



Application for review of a Ministerial decision

Customs Act 1901 s 269ZZE

This is the approved¹ form for applications made to the Anti-Dumping Review Panel (ADRP) on or after 19 February 2020 for a review of a reviewable decision of the Minister (or his or her Parliamentary Secretary).

Any interested party² may lodge an application to the ADRP for review of a Ministerial decision.

All sections of the application form must be completed unless otherwise expressly stated in this form.

Time

Applications must be made within 30 days after public notice of the reviewable decision is first published.

Conferences

The ADRP may request that you or your representative attend a conference for the purpose of obtaining further information in relation to your application or the review. The conference may be requested any time after the ADRP receives the application for review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. See the ADRP website for more information.

Further application information

You or your representative may be asked by the Member to provide further information in relation to your answers provided to questions 9, 10, 11 and/or 12 of this application form (s269ZZG(1)). See the ADRP website for more information.

Withdrawal

You may withdraw your application at any time, by completing the withdrawal form on the ADRP website.

¹ By the Senior Member of the Anti-Dumping Review Panel under section 269ZY *Customs Act 1901*.

² As defined in section 269ZX *Customs Act 1901*.

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Contact

If you have any questions about what is required in an application refer to the ADRP website. You can also call the ADRP Secretariat on (02) 6276 1781 or email adrp@industry.gov.au.

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PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: Orrcon Manufacturing Pty Ltd.
Address: 121 Evans Road, Salisbury, Queensland, 4107.
Type of entity (trade union, corporation, government etc.): Company.

2. Contact person for applicant

Full name: [REDACTED]
Position: Manager, Trade Measures.
Email address: [REDACTED]
Telephone number: [REDACTED]

3. Set out the basis on which the applicant considers it is an interested party:

Pursuant to Section 269ZZC of the Customs Act 1901 ("the Act") a person who is an interested party in relation to a reviewable decision may apply for a review of that decision.

The reviewable decision under Section 269ZHG relates to a decision of the Minister following receipt of recommendation(s) by the Commissioner to allow the anti-dumping measures expire on hollow structural sections exported from Thailand.

Orrcon Manufacturing Pty Ltd ("Orrcon") is an Australian manufacturer of hollow structural sections and was an applicant company that requested the continuation of the anti-dumping measures on exports from Thailand.

4. Is the applicant represented?

Yes ☐ No ☒

If the application is being submitted by someone other than the applicant, please complete the attached representative's authority section at the end of this form.

****It is the applicant's responsibility to notify the ADRP Secretariat if the nominated representative changes or if the applicant become self-represented during a review.****

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PART B: REVIEWABLE DECISION TO WHICH THIS APPLICATION RELATES

5. Indicate the section(s) of the *Customs Act 1901* the reviewable decision was made under:

☐ Subsection 269TG(1) or (2) –
decision of the Minister to publish a
dumping duty notice

☐ Subsection 269TH(1) or (2) –
decision of the Minister to publish a
third country dumping duty notice

☐ Subsection 269TJ(1) or (2) –
decision of the Minister to publish a
countervailing duty notice

☐ Subsection 269TK(1) or (2)
decision of the Minister to publish a
third country countervailing duty
notice

☐ Subsection 269TL(1) – decision of the
Minister not to publish duty notice

☐ Subsection 269ZDB(1) – decision of the
Minister following a review of anti-dumping
measures

☐ Subsection 269ZDBH(1) – decision of the
Minister following an anti-circumvention
enquiry

☒ Subsection 269ZHG(1) – decision of the
Minister in relation to the continuation of anti-
dumping measures

Please only select **one** box. If you intend to select more than one box to seek review of more than one reviewable decision(s), **a separate application must be completed**.

6. Provide a full description of the goods which were the subject of the reviewable decision:

The goods the subject of the anti-dumping measures are:

Certain electric resistance welded pipe and tube made of steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes, whether or not including alloys. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include pre-galvanised, hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those exceeding 21 mm up to and including 165.1 mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 950.0 mm. CHS with other than plain ends (such as threaded, swaged and shouldered) are also included within the goods coverage.

7. Provide the tariff classifications/statistical codes of the imported goods:

The goods are classified to 7306.30.00 statistical codes 31, 32, 33, 34, 35, 36, 37, 7306.50.00 statistical code 45, 7306.61.00 statistical codes 21, 22, 25 and 90, 7306.69.00 statistical code 10, and 7306.90.00 statistical code 12.

