added was \$2.9 billion (ABS 2025b).

Major inputs into the fabrication of structural steel are sourced from domestic steel mills and suppliers, as well as imported. The largest consumer of Australian fabricated structural steel products is the construction sector, accounting for more than half of total demand, followed by the manufacturing and mining sectors.

What are safeguard measures and when can they be applied?

A safeguard measure is a trade barrier, such as a tariff or quota on imported goods, that can be applied in limited emergency circumstances to give some 'breathing space' to a domestic industry to 'allow it to adapt to new economic realities' (Van den Bossche and Zdouc 2022, p. 689). The WTO Appellate Body has stressed that a safeguard measure is 'an extraordinary measure that is applied in extraordinary circumstances'.¹

The legal requirements for taking safeguard measures are set out in Article XIX of the General Agreement on Tariffs and Trade 1994 (GATT), titled *Emergency Action on Imports of Particular Products*, and the Agreement on Safeguards (SA). The requirements – both substantive and procedural – have been explained and interpreted in various decisions of WTO panels and the WTO Appellate Body.

Essentially, safeguard measures can only be applied if *increased imports have caused or are threatening to cause serious injury to the relevant domestic industry*. To determine this, investigating bodies such as the PC are required to answer a number of specific sub-questions. These are set out below along with a brief introduction to each question. Participants are invited to address these questions in their submissions.

Have imports of the relevant steel products increased?

Safeguard measures can only be applied if imports have increased, either absolutely or relative to domestic production. The increase must be recent, sudden, sharp and significant.² The *trend* in imports is also relevant.

The increase must also be the result of 'unforeseen developments' and the effect of the obligations Australia incurred under GATT (Article XIX, par. 1(a)). This means that it will need to be established that (1) the recent developments that have resulted in increased imports could not reasonably have been expected by the GATT negotiators in 1994, and (2) that Australia was prevented by its trade obligations from imposing measures to limit the increase. There must be a 'logical connection' between unforeseen developments and an increase in imports.

The PC welcomes submissions providing evidence about recent changes in imports of the relevant steel products, and about the causes of those changes.

Has the domestic industry suffered serious injury, or is there a threat of serious injury?

Safeguard measures can only be applied if the domestic industry has suffered 'serious injury', or there is a threat of serious injury. 'Serious injury' means 'a significant overall impairment in the position of a domestic industry' (SA Article 4.1(a)). A threat of serious injury means a serious injury that is 'clearly imminent' and based on facts, 'not merely on allegation, conjecture or remote possibility' (SA Article 4(1)(b)).

¹ Appellate Body Report, *United States – Line Pipe*, [WTO Doc WT/DS202/AB/R](#) (15 February 2002) [111].

² Appellate Body Report, *Argentina – Footwear*, [WTO Doc WT/DS121/AB/R](#) (14 December 1999) [131].

To determine whether there has been serious injury, the PC must evaluate ‘all relevant factors of an objective and quantifiable nature having a bearing on the situation of that industry’, including (SA Article 4.2(a)), at a minimum:

1. the rate and amount of the increase in imports in absolute and relative terms
2. the share of the domestic market taken by increased imports
3. changes in sales
4. changes in production
5. changes in productivity
6. changes in capacity utilisation
7. changes in profits and losses
8. changes in employment.

Other factors can also be considered.

In determining whether there is serious injury, it is also important to identify the relevant domestic industry. The domestic industry means the producers as a whole of ‘like or directly competitive products’, operating within Australia, or the producers whose ‘collective output ... constitutes a major proportion of the total domestic production of those products’ (SA Article 4(1)(c)). We welcome submissions that precisely identify the relevant domestic industry for this inquiry.

What caused the injury?

A number of factors might affect the health of a domestic industry, such as technological developments and changes in demand. To apply a safeguard measure, serious injury to the domestic industry must be caused by an increase in imports.

The imports do not need to be the *only* cause of the injury, but there must be a ‘genuine and substantial relationship of cause and effect’ between the injury and the increased imports.³

The PC invites submissions both:

1. demonstrating a causal link between any increased imports and serious injury to the relevant domestic steel industry, and
2. identifying other factors that have caused or threaten to cause serious injury but that are not attributed to increased imports.

