NON-CONFIDENTIAL

Australian Government
Anti-Dumping Review Panel

Application for review of a Ministerial decision

***Customs Act 1901* s 269ZZE**

This is the approved[1] form for applications made to the Anti-Dumping Review Panel (Review Panel) on or after 20 October 2025 for a review of a reviewable decision of the Minister.

Any interested party[2] may lodge an application to the Review Panel for review of a Ministerial decision.

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

The Review Panel maintains a public record for reviews of decisions of the Minister. If a review is initiated, a copy of the application will be placed on the Review Panel's website.

Please note that the existence of applications will be disclosed on the Review Panel's 'Pending Applications and Duty Assessments' webpage prior to initiation, including the following information:

- Relevant reviewable decision
- Country and goods to which the application relates
- Number of applications
- Status (e.g. application/s under consideration)

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

Conferences
The Review Panel may request that you or your representative attend a conference for the purpose of obtaining further information in relation to your application. The conference may be requested any time after the Review Panel receives the application for review and before beginning to conduct a review. Failure to attend this conference without reasonable excuse may lead to your application being rejected. See the Review Panel 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 (s 269ZZG(1)). See the Review Panel website for more information.

[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*.

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

International Trade Remedies Advisory (ITRA) Service
Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the ITRA Service.

For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267

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

PART A: APPLICANT INFORMATION

1. Applicant's details

Applicant's name: Gransolar Construction Australia Pty Ltd
Address: Suite 3 Level 9, 307 Queen Street, Brisbane, QLD 4000, Australia
Type of entity (trade union, corporation, government etc.): Corporation

2. Contact person for applicant

Full name: Andrea Wilson
Position: Senior Legal Counsel
Email address: [redacted]
Telephone number: [redacted]

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

Gransolar Construction Australia Pty Ltd (Gransolar) is an "interested party" under paragraph (c) of the definition of "interested party" in section 269ZX of the Customs Act 1901 (Cth) (Act), as an importer of goods the subject of the reviewable decision.

Gransolar imports hollow structural sections (HSS) for use in the construction of utility-scale solar farms in Australia. The goods imported by Gransolar include octagonal, pre-drilled hollow structural sections classified to tariff subheading 7308.90.00 (statistical code 65). These goods are the subject of the reviewable decision, being the decision of the Minister for Industry and Innovation published in Anti-Dumping Notice No 2026/064 on 5 June 2026 (Reviewable Decision). The Reviewable Decision retrospectively extended the anti-dumping and countervailing duty measures on HSS to include goods classified to tariff subheading 7308.90.00 (statistical code 65) with effect from 4 September 2025, directly and adversely affecting Gransolar's importation of those goods.

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 Review Panel Secretariat if the nominated representative changes or if the applicant become self-represented during a review.

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 subject to the Reviewable Decision are described in Anti-Dumping Notice No. 2026/064 dated 5 June 2026 as follows:

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.

and

Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:

- *China by Dalian Steelforce Hi-Tech Co.;*
- *China by Tianjin Friend Steel Pipe Co., Ltd;*
- *China by Tianjin Ruitong Iron and Steel Co., Ltd;*
- *China by Roswell S A R L Limited.*

and

Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).

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

The relevant tariff classifications/statistical codes, as provided in Final Report 685, are as follows:

Reference Number	Stat Code	Unit	Goods	Rate#
7308			STRUCTURES (EXCLUDING PREFABRICATED BUILDINGS OF 9406) AND PARTS OF STRUCTURES (FOR EXAMPLE, BRIDGES AND BRIDGE-SECTIONS, LOCK-GATES, TOWERS, LATTICE MASTS, ROOFS, ROOFING FRAMEWORKS, DOORS AND WINDOWS AND THEIR FRAMES AND THRESHOLDS FOR DOORS, SHUTTERS, BALUSTRADES, PILLARS AND COLUMNS), OF IRON OR STEEL; PLATES, RODS, ANGLES, SHAPES, SECTIONS, TUBES AND THE LIKE, PREPARED FOR USE IN STRUCTURES, OF IRON OR STEEL:	
7308.10.00	*01*	..	- Bridges and bridge-sections	5% DCS:4% DCT:5%
7308.20.00			- Towers and lattice masts	5% DCS:4% DCT:5%
	03	*t*	*Tubular, whether or not tapered*	
	04	*t*	*Other*	
7308.30.00			- Doors, windows and their frames and thresholds for doors	5% DCS:4% DCT:5%
	04	*t*	*Of stainless steel*	
			Other	
	05	*t*	*.Windows and their frames*	
	06	*t*	*.Thresholds for doors*	
	07	*t*	*.Other*	
7308.40.00	*05*	*t*	- Equipment for scaffolding, shuttering, propping or pit-propping	5% DCS:4% DCT:5%
7308.90.00			- Other	5% DCS:4% DCT:5%
			Columns, pillars, posts and beams, girders, bracing, gantries, brackets, struts, ties and similar structural units:	
			.Roll formed structures:	
	52	*t*	*..Hot rolled*	
	53	*t*	*..Plated or coated with zinc or with aluminium-zinc alloys, of a thickness less than 1.2 mm*	

8. Anti-Dumping Notice details:

Anti-Dumping Notice (ADN) number: 2026/064
Date ADN was published: 5 June 2026

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 highlighted in yellow, and the document 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: ☐

Please note: Failure to adequately and accurately respond to questions 9 – 12 below may result in the application or ground/s being rejected pursuant to s 269ZZG(2) or s 269ZZG(5) of the *Customs Act 1901*. Where there are multiple grounds of review, it is important to address each of the questions below for each ground.

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

> 1. *The Commissioner's failure to consider the 17 April submission was a miscarriage of discretion;*
>
> 2. *The Commissioner's analysis under s 48(2) and 48(3) of the Customs (International Obligations) Regulation 2015 was carried out in a manner inconsistent with those provisions; and*
>
> 3. *The Commissioner's analysis improperly alters the goods description in the notices.*
>
> *Please refer to **Attachment B** for further details.*

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:

> *As elaborated in Attachment B:*
>
> 1. *The correct and preferable decision for the purpose of Ground 1 is that the Commissioner should not have exercised its discretion under s 269ZDBG(3) of the* Customs Act 1901 *(Cth) to refuse and/or decline to have regard to Gransolar's submission of 17 April 2026, and it should, instead, have had regard to that submission (and that submission should now be taken into account by the Review*

Panel pursuant to s 269ZZK(4)(a), s 269ZZK(4)(b), s 269ZZK(4A) and/or s 269ZZHA(2) of the Customs Act 1901 *(Cth)).*

2. *The correct and preferable decision for the purpose of Ground 2 is that the Original Notices remain unaltered pursuant to s 269ZDBG(1)(c) of the* Customs Act 1901 *(Cth).*
3. *The correct and preferable decision for the purpose of Ground 3 is that the Original Notices (being both the notice under s 269TG(2) of the Act and the notice issued under s 269TJ(2) of the Act) be altered pursuant to s 269ZDBG(1)(d) of the* Customs Act 1901 *(Cth) so as to add the following text and that text only:*

Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular, oval, square and rectangular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).