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8. Anti-Dumping Notice details:

Anti-Dumping Notice (ADN) number: ADN No. 2020/070.

Date ADN was published: 27 July 2020.

****Attach a copy of the notice of the reviewable decision (as published on the Anti-Dumping Commission's website) to the application****

PART C: GROUNDS FOR THE APPLICATION

If this application contains confidential or commercially sensitive information, the applicant must provide a non-confidential version of the application that contains sufficient detail to give other interested parties a clear and reasonable understanding of the information being put forward.

Confidential or commercially sensitive information must be marked '**CONFIDENTIAL**' (bold, capitals, red font) at the top of each page. Non-confidential versions should be marked '**NON-CONFIDENTIAL**' (bold, capitals, black font) at the top of each page.

- Personal information contained in a non-confidential application will be published unless otherwise redacted by the applicant/applicant's representative.

For lengthy submissions, responses to this part may be provided in a separate document attached to the application. Please check this box if you have done so: ☐

9. Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision:

Refer Attachment A.

10. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 9:

Refer Attachment A.

11. Set out how the grounds raised in question 9 support the making of the proposed correct or preferable decision:

Refer Attachment A.

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12. Set out the reasons why the proposed decision provided in response to question 10 is materially different from the reviewable decision:

Do not answer question 11 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

Refer Attachment A.

13. Please list all attachments provided in support of this application:

Non-Confidential Attachment 1: Notice of Reviewable Decision (2020/070).

PART D: DECLARATION

The applicant declares that:

- The applicant understands that the Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Panel decides to hold a conference *before* it gives public notice of its intention to conduct a review, and the applicant (or the applicant's representative) does not attend the conference without reasonable excuse, this application may be rejected; and
- The information and documents provided in this application are true and correct. The applicant understands that providing false or misleading information or documents to the ADRP is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature:

Name:

■■■■ ■■■■

Position: Manager, Trade Measures

Organisation: Orrcon Manufacturing Pty Ltd

Date: 25 / 08 / 2020

PART E: AUTHORISED REPRESENTATIVE

This section must only be completed if you answered yes to question 4.

Provide details of the applicant's authorised representative:

Full name of representative:
Organisation:
Address:
Email address:
Telephone number:

Representative's authority to act

****A separate letter of authority may be attached in lieu of the applicant signing this section****

The person named above is authorised to act as the applicant's representative in relation to this application and any review that may be conducted as a result of this application.

Signature:

(Applicant's authorised officer)

Name:

Position:

Organisation:

Date: / /

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9. **Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision.**

I. Introduction

On 29 October 2019 Orrcon Manufacturing Pty Ltd ("Orrcon") lodged an application under section 269ZHC seeking the continuation of anti-dumping measures in respect of hollow structural sections ("HSS") exported to Australia from Thailand.

The measures were due to expire on 19 August 2020.

On 30 October 2019, a second Australian manufacturer of HSS, Austube Mills Pty Ltd ("ATM") similarly lodged an application for the continuation of the measures.

The Commissioner decided not to reject the applications by Orrcon and ATM and published a notice (ADN 2019/141) to conduct an investigation as to whether the expiration of the anti-dumping measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent. Following investigation, the Commissioner made the following recommendation to the Minister¹:

....that the anti-dumping measures applying to HSS exported from Thailand expire on the specified expiry day, being 19 August 2020 pursuant to section 269ZHE(1)(a)(iv) (sic)². If accepted, the effect of this recommendation is that HSS exported from Thailand and entered for home consumption in the Australian market on and after 20 August 2020 will not be the subject of the dumping measures.

On 27 July 2020 ADN 2020/070 confirmed the acceptance by the Minister of the Commissioner's recommendation.

The decision of the Minister was made on the 27th July 2020 and published on the Anti-Dumping Commission's website on the same day. Report No. 532 ("Report 532") contains the basis for the Commission's recommendations.

Orrcon is a manufacturer of HSS at its Salisbury, Queensland production site.

Orrcon is an affected party and member of the Australian industry that will be adversely impacted by the expiration of the anti-dumping measures on HSS exported from Thailand.

As outlined in this application, Orrcon requests that the Anti-Dumping Review Panel ("ADRP") review the Minister's decision to allow the measures to expire.