Clearly identifying the other factors helps ensure ‘all the different causal factors are distinguished and separated’ and avoids attributing to increased imports injury caused by other things.⁴

What sort of measure would best address any injury?

If safeguard measures are justified, there is the question of what form they should take (for example, an increase in tariffs or a tariff rate quota) and their extent and duration. As noted below, there is less flexibility for *provisional* measures.

Safeguard measures can be applied only to the extent necessary, and only for as long as necessary, to prevent or remedy serious injury and to allow the domestic industry to adjust (SA Articles 5 and 7). They can

³ Appellate Body Report, *United States – Wheat Gluten*, WTO Doc WT/DS166/AB/R (22 December 2000) [69].

⁴ Appellate Body Report, *United States – Lamb*, WTO Doc WT/DS177/AB/R (1 May 2001) [179].

also initially apply for no more than four years, although this can be extended following a further investigation (SA Article 7). Measures that apply for more than one year must be progressively liberalised (Article 7(4)).

We welcome submissions on the appropriate form and duration of a safeguards measure, were it to be found that an increase in imports had caused or threatens to cause serious injury to the Australian fabricated structural steel industry.

Subject to limited exceptions, the measures should not be discriminatory – that is, they should apply to a product ‘irrespective of its source’ (SA Article 2(2)). For example, they should not apply selectively to only a few countries, even if those countries are the primary exporters of the relevant products. However, there are exceptions to the general rule, for example for developing countries in some circumstances, and pursuant to some free trade agreements. Australia’s trade agreements with New Zealand and Singapore mean any exports of relevant steel products from these countries will not be considered in this inquiry, and any safeguard measure will not apply to those countries.

Is a safeguard measure in the public interest?

The terms of reference for this inquiry also direct the PC to consider whether a safeguard measure would be in the public interest. This question is in addition to the requirements set out in GATT Article XIX and the Agreement on Safeguards.

Article XIX says contracting parties are ‘free’ to apply measures in certain circumstances (par. 1(a)), and the Agreement on Safeguards says a member ‘may’ apply a safeguard measure in certain circumstances (SA Article 2). Therefore, the Australian Government is not *required* to apply safeguard measures, even if the threshold requirements have been met, and may consider whether a measure would be in the public interest.

The PC welcomes submissions discussing whether a safeguard measure would be in the public interest.

Are there critical circumstances that warrant a provisional measure?

This is an additional requirement that must be met before a *provisional* safeguard measure can be applied. Article 6 of the Agreement on Safeguards states:

In critical circumstances where delay would cause damage which it would be difficult to repair, a Member may take a provisional safeguard measure pursuant to a preliminary determination that there is clear evidence that increased imports have caused or are threatening to cause serious injury.

Whether a provisional measure should be applied will be the focus of the PC’s interim report.

Provisional safeguard measures must take the form of increased tariffs, and they can apply for no more than 200 days. Duties must be refunded if the subsequent full investigation does not find that increased imports are causing serious injury to the domestic industry (SA Article 6).



Information request

The PC welcomes submissions addressing some or all of the following questions, preferably in relation to each tariff code item in the terms of reference. We also welcome submissions that identify reliable sources of data that could inform our analysis.

1. **Have imports of the relevant steel products* increased?** Please provide information about any absolute change in imports, changes relative to domestic production, and trends in imports of the relevant products.
2. **What are the causes of any changes in imports of the relevant steel products?** Have there been unexpected developments that have caused changes in imports? Have Australia's GATT obligations constrained it from responding to increased imports?
3. **Has the domestic industry suffered serious injury, or is there a threat of serious injury?** We invite data and evidence that address all relevant 'injury factors', including:
 - (a) the rate and amount of any increase in imports of the relevant steel products in absolute and relative terms
 - (b) the share of the domestic market taken by any increase in imports
 - (c) changes in sales
 - (d) changes in production
 - (e) changes in productivity
 - (f) changes in capacity utilisation
 - (g) changes in profits and losses
 - (h) changes in employment.

