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of Australia

Gazette

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TARIFF CONCESSIONS

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Please note: The next 3 Tariff Concession Gazettes will be Special Gazettes detailing Tariff Concession Orders (TCOs) that will be revoked due to a free rate of duty as a result of the Expanded Information Technology Agreement Act 2019 (EITA) amendment. These Gazettes will be published on 4, 5 and 8 July 2019, with a revocation date of 1 July 2019.

**The Commonwealth of Australia Tariff Concessions Gazette
(the Tariff Concessions Gazette) is free of charge on the link below
at:**

<https://www.abf.gov.au/importing-exporting-and-manufacturing/tariff-concessions-system>

**The Tariff Concessions Administration Section is physically located at
5 Constitution Ave Canberra City 2601. The postal address for
correspondence is shown in the relevant forms.**

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CUSTOMS ACT 1901 - NOTICE PURSUANT TO SECTION 269K(1) - APPLICATIONS MADE FOR TARIFF CONCESSION ORDERS

Applications have been lodged for Tariff Concession Orders for the goods described in the following TABLE.

Australian manufacturers who wish to contest the granting of a Tariff Concession Order for the goods described are invited to lodge a submission in writing in an approved form. Submissions must be lodged within 50 days of the date of publication of this Notice.

The operative date (Op.) and TC reference number follow the description of goods.

To assist local manufacturers, the use(s) to which the goods can be put follow the description of goods.

Objections to the making of TCO submission forms are available at

<https://www.abf.gov.au/importing-exporting-and-manufacturing/tariff-concessions-system/tariff-concession-order>

Contact: Email tarcon@homeaffairs.gov.au

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number General Duty Rate
3919.10.00 TAPE, PVC, self adhesive, having ALL of the following: (a) pressure sensitive rubber adhesive coated on one side; (b) matt finish; (c) plasticised AND stabilised; (d) tape thickness NOT less than 190 microns and NOT greater than 200 microns Op. 03.06.19	50 - TC 19171475
Stated Use: Outerwrap tape for corrosion protection tapes to improve resistance to damage of surfaces Applicant: DENSO (AUSTRALIA) PTY LTD	5%
5607.49.00 ROPE, polyethylene OR polypropylene OR polyester OR nylon, 3 strand, braided, having a diameter NOT less than 3 mm and NOT greater than 80 mm Op. 28.05.19	50 - TC 19169406
Stated Use: For cable pulling, fishing mooring, aquaculture, transport and equestrian Applicant: OZBULK PTY LTD	5%
8412.21.00 DRIVES AND/OR ACTUATORS, BLAST FURNACE VALVE, hydraulic Op. 31.05.19	50 - TC 19170537
Stated Use: To open and close valves in a blast furnace Applicant: BLUESCOPE STEEL (AIS) PTY LTD	5%
8421.29.90 FILTRATION UNITS, having ALL of the following: (a) woven stainless steel disc filters; (b) backwash solids removal; (c) maximum flow rate exceeding 1 200 m3/hr Op. 28.05.19	50 - TC 19165304
Stated Use: For tannery hair removal, pulp and paper fibre recovery, textile waste fibre recovery and fibre board manufacturing waste recovery Applicant: XYLEM WATER SOLUTIONS AUSTRALIA LTD	5%

Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number General Duty Rate
8422.30.90 BOX FILLING MACHINES, with OR without rejection unit, including ALL of the following: (a) operating voltage NOT less than 220 V and NOT greater than 380 V; (b) air pressure NOT less than 6 bar; (c) output capacity NOT greater than 100 boxes per min; (d) conveyors; (e) hoppers; (f) feeders; (g) compacting AND vibrating unit Op. 31.05.19	- TC 19170488	50
Stated Use: High performance box filling		
Applicant: EDP AUSTRALIA PTY LTD		5%
8428.31.00 SCREW CONVEYORS, DRY SOIL AND/OR SLURRY EXTRACTION, TUNNEL BORING MACHINE, having a length NOT greater than 23.50 m Op. 31.05.19	- TC 19170443	50
Stated Use: For the extraction of dry soil or slurry from the excavation chamber of a tunnel boring machine		
Applicant: HERRENKNECHT (AUSTRALIA) PTY LTD		5%
8428.90.00 PAPERBOARD HANDLING SYSTEM, programmable logic controlled, consisting of ALL of the following: (a) motorised transfer cars with ground rails; (b) control panels; (c) conveyor belts; (d) busway conductor Op. 03.06.19	- TC 19171451	50
Stated Use: To convey paperboard as part of packaging manufacturing		
Applicant: OJI FIBRE SOLUTIONS (QLD) PTY LTD		5%
8436.21.00 SETTERS AND/OR HATCHERS AND/OR INCUBATORS, POULTRY EGG HATCHERY, programmable logic controlled, including ALL of the following: (a) scanners AND/OR sensors; (b) cables; (c) monitors AND/OR touch screens, with OR without ANY of the following: (i) calibrators; (ii) turners; (iii) trolleys; (iv) baskets; (v) trays AND/OR racks; (vi) contaminant AND/OR fluff separators Op. 05.06.19	- TC 19172828	50
Stated Use: For incubating and hatching poultry eggs		
Applicant: INGHAMS ENTERPRISES PTY LTD		5%

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number General Duty Rate
<p>8479.82.00 DEWATERING AND PROCESSING MACHINES, WASTE SLURRY, including ALL of the following: (a) hopper bin; (b) dewatering screen; (c) sump; (d) collection AND transfer conveyors; (e) electrically motorised slurry pump, with OR without one OR both of the following; (i) control panels; (ii) hydro-cyclones Op. 28.05.19</p> <p>Stated Use: The dewatering and separation of slurried waste materials</p> <p>Applicant: CDENVIRO LTD</p>	<p>50</p> <p>- TC 19163826</p> <p>5%</p>
<p>8479.89.90 METAL COATING MACHINE, TIN PLATE, having ALL of the following: (a) pallet changer; (b) sheet feeder; (c) outfeed transport belt Op. 29.05.19</p> <p>Stated Use: Coats tin plate with varnish and/or lacquer coating</p> <p>Applicant: VISY INDUSTRIES AUSTRALIA PTY LTD</p>	<p>50</p> <p>- TC 19166388</p> <p>5%</p>
<p>8479.89.90 PULVERISED COAL DOSING AND FEEDING SYSTEM, programmable logic controlled, whether OR not assembled, consisting of ALL of the following: (a) multi chute feeder; (b) shut off gates; (c) calibration tubes; (d) pressure sensors; (e) agitator hoppers; (f) horizontal rotary feeders; (g) mass flow meters; (h) feeding shoes; (i) pressure compensation lines; (j) compressed air conditioners; (k) cabling; (l) roots blowers; (m) feeding tubes Op. 31.05.19</p> <p>Stated Use: For automatic dosing of pulverized coal to cement clinker kilns</p> <p>Applicant: CEMENT AUSTRALIA HOLDINGS PTY LTD</p>	<p>50</p> <p>- TC 19170517</p> <p>5%</p>
<p>8479.89.90 LIQUID AND/OR SOLID PRODUCT EXTRACTION MACHINES, supercritical fluidic solvent operated, programmable logic controlled, including BOTH of the following: (a) reservoirs AND/OR vessels; (b) pumps, with OR without mass flow meters Op. 04.06.19</p> <p>Stated Use: For extracting fluids or solids from raw material</p> <p>Applicant: TASMANIAN BOTANICS PTY LTD</p>	<p>50</p> <p>- TC 19172364</p> <p>5%</p>