Orrcon has detailed its grounds for review of the Minister's decision below.

10. Identify what, in the applicant's opinion, the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to Question 9.

II. **First ground –The Commissioner cannot be satisfied that future HSS exports from Thailand are likely to be at undumped prices.**

9. **Grounds**

Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision.

¹ Report No. 532 – Hollow Structural Sections from Thailand – Continuation Inquiry.

² Should be subsection 269ZHF(1)(a)(iv).

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The Anti-Dumping Commission (“the Commission”) ascertained the variable factors for the investigation period (1 October 2018 to 30 September 2019) for all exporters of the goods from Thailand. The Commission concluded that the variable factors had changed since the last review.

The Commission established the following dumping margins pertaining to exporters from Thailand:

Exporter	Dumping Margin
Pacific Pipe Public Company Limited	Negative 4.3%
Saha Thai Steel Pipe Public Company Limited	Negative 13.1%
Thai Premium Pipe Co., Ltd	Negative 4.5%
Uncooperative and all other exporters	Negative 4.3%

Orrcon does not seek to dispute the Commission’s assessment of dumping margins as detailed in Report 532. The grounds of appeal relied upon by Orrcon extend beyond the mere determination of the variable factors and dumping margins to the assessment and conclusions as to the likelihood of dumping and material injury in the absence of the measures.

The Commission determined that Pacific Pipe Public Company Limited (“Pacific Pipe”) did not export HSS to Australia during the investigation period. Whilst the Commission determined a normal value for Pacific Pipe, the export price for Pacific Pipe has been determined by reference to the export prices of all other Thai exporters of the goods to Australia during the investigation period. The Pacific Pipe export price, therefore, is not based on the exporter’s data (i.e. from earlier exports to Australia). On this basis, Orrcon disputes that the Commission can be satisfied that future exports of HSS to Australia by Pacific Pipe would not be at dumped prices (as the export prices relied upon are for other Thai exporters).

In respect of exports by Saha Thai Steel Pipe Public Company Limited (“Saha Thai”) and Thai Premium Pipe Co., Ltd (“TPP”), normal values and export prices during the investigation period were based upon domestic sales and actual export prices to Australia, respectively.

The Commission’s assessment as to dumping during the investigation period is reflected in Paragraph 7.4.1:

“....the Commission has found that all HSS exported from Thailand to Australia has been at undumped prices during the inquiry period and therefore the dumping found in REP 254 has not continued.”

And,

*“The Commission notes that the active exporters of the goods from Thailand, Saha Thai and TPP, were subject to a **floor price** and an *ad valorem* duty rate of 0.7 per cent, respectively, during the inquiry period.”* (emphasis added).

Orrcon notes that one of the Thai exporters the subject of measures – Atlantic Pipe Company Limited (“Atlantic”) – was also the subject of a floor price duty. All remaining exporters (other than Saha Thai), were the subject of *ad valorem* duties. The floor price duty method ensures that the exporter’s price is at a non-dumped level and thereby constrains the dumping behaviour of Atlantic and Saha Thai. Orrcon further observes that Saha Thai has been a regular supplier to the Australian market and was one of the two largest Thai exporters to Australia in Report 254.

The Commission acknowledged representations by the Australian industry concerning export volumes of HSS to Australia by Thai producers, including:

- that the negative dumping margins demonstrate the effectiveness of the measures (Paragraph 7.4.1);
- the reduction in the number of Thai exporters following the imposition of the measures is indicative of the effectiveness of the measures (Paragraph 7.4.2);

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- the measures have constrained the dumping behaviour of Thailand exporters and therefore the volume of Thai exports to Australia has reduced (Paragraph 7.4.2); and
- the Section 232 measures imposed on steel imports into the United States (“U.S.”) would impact the export intentions of Thai exporters (Paragraph 7.4.3).

However, the Commission considered in response that:

- the cooperating exporters remained the dominant exporters since the measures were imposed;
- the Thai exporters that exited the market were less than 10 per cent of total Thai exports since 2013;
- there is no evidence that the Thai exporters that exited the market would re-commence exporting at dumped prices; and
- there was not an influx of imports following the U.S. Section 232 actions.

