

## **RESPONSE TO AN APPLICATION FOR EXEMPTION FROM DUTY UNDER THE CUSTOMS TARIFF (ANTI-DUMPING) ACT 1975**

**Exemption inquiry EX0104 – response requested by 3 October 2025.**

### **1 Introduction**

The Anti-Dumping Commission (the commission) requests your response to an application for exemption from anti-dumping measures under the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act).

Sections 8(7)(b) and 10(8)(aa) of the Dumping Duty Act provide discretion for the Minister for Industry and Innovation and Minister for Science (the Minister) to exempt goods from anti-dumping measures, where they are satisfied that a Tariff Concession Order under Part XVA of the *Customs Act 1901* in respect of the goods is in force.

The commission has received an application for exemption from anti-dumping measures in respect of certain Hollow structural sections for the goods described at section 5 of this form (“the exemption goods”).

Your company has been identified as an Australian producer of the goods.

The commission seeks your assistance in this exemption inquiry by responding to this questionnaire. The commission will use the information you provide in its assessment as to whether an exemption from dumping duties may be recommended to the Minister.

### **2 Current anti-dumping measures**

The anti-dumping measures were initially imposed by public notice on 3 July 2012 by the Anti-Dumping Notice (ADN) No. 2012/31 and Anti-Dumping Notice (ADN) No. 2022/049 following consideration of the *Anti-Dumping Commission Report No. 590* (REP 590). All exporters of Hollow structural sections from the People’s Republic of China (China) and the Republic of Korea, Malaysia and Taiwan are subject to the dumping duty notice, with exporters of Hollow structural sections from China also subject to the countervailing duty notice.

The goods subject to the anti-dumping measures are:

*Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and noncircular hollow sections. Normally referred to as either CHS (circular or oval hollow sections) or RHS (rectangular or square hollow sections) collectively referred to as hollow structural sections (HSS), including CHS with other than plain ends, such as threaded, swaged and shouldered.*

Finish types

- Galvanised (including in-line galvanised (ILG), pre-galvanised or hot-dipped galvanised (HDG); or
- Non-galvanised (including, but not restricted to, painted, black, lacquered or oiled finishes).

Sizes

- Circular products – outside diameter exceeding 21 mm up to and including 165.1 mm; or

- Oval, square and rectangular products – perimeter up to and including 1277.3 mm; that may also be categorised according to minimum yield strength, the most common classifications
- being 250 and 350 mega Pascals (MPa).
- The following are excluded from measures, exemption type “goods” applies:
- Conveyor tube made for high speed idler rolls on conveyor systems with inner and outer fin
- protrusions removed by scarfing; (not exceeding 0.1 mm on outer surface and 0.25 mm on inner surface), and out of round standards (i.e. ovality) which do not exceed 0.6 mm in order to maintain vibration free rotation and minimum wind noise during operation;
- Precision RHS with a nominal thickness of less than 1.6 mm; and
- Air heater tubes to AS 2556.

### **Exempted goods**

Certain goods subject to specified Tariff Concession Orders (TCOs) are exempt from the dumping duties. Details of these exemptions, along with details on the goods and existing measures can be found in the Dumping Commodity Register on the website of the Anti-Dumping Commission (the Commission) at [www.adcommission.gov.au](http://www.adcommission.gov.au).

## **3 Application for Exemption from Measures**

Avopiling Australia Pty Ltd has submitted an application for an exemption to the commission. Following a review of the application and consultation with the applicant, the commission has accepted the submission. It will now undertake an examination to determine whether to recommend granting the requested exemption.

## **4 Exemption Provisions**

The Dumping Duty Act provides discretion for the Minister to exempt goods from dumping duties if one of the criteria in section 8(7)(b) is met, or to exempt goods from countervailing duties if one of the criteria in section 10(8)(aa) is met.

### **Section 8(7)(b)**

The Minister may, by notice in writing, exempt goods from interim dumping duty or dumping duty if he or she is satisfied:

- (b) that a Tariff Concession Order under Part XVA of *the Customs Act 1901* in respect of the goods is in force.

### **Section 10(8)(aa)**

The Minister may, by notice in writing, exempt goods from interim countervailing duty or countervailing duty if he or she is satisfied:

- (b) that a Tariff Concession Order under Part XVA of *the Customs Act 1901* in respect of the goods is in force.

The exemption provisions are subject to the discretion of the Minister and an exemption is not automatically granted, even where the criteria in the provision is met.