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number General Duty Rate
<p>8481.90.90 PARTS, GOUGING TORCHES, being EITHER of the following: (a) bonnets with OR without spools; (b) spools with OR without seals Op. 04.06.19</p> <p>Stated Use: Parts for the air/gas inlet valves of arc gouging torches</p> <p>Applicant: BOC LTD</p>	<p>50</p> <p>- TC 19172729</p> <p>5%</p>
<p>8481.90.90 PARTS, BLAST FURNACE VALVE, being ANY of the following: (a) compensators; (b) bellows; (c) wear rings OR wear protectors; (d) wear segments Op. 05.06.19</p> <p>Stated Use: As parts during the assembly and repair of material charging valves in a blast furnace</p> <p>Applicant: BLUESCOPE STEEL (AIS) PTY LTD</p>	<p>50</p> <p>- TC 19172833</p> <p>5%</p>
<p>8483.30.90 HOUSINGS, SOLAR TRACKING AND/OR ALIGNING SYSTEM, whether OR not assembled, having BOTH of the following: (a) galvanised steel bushing brackets with OR without hooks; (b) plastic bushings having an inner cross-sectional width NOT less than 147 mm Op. 30.05.19</p> <p>Stated Use: Components for solar tracking and aligning system</p> <p>Applicant: SOLTEC AUSTRALIA PTY LTD</p>	<p>50</p> <p>- TC 19170125</p> <p>5%</p>
<p>8486.40.99 DIODE ASSEMBLY SYSTEM, programmable logic controlled, whether OR not assembled, including ALL of the following: (a) control modules; (b) monitors; (c) cameras; (d) assembly head; (e) camera calibration unit; (f) micro jet dispenser; (g) nozzle change stations; (h) reject bin; (i) waffle tray holders; (j) head wire jig holder; (k) transport unit with buffers; (l) lift plate AND centring station; (m) nozzles; (n) production cell frames including covers AND doors Op. 29.05.19</p> <p>Stated Use: To carry out the assembly of rectification zener diode</p> <p>Applicant: ROBERT BOSCH (AUSTRALIA) PTY LTD</p>	<p>50</p> <p>- TC 19165315</p> <p>3.75%</p>

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number General Duty Rate
<p>8515.39.00 TORCH OR GUNS UNITS, WELDING AND/OR CUTTING AND/OR GOUGING, having coaxial conduits, with OR without ANY of the following:</p> <ul style="list-style-type: none"> (a) fume extractors; (b) control cables; (c) digital displays; (d) control switches OR buttons; (e) wire feeder; (f) hose spatter protectors; (g) connectors; (h) pistol grips; (i) capillary tubes; (j) guides; (k) liners; (l) valves <p>Op. 06.06.19</p> <p>Stated Use: To weld, cut or gouge metal in industrial applications</p> <p>Applicant: BOC LTD</p>	<p>50</p> <p>- TC 19173596</p>
<p>8537.20.90 SWITCH AND/OR COMBINER BOXES, SOLAR, polyester AND/OR polycarbonate enclosure, having BOTH of the following:</p> <ul style="list-style-type: none"> (a) NOT less than 2 fuses; (b) switch current NOT greater than 315 A <p>Op. 04.06.19</p> <p>Stated Use: Solar cable electrical protection of solar cables at connectors</p> <p>Applicant: SOLTEC AUSTRALIA PTY LTD</p>	<p>5%</p> <p>50</p> <p>- TC 19172358</p>
<p>8701.93.90 TRACTORS, AIRCRAFT TOWBARLESS PUSHBACK, having an electric engine NOT less than 96 V</p> <p>Op. 03.06.19</p> <p>Stated Use: For pushback, inter-gate towing and long distance maintenance towing of aircraft</p> <p>Applicant: ADAPTALIFT GSE PTY LTD</p>	<p>5%</p> <p>50</p> <p>- TC 19171471</p>

CUSTOMS ACT 1901

NOTICE PURSUANT TO SECTION 2691(4B)(b) - PROPOSAL TO AMEND DESCRIPTION OF GOODS FOLLOWING AN OBJECTION
SUBMISSION

Amended descriptions have been proposed for the Tariff Concession Order applications shown in the following TABLE.

Australian manufacturers who consider that there are reasons why the Tariff Concession Order as proposed to be amended should not be made are invited to lodge a submission. Submissions must be lodged no later than 14 days after the publication of this Notice.

The operative date (Op.) and TC reference number follow the description of goods.

To assist local manufacturers, the use(s) to which the goods can be put follow the description of goods.

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
3918.10.00 COVERINGS, FLOOR, having an oil wet ramp inclining rating of R12 complying with Standards Australia Handbook SA HB 198:2014 (SA HB 198:2014) Op. 05.03.19	50
Stated Use: For hazardous environments where high slip resistance is required	- TC 19112752
Applicant: POLYFLOR AUSTRALIA PTY LTD	
3918.10.00 FLOOR COVERINGS, MARINE TRANSPORTATION Op. 05.03.19	50
Stated Use: Interior application in commercial marine transportation	- TC 19112754
Applicant: POLYFLOR AUSTRALIA PTY LTD	

CUSTOMS ACT 1901 - NOTICE PURSUANT TO SECTION 269R(1) - TARIFF CONCESSION ORDERS MADE

Tariff Concession Orders have been made for the goods described in the following TABLE.

The operative date (Op.) and TC reference No. follow the description of goods. Local manufacturers of substitutable goods may request the revocation of TCOs at any time.

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number Last Date of Effect
3902.30.00 RESINS, ETHYLENE POLYPROPYLENE COPOLYMER, in pelletised form, having ALL of the following: (a) ethylene monomer composition NOT less than 8.5% and NOT greater than 12.0%; (b) melt flow rate NOT less than 24 g/10min and NOT greater than 36 g/10min, complying with ASTM International Standard D1238; (c) density NOT less than 0.890 g/cm ³ and NOT greater than 0.910 g/cm ³ , complying with ASTM International Standard D792; (d) vicat softening temperature NOT less than 140 degrees Celsius and NOT greater than 155 degrees Celsius, complying with ASTM International Standard D1525 Op. 09.04.19 Dec. date 01.07.19	50 - TC 19135060
7228.60.90 BARS AND/OR RODS, silver steel, complying with BS1407, having BOTH of the following: (a) spherical; (b) diameter NOT less than 1 mm and NOT greater than 55 mm Op. 11.04.19 Dec. date 01.07.19	50 - TC 19136078
8418.61.00 HEAT PUMPS, AIR TO WATER, COOLING AND/OR HEATING, with OR without hydronic modules, having ALL of the following: (a) nominal cooling capacity NOT less than 12 kW and NOT greater than 530 kW; (b) nominal operating voltage NOT less than 350 volts and NOT greater than 450 volts with 3 phase power; (c) centrifugal and/or axial fans Op. 11.04.19 Dec. date 01.07.19	50 - TC 19136911
8419.31.00 DRYING TUNNELS, FRUIT, including ALL of the following: (a) hot air generators; (b) fans; (c) bucket OR roller conveyors, with OR without gas OR diesel burners Op. 01.04.19 Dec. date 01.07.19	50 - TC 19130056
8419.40.00 POT STILLs, ALCOHOL DISTILLATION PLANT, including ALL of the following: (a) vacuum pot stills; (b) batch concentration columns; (c) heat exchangers; (d) condensers; (e) coolers; (f) purifiers; (g) mixers; (h) tanks Op. 08.04.19 Dec. date 01.07.19	50 - TC 19134499

Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last Date of Effect General Duty Rate
8421.21.90	DEMINERALISATION WATER UNIT, unassembled, having ALL of the following: (a) carbon steel filters; (b) cationic column with resins; (c) anionic column with resins; (d) valves; (e) distributors; (f) pumps; (g) flow-meters; (h) electrical cabinet Op. 05.04.19	50 Dec. date 01.07.19 - TC 19133499
8422.30.90	CASK FILLING MACHINES, ALCOHOL DISTILLATION PLANT, programmable logic controlled, including ALL of the following: (a) fillers; (b) hoses; (c) flow-meter; (d) cask content recording unit Op. 08.04.19	50 Dec. date 01.07.19 - TC 19134496
8428.90.00	DEPANNER MACHINES, PIE, programmable logic controlled, having a production capacity of NOT greater than 12 trays/min Op. 11.04.19	50 Dec. date 01.07.19 - TC 19136081
8438.80.00	COFFEE TAMPER, electric Op. 05.04.19	50 Dec. date 01.07.19 - TC 19133498
8481.80.90	VALVES, SOLENOID, with OR without manifold, complying with WaterMark Technical Specification WMTS-030:2016, having an orifice diameter NOT greater than 50 mm Op. 09.04.19	50 Dec. date 01.07.19 - TC 19135063

NOTIFICATION OF AN AUSTRALIAN INDUSTRY REVOCATION REQUEST - SECTION 269SC(1A) CUSTOMS ACT

An application has been lodged for revocation of the Tariff Concession Order set out in the following TABLE.