Submissions precisely identifying the relevant domestic industry are also welcome.

4. **Have increased imports caused the serious injury?** Please also identify any other factors that may have caused injury to the domestic industry.
5. **If safeguard measures are justified, what sort of measure should be put in place?** Please address the appropriate form, extent and duration of a definitive safeguard measure.
6. **Is a safeguard measure in the public interest?** For example, what flow-on effects to other sectors of the economy might be expected if safeguard measures were to be introduced?
7. **Are there critical circumstances that warrant a *provisional* measure?** Specifically, would delay in making a safeguard measure cause damage that would be difficult to repair? (The PC will make a recommendation in relation to this final question in the interim report.)

* *The 'relevant steel products' are the fabricated structural steel products listed in the terms of reference.*

References

ABS (Australian Bureau of Statistics) 2025a, Australian and New Zealand Standard Classification of Industry (ANZSIC) 2006 by financial year by main state of operation by employing status, Businesses in Australia (BLADE) 2001-02 to 2023-24.

— 2025b, Table 1: Manufacturing industry by ANZSIC class, Australian Industry 2023-24.

Van den Bossche, P. and Zdouc, W. 2022, *The Law and Policy of the World Trade Organization: Text, Cases, and Materials*, 5th edn, Cambridge University Press.

A. Terms of reference

I, the Hon Jim Chalmers MP, Treasurer, pursuant to Parts 2 and 3 of the *Productivity Commission Act 1998*, hereby request that the Productivity Commission (PC) undertake an inquiry into whether safeguard action is warranted against imports of fabricated structural steel products of the Australian Customs Tariff.

Background

The Australian Steel Institute, on behalf of the industry, has lodged an application requesting that the Australian Government apply safeguard measures for fabricated structural steel products.

The PC is Australia's competent authority to investigate whether safeguard measures are justified under World Trade Organisation (WTO) rules, on the basis of there being a surge of imports that causes, or threatens to cause, serious injury to a domestic industry.

Scope

The PC is to undertake an inquiry into whether safeguard action is warranted against imports of the following fabricated structural steel products of the Australian Customs Tariff:

- 7308100001 – Bridges and bridge-sections of iron or steel.
- 7308900052 – Columns, pillars, posts, beams, girders, bracing, gantries, brackets, struts, ties and similar structural units, hot rolled, of iron or steel (excl. those of HTISCs 7308100001, 7308200002, 7308300003 and 7308400004).
- 7308900053 – Same as above, roll formed, plated or coated with zinc or aluminium-zinc alloys, less than 1.2mm thick, of iron or steel (excl. hot rolled and HS 730810 to 730840).
- 7308900054 – Same as above, roll formed, plated or coated with zinc or aluminium-zinc alloys, greater than or equal to 1.2mm thick, of iron or steel (excl. hot rolled and HS 730810 to 730840).
- 7308900055 – Same as above, roll formed, of iron or steel (excluding hot rolled; plated or coated with zinc or aluminium-zinc alloys; and HS 730810 to 730840).
- 7308900056 – Same as above, of iron or steel (excluding roll-formed structures and those of HTISCs 7308100001, 7308200002, 7308300003 and 7308400004).
- 7308900057 – Steel grating, stairways and treads (excluding those of HTISCs 7308100001, 7308200002, 7308300003 and 7308400004).
- 7308900060 – Handrails and stanchions, of iron or steel (excluding those of HTISCs 7308100001, 7308200002, 7308300003 and 7308400004).
- 7308900062 – Guard rails and road barriers, of iron or steel, prepared for use on bridges and roads.
- 7308900063 – Sectional components, of iron or steel, prepared for use in towers and lattice masts.
- 7308900064 – Lintels, of iron or steel, prepared for use with doors and windows.
- 7308900065 – Structures and parts of structures and plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel (excluding those of HTISC 7308100001).

The inquiry is to be undertaken in accordance with the WTO safeguard investigation procedures published in the Gazette of S297 of 25 June 1998, as amended by GN39 of 5 October 2005, and consistent with Australia's relevant free trade agreement obligations.