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

Please refer to our response in Question 10 and ***Attachment B*** *for further details.*

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 12 if this application is in relation to a reviewable decision made under subsection 269TL(1) of the Customs Act 1901.

1. *The correct or preferable decision for the purpose of Ground 1 is materially different from the Reviewable Decision because, whereas it is an element of the Reviewable Decision that the Commissioner exercised its discretion under s 269ZDBG(3) of the* Customs Act 1901 *(Cth) to refuse and/or decline to have regard to Gransolar's submission of 17 April 2026, the correct or preferable decision under Ground 1 is that the Commissioner would have had regard to that submission (and that submission should now be taken into account by the Review Panel) pursuant to s 269ZZK(4)(a), s 269ZZK(4)(b), s 269ZZK(4A) and/or s 269ZZHA(2) of the* Customs Act 1901 *(Cth)).*

2. *The correct or preferable decision for the purpose of Ground 2 is materially different from the Reviewable Decision because, whereas the Reviewable Decision alters the Original Notices, the correct or preferable decision under Ground 2 would not alter the Original Notices, pursuant to s 269ZDBG(1)(c) of the Customs Act 1901 (Cth).*

3. *The correct and preferable decision for the purpose of Ground 3 is materially different from the Reviewable Decision because, whereas the Reviewable Decision alters the Original Notices to expand the scope of the Original Notices to include:*

Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).

the correct or preferable under Ground 3 decision would expand the scope of the Original Notices to include only circular, oval, square and rectangular hollow structural *sections, as follows:*

*Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising **circular, oval, square and rectangular** hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).*

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

1. **Attachment A – Anti-dumping notice 2026/064**
2. **Attachment B – Our Grounds for review of the Minister's decision dated 05 June 2026 [confidential]**
3. **Attachment B – Our Grounds for review of the Minister's decision dated 05June 2026 [non-confidential]**

PART D: DECLARATION

The applicant/the applicant's authorised representative *[delete inapplicable]* declares that:

- The applicant understands that the Review Panel may hold conferences in relation to this application, either before or during the conduct of a review. The applicant understands that if the Review 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 Review Panel is an offence under the *Customs Act 1901* and *Criminal Code Act 1995*.

Signature: [redacted]

Name: [redacted]

Position: Managing Director

Organisation: Gransolar Construction Australia Pty Ltd

Date: 06/07/2026

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: Russell Wilkinson
Organisation: World Customs Consultants Pty Ltd
Address [redacted]
Email address: russell.wilkinson@worldcustomsconsultants.com
Telephone number [redacted]

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: [redacted]

(Applicant's authorized officer)

Name: [redacted]

Position: Managing Director

Date: 06/07/2026

Organisation: Gransolar Construction Australia Pty Ltd

Australian Government
Department of Industry, Science and Resources

Anti-Dumping Commission

Anti-Dumping Notice No 2026/064

Customs Act 1901 – Part XVB

Hollow Structural Sections

Exported to Australia from the People's Republic of China, the Republic of Korea, Malaysia and Taiwan

Findings of Anti-Circumvention Inquiry No 685

Public Notice under section 269ZDBH(1) of the Customs Act 1901

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the anti-circumvention inquiry, which commenced on 4 September 2025, in relation to the slight modification of Hollow Structural Sections (the goods) exported to Australia from the People's Republic of China (China), the Republic of Korea (Korea), Malaysia and Taiwan.

The goods exported from those countries are subject to a dumping duty notice published under section 269TG(2) of the *Customs Act 1901* (the Act) on 3 July 2012 and a countervailing duty notice published under section 269TJ(2) of the Act on 3 July 2012 (collectively, the original notices).[1] The original notices were altered by a notice published under section 269ZDB(1) on 18 March 2016, following anti-circumvention inquiry 291.[2] The goods subject to the original notices as altered on 18 March 2016 are as follows.

Notice under section 269TG(2)

> *Certain hollow structural sections 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.*
>
> *and*
>
> *Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:*
>
> - *China by Dalian Steelforce Hi-Tech Co.*
> - *China by Tianjin Friend Steel Pipe Co., Ltd*
> - *China by Tianjin Ruitong Iron and Steel Co., Ltd*
> - *China by Roswell S A R L Limited*
> - *Malaysia by Alpine Pipe Manufacturing SDN BHD.*

[1] Special Gazette Notice Nos S106 and S108, published in *Commonwealth Gazette* Notice No GN 27, pp 142-143 and 145-147.
[2] Anti-Dumping Notice No 2016/24 refers.

Notice under section 269TJ(2)

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.

and

Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:

- *China by Dalian Steelforce Hi-Tech Co.;*
- *China by Tianjin Friend Steel Pipe Co., Ltd;*
- *China by Tianjin Ruitong Iron and Steel Co., Ltd;*
- *China by Roswell S A R L Limited.*

Recommendations resulting from the current inquiry, reasons for the recommendations and material findings of fact and law in relation to the inquiry are contained *in Anti-Dumping Commission Report No 685* (REP 685).

I, TIM AYRES, the Minister for Industry and Innovation and Minister for Science, have considered REP 685 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of facts or law set out in REP 685.

Under section 269ZDBH(1) of the Act, I DECLARE, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975* , the original notices under section 269TG(2) and section 269TJ(2) of the Act applying to the goods exported to Australia from China, Korea, Malaysia and Taiwan **be altered** to apply to the following goods(with alterations shown in bold):

Notice under section 269TG(2)

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.

and

Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:

- *China by Dalian Steelforce Hi-Tech Co.*
- *China by Tianjin Friend Steel Pipe Co., Ltd*
- *China by Tianjin Ruitong Iron and Steel Co., Ltd*
- *China by Roswell S A R L Limited*
- *Malaysia by Alpine Pipe Manufacturing SDN BHD.*

and

Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).

Notice under section 269TJ(2)

> *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.*
>
> *and*
>
> *Certain hollow structural sections (the goods) classified to tariff subheadings 7306.50.00 (statistical code 45) and 7306.61.00 (statistical code 90) exported from:*
>
> - *China by Dalian Steelforce Hi-Tech Co.;*
> - *China by Tianjin Friend Steel Pipe Co., Ltd;*
> - *China by Tianjin Ruitong Iron and Steel Co., Ltd;*
> - *China by Roswell S A R L Limited.*
>
> ***and***
>
> ***Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).***

I also DECLARE under sections 269ZDBH(1) and 269ZDBH(8) that the alterations specified in this declaration are taken to have been made to the original notices with effect on and after 4 September 2025.[3]

REP 685 has been placed on the public record, which may be examined at the Anti-Dumping Commission office during business hours by contacting the case manager using the contact details provided below. Alternatively, the public record is available at www.adcommission.gov.au

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

Enquiries about this notice may be directed to the Case Manager on telephone number +61 2 6213 7047 or investigations2@adcommission.gov.au

Dated this Fifth day of June 2026

TIM AYRES
Minister for Industry and Innovation and Minister for Science

[3] The Commissioner published an inquiry notice under section 269ZDBE(4) about the conduct of an anti-circumvention inquiry on 4 September 2025.