The Lodgement Request Date shown in the table below is the intended revocation date for the Tariff Concession Order which will take effect should the application for revocation be successful.

Importations not covered by in-transit provisions may be subject to post action as any decision to revoke an order is backdated to the date of request for revocation.

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number Lodgement Request Date	
4418.99.00 PANELS, CROSS LAMINATED TIMBER (CLT), having ALL of the following: <ul style="list-style-type: none"> (a) manufactured in accordance with European Standard EN 13986; (b) thickness NOT less than 42 mm and NOT greater than 350 mm; (c) width NOT greater than 3.00 m; (d) length NOT greater than 16.5 m; (e) NOT less than 3 and NOT greater than 20 layers; (f) each layer having individual boards: <ul style="list-style-type: none"> (i) jointed in the longitudinal direction by finger; jointing complying with European Standard EN 14080; (ii) glued edge; (iii) within one member the following strength classes shall apply: <ul style="list-style-type: none"> (i) 100% C16; OR (ii) NOT less than 90% C24 and NOT more than 10% C16; (iii) NOT less than 90% C30 and NOT less 10% C24; (iv) strength classes as specified in EN 338 structural timber strength classes; (g) adhesives complying with European Standard EN 301 and EN 15425; (h) wood species to be European spruce or other softwood; (i) wood moisture content NOT less than 6% and NOT greater than 15%, the moisture content of each layer must NOT differ by more than 5% 	50 26.06.19	
Op. 01.01.17	Dec. date 14.12.16	- TC 1661008

TARIFF CONCESSION ORDERS (TCOs) NOT USED IN THE PREVIOUS 2 YEARS

The Comptroller-General of Customs is satisfied that the TCOs listed in the table below are no longer required because, in the 2 years preceding the day of this notice, they have not been quoted in an import declaration to secure a concessional rate of duty.

From Thursday, 1 August 2019, it is intended to take action to revoke these Orders under subsection 269SD(1A) of the Customs Act 1901. In accordance with subsection 269SG(2) of the Customs Act 1901, in transit provisions shall apply. If revoked, the expected date of effect will be 1 August 2019.

Interested parties are invited to provide, by close of business, Wednesday 31 July 2019, written reasons why an Order should NOT be revoked.

Please advise if any of the Orders listed below have been quoted on an import declaration.

If a request is made to retain an Order used for the granting of a Determination, please specify the Determination and the linked Item number to enable mapping to the Order and its scope.

THE TABLE

Tariff Classification	Description	Concession Number
7309.00.00	FURNACE DRUMS, METALLICS RECOVERY, having ALL of the following: (a) gross capacity NOT greater than 2 550 kg; (b) bolt-on lids AND seals with spout cover cap; (c) lid fixing plates	
	Op. 17.11.15	Dec. date 10.02.16 - TC 1541859
7309.00.00	TANKS, PICKLING, acid OR flux, having BOTH of the following: (a) composite synthetic ceramic AND glass fibre laminate wall panels; (b) steel frames	
	Op. 15.12.15	Dec. date 07.03.16 - TC 1545049
8205.59.00	SQUEEZING TOOLS, POLYETHYLENE PIPE, having a rounding capacity diameter NOT less than 20 mm and NOT greater than 63 mm	
	Op. 21.12.15	Dec. date 17.03.16 - TC 1545579
8205.59.00	EXTERNAL BEAD REMOVERS, POLYETHYLENE PIPE HAVING AN OUTSIDE DIAMETER NOT EXCEEDING 630 MM	
	Op. 30.12.15	Dec. date 05.04.16 - TC 1600020
8417.10.00	OVENS, METAL CAN SURFACE HEATING, gas fired, having ALL of the following: (a) chain conveyor; (b) maximum output capacity NOT less than 2 400 cans per minute; (c) steel holding pins	
	Op. 09.12.15	Dec. date 07.03.16 - TC 1544439
8427.20.00	TRANSPORT VEHICLES, ANODE, including ALL of the following: (a) vehicle frame AND hydraulic lifting arms; (b) upper turning deck; (c) steering traction axles; (d) cabin AND controls; (e) diesel engine	
	Op. 22.12.15	Dec. date 23.03.16 - TC 1545946

8428.39.00	MATERIAL DISPENSING HOPPERS, having BOTH of the following: (a) hydraulically operated movable slat floor; (b) rotating drum	Op. 23.11.15	Dec. date 10.02.16	- TC 1542214
8428.39.00	ACCUMULATORS, horizontal, roller conveyor, including ALL of the following: (a) separation station; (b) transfer station; (c) exchange belts	Op. 22.12.15	Dec. date 27.04.16	- TC 1545772
8433.59.90	HARVESTING CUTTING HEADS, including ALL of the following: (a) feed belts; (b) pulleys; (c) rotary knives; (d) feed rollers; (e) blower; (f) harvester shrouds AND covers	Op. 11.12.15	Dec. date 31.03.16	- TC 1544696
8438.60.00	KIBBLING LINE, programmable logic controlled, including ALL of the following: (a) hopper; (b) conveyors; (c) kibbling unit; (d) dust collector; (e) fan; (f) discharge chutes; (g) detwiggling machine, with OR without ANY of the following: (i) screens; (ii) ducts; (iii) segments; (iv) supports with OR without steps AND/OR handrails	Op. 04.12.15	Dec. date 01.03.16	- TC 1543317
8438.60.00	FRUIT PITTING MACHINES, including ALL of the following: (a) feeder; (b) fruit aligner; (c) 360 degree rotational pitting knives	Op. 14.12.15	Dec. date 07.03.16	- TC 1545281
8479.82.00	IN-LINE BITUMEN EMULSION PLANT, containerised, programmable logic controlled, having ALL of the following: (a) mill unit; (b) bitumen unit; (c) solvent unit; (d) water unit; (e) chemical unit; (f) chemical tank battery; (g) latex dosing unit; (h) emulsion cooling unit	Op. 22.12.15	Dec. date 17.03.16	- TC 1545715
8479.89.90	SORTERS, RECYCLED ORGANIC MATERIAL PROCESSING PLANT, including ALL of the following: (a) air blowers; (b) feed belts; (c) hoppers AND/OR drums	Op. 23.11.15	Dec. date 10.02.16	- TC 1542199

