



ADRP Conference Summary

Review No. 156 – Hollow Structural Sections exported from the People’s Republic of China, The Republic of Korea, Malaysia and Taiwan

Panel Member	Leora Blumberg
Review type	Review of Minister’s decision
Date	15 August 2022
Participants	Chad Uphill (Orrcon Representative)
Time opened	11:00 am AEST
Time closed	11:08 am AEST

Purpose

The purpose of this conference was to obtain further information and clarification in relation to the application by Orrcon Manufacturing Pty Ltd (“Orrcon”) before the Anti-Dumping Review Panel (“Review Panel”) in relation to hollow structural sections (“HSS”) exported from the People’s Republic of China (“China”), the Republic of Korea (“Korea”), Malaysia and Taiwan.

General

The conference was held pursuant to section 269ZZRA of the *Customs Act 1901* (the Act). During the conference, I was able to ask parties to clarify an argument, claim or specific detail contained in the application. The conference was not a formal hearing of the review and was not an opportunity for parties to argue their case before me.

I have only had regard to information provided at this conference to the extent that it relates to information that was before the Commissioner when the Commissioner made the reviewable decision. Any conclusions reached at this conference are based on that information that was before the Commissioner when the Commissioner made the reviewable decision. Information that relates to some new argument not previously put in an application or submission is not something that the Review Panel has regard to, and is therefore not reflected in this conference summary.

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

- That the conference was being recorded and transcribed by Express Virtual Meetings Pty Ltd, and that the recording would capture everything said during the conference.



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- 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.

Discussion

The specific information and clarifications that the Review Panel sought in this conference in respect of Orrcon's application as well as the information and clarifications provided in response by Orrcon's representative ("OR") were as follows:

1. In Orrcon's application form, in response to Question 13, Orrcon lists the following attachment in support of their application:
 - a. Confidential Appendix B: Elaboration of the grounds raised in question 9.

However, Orrcon has only submitted a non-confidential version of Appendix B. Please could Orrcon clarify whether the reference should have been to, "Non-Confidential Appendix B", or whether there is a confidential version of Appendix B.

Orrcon response: A non-confidential only version was provided on the basis that there was no confidential content in Appendix B. The wording at Question 13 of the application should have read 'Non-Confidential Appendix B: Elaboration of the grounds raised in question 9'.

2. In Orrcon's application form, in response to Question 5, Orrcon appears to have selected that the reviewable decision was a decision under s.269TG, rather than



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s.269ZHG. Please could Orrcon clarify whether this was an inadvertent error, that should be corrected.

Orrcon response: Reference to s.269TG was an inadvertent error and should have indicated s.269ZHG instead.

3. I requested that Orrcon formally provide the above information to the Review Panel in the form of an addendum to its original application for review. The conference was held open for this purpose.¹

¹ Orrcon subsequently provided the further information to the Review Panel in the form of an addendum to its application for review, attached to this conference summary as Annexure A.

15 August 2022

Anti-Dumping Review Panel
GPO Box 2013
Canberra ACT 2601**Addendum to Merits Review Application****Application for Review – Hollow Structural Sections exported from China, Korea, Malaysia, and Taiwan**

On 29 July 2022, Orrcon Manufacturing Pty Ltd (Orrcon) lodged an application with the Anti-Dumping Review Panel (ADRP) seeking merits review of the decision by the Minister to accept certain of the Commissioner's recommendations into the continuation of anti-dumping measures applying to certain Hollow Structural Sections (HSS) exported to Australia from China, Korea, Malaysia, and Taiwan (Investigation No. 590).

On 5 August 2022, the ADRP Panel Member sought clarification on the following matters in relation to Orrcon's merits review application, and convened a conference to address each:

1. In Orrcon's application, in response to Question 13, Orrcon listed the following attachment in support of the application:
 - a. Confidential Appendix B: Elaboration of the grounds raised in question 9.

However, Orrcon only submitted a non-confidential version of Appendix B. Orrcon was requested to clarify whether the reference should have been to "Non-Confidential Appendix B", or whether there was a confidential version of Appendix B.

2. In Orrcon's application, in response to Question 5, Orrcon appeared to have selected that the reviewable decision was a decision under s.269TG, rather than s.269ZHG. Orrcon was requested to clarify whether this was an inadvertent error, that should be corrected.

The conference was held on 15 August 2022, to which Orrcon advised the Panel Member:

- Item 1: A non-confidential only version was provided on the basis that there was no confidential content in Appendix B. The wording at Question 13 of the application should have read 'Non-Confidential Appendix B: Elaboration of the grounds raised in question 9'.
- Item 2: Reference to s.269TG was an inadvertent error. Orrcon should have referenced s.269ZHG.

Yours faithfully,



Chad Uphill
On behalf of Orrcon Manufacturing Pty Ltd