The comments of the Commission, however, do not address the issue of whether the measures have been effective in limiting the dumping from Thailand. The Commission did establish that the U.S. and Australia are the two largest export markets for Thai exporters. It was further established that the three cooperative exporters possess spare capacity to supply “*approximately 20 per cent of the overall Australian market*” which equates to approximately 100,000 tonnes. The Commission further established that the Thai exporters had maintained distribution channels into the Australian market – and continued to supply into the market at levels that had remained relatively stable since the imposition of the measures.

The Commission established that the weighted-average export prices for the Thailand exporters were “lower” than the same HSS models offered by the Australian industry. Further, the weighted-average export prices for the Thai HSS exporters “*was also lower than the same HSS models offered in the Australian market by importers of HSS from China, Korea and Taiwan*”. On this point it is not clear as to how the weighted-average Thai export prices could be lower than the same HSS models weighted average Chinese export prices given the particular market situation finding for the latter.

The Commission states that:

“ATM submitted that any price advantage that Thai exporters have in the Australian market is the result of their predominant exports of black HSS, whereas the Australian industry and other exporters sell a mix of both black and galvanised³”

ATM referred to the impact of including galvanised pricing in the Commission’s analysis. Orrcon would also highlight that a significant proportion of sales by the Australian industry involve pre-galvanised HSS, resulting in substantially higher selling prices when contrasted with black HSS.

Orrcon concurs that the explanation of the Commission that weighted-average selling prices for Thailand exports are below those of the Australian industry (and other exporters in China, Korea and Taiwan) is a misrepresentation due to the mix of exports (i.e. predominant exports of black HSS by Thai exporters).

The anti-dumping measures on exports of HSS from Thailand have been effective and provided a constraint on exporters to not export at dumped prices. Where the measures are allowed to expire, this constraint is removed and the Thai exporters will likely lower export prices to capture additional sales in a market that ranks in the top two traditional export markets for Thai exporters. The absence of dumping measures will permit Thai exporters to fill under-utilised production capacity and grow exports to Australia.

³ Report 532, P.57.

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The Commission has acknowledged Orrcon's representations that anti-dumping measures apply to Thai pipe and tube exports in other jurisdictions (namely the U.S. and Canada). The Commission again references the impact of the Section 232 tariffs by the U.S. and there being no subsequent increase in exports to Australia. However, Orrcon contends that the anti-dumping measures act as a clear deterrent to Thai exporters from increasing exports to Australia (particularly following the imposition of the tariffs in the U.S.).

The Commission has stated that it:

"...is not satisfied that the evidence before it shows that conditions in the domestic market in Thailand provide an incentive to producers to export HSS unless it would be profitable to do so⁴."

This comment reflects the Commission's interpretation that the Thai exporters did not respond with an increase in exports to Australia following the Section 232 impost of tariffs in the U.S. This interpretation can be refuted as the anti-dumping measures applicable in Australia operate as a disincentive to Thai exporters to increase exports to Australia, irrespective of another jurisdictions trade-related actions.

Orrcon does not consider that the Commission's analysis concerning the conditions in the Thailand domestic market offer any creditable insight as to whether it is likely that in the absence of measures, future exports of HSS to Australia would be at dumped prices.

The Commission's examination as to whether exporters in Thailand are likely to re-commence dumping following the expiration of the measures fails to adequately consider:

- that two of the Thai exporters were the subject of measures with a floor price mechanism, operating to prevent a decline in export prices;
- the weighted-average analysis does not adequately disclose that the low-priced Thai export prices are for predominantly low-value black HSS which has the lowest price of all HSS grades;
- the measures have operated as an effective constraint on exporters not to lower export prices for fear of being assessed as dumping in a review of measures inquiry; and
- the measures that operate in other jurisdictions (Canada and the U.S.) demonstrate a propensity for Thai exporters to export at dumped prices more broadly, thereby elevating the likelihood of dumping.

The anti-dumping measures that have applied to HSS exported from Thailand have had the desired and intended impact. Past performance is indicative of future performance, and the Commission concluded recently in Report 445 that Pacific Pipe and TPP continued to export at dumped prices two years after the imposition of measures. Although exports of HSS from Thailand post the imposition of measures declined, the measures have been successful in limiting export volumes of HSS at dumped prices (predominantly for the lower valued black HSS goods).

10. **Correct or preferable decision**

Identify what, in the applicant's opinion the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 9.

The correct or preferable decision is that the anti-dumping measures have been effective in limiting dumping of exports of HSS from Thailand and, should the measures be allowed to expire, it is likely that exporters of HSS in Thailand would export at dumped prices.