The PC is to report at an industry level, and where feasible, for each tariff line on –

- Whether conditions are such that safeguard measures would be justified under the WTO Agreements, including the General Agreement on Tariffs and Trade 1994 (GATT) and the WTO Agreement on Safeguards.
- If these conditions are met, what measures would be necessary to prevent or remedy serious injury, and the threat thereof, and to facilitate adjustment.
- Whether those measures should be implemented, having regard to the public interest.

The PC is to provide an interim report on whether critical circumstances exist where delay in applying measures would cause damage which it would be difficult to repair. If such circumstances exist, and pursuant to a preliminary determination that there is clear evidence that increased imports have caused or are threatening to cause serious injury, the PC is to recommend what provisional safeguard measures (to apply for no more than 200 days) would be appropriate.

Process

The PC is to provide an interim report to the Government no later than 8 months and a final report within 10 months of receipt of this reference. The reports will be published as soon as practicable.

The PC is to consult widely, hold hearings and invite submissions for the purpose of the inquiry.

Jim Chalmers
Treasurer

[Received 23 January 2026]

B. How to make a submission

How to prepare a submission

Written submissions may range from a short comment outlining your views on a particular topic to a much more substantial document covering a range of issues. Where possible, you should provide evidence, such as relevant data and documentation, to support your views, and address the specific legal requirements for safeguard measures.

Publishing submissions

- Most submissions will be published on the PC's website shortly after receipt, and will remain there indefinitely as a public document.
- Material provided in confidence will not be published on the website (see below).
- The PC reserves the right to not publish material on its website that is offensive, potentially defamatory, or clearly out of scope for the inquiry.

Copyright

- Copyright in submissions sent to the PC resides with the author(s), not with the PC.
- Do not send us material for which you are not the copyright owner – such as pictures, photos and newspaper articles. Instead, include references or links to this material in your submission.

In confidence material

- This is a public inquiry. Participants are encouraged to provide submissions as public documents that can be placed on the PC's website for others to read and comment on.
- However, information which is of a confidential nature or which is submitted in confidence can be treated as such by the PC, provided the cause for such treatment is shown. Only staff of the PC will be permitted access to this information. The information will be stored on secure, password-protected ICT systems and destroyed in accordance with terms detailed in the appropriate records authority.
- The PC may also request a non-confidential summary of the confidential material it is given, or the reasons why a summary cannot be provided.
- Material supplied in confidence should be clearly marked 'IN CONFIDENCE' and be in a separate attachment to non-confidential material.
- You are encouraged to contact the PC for further information and advice before submitting such material.

Privacy

- For privacy reasons, some personal details (e.g. home and email address, signatures and phone numbers) will be removed before submissions are published on the website.
- You may wish to remain anonymous or use a pseudonym. Please note that, if you choose to remain anonymous or use a pseudonym, the PC may place less weight on your submission.

Technical tips

- The PC prefers to receive submissions as a Microsoft Word (.docx) files. PDF files are acceptable if produced from a Word document or similar text-based software. You may wish to search the Internet on how to make your documents more accessible or for the more technical, follow advice from Web Content Accessibility Guidelines (WCAG) 2.0: <https://www.w3.org/TR/WCAG20/>
- Do not send password protected files.
- Track changes, editing marks, hidden text and internal links should be removed from submissions.
- To minimise linking problems, type the full web address (for example, <http://www.referred-website.com/folder/file-name.html>).

How to lodge a submission

Submissions should be lodged using the online form on the PC's website. Submissions lodged by post should be accompanied by a submission cover sheet, available from the PC's website.

Online*	http://www.pc.gov.au/inquiries-and-research/steel-safeguards/
Post*	Fabricated structural steel safeguards inquiry Productivity Commission GPO Box 1428 Canberra City ACT 2601, Australia
Phone	Please contact the Administrative Officer on 03 9653 2298

* If you do not receive notification of receipt of your submission to the PC, please contact the Administrative Officer.

Due date for submissions

Please send submissions to the PC by **20 April 2026**.