ATTACHMENT B – ELABORATION OF GROUNDS

A. Background

1. The **Reviewable Decision** is the decision by the Minister of 5 June 2026, pursuant to s 269ZDBH(1) of the *Customs Act 1901* (Cth) (**the Act**), to alter a notice issued under s 269TG(2) of the Act dated 3 July 2012, and a notice issued under s 269TJ(2) of the Act (as amended from time to time) (**the Original Notices**) applicable to certain hollow structural sections (**HSS**). In declaring the Original Notices to be altered, and publishing the alterations in the Reviewable Decision, the Minister accepted the material findings of fact or law set out in Final Report 685 of the Commissioner of the Anti-Dumping Commission (**the Final Report**).

2. The Review Panel should recommend to the Minister that the Reviewable Decision be revoked and substituted with a new decision under s 269ZZK(1)(b) for the reasons elaborated in the following grounds.

3. Gransolar is an "interested party" for the purpose of s 269ZX of the Act under paragraph (c) of the definition of "interested party".

B. Ground 1: The Commissioner's refusal to take into account Gransolar's submissions of 17 April 2026 was unreasonable

4. On 17 April 2026, Gransolar sought to file a submission to the Anti-Dumping Commission (**ADC**) in response to the SEF. That submission was sent to the ADC after the due date for the filing of submissions (which was 13 April 2026). That submission, and the email by which it was sent to the ADC, is appended to and forms part of Attachment B. The Commissioner was not obliged to have regard to that submission if, in the Commissioner's opinion, to so have regard to it would prevent the timely preparation of the report to the Minister.[1]

5. Gransolar's representative in this application, World Customs Consultants, received no response to that submission until an email was sent to it at 3:43pm on Friday 24 April 2026,

[1] *Customs Act 1901* (Cth) s 269ZDBG(3).

7 days after Gransolar filed its submission. By that email, a representative of the ADC requested that World Customs Consultants provide a letter of authority to the Commission:

> "I wanted to follow up regarding the email below. We still have not received a letter of authority from your client, which means we cannot confirm that the representations are actually made on behalf of Gransolar. Without this letter, the commission may not be able to consider the submission.
>
> Additionally, I note the submission was sent after the due date for submissions in response to the SEF, which was 13 April 2026. As outlined in section 269ZDBG(3) of the *Customs Act 1901*, the Commissioner is not required to have regard to a late submission if doing so would prevent the timely preparation of the report to the Minister, which is due on 7 May 2026."

6. A copy of that email is appended to and forms part of this Attachment B.

7. It is notable that World Customs Consultants had corresponded with the ADC on behalf of Gransolar on numerous occasions in relation to the present inquiry, including for the purpose of filing submissions on 6 December 2025 and 19 December 2025. The Commissioner notes in the Final Report these attempts to file submissions, and the various correspondence during February 2026 in relation to those submissions.[2] In none of the previous correspondence did the ADC seek an authority letter from World Customs Consultants in relation to whether it acted for Gransolar. Those correspondence reveal that the ADC was self-evidently satisfied that World Customs Consultants acted for Gransolar in this inquiry.

8. On Monday 27 April 2026 at 3:38pm – the next business day following the ADC's request of 24 April 2026 – World Customs Consultants filed with the ADC an authority letter, confirming that World Customs Consultants acts for Gransolar in this inquiry. A copy of that email and the attachments thereto is appended to and forms part of this Attachment B.

9. In the Final Report, the Commissioner declined to have regard to that submission:

> "The commission received a submission in response to the SEF from Gransolar on 17 April 2026, after the due date for submissions in response to the SEF. The submission was made by a consultant claiming to act on

[2] Final Report at 17-18.

behalf of Gransolar, however the commission had not received a letter of authority from Gransolar for this consultant to act on its behalf, and the commission could not confirm that the submission was made on behalf of Gransolar. A letter of authority was subsequently provided on 27 April 2026.

Noting that the submission was received 7 days after the due date for submissions and the letter of authority was received 14 days after the due date for submissions, in accordance with section 269ZDBG(3) the Commissioner has not had regard to the submission as to do so would prevent the timely preparation of this report to the Minister."[3]

10. Section 269ZDBG(3) of the Act provides that, in relation to anti-circumvention inquiries:

> **269ZDBG Report on anti-circumvention inquiry**
>
> …
>
> (3) The Commissioner is not obliged to have regard to a submission made in response to the statement of essential facts that is received by the Commissioner after the end of the period referred to in subparagraph (2)(a)(iv) if to do so would, in the Commissioner's opinion, prevent the timely preparation of the report to the Minister.

11. The scope of review of decisions where it is an element of that decision that a state of satisfaction be reached will vary based on the nature of the matter of which the authority must be satisfied. In *Buck v Bavone* (1976) 135 CLR 110, Gibbs CJ said:

> It is not uncommon for statutes to provide that a board or other authority shall or may take certain action if it is satisfied of the existence of certain matters specified in the statute. Whether the decision of the authority under such a statute can be effectively reviewed by the courts will often largely depend on the nature of the matters of which the authority is required to be satisfied. In all such cases the authority must act in good faith; it cannot act merely arbitrarily or capriciously. Moreover, a person affected will obtain relief from the courts if he can show that the authority has misdirected itself in law or that it has failed to consider matters that it was required to consider or has taken irrelevant matters into account.

[3] Final Report at 18.

> Even if none of these things can be established, the courts will interfere if the decision reached by the authority appears so unreasonable that no reasonable authority could properly have arrived at it. However, where the matter of which the authority is required to be satisfied is a matter of opinion or policy or taste it may be very difficult to show that it has erred in one of these ways, or that its decision could not reasonably have been reached. In such cases the authority will be left with a very wide discretion which cannot be effectively reviewed by the courts. *Hughes and Vale Pty. Ltd. v. New South Wales [No.2]* [(1995) 93 CLR 127] itself was a case of that kind. Where the authority is required to be satisfied of the existence of particular matters of objective fact, the position may be very different. It may then be possible to show clearly not only that the material facts existed but that an authority acting in accordance with its duty could have reached no other conclusion than that they existed.[4]

12. It is submitted that the exercise of the Commissioner's discretion under s 269ZDBG(3) miscarried as its exercise was unreasonable and/or took into account an irrelevant consideration. Specifically:

    12.1 Gransolar is aware of no legal authority that mandates the provision of an authority letter prior to the filing and acceptance of a submission by the Commission. This much appears to be confirmed by the ADC's email of 24 April 2026 ("Without this letter, the commission *may not be able to* consider the submission", emphasis added). To the extent that the failure to provide such authority at the time of filing Gransolar's submissions on 17 April 2026 was thought by the ADC and/or the Commissioner to constitute a bar to the acceptance of those submissions by the Commission, such conclusion was based on an irrelevant consideration as there is no such bar.

