Australian Government
Anti-Dumping Review Panel

Conference Summary

Review No. 182 - Hollow Structural Sections exported to Australia from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan.

Panel Member	Paul O'Connor
Review type	Review of Minister's decision
Date	Thursday 20 August 2026
Participants	**Anti-Dumping Commission:** [redacted]
Time opened	12.00pm AEST
Time closed	12:33pm AEST

Purpose

The Anti-Dumping Review Panel (Review Panel) opened the conference with an Acknowledgment of Country.

The purpose of this conference was to obtain further information in relation to the review before the Anti-Dumping Review Panel (Review Panel) in relation to Hollow Structural Sections exported from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan.

The conference was held pursuant to section 269ZZHA of the *Customs Act 1901* (the Act).

In the course of the conference, I was able to ask parties to clarify any argument, claim or specific detail contained in their application or submission. The conference was not a formal hearing of the review and was not an opportunity for parties to argue their case before me.

In accordance with section 269ZZHA(2), in making a recommendation under subsection 269ZZK(1), I may have regard to:

(a) further information provided at this conference to the extent that it relates to "relevant information" within the meaning of section 269ZZK(6) of the Act;

(b) any conclusions reached at this conference based on "that relevant information".

At the time of the conference, I advised the participants:

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- That the conference was being recorded and transcribed by Microsoft Teams (as facilitated by the Review Panel's Secretariat), and that the recording would capture everything said during the conference.

- That the conference was being recorded for the Review Panel to have regard to when preparing a conference summary. The conference summary would then be published on the Review Panel's website.

- Any confidential information discussed during the conference would be redacted from the conference summary prior to publication.

Prior to the conference, participants were provided with a copy of the Review Panel's Privacy Statement. The Privacy Statement outlines who the conference recording and transcript may be disclosed to. The Privacy Statement is available on the Review Panel's website here. The participants indicated that they understood the Privacy Statement and consented to:

- The recording of the conference; and

- The recording being dealt with as set out in the Privacy Statement.

Further information requested

The specific information that the Review Panel sought in this conference was:

1. The Panel Member noted that Gransolar challenges the Commissioner's decision not to have regard to its response to the SEF as it was received out of time and that there is no legal authority that mandated the provision of "an authority letter". Can the ADC please advise where the requirement is drawn to the attention of interested parties.

   The ADC advised that, while there is no express legislative requirement for an authority letter, guidance on the ADC's website relating to the lodging of submissions requires representatives to identify themselves and the interested party they represent. The ADC submitted that the requirement is also relevant to its obligations concerning the maintenance of the public record and the identification of interested parties.

   The ADC referred to correspondence with Gransolar's consultant discussed in the Statement of Essential Facts concerning requests for information to identify the party it *represented and to comply with confidentiality requirements. The ADC noted that the consultant's email of 17 April 2026 stated that a letter of authority would be provided shortly, which it considered demonstrated an awareness of the requirement.*

The ADC further noted that no representative of Gransolar had been copied on the consultant's correspondence with the ADC. The ADC advised that it may provide further written submissions addressing this issue.

2. Ground 4 of Nextpower's Appeal Application is critical of the impact of the retrospective imposition of duties. Accepting that such impacts have been considered by earlier ADRP reports (e.g. Rep 38) could you comment on the relevance, if any, of the two points listed page 10 of the Ground 4, namely:

    1. the "extremely small volume" of torque tubes now caught by the provisions, and

    2. the lack of identified "displacement of trade" by such imports.

    The ADC advised that the Commissioner did not take the relatively small volume of circumvention goods or the identified level of trade displacement into account when recommending the effective date of the alteration to the notices. Rather, the recommendation was based on the finding that circumvention activity had occurred prior to the inquiry.

    The ADC submitted that matters such as an importer's awareness of the application of the circumvention provisions were not relevant to the Minister's consideration of whether the alteration should apply retrospectively.

    The ADC further advised that the volume of circumvention goods and displacement of trade were considered in the context of the assessment required under regulation 48(2). However, it did not consider there to be a connection between those matters and the Minister's separate power to apply an alteration retrospectively.

3. To assist with his consideration of Ground 6, the Panel Member sought further information and an explanation from the ADC on:

    - the Commissioner's interpretation of the phrase "use or purpose of the circumvention goods" in reg. 48(2)(d);

    - the relevance of the goods being manufactured to particular specifications and tolerances;

- the relevance of the intended end-use of the goods;
- the relevance, if any, of tariff classification; and
- why the Commissioner considered the discussion regarding whether drilling creates a "new or different product" relevant to the assessment required by reg. 48(2)(d).

The ADC advised that the goods covered by the original HSS measures are broad in scope and include HSS manufactured to particular specifications and tolerances for a range of structural applications. It did not consider the manufacture of torque tubes to specified tolerances to distinguish them from the goods subject to the measures.

The ADC submitted that, absent the drilled holes, the torque tubes would fall within the tariff classifications specified in the HSS measures. The ADC noted that swaged ends were already contemplated by the goods description and that the relevant modification under consideration was the drilling of holes.

The ADC advised that the hole configurations reflected the requirements of particular solar-tracking systems and projects. However, in its view, HSS meeting the relevant specifications remained capable of the same end-use regardless of whether the holes were drilled before exportation or after importation into Australia.

The ADC referred to earlier circumvention matters and submitted that the slight modification provisions were introduced to address circumstances where goods subject to measures had been modified in a manner that resulted in classification outside the tariff classifications specified in the notice.

The ADC submitted that the relevant use or purpose of the goods remained the same where HSS meeting the required specifications could be drilled either before exportation or after importation for incorporation into a solar-tracking system

4. The Panel Member requested that the ADC advise whether it wished to provide any further information regarding the source and basis of the requirement for a representative to provide an authority letter, or whether it intended to address that matter as part of its formal submissions.

The ADC advised that it would consider the matter and confirm later that day whether it *wished to provide further information following the conference or whether it intended to address the issue as part of its formal submissions.*

The Panel Member held the conference open pending this response. Following the conference, the ADC advised that they will not be providing any further written information as part of the conference and will address any additional information in their written section 269ZZJ submission.