- 8479.89.90 WASHING LINE, having ALL of the following:
(a) driven infeed AND outfeed;
(b) pre-wash AND main wash sections with ALL of the following:
(i) centrifugal pumps;
(ii) steam injection;
(iii) 600 litre tanks;
(iv) drum AND plate filters;
(v) spray lines,
(c) rinsing section;
(d) stainless steel conveyor belts
Op. 27.11.15 Dec. date 22.02.16 - TC 1542740
- 8479.89.90 WASHING LINE, having ALL of the following:
(a) infeed AND outfeed tables;
(b) pre-wash AND two main wash sections with ALL of the following:
(i) centrifugal pumps;
(ii) steam injection;
(iii) 500 litre tanks;
(iv) rotating drum AND plate filters;
(v) spray lines,
(c) rinsing section;
(d) chain conveyor
Op. 27.11.15 Dec. date 22.02.16 - TC 1542741
- 8479.89.90 BAG MAKING AND INSERTING MACHINES, programmable logic controlled, whether OR not assembled, including ALL of the following:
(a) film reel mounting shaft incorporating pneumatic bellows;
(b) film reel controlling AND feed mechanism;
(c) warning light;
(d) touch pad controller;
(e) mechanical bag film grippers;
(f) NOT less than two active heads;
(g) carton flap positioning bars;
(h) integrated roller conveyor incorporating lift;
(i) guillotine style film cutting knife;
(j) integrated air plunger with bag positioning spoons incorporating air nozzle
Op. 17.12.15 Dec. date 17.03.16 - TC 1545308
- 8479.89.90 STREET SWEEPER BODY ASSEMBLIES, vehicle mountable, including ALL of the following:
(a) diesel engine;
(b) centrifugal suction fan;
(c) dual chamber full width blast orifice sweeping head;
(d) debris hopper capacity NOT less than 5 m3;
(e) water tank,
with OR without side sweep brush OR brushes
Op. 22.12.15 Dec. date 04.04.16 - TC 1545944
- 8479.89.90 CONTROL MODULES, GREASE AND HYDRAULIC, OIL AND/OR GAS EQUIPMENT, whether OR not assembled including ALL of the following:
(a) control panel;
(b) hydraulic AND pneumatic AND electrical connectors;
(c) hydraulic pump;
(d) hand pump;
(e) grease pumps;
(f) bladder type accumulator;
(g) grease injection circuits;
(h) valves;
(i) tank;
(j) gauges;
(k) hoses AND/OR tubing with OR without connectors, whether OR not on reels;
(l) skid mounted steel frame
Op. 22.12.15 Dec. date 23.03.16 - TC 1545945

8481.80.90	DISTRIBUTOR BOXES, AIR CONDITIONING REFRIGERANT, including ALL of the following: (a) electronic expansion valve; (b) joint pipe expansion valves; (c) pipes AND strainers; (d) flange nuts; (e) binders; (f) half unions; (g) caps; (h) screws; (i) tubes; (j) communication cord AND earth cable; (k) coupler heat insulation; (l) stepper motors			
	Op. 15.12.15	Dec. date 07.03.16	- TC 1544855	
8606.30.00	WAGONS, standard gauge, having a maximum gross mass on rail exceeding 119 tonnes			
	Op. 21.12.15	Dec. date 17.03.16	- TC 1545714	

CUSTOMS ACT 1901

CANCELLATION OF THE INTENTION TO REVOKE

The Request for revocation of Tariff Concession Orders for goods described in the following TABLE have been cancelled.

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
4016.99.00 PARTS, PAPER SIZE SORTING MACHINE, being rubber star shaped wheels Op. 30.10.15	50
Dec. date 01.02.16	- TC 1540579
8428.90.00 SHIP LOADERS, mobile tower, electrically operated, capacity NOT greater than 1 500 tonnes per hour, consisting ALL of the following: (a) rail mounted supported mobile platform; (b) bucket elevator with take-off from mobile conveyor; (c) intermediate conveyor; (d) boom assembly having BOTH of the following: (i) wire rope winch luffing AND mechanical slewing mechanism; (ii) boom conveyor with dust removal system AND discharge chute, (e) control system; (f) operator cab; (g) shiploader mounted twin cable reelers Op. 23.10.15	50
Dec. date 25.02.16	- TC 1539884

CUSTOMS ACT 1901

NOTICE PURSUANT TO SECTION 269SE(2) - TARIFF CONCESSION ORDER REVOCATION AT THE INITIATIVE OF THE COMPTROLLER-GENERAL OF CUSTOMS

The Tariff Concession Orders listed in THE TABLE below have not been used for at least 2 years and have been revoked under Section 269SD(1A). In transit provisions apply.

The intention to revoke these orders was notified in Gazette TC19/17 dated 08 May 2019.

Contact: Email tarcon@homeaffairs.gov.au

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number Last Date of Effect
3920.20.00 TAPES, LABEL, plastic, self-adhesive Op. 14.01.15 Dec. date 08.04.15 2 Years non use. In transit provisions apply	50 04.06.19 - TC 1502132
3924.10.00 SETS, KITCHENWARE, being slushie AND/OR shake maker, including ALL of the following: (a) cups; (b) silicon band; (c) spoon Op. 22.01.14 Dec. date 14.04.14 2 Years non use. In transit provisions apply	50 04.06.19 - TC 1403429
3924.10.00 KITCHENWARE AND TABLEWARE, being bottles having stainless steel dispensing nozzles Op. 24.03.14 Dec. date 11.06.14 2 Years non use. In transit provisions apply	50 04.06.19 - TC 1410368
7208.27.00 STEEL, flat rolled, iron OR non-alloy, hot rolled, pickled, not coated, in coils, complying with Japanese Industrial Standard G3134 (JIS G3134), grade SPFH590, having ALL of the following: (a) yield strength NOT less than 460 MPa and NOT greater than 610 MPa; (b) tensile strength NOT less than 590 MPa; (c) elongation NOT less than 17% and NOT greater than 31%; (d) thickness 1.80 mm and width 1 110 mm For the purpose of this Order, tolerances allowable for specification (d) are: (a) thickness +/- 10% (b) width +/- 1% Op. 17.04.14 Dec. date 14.07.14 2 Years non use. In transit provisions apply	50 04.06.19 - TC 1413447
7210.49.00 STEEL, flat rolled, non-alloy, hot dipped galvanized zinc coated, in coils, having ALL of the following: (a) yield strength NOT less than 195 MPa; (b) tensile strength NOT less than 340 MPa; (c) elongation NOT less than 34%; (d) coating mass NOT less than 30 g/m2 on each side; (e) thickness 0.70 mm; (f) width NOT less than 1 480 mm and NOT greater than 1 570 mm For the purposes of this order, tolerance allowable for specification (e) are +/- 10% Op. 14.04.14 Dec. date 14.07.14 2 Years non use. In transit provisions apply	50 04.06.19 - TC 1412844

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number Last Date of Effect
7210.49.00 STEEL, flat rolled, non-alloy, hot dipped zinc coated, in coils, having ALL of the following: (a) yield strength NOT less than 240 MPa and NOT greater than 300 MPa; (b) tensile strength NOT less than 340 MPa; (c) elongation NOT less than 34%; (d) coating mass NOT less than 50 g/m2 and NOT greater than 80 g/m2 on each side; (e) thickness 0.65 mm; (f) width NOT less than 1 455 mm and NOT greater than 1 545 mm	50 04.06.19
For the purposes of this order, tolerance allowable for specification (e) are +/- 10%; Op. 14.04.14 Dec. date 14.07.14	- TC 1412845
2 Years non use. In transit provisions apply	
7306.40.00 PIPES, stainless steel, press fit, having ALL of the following: (a) ethylene propylene diene monomer (EPDM) rubber seal; (b) stainless steel OR gunmetal press connector; (c) outside diameter NOT less than 12 mm and NOT greater than 54 mm	50 04.06.19
Op. 15.01.15 Dec. date 08.04.15	- TC 1502400
2 Years non use. In transit provisions apply	
7323.93.00 BASKETS, GRILL, BARBECUE, non-stick coated, incorporating handles Op. 05.06.14 Dec. date 25.08.14	50 04.06.19
2 Years non use. In transit provisions apply	
7326.90.90 CARGO CASSETTES, having a load capacity NOT less than 50 t Op. 29.05.14 Dec. date 01.09.14	50 04.06.19
2 Years non use. In transit provisions apply	
8424.89.90 TUBES, plastic, multilayered, with dispensing airless pump Op. 15.04.14 Dec. date 14.07.14	50 04.06.19
2 Years non use. In transit provisions apply	
8425.39.00 SPOOLERS, CLIP IN DRUM, hydraulic, telescopic, with OR without a drum, whether OR not assembled Op. 26.02.14 Dec. date 19.05.14	50 04.06.19
2 Years non use. In transit provisions apply	
8425.39.00 SPOOLERS, SUBSEA CABLE, single drum, air driven Op. 13.05.14 Dec. date 04.08.14	50 04.06.19
2 Years non use. In transit provisions apply	

