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Date: 2 March 2022

**By Email**

Dr Bradley Armstrong PSM  
Anti-Dumping Commissioner  
Anti-Dumping Commission  
Melbourne

**Received: 2 March 2022**

Dear Commissioner,

***RE: Continuation Inquiry 588 – Exports of A4 Copy Paper from Indonesia – Submission on ‘All Other Exporters’ Category***

On behalf of my clients, PT Riau Andalan Kertas (**RAK**) and APRIL Far East (Malaysia) Sdn. Bhd. (**AFEM**) (collectively, **APRIL**), I refer to the abovementioned Continuation Inquiry 588 and, and, in particular, anti-dumping measures imposed on exports of A4 Copy Paper from Indonesia by exporters falling within the category of ‘all other exporters’.<sup>1</sup>

As you are aware, under Section 269ZHF(2) of the *Customs Act 1901*, a recommendation may not be made to the Minister for Industry, Science, Energy and Resources (**Minister**) for the continuance of the anti-dumping measures in relation to exports of A4 Copy Paper from Indonesia by exporters falling within the category of ‘all other exporters’ *unless* the expiration of those measures would lead or be likely to lead to the ‘*continuance or recurrence*’ of the dumping that these measures are intended to prevent.<sup>2</sup>

For the reasons set out below, we submit that expiration of the anti-dumping measures would not lead or be likely to lead to the ‘*continuance or recurrence*’ of the dumping that these measures are intended to prevent.

***Application of statutory prohibition***

Anti-dumping measures were imposed on exports of A4 Copy Paper to Australia from Indonesia by exporters falling within the category ‘all other exporters’ in the original investigation (**Investigation**

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<sup>1</sup> Note: ‘Uncooperative exporters’ and ‘all other exporters’ are, of course, separate categories of ‘exporters’ to which the anti-dumping measures apply.

<sup>2</sup> Refer: “*The Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping or subsidisation and the material injury that the anti-dumping measure is intended to prevent.*” (Section 269ZHF(2) of the *Customs Act 1901*).

**341)** on 19 April 2017. I make no comment in this document as to whether or not the imposition of anti-dumping measures on this category of exporters was valid in Investigation 341.

Since the imposition of such measures on 19 April 2017, there has been no exports of A4 Copy Paper from Indonesia by exporters falling within the category 'all other exporters'. Certainly, no such exporter has been identified in Review 551 or in SEF 588 or at any time.<sup>3</sup>

In the absence of any exports of A4 Copy Paper from Indonesia by such exporters, there has been no occurrence of 'dumping' by this category of exporters at any relevant time. Accordingly, there can be no 'continuation' or 'recurrence' of dumping if the anti-dumping measures applying to the category 'all other exporters' are allowed to expire on 19 April 2022.

Therefore, there is no factual basis for, or any evidence supporting, a finding or recommendation to the Minister that the expiration of the anti-dumping measures in relation to that category of exporters would lead or be likely to lead to the 'continuation' or 'recurrence' of dumping of exports of A4 Copy Paper from Indonesia by this category of exporters.

If you are inclined to so recommend, contrary to the requirements of Section 269ZHF(2) of the *Customs Act 1901*, we submit that given the above, the Minister cannot reasonably be satisfied that the expiration of these measures in relation to exports of A4 Copy Paper by exporters falling within the category 'all other exporters' would lead or be likely to lead to the continuation of, or recurrence of, the dumping that the measures are intended to prevent.

Thus, given the foregoing, even if the anti-dumping measures were to be continued in respect of A4 Copy Paper exports from Indonesia, the Minister must exercise his powers under Section 269ZHG(4)(a)(ii) of the *Customs Act 1901* to allow the anti-dumping measures applying to exports of A4 Copy Paper from Indonesia by exporters falling within the category of 'all other exporters' to expire on 19 April 2022.

Please contact me if you have any queries or concerns.

Yours sincerely,



Andrew Percival

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<sup>3</sup> Refer: Refer SEF 588, Report 551 and Report 341: [SEF 588 \(industry.gov.au\)](#); [551 - 055 - report - final report - rep 551.pdf \(industry.gov.au\)](#); and [221 - report - final report - rep 341.pdf \(industry.gov.au\)](#)

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cc: (1) Minister for Industry, Science Energy and Resources  
(2) Director of Trade Defence, Directorate General of Foreign Trade, Ministry of Trade  
of Republic of Indonesia