    12.2 The ADC was plainly aware, and had been aware since at least December 2025, that World Customs Consultants acted for Gransolar in this matter. It has received from World Customs Consultants submissions dated 6 December 2025 and 19 December 2025 and had corresponded freely with World Customs Consultants in relation to those submissions and other matters of concern to Gransolar arising from the inquiry. Those correspondence are in the possession of the ADC but can be provided upon request. The ADC did not request an authority letter from

[4] *Buck v Bavone* (1976) 135 CLR 110 at 118-119 (Gibbs CJ).

World Customs Consultants in December 2025 or February 2026 or otherwise prior to April 2026

12.3 The ADC did not request an authority letter from World Customs Consultants and/or Gransolar in relation to its submissions of 17 April 2026 until 24 April 2026 – a full 7 days after its submission concerning the SEF was filed. That letter was provided promptly, on the next business day. To the extent there was any delay in the provision of an authority letter, that delay could only be attributable to the ADC, and not to Gransolar or World Customs Consultants. The filing of the 17 April 2026 submission was evidently of no compromise to the timely preparation of the Final Report when the ADC sought an authority letter on 24 April 2026. In circumstances where such authority was provided on the next business day after it was requested, it cannot have been the case that the provision of that letter at that time could have had any bearing on the timely preparation of the Final Report to the Minister for the purpose of s 269ZDBG(3).

13. The exercise of the Commissioner's discretion under s 269ZDBG(3) was unreasonable in relation to that submission and it miscarried. Further and/or alternatively, the exercise of that discretion took into account an irrelevant consideration.

14. For those reasons, the Commissioner should not have declined to have regard to Gransolar's submission of 17 April 2026. That element of the Commissioner's reasoning should be set aside. The correct and preferable decision for the purpose of Ground 1 is that the Commissioner should not have exercised its discretion under s 269ZDBG(3) of the Act to refuse and/or decline to have regard to Gransolar's submission of 17 April 2026, and it should, instead, have had regard to that submission (and that submission should now be taken into account by the Review Panel pursuant to s 269ZZK(4)(a), s 269ZZK(4)(b), s 269ZZK(4A) and/or s 269ZZHA(2) of the Act).

C. Ground 2: The Commissioner's analysis under ss 48(2) and 48(3) of the *Customs (International Obligations) Regulation 2015* is infected by an error of law

15. The task before the Commissioner was to establish whether "circumvention activity" occurred for the purpose of s 269ZDBB of the Act. The Commissioner correctly referred to the circumstances in ss 48(2) and 48(3) of the *Customs (International Obligations) Regulation 2015* (Cth) (**the Regulation**) in order to establish whether circumvention activity occurred for the purpose of s 269ZDBB(6).

16. Section 48(2) when read with s 269ZDBB provides that circumvention activity occurs when all of the following apply:

    16.1 goods (**the circumvention goods**) are exported to Australia from a foreign country in respect of which the notice applies;

    16.2 before that export, the circumvention goods are slightly modified;

    16.3 the use or purpose of the circumvention goods is the same before, and after, they are so slightly modified;

    16.4 had the circumvention goods not been so slightly modified, they would have been the subject of the notice;

    16.5 section 8 or 10 of the *Customs Tariff (Anti-Dumping) Act 1975*, as the case requires, does not apply to the export of the circumvention goods to Australia.

17. There are two relevant notices, which are set out in section 2.2.2 of the Final Report.

18. Section 48(3) mandates that the Commissioner make a comparison between the circumvention good and the good the subject of the notice when determining whether a circumvention good is slightly modified. The Commissioner may have regard to any factor the Commissioner considers relevant in making this comparison, including any of the factors set out in s 48(3). The Commissioner's analysis purports to set out an analysis under s 48(3).

19. In purporting to carry out that analysis, the following passages of the Final Report are particularly relevant:

    19.1 In the SEF, the Commissioner appears to have defined the circumvention goods as "HSS with drill holes";[5] in the Final Report, the Commissioner appears to have defined the circumvention goods as "HSS with holes".[6]

    19.2 The Commissioner noted that "[t]o determine whether a circumvention good is slightly modified, the Commissioner must compare the circumvention goods *and the good the subject of the notice*, having regard to any factor that the Commissioner

[5] Statement Of Essential Facts No 685 – Anti-Circumvention Inquiry Into The Slight Modification Of Goods at 20.
[6] Final Report at 20.

considers relevant, including any of the factors listed in section 48(3)"[7] (emphasis added).

19.3 The Commissioner noted the following elements of Orrcon's application:[8]

(a) "the *only physical difference* between the goods and the circumvention goods is the *presence of drill holes* (either along the length or at the ends) and the circumvention goods *are otherwise identical to the goods*" (emphasis added);

(b) "the production process for the goods and the circumvention goods *is the same*, with the *only additional step being drilling*" (emphasis added);

(c) "any difference in production cost *is limited to the drilling operation*; the cost of which is immaterial relative to the full cost to make torque-tube HSS" (emphasis added);

(d) the goods and circumvention goods are used for *the same end use* ([being] *supporting structural steel framework for solar panels*), move through the same channels, and are marketed to the same original equipment manufacturer (OEM) customers" (emphasis added); and

(e) "the patterns of trade, pricing after IDD and export volumes indicate substitution toward the drilled product following the imposition of measures, with the circumvention goods classified differently to the goods subject to the notices".

19.4 In concluding that the goods and the circumvention goods "can have the same end use" for the purpose of s 48(3)(b), the Commissioner noted:

> "*In solar tracking and mounting systems*, the torque tube serves as the structural support to which drive components, brackets and hardware are fastened. To enable that fastening, pre-drilled holes are required in specified locations.
>
> The circumvention goods include the pre-drilled holes and can be shipped directly from the port of importation to a site *for use in the construction of a commercial solar facility*. The goods (HSS) can be used for

[7] Final Report at 21.
[8] Final Report at 21.

torque tube by first drilling the holes before delivering to the construction site."[9] (emphasis added)

19.5 In concluding that the goods and the circumvention goods are "fully interchangeable" (for the purpose of s 48(3)(c)) once "the goods" have holes drilled, and "can have the same end use" for the purpose of s 48(3)(b), the Commissioner referred to Orrcon's application in that:

> "Orrcon outlined the solar OEM context in Australia, compared torque tube and standard HSS, and set out Australia's domestic capability to convert undrilled HSS into torque tube. It explained that *torque tube used in solar mounting systems* is functionally HSS prepared for assembly (i.e., with holes to accept fasteners, and swaging where required), and that Australian suppliers can either (i) supply standard HSS for subsequent processing, or (ii) supply pre-processed HSS (drilled/swaged torque tube) to the same end users."[10] (emphasis added)

