



**Opal Australian Paper**

ABN 56 637 020 467  
Level 2/109 Burwood Road  
Hawthorn VIC 3122  
AUSTRALIA  
T: +61 3 9811 7355  
opalanz.com  
A member of the Nippon Paper Group

28 September 2020

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

Email: [investigations2@adcommission.gov.au](mailto:investigations2@adcommission.gov.au)

**Public File**

Dear Sir/Madam

**Review 551 – Review of variable factors - A4 Copy Paper exported from Brazil, China, Indonesia and Thailand – Submission by Jackaroo Paper Pty Ltd**

I. Introduction

I refer to the submission by Jackaroo Paper Pty Ltd (“Jackaroo”) concerning the review of variable factors relating to exports of A4 copy paper (“the goods”) from Brazil, China, Indonesia and Thailand, specifically Document Number 019 on the Review 551 EPR.

Paper Australia Pty Ltd (hereafter referred to as “Australian Paper”, or “AP”) seeks to address matters raised in the Jackaroo submission concerning exports of the goods from Brazil and South Africa.

II. AP’s Imports from South Africa and Market Share

Australian Paper has addressed the repeated incorrect claims raised by Jackaroo in their earlier submissions (refer EPR documents No. 012, 014 and 016) regarding Australian Paper’s temporary and low volume importation of South African A4 copy paper in 2019.

Australian Paper has also provided the Commission with evidence to support its position that the volume in question was less than XXXX tonnes during 2019. The Commission found in Report No. 547<sup>1</sup> that the Australian market size for copy paper was approximately 175,000 in 2019. Australian Paper’s import volume was therefore less than X per cent of the A4 copy paper market.

Australian Paper finds the claims by Jackaroo that imports from South Africa in 2019 were greater than imports from Brazil over the past decade to be over-stated and unrepresentative. Imports from Brazil over the past decade have totalled in excess of 26,500 tonnes, which far outweighs Australian Paper’s imports of like goods over the same period. Additionally, Australian Paper has not imported A4 copy paper that has been used to depress and suppress prices in the Australian market. Australian Paper can only conclude that Jackaroo seeks to mislead the Anti-Dumping Commission (“the Commission”) as to the significance of their imports compared to that of Australian Paper.

Jackaroo appears to claim in its submission that products which are imported, found to be damaged or faulty, and returned to sender immediately without being included in the importers inventory or warehoused, let alone being sold domestically, has contributed to injury to Australian Paper. Of course, this proposition, defies logic. Australian Paper reiterates that it has furnished the Commission with sufficient evidence to support its claims during and subsequent to the Australian Industry Verification process.

---

<sup>1</sup> Final Report - Review 547. D5.2.1.3 page 158.

### III. Claims of Dumping by AP

Australian Paper finds it extraordinary that Jackaroo would claim that Australian Paper has dumped product in the Australian market without any evidence whatsoever to support the claim. If Jackaroo intends for these claims to be taken seriously by the Commission instead of mere throwaway lines, Australian Paper submits that such claims should be sufficiently evidenced and supported (including demonstration of any subsequent injurious impact). This has not occurred.

### IV. Claims of Non-injury

Jackaroo contends in its submission that Australian Paper cannot legitimately have claimed in the original Investigation (Inv 341), that Brazilian imports injured the domestic industry on account of Australian Paper having imported a small volume of copy paper at some later date. This argument lacks credibility and fails to consider the injurious effect of the dumped imports in the original investigation that accounted for 52 per cent of the market.

Notwithstanding this, subsection 269TAE(2C) of the Customs Act 1901, sets out the requirements for assessing the cumulative effects of exportations of goods to Australia from different countries. In relation to a dumping investigation, where exports from more than one country are the subject of investigations resulting from applications under section 269TB that were lodged on the same day (as is the case in this investigation), the cumulative effects of such exports may be assessed if:

- *“the margin of dumping established for the exporter for each of the exportations is not negligible; and*
- *the volume of dumped imports from each country is not negligible; and*
- *a cumulative assessment is appropriate having regard to the conditions of competition between the imported goods and between the imported goods and like goods that are domestically produced.”*

In Final Report 341<sup>2</sup> the Commission correctly concluded that;

*“The Commission considers the conditions of competition are such that it is appropriate to consider the cumulative effect of the dumped imports from Brazil, China, Indonesia and Thailand. The Commission’s reasons for cumulating the effects of imports from China, Indonesia and Thailand are outlined in section 9.4.2 above and no submissions were received in response to the SEF to question that reasoning.*

*In relation to the post SEF submissions from Jackaroo, the Commission considers that the conditions of competition between the imported Brazilian goods, other imports and Australian Paper’s sales are such that cumulating Brazilian imports with the imports from China, Indonesia and Thailand in the injury analysis is appropriate. It is noted that:*