8474.80.00	CONCRETE BATCHING AND MIXING AND MOULDING PLANT, programmable logic controlled, having ALL of the following: (a) pipe making machine, having an output diameter NOT greater than 2 500 mm; (b) concrete feeding module; (c) de-moulding module; (d) operating panel; (e) control module; (f) safety gates; (g) electrical cables; (h) central vibrator; (i) lifting module; (j) tilting table; (k) segmental batching shutter; (l) aggregate weigh-batcher; (m) planetary mixer; (n) cement weigh-batcher; (o) conveyor; (p) safety motion sensor	50 04.06.19
Op. 04.07.14	Dec. date 01.10.14	- TC 1423251
2 Years non use. In transit provisions apply		
8477.80.00	CRACKING MILLS, TYRE RUBBER, including BOTH of the following: (a) input capacity NOT less than 500 kg/hr and NOT greater than 2 000 kg/hr; (b) output mesh size NOT less than .5 mm and NOT greater than 2 mm	50 04.06.19
Op. 08.07.14	Dec. date 08.10.14	- TC 1423634
2 Years non use. In transit provisions apply		
8479.89.90	BAG REMOVING SYSTEM, consisting of ALL of the following: (a) pallet loader; (b) bag aligner; (c) bag cutter; (d) 3 L bottle processing speed capacity NOT less than 190 bottles per minute	50 04.06.19
Op. 04.03.14	Dec. date 02.06.14	- TC 1408400
2 Years non use. In transit provisions apply		
8479.89.90	LATCH ASSEMBLIES, SEAL, OIL AND/OR GAS WELL, single trip, whether OR not assembled, including ALL of the following: (a) mandrel; (b) polished bore receptacle; (c) seals; (d) collet; (e) shear screws	50 04.06.19
Op. 22.04.14	Dec. date 14.07.14	- TC 1413532
2 Years non use. In transit provisions apply		
8481.80.90	VALVES, DIRECTIONAL CONTROL, SUBSEA, subplate mounted	50
Op. 05.03.14	Dec. date 02.06.14	- TC 1408410 04.06.19
2 Years non use. In transit provisions apply		
8536.50.99	SWITCHES, TOUCH CONTROL, electronic, 240 V AC, having ALL of the following: (a) touch switch sensors; (b) glass front plates; (c) tri colour LED button indicators; (d) child lock mode; (e) timers; (f) ambient light level control sensors; (g) over current AND/OR over temperature protection; (h) with OR without ANY of the following: (i) wireless remote control; (ii) wireless group control; (iii) dimming mode	50 04.06.19
Op. 02.01.15	Dec. date 23.03.15	- TC 1500013
2 Years non use. In transit provisions apply		

8606.30.00	BALLAST CARS, RAILWAY, having a maximum capacity NOT less than 100 tonnes			50
	Op. 16.01.15	Dec. date 15.04.15	- TC 1502446	04.06.19
	2 Years non use. In transit provisions apply			
8606.99.00	FLAT TOP CARS, RAILWAY, having maximum on rail gross weight NOT less than 155 tonnes			50
	Op. 16.01.15	Dec. date 15.04.15	- TC 1502442	04.06.19
	2 Years non use. In transit provisions apply			

CUSTOMS ACT 1901 - NOTIFICATION OF REQUEST FOR REVIEW OF APPLICATION DECISIONS

A request has been received for review by the Comptroller-General of Customs of the decision made on the application for the Tariff Concession Order for goods described in the following TABLE.

THE TABLE

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number Date of Lodgement of Request	Initial Decision
7308.90.00 PARTS, SOLAR TRACKING AND/OR ALIGNING SYSTEM, galvanised steel, being ANY of the following: (a) L shaped pile support brackets, having BOTH of the following: (i) steel thickness NOT less than 7 mm; (ii) round holes AND/OR slots, (b) slewing drive support brackets, having BOTH of the following: (i) steel thickness NOT less than 14 mm; (ii) round holes AND/OR slots, (c) mounting rail reinforcements Op. 04.01.19	50 25.06.19	REFUSE

- TC 1902767

AUSTRALIAN BORDER FORCE

TARIFF QUOTAS - CHEESE AND CURD QUOTA ALLOCATIONS - TARIFF QUOTA HOLDERS 01 JULY 2019 TO 30 JUNE 2020

GENERAL INFORMATION

This Gazette contains a table in Part 1 specifying details of quota categories relevant to quota entitlements outlined in Part 2.

Enquiries concerning any information published within this Gazette should be directed to the Trusted Trader and Trade Services Branch, Customs Group, Australian Border Force, PO Box 25, Belconnen, ACT, 2616.

PART 1

NOTICE OF MAKING A DETERMINATION UNDER PART XVI OF THE CUSTOMS ACT 1901

In pursuance of Section 273B of the Customs Act 1901, notice is hereby given that Determination Number 1,000,847 was made in relation to Item 55 of Schedule 4 to the Customs Tariff Act 1995, and subject to any conditions set out hereunder, that Determination applies to goods that are:

- (1) specified in the Table hereunder;
- (2) classified under a subheading of Schedule 3 to the Customs Tariff Act 1995, specified in Item 55 of Schedule 4 to the Customs Tariff Act 1995;
- (3) entered for home consumption not earlier than 01 Jul 2019 and not later than 30 Jun 2020 by the person specified in that Determination, as shown in Part 2; and
- (4) in total, not in excess of such quantity or such value as is specified in that Determination, as shown in Part 2.

Condition

The application of item 55 of Schedule 4 to the *Customs Tariff Act 1995* is subject to the condition that the Treatment Code that identifies item 55 is included in the entry for home consumption at the time at which the goods to which item 55 applies (as set out in this determination) are entered for home consumption.