19.6 In concluding that the goods and the circumvention goods undergo "the same" manufacturing process until the "final modification step" (being the drilling of holes) (for the purpose of s 48(3)(d) of the Regulation, as well as for ss 48(3)(e) and 48(3)(f)), the Commissioner noted that the manufacture of HSS at Orrcon's facilities and stated that the "standard processes" for the manufacture of HSS and the circumvention goods were the same, save for the drilling of holes in the circumvention goods. Such step was said to be the only additional costs and likely to be less than 5% of the value of the circumvention goods.[11] This conclusion was based solely, or in part, on the Commissioner's observations at Orrcon's facilities.[12]

19.7 For the purpose of s 48(3)(g), the Commissioner rejected Orrcon's argument that customers of the goods and the circumvention goods have "identical" preferences and expectations relating to the goods and the circumvention goods, and noted:

> "The commission considers that a customer purchasing torque tube *(for application within solar panel installations)* would expect holes to be drilled in the tube when delivered to site, as it is a requirement, however a

[9] Final Report at 22.
[10] Final Report at 22.
[11] Final Report at 22-23.
[12] Final Report at 22-23.

customer would be unlikely to have a preference for whether the holes were drilled prior to export or in Australia."[13] (emphasis added)

20. As is clear from the passages extracted above, the Commissioner did not conduct a comparison between the circumvention goods and the goods the subject of the notice.

21. The passages above reveal that, with respect to at least those passages of the Commissioner's reasoning (and, it is submitted, on the whole, by reason of those passages), the Commissioner made a comparison between the circumvention goods and *a narrow subset of the goods that are the subject of the Original Notices* – being "solar tracking and mounting systems", goods "for use in the construction of a commercial solar facility" and/or "torque tube used in solar mounting system" (or one or more of those products, to the extent that there is a material distinction between them).[14] In doing so, the Commissioner elected to make a comparison between HSS without holes *for use in solar mounting systems* and the circumvention goods (being "HSS with holes"). (Indeed, the Commissioner was invited to conduct its analysis in this incorrect manner by reason of the terms in which Orrcon formulated its application.) That is despite the Commissioner having correctly noted that the Commissioner was required to compare the circumvention goods "*and the good the subject of the notice*, having regard to any factor that the Commissioner considers relevant, including any of the factors listed in section 48(3)".[15] It should be uncontroversial that the goods within the scope of the Original Notices are myriad and go well beyond those for use in solar mounting systems.[16]

22. In so limiting the scope of the Commissioner's comparison, the Commissioner failed to perform the statutory comparison required by s 48(3) of the Regulation and committed an error of law.

23. In consequence of that error of law, the Commissioner's analysis proceeded in such manner as to render almost inevitable a conclusion that the goods the subject of the Original Notices, and the circumvention goods, are comparable. That is because the Commissioner's analysis effectively was a comparison between HSS without holes for use in solar mounting systems and HSS with holes for use in solar mounting systems.[17] The Commissioner's analysis

---

[13] Final Report at 23.
[14] For brevity, these various descriptions are referred to as "**solar mounting systems**" in the remainder of this document.
[15] Final Report at 13, 21.
[16] See, for example, *Smoothflow Australia Pty Ltd and Comptroller-General of Customs, Re* [2020] AATA 1890; *Tradesman Technologies Pty Ltd and Comptroller-General of Customs* [2023] AATA 1618.
[17] This error also pervaded the Commissioner's subsequent analysis under s 48(2)(c) (at 29), in that the Commissioner again narrowed the scope of the proper comparison:

should have compared the circumvention goods with the panoply of goods falling within the scope of the Original Notices.

24. Had the Commissioner's analysis proceeded in a manner consistent with s 48(3) of the Regulation, to consider the goods the subject of the Original Notices, it is submitted that such analysis would have yielded a different conclusion at least in respect of:

24.1 the interchangeability of the of the goods covered by the Original Notices and the circumvention goods (s 48(3)(c)) – that is, that the circumvention goods have a low or lower degree of interchangeability with the goods because "the goods" cover a panoply of items that is not limited to HSS for use in solar mounting systems;

24.2 customer preferences and expectations relating to the goods covered by the notice and the circumvention goods (s 48(3)(g)) – that is, that customer preferences and expectations are materially different because "the goods" cover a panoply of items that is not limited to HSS for use in solar mounting systems;

24.3 channels of trade and distribution for the goods covered by the notice and the circumvention goods (s 48(3)(i)) – that is, that such channels are materially different taking into account that "the goods" cover a panoply of items that is not limited to HSS for use in solar mounting systems;

24.4 patterns of trade for the goods covered by the notice and the circumvention goods (s 48(3)(j)) – that is, that such patterns are materially different because "the goods" cover a panoply of items that is not limited to HSS for use in solar mounting systems; and

24.5 changes in the pricing and export volumes of each of the goods covered by the notice and the circumvention goods (ss 48(3)(k) and 48(3)(l)) (elaborated below).

"The commission has assessed whether the use or purpose of the circumvention goods is the same before, and after, they are so slightly modified (section 48(2)(c)).

While the addition of drilled holes means the product *is commonly referred to in the solar industry as "torque tube"*, the underlying steel section remains the goods subject to measures (HSS). Drilling does not create a new or different product — it simply prepares the same HSS *for its intended application within a solar mounting system*.

Both the undrilled HSS and the drilled torque-tube product serve the same structural function as part of a steel support assembly. The drilled holes facilitate installation, but they do not alter the essential purpose of the tube as a structural component."

25. Indeed, neither Figure 1 nor Figure 2 of the Final Report reveal any correlation between the importation of circumvention goods and to the imposition of the Original Notices, any amendments to or continuations of the Original Notices, or any fluctuation in imports of the goods subject to the Original Notices. Moreover, it is submitted that the drilling of holes would render the circumvention goods wholly unusable for other applications of the goods covered by the Original Notices – such as HSS used for the conveyance of liquid or gas. It is submitted that such matters do, or should, properly take on greater significance when considered in the context of a lawful comparison between the goods the subject of the Original Notices and the circumvention goods, in accordance with s 48(3) of the Regulation. Such consideration would properly lead to the conclusion that the circumvention goods have not been slightly modified for the purpose of s 48(3).

26. The Commissioner concluded that the circumvention goods were slightly modified for the purpose of s 48(3) of the Regulation.[18] By reason of that conclusion, the Commissioner concluded that the circumvention goods are "slightly modified" for the purpose of s 48(2)(b) of the Regulation. Because the Commissioner's conclusion that the circumvention goods are slightly modified for the purpose of s 48(3) is infected with an error of law, it follows that the Commissioner's conclusion that the circumstance under s 48(2)(b) of the Regulation, and under s 269ZDBB(6) of the Act, is similarly infected by an error of law. By extension, the Commissioner did not identify "circumvention activities" under s 269ZDBB and there is subsequently no basis for the alteration of the Original Notices set out in the Final Report.