Orrcon considers the reviewable decision should be revoked.

⁴ Report 532, P.54.

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11. Grounds in support of decision

The grounds raised above (Question 9) demonstrate that the correct or preferable decision is that it is **likely** that exporters of HSS in Thailand would recommence exports at dumped prices following the expiration of the measures.

12. Material difference between the decisions

The proposed decision is materially different to the reviewable decision as the recommended decision involves the continuation of the anti-dumping measures by the Minister ensuring that the measures are not allowed to expire on 20 August 2020.

III. Second ground – That the expiry of the anti-dumping measures would lead, or be likely to lead, to a continuation of, or a recurrence of, the injury that the anti-dumping measure is likely to prevent.

9. Grounds

Set out the grounds on which the applicant believes that the reviewable decision is not the correct or preferable decision.

The determination of the Commissioner in Report 532 is:

“Due to the apparent low level of influence of HSS exported from Thailand in the Australian market and its negligible impact on the Australian industry, the Commissioner is not satisfied that it is likely that the expiry of the anti-dumping measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the injury that the anti-dumping measure is intended to prevent.”

In making this determination, the Commissioner relied upon the negative dumping margins determined for HSS exported to Australia during the investigation period, and the alleged negligible impact of the exports from Thailand on the Australian industry during the investigation period.

It can be recalled from Report 254 that the margins of dumping determined in the original investigation period for exporters of HSS from Thailand were as follows:

Exporter	Dumping Margin
Pacific Pipe Public Company Limited	15.1%
Saha Thai Steel Pipe Public Company Limited	5.7%
Samchai Steel Industries Public Company Limited	19.8%
Uncooperative and all other exporters	29.7%

The dumping margins ranged from 5.7 per cent to 29.7 per cent. The margins of dumping were not insignificant.

It was further noted:

“The information collected from the Australian industry and importers support ATM’s claim that the Australian HSS market shows significant price sensitivity and price is the major criteria in customers’ purchasing decisions.The Commission therefore considers that price undercutting has had significant injury effects on Australian industry.”⁵

In its causal link analysis, it was reported by the Commission:

⁵ Report 254, P. 60.

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“The Commission has established a connection between imports of HSS from Thailand at dumped prices and the fact that prices of HSS at dumped prices sold in Australia undercut the Australian industry prices of HSS throughout the investigation period.

The price undercutting and associated price pressures have contributed to price suppression for the Australian industry, which has resulted in negative profitability.

The Commission considers that other possible causes of injury do not detract from the assessment that dumping has caused material injury to the Australian industry.⁶”

The Australian HSS market continues to be a price-sensitive market. Any degree of price undercutting from imported HSS provides a supplier with a competitive advantage that results in reduced profit and profitability to the Australian industry.

Report 532 indicates that the Commission has not taken adequate account of the price sensitive nature of the Australian HSS market, or the impact that a small price decline can have on the profit and profitability of an industry that is susceptible to injury.

The Commission identified this level of susceptibility in its analysis of the economic condition of the Australian industry over the injury period, highlighting the following trends:

- since the imposition of measures against exports from Thailand in August 2015, the Australian industry’s sales volume has marginally increased;
- the Australian industry’s market share has generally declined over the same period;
- the Australian industry’s selling prices for black and galvanised HSS was marginally higher than the CTMS following the imposition of measures, except in the current investigation period;
- the Australian industry’s profit and profitability improved following the imposition of measures, with a noticeable decline evident in the investigation period; and
- the Australian industry’s revenue has tracked pricing, with a deterioration evident in the investigation period.

The foregoing establishes that the Australian industry is susceptible to further injury from dumping. Any small change in pricing by Thai exporters from undumped levels to dumped levels will result in a recurrence of injury to the Australian industry that the measures are intended to prevent.

It should be recalled that for the purposes of a continuation of measures review, the Minister is not required to be satisfied that the exported goods were at dumped prices during the investigation period. Rather, the requirement is whether it is *likely* that the dumping and material injury *may recommence* should the measures be allowed to expire.

