



# ADRP Conference Summary

## Review No. 126 – Hollow Structural Sections from the Kingdom of Thailand

Panel Member	Leora Blumberg
Review type	Review of Minister's decision
Date	3 September 2020
Participants	[REDACTED] representing Austube Mills Pty Ltd [REDACTED] representing Austube Mills Pty Ltd
Time opened	9:30am AEST
Time closed	9:45am AEST

### Purpose

The purpose of this conference was to obtain further information in relation to the application of Austube Mills Pty Ltd (“ATM”) before the Anti-Dumping Review Panel (Review Panel) in relation to Hollow Structural Sections (“HSS”) exported from the Kingdom of Thailand (“Thailand”).

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.

I have only had regard to information provided at this conference to the extent that it relates to relevant information within the meaning of section 269ZZK of the Act. Any conclusions reached at this conference are based on that relevant information. Information that relates to some new argument not previously put in an application or submission is not something that the Review Panel may have regard to and, therefore, is 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.
- 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 that the Review Panel sought in this conference was:

1. The Reviewing Member ("RM") requested that ATM confirm that the following descriptions correctly reflect ATM's five grounds of review as set out in its application for review, and as summarised by the Review Panel for the purpose of the public notice of initiation.
  - i. The Commissioner failed to provide the Minister with a sufficient and reasonable explanation of the reason why the degree of the negative dumping margin found during the inquiry period was likely to continue beyond the expiry of the measures;
  - ii. The Commissioner failed to provide the Minister with a sufficient and reasonable explanation of the reason why other exporters, not examined, are unlikely to recommence dumping if the measures are allowed to expire;
  - iii. The Commissioner's analysis of price competition in the Australian market is flawed;
  - iv. The Commissioner's recommendation to the Minister failed to apply the correct meaning to the prospective nature of the term "likely" using past or present evidence in relation to the assessment of the 'prevailing economic conditions in Thailand of the Thai domestic market' and the likelihood of dumped exports from Thailand recurring.



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- v. The Commissioner erred in his recommendation to the Minister with respect to the determination of normal values and dumping margins for all exporters from Thailand by failing to take into account the higher cost of Hot Rolled Coil (“HRC”) used for domestic sales.

The RM clarified that the Review Panel’s summarised descriptions of ATMS’ grounds of review will in no way detract from, or limit, all ATM’s arguments in support of the respective grounds of review or the Review Panel’s consideration thereof during the review.

ATM’s representative confirmed that all five descriptions correctly reflect ATM’s five grounds of review as set out in its application for review and no further amendments were suggested.