27. Considering the Minister accepted the material findings of fact or law set out in the Final Report in making the Reviewable Decision, it follows that the Reviewable Decision is infected by an error of law.

28. The Review Panel should therefore recommend to the Minister that the Reviewable Decision be revoked and substituted with a new decision under s 269ZZK(1)(b). The correct and preferable decision for the purpose of Ground 1 is that the Original Notices remain unaltered pursuant to s 269ZDBG(1)(c) of the Act.

---

[18] Final Report at 29.

D. Ground 3: The Commissioner's analysis improperly alters the goods description in the notices

29. The following argument is strictly without prejudice to Gransolar's argument concerning the Commissioner's analysis under ss 48(2) and 48(3) of the Regulation, which it says is erroneous and should be revoked.

30. In the Final Report at section 5.7, the Commissioner sets out its assessment of the appropriate manner in which to alter the goods description in the Original Notices. In its analysis, the Commissioner expressed caution in respect of the adoption of any alteration which "may result in an expansion of measures beyond the scope of the circumvention activity found in this inquiry".[19] This observation was in the context of the Commissioner's assessment of whether to adopt the so-called "narrative description" of the goods in the Dumping Commodity Register (**DCR**),[20] or the "tariff description" of the goods used in the Original Notices.[21]

31. Notwithstanding that Gransolar says that the Commissioner was wrong in its analysis under s 48(2) and 48(3) of the Regulation, if the goods description in the Original Notices is to be altered, it is submitted that the Commissioner is correct to seek to ensure that the goods description is not altered so as to apply dumping and/or countervailing duty to goods that should not properly be subject to those duties (be they circumvention goods or otherwise).

32. However, Gransolar submits that the alteration to the Original Notices adopted by the Commissioner, and then by the Minister, is erroneous.

33. The alteration to the scope of the Original Notices is now so broad as to capture "[c]ertain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular and non-circular hollow structural sections (HSS) …". That is, it captures *any* electric resistance welded pipe and tube made of steel and classified to subheading 7308.90.00 (statistical code 65). That is true whether or not any particular pipe and tube – whether or not featuring holes – has ever been the subject of any investigation or inquiry by the Commissioner as to whether the products were dumped and/or subsidised; whether there is a domestic industry for a like

[19] Final Report at 35.
[20] Final Report at section 2.2.3.
[21] Final Report at section 2.2.2.

product; and/or whether any such dumping/subsidisation causes injury to that domestic injury.

34. A review of the history of the imposition of dumping and countervailing duty on HSS in Australia reveals that such measures have always been directed at circular, square, rectangular, and oval shaped sections classifiable to subheadings within heading 7306.[22] The description that appeared in the DCR prior to the Reviewable Decision reflects this. HSS not of those shapes – for example, but of particular relevance, octagonal sections – have never been the subject of consideration by the Commissioner or of any previous reports as to whether such shaped products have been dumped in Australia, or been subsidised in a market of export, or of the existence of a domestic industry for like products, or of injury to said industry. It appears never to have been contemplated that HSS is imported in shapes other than circular, square, rectangular, and oval. Indeed, in the present inquiry, the Commissioner appears to have seen circular HSS only during its visit to Orrcon.

35. To the extent that such other-shaped sections have been drilled (or have otherwise have holes created in them) such that they are properly classified to subheading 7308.90.00 (statistical code 65), such products are, by reason of the Reviewable Decision, now subject to dumping and countervailing duty.

36. Gransolar is particularly affected by this expansion of the application of duty to HSS identified in the Reviewable Decision, being an importer of octagonal, pre-drilled HSS. In submissions in this inquiry dated 6 December 2025 and 18 December 2025, Gransolar set out the commercial and engineering reasons for those characteristics of its imported HSS, and highlighted the distinctiveness of this HSS from other HSS. Notwithstanding that those submissions were not considered by the Commission, this does not detract from the fact that the Reviewable Decision applies dumping and countervailing duty to goods that have not been the subject of *any* analysis by the Anti-Dumping Commission, the Commissioner, and/or the Minister *at all*, including the octagonal drilled HSS imported by Gransolar. The broad consequences of the possible formulations of the alterations to the Original Notices that were contemplated by the Commissioner were identified in Gransolar's submissions of 17 April 2026 – which, for the reasons identified in Ground 1, should have been considered by the Commissioner.

---

[22] See, for example, Final Report 291 (Hollow Structural Sections Exported From The People's Republic Of China, The Republic Of Korea, Malaysia And Taiwan); Final Report 379 (Hollow structural sections exported from China, Korea, Malaysia and Taiwan); Report No. 419 (Hollow Structural Sections – China, Korea, Malaysia and Taiwan); Final Report 590 (Hollow Structural Sections – China, Korea, Malaysia and Taiwan).

37. Because the Final Report has the effects summarised in this Ground, the Final Report is infected by an error of law, because it applies dumping and countervailing duty to goods with no evidence of those goods being properly subject to such duty based on an analysis under Part XVB of the Act, and/or is otherwise unreasonable.

38. Considering the Minister accepted the material findings of fact or law set out in the Final Report, it follows that the Reviewable Decision is infected by the same error of law.

39. The Review Panel should therefore recommend to the Minister that the Reviewable Decision be revoked and substituted with a new decision under s 269ZZK(1)(b). The correct and preferable decision for the purpose of Ground 3 is that the Original Notices (being both the notice under s 269TG(2) of the Act and the notice issued under s 269TJ(2) of the Act) be altered pursuant to s 269ZDBG(1)(d) of the Act so as to add the following text and that text only:

> *Certain electric resistance welded pipe and tube made of carbon or other alloy steel classified to tariff subheading 7308.90.00 (statistical code 65), comprising circular, oval, square and rectangular hollow structural sections (HSS), including circular or oval hollow sections (CHS) with other than plain ends, such as threaded, swaged and shouldered, and any sections with holes (including those created by drilling, punching, piercing, cutting or otherwise) at the end of the section or along its length (or both).*

E. Request for conference

40. In light of the matters raised in these grounds, and in particular the effect the Reviewable Decision has on Gransolar by reason of it being an importer of octagonal pre-drilled HSS (as stated in Ground 3), Gransolar submits that it is appropriate that the Review Panel hold a conference with Gransolar under s 269ZZHA(1) for the purpose of obtaining further information in relation to this application and review, and it hereby requests such conference occur at a time that is mutually convenient for the Review Panel and Gransolar.

Dated: 6 July 2026

WORLD CUSTOM CONSULTANTS

ABN: 79 608 140 825
GPO Box 5362
Sydney, NSW, 2001

17 April 2026

The Director, Investigations 2
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

Via email: investigations2@adcommission.gov.au

Re: SEF 685 - response on behalf of Gransolar Construction Australia Pty Ltd

We act for Gransolar Construction Australia Pty Ltd (GRS). This submission responds to Statement of Essential Facts No. 685, dated 23 March 2026 and to the ADC and Austube Mills Pty Ltd.'s proposal to insert the words 'and any HSS that has been drilled at the end or along the length of the section' into the extended goods description.

