



Australian Government

**Australian Customs and
Border Protection Service**

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2010/01

Certain toilet paper Exported from The People's Republic of China and The Republic of Indonesia

Findings in relation to a dumping reinvestigation (REP 158)

Customs Act 1901 – Part XVB

The Australian Customs and Border Protection Service (Customs and Border Protection) has completed its reinvestigation of all findings made in Trade Measures Report No. 138 in respect of certain toilet paper (toilet paper) exported to Australia from the People's Republic of China (China) and the Republic of Indonesia (Indonesia).

Customs and Border Protection report

Trade Measures Report No. 158 (REP 158) sets out the findings affirmed and new findings made by Customs and Border Protection as a result of the reinvestigation.

In summary, Customs and Border Protection considers that:

- the goods exported to Australia from China and Indonesia were dumped; and
- the Australian industry producing like goods suffered injury; but
- the injury experienced by the Australian industry was caused more by other factors than by the dumping of the goods exported from China and Indonesia;
- injury to the Australian industry caused by dumping of the goods exported from China and Indonesia was not material; and
- material injury to the Australian industry by the goods exported to Australia from China and Indonesia is not foreseeable and imminent.

Copies of Customs and Border Protection REP 158 are available on request from Trade Measures Branch, Customs and Border Protection, by telephone 02 6275 6547 or facsimile 02 6275 6990. REP 158 is also available on the internet at <http://www.customs.gov.au>.

Ministerial decision

The Attorney-General¹ considered, and accepted, the recommendations of Customs and Border Protection, the reasons for these recommendations, and the material findings of fact or law on which the recommendations are based as detailed in REP 158.

The Attorney-General has therefore decided to revoke the decision to publish a dumping duty notice in respect of toilet paper exported to Australia from China (except Vinda Paper (Jiangmen) Co Ltd) and Indonesia and substitute a new decision to not publish a dumping duty notice under section 269TG(2) of the *Customs Act 1901* (the Act).

To give effect to this decision, the Attorney-General has revoked the dumping duty notice published on 31 December 2008 in *The Australian* and the *Commonwealth Government Special Notices Gazette No. S292 and S293* imposing dumping duties on toilet paper exported to Australia from China (except Vinda Paper (Jiangmen) Co Ltd) and Indonesia.

Notice of the Attorney-General's decision was published in *The Australian* on 12 January 2010.

Effect of decision

As a result of the Attorney-General's decision, dumping duties on toilet paper exported to Australia from China and Indonesia no longer apply.

Refunds

Persons who have paid interim duty on toilet paper exported to Australia from China and Indonesia from 1 January 2009 to 11 January 2010 may apply for a refund of this interim duty under Division 3 of Part III of the Act. Customs and Border Protection will send affected persons further information about the refund process shortly.

Right of review

Interested parties may seek a review of this decision by lodging an application with the Federal Court of Australia, in accordance with the requirements in the *Administrative Decisions Judicial Review Act 1975*, within 28 days of the publication of the notice (i.e. by 9 February 2010).

¹ The Minister for Home Affairs advised that he was unable to exercise powers in relation to this matter. The senior portfolio Minister, the Attorney-General, indicated that he was the appropriate Minister to receive the report and exercise the powers of the relevant Minister.

Customs and Border Protection contact

Enquiries about this ACDN may be directed to Director Operational Support on telephone number (02) 6275 5740 or facsimile number (02) 6275 6888 or by email to tmpolicy@customs.gov.au.

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12 January 2010