## 5. The Goods Subject to this Exemption Application

The goods the subject of this exemption inquiry (the exemption goods) are as specified in TCO No. 25027228 as:

*TUBES, steel, crosshole sonic logging, having all of the following:*

- (a) wall thickness NOT greater than 1 mm;*
- (b) external diameter NOT less than 45 mm and NOT greater than 55 mm;*
- (c) rubber gaskets;*
- (d) internal water pressure resistance up to 200 m;*
- (e) single use installation.*

The exemption goods are classified to the tariff subheading 7306.30.00 of Schedule 3 to the *Customs Tariff Act 1995*.

### **Goods produced in Australia**

The applicant claims that there are no Australian manufacturers producing the exemption goods as described.

## 6. Instructions on Completing this 'Response to the Exemption Application'

The commission has identified your company as a producer of hollow structural sections.

Consequently, the commission has forwarded you this 'response to exemption application' (the response) to provide you with the opportunity to participate in this exemption inquiry.

The commission seeks your assistance with this exemption inquiry by responding to the questions in this form. The commission will use the information you provide to make a recommendation as to whether an exemption from dumping and/or countervailing duty should be granted by the Minister.

Specifically, the information provided by Australian hollow structural sections producers will assist the commission in determining whether the Minister should exercise his discretion to exempt the goods when a Tariff Concession Order is in force.

### **Due date for the response**

We request that you complete your response and return it to the commission by **3 October 2025**.

Please email your response to [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au)

### **Verification of the information that you supply**

The commission may seek to verify some or all of the information supplied in the response. The commission may request evidence to support the claims such as quotations and offers of sale.

An onsite visit by the commission may be required in some cases. A report will be prepared of visits conducted and a non-confidential version will be placed on the public record.

There is no legislative timeframe for completion of an exemption inquiry, however a recommendation to the Minister will be made as soon as practicable after obtaining all relevant information.

**Confidential and non-confidential submissions**

We request that you also lodge a non-confidential version of your response suitable for placement on the public record. The commission puts greater weight on submissions that are available to other interested parties for comment.

Please ensure that each page of information you provide is clearly marked either:

“SENSITIVE: Official” or “PUBLIC RECORD”.

All information provided to the commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the public record.

**Outline of information required by the response**

<b>Part A</b>	Company contact information
<b>Part B</b>	Response to exemption application
<b>Part C</b>	Tariff Concession Order (TCO)
<b>Part D</b>	Revocation of TCO
<b>Part E</b>	Additional comments
<b>Part F</b>	Your declaration

## Response to Exemption Application

### PART A – Company Information

A.1 Please provide the following company contact information:

Name:	
Position in company:	
Address:	
Telephone:	
Facsimile number:	
E-mail address of contact person:	

### PART B – Response to Exemption Application

#### B.1

Does your company oppose or not consent to the request for an exemption?

- ☐ Oppose
- ☐ Not oppose

**Note: If your company does not oppose the exemption request, you are not required to complete all sections of the questionnaire. Please indicate that you do not oppose the request, briefly explain your reasons, respond only to the questions relevant to those reasons, and return the signed form as soon as possible.**

#### B.2

Please state the reasons why you do not oppose the request for an exemption to the goods.

### PART C – Tariff Concession Order (TCO)

C.1 Is your company aware that the TCO is applicable to the goods?

If **no**, go to Part D – Revocation of TCO.

C.2 Did your company object to the making of the TCO?

If **yes**, please include a copy of your objection submitted to the Australian Border Force.

Please also include any available product literature relating to the substitutable goods on which your objection was based.

If **no**, go to Part D – Revocation of TCO.

C.3 If you answered **yes** at C.2, please outline the reasons why your objection to the TCO was unsuccessful.

## **PART D – Revocation of TCO**

**D.1** Does your company intend to seek revocation of the TCO?

If no, go to Part E – Additional Comments.

For more information, please see the Australian Border Force website (<https://www.abf.gov.au/sitesearch?k=revocation%20of%20the%20TCO>) which includes the approved form required for seeking revocation.

**D.2** Please include a copy of your request for revocation made to the Australian Border Force.

Please also include any available product literature in respect of the substitutable goods on which your revocation request is based.

## **PART E – Additional Comments**

**E.1** Even with the TCO in force, are there other reasons which you consider relevant to the Minister exercising his or her discretion to not exempt the goods?

**E.2.** Provide any additional comments including any other information that will assist the commission in making a recommendation to the Minister regarding this application for exemption.

**PART F – Declaration**

I hereby declare that..... (company)  
has completed the attached response to application for exemption and, having made due inquiry,  
certify that the information contained in this submission is complete and correct to the best of my  
knowledge and belief.

**Name** :.....

**Signature** :.....

**Position in  
Company** :.....

**Date** :.....