THE TABLE - BASE QUOTA ALLOCATIONS - CATEGORY INFORMATION

QUOTA CATEGORY	QUOTA CEILING	QUANTITY (KG) ALLOCATED	FINAL FACTOR %	NUMBER OF QUOTA HOLDERS	UNIT QUANTITY	QUOTA ITEM NUMBER	QUOTA DESCRIPTION
311	11,500,000	11,500,000	0.505927 6977	39	Kilograms	61A	Cheese and Curd

PART 2

CAT CODE	QUOTA HOLDERS LEGAL NAME	QUOTA HOLDERS ADDRESS	QUANTITY KG
311	A, E AND F NASRALLA	GREENVALE VIC 3059	923
311	ARQUILLA BULK TRADING CO PTY LTD	CAMPERDOWN NSW 1450	4,458
311	BIDFOOD AUSTRALIA LTD	GIRAWEEEN NSW 2145	5,092
311	BON FOOD PTY LTD	NORTHLAND VIC 3072	70,938
311	CALENDAR CHEESE CO. PTY LTD	PORT MELBOURNE VIC 3207	391,651
311	CAMPANIA OLIVE OIL CO. PTY LTD	THOMASTOWN VIC 3074	26,481
311	CANTARELLA BROS PTY LTD	SILVERWATER NSW 1811	1,862,097
311	CATER PLUS PTY LTD	ALBERT PARK SA 5014	2,722

CAT CODE	QUOTA HOLDERS LEGAL NAME	QUOTA HOLDERS ADDRESS			QUANTITY KG
311	CORECO TRADING PTY LTD	SOMERTON	VIC	3062	19,569
311	DCG ENTERPRISES PTY LTD	KEMPS CREEK	NSW	2178	5,723
311	DEL RE NOMINEES PTY LTD	DONCASTER EAST	VIC	3109	1,045,268
311	DELTA SALES PTY. LTD	BRUNSWICK	VIC	3056	518,090
311	EUROPEAN FOODS WHOLESALERS PTY LTD	NORTHBRIDGE	WA	6865	107,167
311	F. MAYER (IMPORTS) PTY LTD	MASCOT	NSW	1460	1,588,411
311	FULBECK PTY LTD	GUILDFORD	NSW	2161	47,803
311	GAGANIS BROS. IMPORTED FOOD WHOLESALERS PTY LTD	HINDMARSH	SA	5007	149,591
311	GENOBILE SABA AUSTRALIA PTY LTD	COBURG	VIC	3058	12
311	GLOBAL FOODS GROUP PTY LTD	VILLAWOOD	NSW	2163	698,418
311	JOHN KOTIS FAMILY SETTLEMENT	NOTTING HILL	VIC	3168	800,920
311	KAYA FAMILY TRUST AND THE TRACAS FAMILY TRUST	BRUNSWICK	VIC	3056	16,540
311	KEBIA IMPORTEX PTY LIMITED	MARRICKVILLE	NSW	2204	793,964
311	KIRK FOOD ASSOCIATES PTY LTD	MASCOT	NSW	1460	4,314
311	KORERO PTY LTD	RIVERWOOD	NSW	2210	59,487
311	L. DI SANTO PTY LTD	CARLTON NORTH	VIC	3054	514
311	LEO'S IMPORTS AND DISTRIBUTORS PTY LTD	CAMPBELLFIELD	VIC	3061	47,819
311	MANASSEN FOODS AUSTRALIA PTY LTD	WETHERILL PARK	NSW	2164	1,617,133
311	MARCO POLO FOODS PTY LTD	CAMPSIE	NSW	2194	16,448
311	MENORA GOURMET PRODUCTS UNIT TRUST	SPRINGVALE	VIC	3171	1,097
311	MONDE NISSIN (AUSTRALIA) PTY LTD	SPRINGVALE	VIC	3171	18,247
311	OMEGA FOODS UNIT TRUST	HINDMARSH	SA	5007	9,057
311	P. & T. BASILE PTY LTD	BAYSWATER	VIC	3153	325,314
311	QUALITY CENTRE FOOD SERVICES PTY LTD	AUBURN	NSW	2144	66,770
311	RODINI NOMINEES PTY LTD	CAMPBELLFIELD	VIC	3061	49,149
311	SHUUMPA PTY LTD	FRENCHS FORREST	NSW	2086	2,346
311	THE TRUSTEE FOR THE CONGA TRUST	NORTHLAND CENTRE	VIC	3072	1,054,431
311	VISCO SELECTED FINE FOODS PTY LTD	MORNINGSIDE	QLD	4064	4,133
311	WASHED RIND PTY LTD	ADELAIDE	SA	5000	348
311	ZINTIX (AUSTRALIA) PTY LTD	LIDCOMBE	NSW	2141	6,447
311	ZINTIX PTY LTD	LIDCOMBE	NSW	2141	61,108



DEPARTMENT OF HOME AFFAIRS NOTICE

No.2019/20

Tariff Advice and Tariff Concession Order (TCO) Applications

This Home Affairs Notice (HAN) updates the Australian Customs Service (ACS) Australian Customs Notice (ACN) No. 2008/33 to reflect changes brought about by the establishment of the Department of Home Affairs (the Department).

ACN 2008/33 is hereby cancelled with effect from the date of publication of this HAN.

Tariff Advice Applications

As advised previously in ACN 2008/33, the National Trade Advice Centre (NTAC) of the Department will screen all Tariff advice applications to ensure that supporting evidence is supplied.

All Tariff Advice applications are expected to meet a minimum standard of supplied information. Details of the information required are provided at the Department's website (<https://www.abf.gov.au/importing-exporting-and-manufacturing/tariff-classification>) under "Tariff Advice System". The information requirements for Tariff Advice applications may be summarised as follows:

- detailed identification and description of the goods to be imported;
- detailed reasons for the claimed heading and subheading (as well as for the tariff headings considered and rejected); and
- Illustrative Descriptive Material (IDM), other supporting evidence and/or sample (as appropriate) to be provided to the Department when lodging a manual application or within five days of entering the electronic Tariff Advice application.

NTAC will not process a Tariff Advice application that does not include clear and legible IDM, other supporting evidence and/or a sample as required.

Where a Tariff Advice application is accepted but further information is requested by NTAC, applicants will have 14 days to respond with the requested material. Failure to respond within this period will result in rejection of the application. NTAC will consider an extension of the 14 day period on a case-by-case basis, where the applicant shows that more time is needed to provide the information.

Tariff Concession Order (TCO) Applications

When considering a TCO application, delegates of the Comptroller-General of Customs (Comptroller-General) require detailed information about the goods the subject of the TCO application as well as improved compliance with the level of detail required by the approved form. Further details of the improved compliance are detailed in HAN 2019/21 Applicant's obligations when applying for a Tariff Concession Order (TCO).

The Department acknowledges that the date of operative effect is important in TCO applications, but this

does not remove the requirement for valid and complete applications. As clarified following consultation with industry representatives in 2008, delegates of the Comptroller-General will reject TCO applications at the time of lodgement where:

- the identified goods are included in paragraph 145 and Schedule 6 of the *Customs Regulation 2015* as goods for which a TCO should not be made or are on the Excluded Goods Schedule; or
- there is no IDM or it is irrelevant or illegible; or
- there is no supporting evidence for the classification of the goods (consistent with the requirements for TA applications); or
- there is no evidence of a local manufacturer search or that search is misleading or erroneous; or
- potential local manufacturers have not been given at least ten working days to respond to inquiries concerning local manufacture prior to the lodgement of a TCO application.

Where a TCO application is accepted but further information is requested by a delegate of the Comptroller-General during the processing phase, applicants will have up to five calendar days to respond. A delegate of the Comptroller-General has only a limited period to screen TCO applications under the legislation and therefore the opportunity for applicants to redress deficient applications must be similarly constrained. These arrangements for TCO applications took effect from Monday 21 July 2008.

Duplication of Tariff Advice and TCO application processes

The legislation requires the Comptroller-General to determine the classification of goods covered by a TCO application. NTAC checks the classification proposed by the applicant and determines the correct classification based on the information provided during the 28-day screening period immediately following the lodgement of the TCO application.

NTAC will not process a Tariff Advice application that deals with goods covered by a concurrent TCO application, as this is an unnecessary duplication of effort.

If a Tariff Advice is obtained prior to the lodgement of a TCO application for the same goods, and there is no change to the goods, the Tariff Advice reference should be quoted in the TCO application. A Tariff Advice is valid and binding for five years, unless voided earlier.

In circumstances where a valid Tariff Advice is quoted on a TCO application for the same goods, the TCO application and IDM will not be referred to NTAC for confirmation of the tariff classification. The TCO application is to include a copy of the valid Tariff Advice and IDM as part of the supporting material.

Any queries concerning this HAN may be addressed to the Director, Tariff Concessions Administration:

- for Tariff Advice matters at tariffclassification@abf.gov.au; and
- for TCO matters at tarcon@homeaffairs.gov.au.

