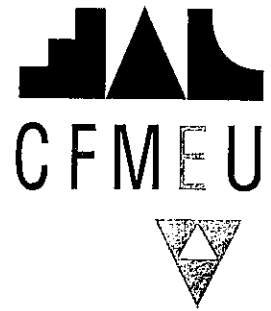


15 November 2013

The Director  
Operations 2  
Anti-Dumping Commission  
Customs House  
5 Constitution Avenue  
Canberra ACT 2601



[operations2@adcommission.gov.au](mailto:operations2@adcommission.gov.au)

Fax : 1300 882 506

**RE: ANTI- DUMPING NOTICE NO. 2013/79**

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The Construction, Forestry, Mining and Energy Union of Australia (CFMEU) consists of three Divisions namely the Construction and General Division, the Forestry and Furnishing Products Division and the Mining and Energy Division. We are the major union in these industries. The CFMEU is a trade union representing one or more persons employed in the Australian producing industry. We note that we are the first trade union to make a submission as an interested party since trade unions were clarified as interested parties in 269 (T) through the passage of the *Customs Amendment (Anti-dumping Improvements) Act 2011*. We welcome the opportunity to make this brief submission.

The CFMEU has over 600 members directly producing the goods which are competing with the imported like goods under consideration. In addition to this we have hundreds of members in the wood processing and harvesting sectors of the economy which rely on the operations of the applicant's mills at Maryvale, which is the largest private sector employer in Gippsland. Workers, their families and communities, together with workers in industries supplying Maryvale and Shoalhaven mills have suffered from the material injury caused to the applicant which have been caused by the importation at artificially low, dumped prices of the goods under investigation.

It has been suggested that the applicant has almost a total monopoly in Australia in fine paper. It is clear to anyone who has been to an office products store or looked at their catalogue that this is not the case. In fact, the Australian industry has only a 25% share of the Australian fine papers market following the closure of two paper mills in Tasmania due to competitive pressures from imports.

The CFMEU calls for Provisional Duties on the goods under consideration at the earliest possible opportunity in accordance with the Australia's WTO obligations which states that a Preliminary Affirmative Determination can be made at day 60 of an investigation. Complimenting this call, the CFMEU asks the Commission to adhere to the mandate that the Government has in conducting Anti-Dumping investigations as confirmed at the last Federal Election where it promised "rigorous enforcement of deadlines", "a crack-down on those overseas producers who don't cooperate in anti-dumping investigations" and to "reverse the onus of proof in anti-dumping investigations... in line with practices in other international jurisdictions". This mandate, despite whether extensions to deadlines have been granted to exporters for return of their questionnaires - supports the case for the application of provisional anti-dumping duties as early as possible and is allowable.

Regarding the particulars of the investigation the CFMEU notes that the Anti-Dumping Commission should find that:

Construction Forestry  
Mining and Energy Union  
  
National Office

Michael O'Connor  
National Secretary  
  
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- Given the circumstances of the severe material injury caused directly by the dumped imports, retroactive duties to the goods under investigation will be appropriate.
- There are countervailable subsidies in play in the PRC's pulp and paper industry as evidence in countervailing duties on similar or like products exported to certain countries and as per the Anti-Dumping Commission's subsidies register.
- These subsidies or other factors may be impacting the particular market situation in the PRC's domestic market.
- In applying anti-dumping duties it would not be appropriate for the Minister to consider the lesser duty rule given the complexities of the case consistent with the new requirements according to the *Customs Amendment (Anti-dumping Measures) Bill 2013*.

Please do not hesitate to contact me regarding this submission or if I can provide any further assistance to the investigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael O'Connor', enclosed within a large, loopy oval shape.

Michael O'Connor,

National Secretary

CFMEU