Our client recommends that the actual definition of HSS shapes investigated in the SEF Report, namely circular and rectangular sections be included in the proposed definition. We believe that any final recommendation be limited to the goods covered by the initial notice and that references to other HSS profiles be removed, namely:

> *"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."*

Relief sought

GRS submits that the proposed catch-all addition sought by the ADC and Austube Mills should not be adopted in its present form. If any alteration is recommended, it should be confined to the product forms actually examined on the public record and to the goods description already covered by the notice, rather than extended to 'any HSS' drilled at the end or along the length of the section.

1. Definition issue arising from the SEF

The present notice already defines the subject goods by reference to circular and non-circular hollow sections normally referred to as CHS and RHS, collectively referred to as HSS, and then sets out the applicable finishes, sizes and exclusions (SEF 685, pp. 8-9). The SEF also records that the original 2012 notice was classification-based and was later amended in inquiry 291 to expand tariff classifications for identified exporters, not to create a free-standing product catch-all for all future drilled HSS profiles (SEF 685, p. 10).

The current SEF's proposed recommendation would add the words 'and any HSS that has been drilled at the end or along the length of the section' (SEF 685, p. 5). That wording is materially broader than the balance of the definition because it is no longer anchored to the original notice architecture, namely the CHS/RHS goods description, the specified finish types, the size parameters and the historically identified tariff treatment.

2. Scope of the inquiry supports a narrow outcome

The SEF expressly states that Orrcon's application concerned alleged slight modification by the addition of drill holes and that the Commission limited the inquiry to that conduct. It further states that, although ATM raised other minor modifications such as attachments and superficial fabrication, the inquiry was not expanded because those claims were substantially different from the allegation in the application and inquiry notice (SEF 685, pp. 16-18).

That is important. Once the Commission itself has confined the inquiry to drilling of holes only, any final wording should also remain confined to the factual goods actually examined in that narrower inquiry. A residual phrase covering 'any HSS' risks doing indirectly what the SEF says the inquiry did not do directly, namely extend the case beyond the conduct and goods actually investigated.

3. Section 48 framework requires comparison with the goods subject to the notice

The SEF reproduces section 48(2) and section 48(3) of the Regulation. The statutory task is to determine whether the circumvention goods, had they not been slightly modified, would have been the subject of the notice, and to compare the circumvention goods with the goods subject to the notice by reference to physical characteristics, end use, interchangeability, processes, costs, channels of trade, pricing, volumes and tariff treatment (SEF 685, pp. 11-12).

That framework points back to the actual notice goods. It does not justify moving to an unrestricted formulation that captures every engineered and drilled HSS profile. The proper question is whether the drilled goods examined in this inquiry would, absent drilling, have been goods already covered by the notice definition.

4. The SEF's own factual findings are tied to the specific goods examined

The SEF records that the Commission identified the alleged circumvention goods in ABF data under tariff classification 7308.90.00 statistical code 65, and that the readily identifiable goods in that dataset were described as 'torque tube' (SEF 685, p. 20). The SEF also notes the limitation that the identified data is a narrow subset based on the way importers described the goods.

On physical characteristics, the SEF says Orrcon described the circumvention goods as pre-galvanised swaged HSS with holes drilled either along the length or at the ends; Nextpower described torque tubes with project-specific drilling patterns; and during the site visit the Commission observed finished torque tube made from circular HSS that would otherwise meet the goods description except for the drill holes (SEF 685, pp. 21-22).

Those findings do not support an outcome covering other HSS profiles generally. They support, at most, a product-specific outcome tied to the drilled forms actually examined on the record.

5. The SEF recognises a classification problem, not a basis for a universal profile expansion

The SEF states the goods are currently imported under tariff heading 7306 while the alleged circumvention goods were imported under tariff heading 7308 (SEF 685, p. 26). It also notes that the Commission may consider alterations to tariff classifications referenced by the original notice (SEF 685, p. 10).

That supports a targeted solution directed to the identified drilled goods and the classification issue created by those imports. It does not support rewriting the goods description so broadly that it reaches other HSS profiles not transparently tested in the inquiry.

6. The Commission's own alteration analysis supports exclusion of other modifications

In chapter 5, the SEF records ATM's broader allegations about brackets, couplings and other superficial fabrication, but then states that the inquiry did not examine those other alleged circumvention activities and therefore the Commission does not propose to alter the notice in relation to other modifications such as attachments and minor fabrication (SEF 685, p. 31).

GRS submits that the same discipline should apply to profile expansion. If other modifications and other product variants were not examined, the final wording should not leave room for them to be caught through the broad phrase 'any HSS'.

7. Proposed outcome

For these reasons, the better approach is to preserve the existing definition architecture and, if necessary, confine any alteration to the circular and rectangular hollow sections actually investigated and shown on the public record to satisfy the section 48 test.

In practical terms, the final recommendation should remove language that extends to other HSS profiles and instead remain aligned with the current notice wording and the goods actually examined in SEF 685.

8. Orders sought

GRS seeks the following outcomes: -

- That the Commissioner does not recommend insertion of the words 'and any HSS that has been drilled at the end or along the length of the section' in the broad form proposed in SEF 685.
- Alternatively, that any altered wording be confined to the circular and rectangular hollow sections actually investigated and shown on the public record.
- That references to 'any' HSS profiles be removed from any final recommendation, so the outcome remains anchored to the notice for the goods and the scope of the inquiry.

We look forward to receiving your favourable consideration of our client's request.

Yours faithfully,

[redacted]

Russell Wilkinson - CEO
For World Customs Consultants Pty Ltd
On behalf of Gransolar Construction Australia Pty Ltd

NON-CONFIDENTIAL

From:	[redacted]
To:	Anti-Dumping Commission Investigations 2
Subject:	Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation
Date:	Friday, 17 April 2026 5:00:00 PM
Attachments:	GRS_SEF685_WCC_SEF report_ADC Final Version.pdf

Dear Sir/Madam,

On behalf of our client Gransolar Construction Australia Pty Ltd, please find attached our detailed response to the SEF for the subject Inquiry.

Our client is comfortable with the attached document being placed on the Public Record.

We shall forward our Letter of Authority shortly.

Please advise if any further information is required.

Kind Regards,

[redacted]

[redacted]
World Customs Consultants Pty Ltd
M: [redacted]
E: [redacted]
www.worldcustomsconsultants.com

NON-CONFIDENTIAL

From: [redacted]
To: nt - ump ng ommission Investigations 2
Cc: [redacted]
Subject: RE: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation [SEC=OFFICIAL]
Date: Friday, 24 April 2026 4:41:00 PM
Attachments: image005.png
image006.png

Hi [redacted],

Thank you for your email. I have sent a further reminder for our client to provide the LOA, should be received shortly.