[signed]
Tim Fitzgerald
Assistant Secretary
Trusted Trader and Trade Services
31 May 2019



DEPARTMENT OF HOME AFFAIRS NOTICE

No.2019/21

Applicant's obligations when applying for a Tariff Concession Order (TCO)

This Home Affairs Notice (notice) updates the Australian Customs and Border Protection Service (ACBPS) Australian Customs Notice (ACN) No. 2010/03 to reflect changes brought about by the establishment of the Department of Home Affairs (the Department) and its operational arm, the Australian Border Force (ABF).

ACN 2010/03 is hereby cancelled with effect from the date of publication of this notice.

The application form (Form B443) for Tariff Concession Orders (TCOs) is an Approved Form as required by s.269F(2)(b) of the *Customs Act 1901* (Customs Act) and is available on the ABF's website at www.abf.gov.au. The Approved Form must be used to apply for a TCO.

This notice provides advice to applicants for TCOs on how to complete the form when making an application.

The application form

The form reinforces obligations for TCO applicants to provide evidence that satisfies the Comptroller-General of Customs (Comptroller-General) (previously the Chief Executive Officer of Customs) that there are reasonable grounds for asserting that the application meets the core criteria as defined at s.269C of the Customs Act. Specifically, the legislation requires provision of all information that an applicant has, or can reasonably be expected to have, and all inquiries that an applicant has made or can reasonably be expected to make to determine whether Australian manufacturers of substitutable goods exist (s.269FA of the Customs Act).

An application meets the core criteria if, on the day of lodgement of the application, no substitutable goods were produced in Australia in the ordinary course of business.

The legislation and relevant policy guidelines require that delegates of the Comptroller-General be rigorous in ensuring applicants meet their obligations when lodging an application. Where a TCO applicant provides less than reasonable information or has not conducted reasonable and appropriate inquiries to determine whether Australian manufacturers of substitutable goods exist, delegates of the Comptroller-General may reject those applications.

It is not the intent of the Tariff Concession System that an applicant should apply for a concession in the hope that a potential producer of substitutable goods will not object.

Form B443 was amended in 2010 to reflect the requirement for more specific responses from applicants. The latest version of the form is available from the Tariff Concession System pages on the ABF website – <https://www.abf.gov.au/importing-exporting-and-manufacturing/tariff-concessions-system/tariff-concession-order>.

The form reflects that the applicant may be the importer of the goods, or alternatively, an agent, consultant or broker who does not always have first-hand knowledge of the particular goods or industry involved. It is important, where the importer is not the applicant, that information is provided by the intended importer of the goods to the applicant and included in the form.

Searches for local manufacturers of substitutable goods

To establish that there are reasonable grounds no local manufacturers of goods that are substitutable for the goods the subject of a TCO application, the applicant is to provide evidence that inquiries have been made to determine whether local manufacturers exist who can produce substitutable goods in the ordinary course of business. These inquiries are designed to locate manufacturers who are producers, or potential producers, of substitutable goods.

A search conducted by a prescribed organization, being members of the Industry Capability Network (ICN) as defined in Paragraph 144 in Part 16 of the *Customs Regulation 2015*, will be considered sufficient evidence of a search.

A suggested format for the wording of the request to the relevant ICN member is attached. Applicants for a TCO should be aware that a fee may be charged for a search conducted by ICN members. Further information on the ICN is available from its website – www.icn.org.au.

Where an applicant chooses not to use a prescribed organisation to conduct a search for manufacturers, or potential manufacturers, of substitutable goods, the Comptroller-General will require evidence of searches using reasonable search terms of **at least three types** of database, such as:

- a trade directory search, such as Australian B2B
- a website listing Australian products, such as Australian Made
- a public search engine, such as Google
- a search of a relevant industry association webpage

Applicants are also required to provide information from their personal knowledge of potential local manufacturers of substitutable goods, such as through participation in procurement activity, trade fairs, or membership of industry associations. This must include information gained from inquiries of the importer they are representing.

What is reasonable? The legislation requires the Comptroller-General to consider information and inquiries that an applicant could reasonably be expected to have, or to make, pursuant to s.269FA of the Customs Act. Examples of what constitutes reasonable information and reasonable inquiries are:

- It is reasonable to expect that an applicant (and importer where the importer is a different party to the applicant) will have information or industry knowledge about Australian businesses that produce, or potentially produce, substitutable goods.
- It is reasonable to expect that this industry knowledge may have been obtained through trade fairs, membership of industry associations or normal business operations. This information should be disclosed to the Comptroller-General at question five of the application form.
- Where a data base search for local manufacturers is used, it is reasonable to expect that the key word, or key words should not be so narrow as to preclude a result. This is because the aim of the search is to identify manufacturers of substitutable goods with a corresponding use, not necessarily an identical use, and therefore should not be confined only to potential manufacturers of identical goods to the TCO application goods. For example, a search by a proprietary or trade-marked name will not be acceptable.
- Searches are to be comprehensive and multiple searches using different key words would normally be expected. The terms “Australian”, “manufacturer” and “[goods]”, not as a single phrase, would be expected in any search of an internet search engine such as Google. Searches of proprietary data bases, such as Australian B2B, should follow advice provided by the database operators to determine the existence of potential manufacturers of substitutable goods.

Where a potential Australian manufacturer of substitutable goods is identified in the search, the potential manufacturer **MUST** be contacted by the applicant in writing with details of the goods that will be the subject of the TCO application. The applicant **MUST** allow a minimum of ten working days for any responses before lodging the application. Any responses received after ten working days are to be forwarded to the Tariff Concessions Administration Section of the Department. A suggested format of the letter to the potential Australian manufacturer is attached to this notice.

If a local manufacturer responds and considers that it does make substitutable goods, then the applicant must substantiate at question eight why it considers the locally manufactured goods are not substitutable for the imported goods. Otherwise, the application may not be accepted as valid.

If the applicant, (or importer where different to the applicant) is aware of substitutable goods being produced in Australia in the ordinary course of business, then no TCO application should be lodged. The relevant legislation does not intend that duty concessions be available in these circumstances. This includes situations where the applicant is also an Australian manufacturer of substitutable goods. The legislation has specific provisions allowing local manufacturers to be granted TCOs for periods in which they may have ceased production of the substitutable goods.

Inquiries made by Comptroller-General

TCO applicants should note that having an application accepted is not conclusive proof that there is no Australian manufacturer of substitutable goods. The acceptance of a TCO application is merely a recognition that the application is valid and, *prima facie*, meets the evidentiary requirements of the form.

Whether the TCO is made is a decision of a delegate of the Comptroller-General no earlier than 50 days after Gazettal of the acceptance of the TCO as a valid application. Subsections 269M(1) and (4) of the Customs Act allow the Comptroller-General to make further inquiries, notwithstanding the information supplied in the TCO application. These further inquiries may also include an invitation to a local manufacturer previously discounted by the TCO applicant or not identified by ICN.

Operative date

The operative date for an application will be the date on which a complete application containing **ALL** the information as required by the form is received by the Comptroller-General by one of the methods listed on Page 7 of the Approved Form. If an application is rejected the operative date does not apply.

Illustrative descriptive material

Question 2 of the form requires that all applications must be accompanied by clear illustrative descriptive material (IDM). Such IDM may be in the form of brochures, technical drawings, detailed coloured photographs, samples, industry standards or schematics. If an industry standard is referred to in the description of the goods, extracts from the relevant industry standard, details of the relevant industry organization that has approved the standard, the standards reference number and date of publication must be included at time of lodgement of the application.