- *Brazilian sourced paper has been sold into a variety of channels, albeit in some circumstances in limited volumes. These are channels that other importers and Australian industry compete in;*
- *Whilst IP Brazil seeks to differentiate its product, it is noted that that both Australian industry and some exporters from the other nominated countries also commonly make similar claims to differentiate their products. The Commission considers this product differentiation is a sign of a highly competitive market; and*
- *The Commission’s pricing analysis indicates that the price interaction between importers and between importers and Australian Paper shows a reasonable level of correlation which would support a decision to cumulate.”*

---

<sup>2</sup> Final Report 341, Section 9.4.5 page 100

It is clear to Australian Paper that Jackaroo's claim that imports cannot have caused injury to the domestic industry simply because Australian Paper has itself imported a small volume of the like goods, completely misrepresents the injurious effect that the dumped exports have had on the Australian industry. Furthermore, the current investigation involves the review of the variable factors and it is not an opportunity to re-visit the Minister's determination in respect of the grounds for imposing measures.

## V. Claims of unreliable data

Lacking any substantive evidence to support its claims Jackaroo appears to draw into question the reliability of Australian Paper's data, despite Australian Paper's sales data having been verified as reliable and accurate by the Commission during its Australian Industry verification process.

Jackaroo's convenient disregard of the Commission's validation and Jackaroo's misclassification of Australian Paper's domestically produced goods as imports is believed to be the basis of Jackaroo's serious and baseless allegation that Australian Paper has knowingly withheld data from the Commission.

## VI. Claims of self-injury

Jackaroo further claims in its submission that Australian Paper has somehow "caused itself injury" by temporarily importing a small volume A4 copy paper during 2019, without any evidence to support this statement. Australian Paper has provided the Commission with a clear understanding as to the reasons for the importations.

Jackaroo's attempts to extend the current review of variable factors investigation into an assessment of injury in the A4 copy paper market are beyond the scope of this investigation. Jackaroo's baseless assertions must be disregarded.

## VII. Claims of Malaysian imports

As alluded to by Jackaroo in its submission, products which are subject to the temporary conversion of Australian Paper manufactured UCWF reels in Malaysia are considered to be domestically produced given that the substantive portion of production took place in Australia.

Contrary to Jackaroo's contention, data which accounts for sale of these goods was submitted and verified by the Commission in the Australian Industry Verification process.

## VIII. Claims of Misuse of the Anti-Dumping System

Jackaroo claims at length that Australian Paper, being the victim of unfair trade practices over a number of years and as evidenced by the decisions of the Minister(s) following two separate Anti-Dumping investigations, has somehow engaged in a nefarious activity by simply applying for an investigation by the independent Anti-Dumping Commission.

Jackaroo appears to imply that the Commission had incorrectly or improperly conducted its investigations which have confirmed that prior to the imposition of measures "*the volume of dumped and subsidised imports of A4 copy paper is around 52 per cent of the overall Australian market for copy paper*"<sup>3</sup>, and that these dumped imports had "*caused material injury to the Australian industry*". It is therefore astounding that Jackaroo seeks to challenge Australian Paper's legitimate claim for pursuing relief from the dumping of exports from Brazil, China, Indonesia and Thailand.

---

<sup>3</sup> Final Report 341, Section 9.10.1 page 116



**Opal Australian Paper**

ABN 56 637 020 467  
Level 2/109 Burwood Road  
Hawthorn VIC 3122  
AUSTRALIA  
T: +61 3 9811 7355  
opalanz.com  
A member of the Nippon Paper Group

IX. Unsuppressed Selling Price (USP)

Australian Paper has addressed Jackaroo's claims relating to USP comprehensively in both of its 31<sup>st</sup> July, and 27 August submissions (EPR documents No 017 & 018 respectively).

Australian Paper has detailed its preferred basis for the determination of a USP calculation as recommended by the Commission (and accepted by the Minister) in its most recent Investigation 463 i.e. based upon the Australian industry's CTMS in 2019 plus an appropriate amount of profit.

I. Recommendation

Australian Paper urges the Commission to reject the unsubstantiated, inaccurate and misleading claims made by Jackaroo concerning matters not the subject of this variable factors review of measures inquiry. Additionally, Australian Paper disagrees with Jackaroo's proposed basis of USP preferring the methodology as detailed in earlier submissions (refer EPR Documents 017 and 018).

Australian Paper commends the Commission for its comprehensive analysis through the conduct of this review and prior investigations, and we support the important work of the Commission despite the self-serving views of detractors who seek to undermine the integrity of Australia's Anti-Dumping System.

If you have any questions concerning this submission please do not hesitate to contact me on 0425 619 667.

Yours sincerely

Matt Decarne  
Trade Affairs Manager