Unfortunately, client feedback on our submission was delayed, apologies.

Let know if any further assistance is required.

Kind Regards,

[redacted]

[redacted]
World Customs Consultants Pty Ltd
M: [redacted]
E: [redacted]
www.worldcustomsconsultants.com

WORLD CUSTOMS CONSULTANTS

From: Anti-Dumping Commission Investigations 2 <Investigations2@adcommission.gov.au>
Sent: Friday, 24 April 2026 3:43 PM
To [redacted]
Cc: Anti-Dumping Commission Investigations 2 <Investigations2@adcommission.gov.au>;
[redacted]
Subject: RE: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

I wanted to follow up regarding the email below. We still have not received a letter of authority from your client, which means we cannot confirm that the representations are actually made on behalf of Gransolar. Without this letter, the commission may not be able to consider the submission.

Additionally, I note the submission was sent after the due date for submissions in response to the SEF, which was 13 April 2026. As outlined in section 269ZDBG(3) of the *Customs Act 1901*, the Commissioner is not required to have regard to a late submission if doing so would prevent the timely preparation of the report to the Minister, which is due on 7 May 2026.

Please let us know if you have any questions or can provide the letter of authority.

Regards

[redacted]

Anti-Dumping Commission | www.adcommission.gov.au

Acknowledgement of Country
The commission recognises the First Peoples of this Nation and their ongoing cultural and spiritual connections to the lands, waters, seas, skies, and communities.
We Acknowledge First Nations Peoples as the Traditional Custodians and Lore Keepers of the oldest living culture and pay respects to their Elders past and present. We extend that respect to all First Nations Peoples.

OFFICIAL

From: [redacted]
Sent: Friday, 17 April 2026 5:01 PM
To: Anti-Dumping Commission Investigations 2 <investigations2@adcommission.gov.au>
Subject: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation

CAUTION - This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

On behalf of our client Gransolar Construction Australia Pty Ltd, please find attached our detailed response to the SEF for the subject Inquiry.

NON-CONFIDENTIAL

Our client is comfortable with the attached document being placed on the Public Record.

We shall forward our Letter of Authority shortly.

Please advise if any further information is required.

Kind Regards,

[redacted]

[redacted]
World Customs Consultants Pty Ltd
M: [redacted]
E: [redacted]
www.worldcustomsconsultants.com

WORLD CUSTOMS CONSULTANTS

NON-CONFIDENTIAL

From: [redacted]
To: Anti-Dumping Commission Investigations 2
Cc: [redacted]
Subject: RE: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation [SEC=OFFICIAL]
Date: Monda 27 A ril 2026 3:38:00 PM
Attachments: [redacted]

Good Afternoon [redacted],

Please find attached our Letter of Authority received today.

Let me know if any further information is required.

Kind Regards,

[redacted]

[redacted]
World Customs Consultants Pty Ltd
M: [redacted]
E: [redacted]
www.wor customsconsu tants.com

From: [redacted]
Sent: Friday, 24 April 2026 4:41 PM
To: 'Anti-Dumping Commission Investigations 2' <Investigations2@adcommission.gov.au>
Cc: [redacted]
Subject: RE: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation [SEC=OFFICIAL]

Hi [redacted]

Thank you for your email. I have sent a further reminder for our client to provide the LOA, should be received shortly.

Unfortunately, client feedback on our submission was delayed, apologies.

Let know if any further assistance is required.

Kind Regards,

[redacted]

[redacted]
World Customs Consultants Pty Ltd
M: [redacted]
E: [redacted]
www.wor customsconsu tants.com

From: Anti-Dumping Commission Investigations 2 <Investigations2@adcommission.gov.au>
Sent: Friday, 24 April 2026 3:43 PM
To: [redacted]
Cc: n - ump ng omm ss on nves ga ons < nves ga ons a commission.gov.au>;
[redacted]
Subject: RE: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation [SEC=OFFICIAL]

OFFICIAL

Hi [redacted]

I wanted to follow up regarding the email below. We still have not received a letter of authority from your client, which means we cannot confirm that the representations are actually made on behalf of Gransolar. Without this letter, the commission may not be able to consider the submission.

Additionally, I note the submission was sent after the due date for submissions in response to the SEF, which was 13 April 2026. As outlined in section 269ZDBG(3) of the *Customs Act 1901*, the Commissioner is not required to have regard to a late submission if doing so would prevent the timely preparation of the report to the Minister, which is due on 7 May 2026.

Please let us know if you have any questions or can provide the letter of authority.

Regards

[redacted]

NON-CONFIDENTIAL

[redacted]

Anti-Dumping Commission | www.adcommission.gov.au

Acknowledgement of Country

The commission recognises the First Peoples of this Nation and their ongoing cultural and spiritual connections to the lands, waters, seas, skies, and communities.

We Acknowledge First Nations Peoples as the Traditional Custodians and Lore Keepers of the oldest living culture and pay respects to their Elders past and present. We extend that respect to all First Nations Peoples.

OFFICIAL

From: [redacted]
Sent: Friday, 17 April 2026 5:01 PM
To: Anti-Dumping Commission Investigations 2 <investigations2@adcommission.gov.au>
Subject: Case 685 - Hollow Structural Sections from China, Korea, Malaysia, Taiwan - Anti-Circumvention - Dumping and Subsidisation

CAUTION - This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

On behalf of our client Gransolar Construction Australia Pty Ltd, please find attached our detailed response to the SEF for the subject Inquiry.

Our client is comfortable with the attached document being placed on the Public Record.

We shall forward our Letter of Authority shortly.

Please advise if any further information is required.

Kind Regards,

[redacted]

[redacted]

World Customs Consultants Pty Ltd

NON-CONFIDENTIAL

M: [redacted]
E: [redacted]
www.worldcustomsconsultants.com

WORLD CUSTOMS
CONSULTANTS

Gransolar Construction Pty Ltd
Level 9, Queen street, Brisbane, 4000, Qld.
ABN 71 640 607 209

27 April 2026

The Director, Investigations 2
Anti-Dumping Commission
Department of Industry, Science and Resources,
GPO Box 2013,
Canberra, ACT, 2601

By email: investigations2@adcommission.gov.au.

Dear Sir/Madam,

RE: 685 - Hollow structural sections from China, Korea, Malaysia, Taiwan
Anti-Circumvention - Dumping and Subsidization

Reference is made to the abovementioned Inquiry and SEF dated 23 March 2026

We hereb notif the Commission that Gransolar Construction Australia Pty Ltd has appointed [redacted] of World Customs Consultants Pty Ltd (WCC) as its authorized representative in respect of the Circumvention Inquiry for Hollow Structural Steel (HSS), and the associated Statement of Essential Facts (SEF).

We hereby authorize WCC to make a submission on our company's behalf.

Thank you.

Yours truly, [redacted]

[redacted]
Managing Director
M. (+61) [redacted]
[redacted]