The IDM must enable a full and accurate identification of the goods to be made. The application will be rejected if the IDM does not enable full and accurate identification of the goods the subject of the application or allow an accurate tariff classification to be made. IDM relying simply on a reference to a supplier's website may also result in the application being rejected.

Applicants should also note that TCO applications for PARTS must include fully indexed IDM linked to their preferred concession wording terms. Each part described on the index is to be linked to, and identified in, the IDM to enable a full identification of a part's characteristics, constituent material and its relationship to the parent goods. This in turn enables a correct tariff classification to occur and an assessment of the preferred terms used to describe the respective parts for concession wording purposes. Further information concerning IDM is contained in HAN 2019/20 Tariff Advice and Tariff Concession Order (TCO) Applications.

Point of contact

Inquiries concerning this notice may be directed to Director Tariff Concessions Administration by email to tarcon@homeaffairs.gov.au .

[signed]
Tim Fitzgerald
Assistant Secretary
Trusted Trader and Trade Services
31 May 2019

ATTACHMENT A

SUGGESTED FORMAT OF THE LETTER TO A POTENTIAL LOCAL MAKER/PRODUCER OF AUSTRALIAN GOODS

Company Letterhead

Name of local manufacturer's business
Title
ADDRESS

today's date

Dear

Our business/client is seeking a Tariff Concession Order (TCO) for goods with the following description:

GOODS, EXAMPLE, containing ALL of the following:

- (a)
- (b)
- (c)

[The description will vary depending on the nature of the goods.]

Stated Use:

In accordance with s.269FA of the *Customs Act 1901*, we are required to make inquiries as to whether there exists a potential local manufacturer of goods which are substitutable for the goods described above. Please note that substitutable goods does not necessarily mean identical goods.

To decide whether or not to proceed with the TCO application, we would appreciate your advice as to whether you believe you are a producer of goods which are substitutable for the goods described above and whether you, or any producer known to you, makes these goods in Australia in the ordinary course of business. Could you please forward your response to [email address] by [10 working days after the date of the letter]? Any information you provide will be forwarded to the Comptroller-General of Customs to assist in the decision-making process.

A TCO may be granted if, on the day of lodgement of an application, no **substitutable goods** are **produced in Australia** in the **ordinary course of business**. All parties should ensure they are aware of the definitions of substitutable goods, produced in Australia, and ordinary course of business. These definitions are attached to this letter.

Please visit the Department of Home Affairs' website at www.abf.gov.au/importing-exporting-and-manufacturing/tariff-concessions-system for details of the TCO process and legislation.

Yours sincerely/faithfully

TCO applicant

Information attached

INFORMATION FOR APPLICANTS - EXTRACTS DEFINITIONS/FROM THE CUSTOMS ACT 1901

Section 269B Interpretation

(1) **substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, means goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put.

(3) In determining whether goods produced in Australia are put, or are capable of being put, to a use corresponding to a use to which goods the subject of a TCO, or of an application for a TCO, can be put, it is irrelevant whether or not the first-mentioned goods compete with the second-mentioned goods in any market.

Section 269C Interpretation—core criteria

For the purposes of this Part, a TCO application is taken to meet the core criteria if, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

Section 269D Interpretation—goods produced in Australia

(1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if the goods are wholly or partly manufactured in Australia.

(2) For the purposes of this Part, goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:

- (a) operations to preserve goods during transportation or storage;
- (b) operations to improve the packing or labelling or marketable quality of goods;
- (c) operations to prepare goods for shipment;
- (d) simple assembly operations;
- (e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

Section 269E Interpretation—the ordinary course of business

(1) For the purposes of this Part, other than section 269Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:

- (a) they have been produced in Australia in the 2 years before the application was lodged; or
- (b) they have been produced, and are held in stock, in Australia; or
- (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;

and a producer in Australia is prepared to accept an order to supply them.

(2) For the purposes of this Part, substitutable goods, in respect of goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:

- (a) a producer in Australia could produce substitutable goods, in respect of goods the subject of the TCO application, with existing facilities; and
- (b) the substitutable goods the producer could produce would be made-to-order capital equipment; and
- (c) in the 5 years before the application was lodged, the producer has made goods requiring the same labour skills, technology and design expertise as the substitutable goods the producer could produce; and
- (d) the producer is prepared to accept an order to supply the substitutable goods in respect of goods the subject of the TCO application.

(3) In this section:

made-to-order capital equipment means a particular item of capital equipment:

- (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
- (b) that is not produced in quantities indicative of a production run.

SUGGESTED FORMAT OF A LETTER TO THE INDUSTRY CAPABILITY NETWORK

Company Letterhead

Name [if known] or The Manager
Industry Capability Network [State]
ADDRESS

today's date

Dear

Our business/client is seeking a Tariff Concession Order (TCO) for goods with the following description:

GOODS, EXAMPLE, containing ALL of the following:

- (a)
- (b)
- (c)

[The description will vary depending on the nature of the goods.]

Stated Use:

In accordance with s.269FA of the *Customs Act 1901*, we are required to make inquiries as to whether there exists a potential local manufacturer of goods which are substitutable for the goods described above. Please note that substitutable goods does not necessarily mean identical goods.

To decide whether or not to proceed with the TCO application, I would appreciate your advice as to whether there is an Australian producer of goods substitutable for those described above, and whether that producer makes those goods in Australia the ordinary course of business. By substitutable goods, we are inquiring as to whether there is a manufacturer of goods that may fall into the same general category of goods that we are considering, including goods that may not meet the exact terms of the description above, but could be put to at least one of the uses of the goods as described. Specifically, A TCO may be granted if, on the day of lodgement of an application, no **substitutable goods** are **produced in Australia** in the **ordinary course of business**. I have attached illustrative descriptive material [or a sample] to further identify the goods I/our client wish(es) to import.

Any information you provide will be forwarded by us to the Comptroller-General of Customs to assist in the decision-making process.

Thank you for your assistance with this matter.

Yours sincerely/faithfully

TCO applicant

Information attached

INFORMATION FOR APPLICANTS – EXTRACTS/DEFINITIONS FROM THE *CUSTOMS ACT 1901*

Section 269B Interpretation

(1) **substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, means goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put.

(3) In determining whether goods produced in Australia are put, or are capable of being put, to a use corresponding to a use to which goods the subject of a TCO, or of an application for a TCO, can be put, it is irrelevant whether or not the first-mentioned goods compete with the second-mentioned goods in any market.

Section 269C Interpretation—core criteria

For the purposes of this Part, a TCO application is taken to meet the core criteria if, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

Section 269D Interpretation—goods produced in Australia

(1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if the goods are wholly or partly manufactured in Australia.

(2) For the purposes of this Part, goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:

- (a) operations to preserve goods during transportation or storage;
- (b) operations to improve the packing or labelling or marketable quality of goods;
- (c) operations to prepare goods for shipment;
- (d) simple assembly operations;
- (e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

Section 269E Interpretation—the ordinary course of business

(1) For the purposes of this Part, other than section 269Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:

- (a) they have been produced in Australia in the 2 years before the application was lodged; or
- (b) they have been produced, and are held in stock, in Australia; or
- (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;

and a producer in Australia is prepared to accept an order to supply them.

(2) For the purposes of this Part, substitutable goods, in respect of goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:

- (a) a producer in Australia could produce substitutable goods, in respect of goods the subject of the TCO application, with existing facilities; and
- (b) the substitutable goods the producer could produce would be made-to-order capital equipment; and
- (c) in the 5 years before the application was lodged, the producer has made goods requiring the same labour skills, technology and design expertise as the substitutable goods the producer could produce; and
- (d) the producer is prepared to accept an order to supply the substitutable goods in respect of goods the subject of the TCO application.

(3) In this section:

made-to-order capital equipment means a particular item of capital equipment:

- (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
- (b) that is not produced in quantities indicative of a production run.