The Commission has formulated a view that it is not satisfied that future exports of HSS from Thailand – in the absence of measures – would be at dumped prices. Orrcon is puzzled that the Commission has cast aside the findings in recent Report 445 which concluded the following dumping margins for HSS exported from Thailand in the 1 October 2016 to 30 September 2017 investigation period:

Exporter/Manufacturer	Dumping Margin
Pacific Pipe Public Company Limited	5.6%
Saha Thai Steel Pipe Public Company Limited	-3.6%
Thai Premium Pipe Co Ltd	0.7%
Atlantic Pipe Company Limited	0%
Uncooperative and all other exporters	8.7%

⁶ Ibid, P. 64.

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The Commission determined that dumping occurred in the review period by Pacific Pipe and TPP. Historical performance provides an indication of likely future activity. Even following the imposition of measures in August 2015, some Thai exporters continued to export at dumped prices.

It can be further argued that review investigation 445 highlighting the existence of dumping prompted the Thai exporters of HSS to ensure they did not export at dumped prices into the future. Orrcon highlights the importance of measures to focus exporters not to export at dumped and injurious prices in the future.

Orrcon contends that it is premature to rely solely upon the absence of dumping in the recent investigation period of Continuation inquiry 532 when following the imposition of measures in Investigation 445 the Commission continued to evidence dumping by Thai exporters of HSS. It is Orrcon's view that the Commission has failed to adequately consider the performance of the HSS exporters in Thailand post the imposition of the measures in August 2015 when considering its recommendation for the continuation of the measures.

Orrcon submits that the past behaviour of exporters of HSS in Thailand to continue to export at dumped prices post the imposition of measures in August 2015 is indicative that, in the absence of the measures, a resumption of dumping and therefore a recurrence of material injury (to which the measures are intended to prevent) is likely.

The available evidence – contrary to the subjective interpretation of the Commission that is not based upon actual evidence – supports a viewpoint that there exists a strong likelihood of a resumption of dumping in the absence of measures that will result in a recurrence of material injury that the measures are intended to prevent, particularly given the price sensitive nature of HSS sold into the Australian market.

10. **Correct or preferable decision**

Identify what, in the applicant's opinion the correct or preferable decision (or decisions) ought to be, resulting from the grounds raised in response to question 9.

The correct or preferable decision is that the expiration of the anti-dumping measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the material injury that the anti-dumping measures are intended to prevent.

Orrcon considers the reviewable decision therefore should be revoked.

11. **Grounds in support of decision**

The grounds raised above (Question 9) demonstrate that the correct or preferable decision is that it is likely that should the measures be allowed to expire, exporters of HSS in Thailand would recommence exports at dumped prices that would lead to a continuation of, or a recurrence of, the material injury that the anti-dumping measures are intended to prevent.

12. **Material difference between the decisions**

The proposed decision is materially different to the reviewable decision as the recommended decision involves the continuation of the anti-dumping measures by the Minister ensuring that the measures are not allowed to expire on 20 August 2020.



ANTI-DUMPING NOTICE NO. 2020/70

Customs Act 1901 – Part XVB

Hollow structural sections exported from the Kingdom of Thailand

Findings of Continuation Inquiry into Anti-Dumping Measures No. 532

Notice under section 269ZHG(1)¹

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed an inquiry concerning the continuation of the anti-dumping measures, in the form of an anti-dumping notice, applying to hollow structural sections (HSS, or the goods) exported to Australia from the Kingdom of Thailand (Thailand).

Recommendations resulting from the inquiry completed by the Commissioner, reasons for the recommendations and material findings of fact and law in relation to the inquiry are contained in *Anti-Dumping Commission Report No. 532* (REP 532).

I, KAREN ANDREWS, the Minister for Industry, Science and Technology, have considered REP 532 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of fact and law, therein. Under section 269ZHG(1)(a) of the Act, I **declare** that I have decided not to secure the continuation of the anti-dumping measures currently applying to the goods exported to Australia from Thailand.

REP 532 has been placed on the public record which may be examined on the Anti-Dumping Commission website.² Enquiries about this notice may be directed to the Anti-Dumping Commission at: clientsupport@adcommission.gov.au

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel³, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

Dated this 27th day of July 2020

KAREN ANDREWS
Minister for Industry, Science and Technology

¹ All legislative references are to the *Customs Act 1901* (the Act), unless otherwise stated.

² The public record is available at www.adcommission.gov.au

³ The Anti-Dumping Review Panel website may be accessed via <http://www.industry.gov.au/about-us/our-structure/anti-dumping-review-panel>