

13 April 2026

Director
Anti-Dumping Commission – Investigations 2
GPO Box 1632
Melbourne Victoria 3001

Investigations2@adcommission.gov.au

Public File

Dear Director,

Hollow structural sections from China, Korea, Malaysia, Taiwan – Anti-Circumvention (slight modification)

Orrcon Manufacturing Pty Ltd (**Orrcon**), as the applicant in the above-mentioned inquiry, submits this response to the Anti-Dumping Commission's Statement of Essential Facts (SEF 685) published on 23 March 2026.

Support for SEF Findings

Orrcon supports the Commission's recommendation that the Minister alter the original dumping duty notice (the Notice) to cover the circumvention goods¹. Orrcon also supports the recommendation that this alteration take effect from the 4 September 2025 initiation date of the inquiry².

The Commission's assessment of the circumvention activity dating back to 2018, as summarised in Figure 1 of SEF 685³, demonstrates that the circumvention occurred over an extended period.

Orrcon also notes the Commission identified circumvention goods in ABF import data by reference to imports described as "torque tube", and that the SEF acknowledged this captured only a narrow subset of potentially modified HSS.⁴ Import volumes assessed on this basis are likely to significantly understate the total volume of circumvention goods, as the circumvention activity extends beyond goods expressly described as torque tube.

Applying the altered Notice retrospectively from 4 September 2025 ensures that all circumvention goods imported from the inquiry's initiation date are subject to the measures. Orrcon emphasises the importance of completing this inquiry in a timely manner⁵, to end the identified circumvention activity and restore the intended operation of the measures.

Scope of the circumvention activity

SEF 685 proposes to amend the goods description to include the text "and *any HSS that has been drilled at the end or along the length of the section*"⁶ (**emphasis added**). Orrcon submits that limiting the amendment to holes created by drilling would not fully address the circumvention activity identified in the SEF.

¹ SEF 685, chapter 5.4.2. p. 32.

² Ibid, chapter 1.3, p. 5.

³ Ibid, chapter 4.2.1, p. 20.

⁴ Ibid.

⁵ The Ministerial recommendation is currently due no later than 7 May 2026.

⁶ SEF 685, chapter 5.4.2, p. 32.

The Commission's findings under section 48(3) of the Customs (International Obligations) Regulation 2015 focuses on the presence of holes in the product, rather than the specific method used to create them. Holes can be introduced through a range of manufacturing processes, including punching, piercing, laser cutting, or plasma cutting, each of which achieves the same functional outcome. Restricting the description to "drilled" holes could allow exporters to circumvent the measures through the use of alternative hole-making techniques.

To ensure the effectiveness of the amended Notice and avoid the need for future inquiries into essentially identical modifications, Orrcon recommends that the goods description refer to HSS with holes, regardless of how those holes are created.

Previous anti-circumvention inquiry

The original anti-dumping measures on HSS date back to Investigation No. 177 (Australian Customs and Border Protection Service Report No. 177), which resulted in Australian Dumping Notice (ADN) 2012/31 published on 12 June 2012. That original notice defined the goods as follows⁷:

...certain hollow structural sections (the goods) classified to tariff subheadings 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37), 7306.61.00 (statistical codes 21, 22 and 25) and 7306.69.00 (statistical code 10) in Schedule 3 of the Customs Tariff Act 1995.

As noted in the SEF, the Notice has been continued twice and amended on multiple occasions following reviews, continuation inquiries, and a previous anti-circumvention inquiry⁸. The anti-dumping measures were most recently continued on 30 June 2022 following Continuation No. 590.

In 2016, Anti-Circumvention inquiry No.291 (**INV 291**) expanded the scope of the measures to include additional tariff subheadings, specifically 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90), for certain exporters. While these classifications are now reflected in the Dumping Commodity Register (**DCR**), the general goods description in the Notice was not correspondingly updated to reflect this expanded coverage.

Orrcon submits that the current inquiry provides an appropriate opportunity to address this discrepancy. Updating the goods description would align the written scope of the goods with the tariff classifications already applied under the measures, improving clarity and reducing ambiguity without changing their practical application.

Alteration to the Notice

In SEF 685, the Commissioner preliminarily proposes to recommend that the Minister amend the goods description in the original notice from:⁹

Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular 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.

to:

*Certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular 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, **and any HSS that has been drilled at the end or along the length of the section.***

⁷ Refer <https://www.industry.gov.au/sites/default/files/adc/public-record/410-reportno177.pdf>, at p. 2.

⁸ SEF 685, p. 6.

⁹ SEF 685, chapter 5.4.2, p. 32.

Orrcon supports the intent of the proposed amendment. However, additional amendments are necessary to ensure that the description fully addresses the identified circumvention activity and remains consistent with the scope of the existing measures.

First, as noted above, the description should refer to HSS with holes, irrespective of how those holes are created.

Second, the description should reflect the expanded tariff coverage introduced following INV 291. Including a reference to “other alloy steel” in the goods description would ensure consistency between the written description and the scope of the measures as they are currently applied.

Orrcon therefore recommends that the goods description be amended as follows (with the proposed additions in bold for emphasis):

Proposed Goods Description (Amended):

*Certain electric resistance welded pipe and tube made of carbon, **or other alloy steel**, comprising circular and non-circular 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, **and any HSS with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).***

This formulation ensures that the altered goods description captures the identified slight modification irrespective of the method used to introduce the holes. It also aligns the written description with the tariff classifications already applied under the measures, including those introduced following INV 291. This alignment provides greater clarity and certainty for all parties and reduces the risk of future ambiguity regarding the scope of the measures.

For completeness, and noting the Commission’s finding in SEF 685 that circumvention goods were entered under tariff subheading 7308.90.00, statistical code 65, Orrcon submits that the DCR should be updated to include this tariff classification and code under the relevant heading.

For and on behalf of Orrcon Manufacturing Pty Ltd