



TOMAX
NEWS

Issue 148
13th October 2023

PLUS:



MARKET SUMMARY

- Shipping lines have announced a further GRI implementation for 1st November 2023 as they attempt to drive up prices for the peak season.
- Container vessel chaos will reign for the next week as vessel operators juggle the impact of frequent terminal disruptions.
- Vessel schedules are changing constantly as lines alter port rotations in an attempt to avoid the disruptions.

TARIFF CONCESSIONS GAZETTE (TC)

Tariff Concession Orders (TCOs) are an Australian Government revenue concession that exists where there are no known Australian manufacturers of goods that are substitutable for imported goods. When a new TCO is made, it is published in the Gazette by the Australian Border Force. The weekly Tomax Client Newsletter will contain a link to the latest Gazette document so that you can stay updated.

[CLICK TO VIEW LATEST GAZETTE](#)

LATEST NEWS

HS CODES, ORIGIN CRITERIA AND OTHER INFORMATION ON CERTIFICATES OF ORIGIN UNDER AUSTRALIA'S FTAS



Our Tomax team's lobbying efforts has successfully changed the way FTA COO's are handled and accepted, which has resulted in a new Australian Customs Notice (ACN) being published and issued to the industry. The Notice enables the Customs Brokerage Industry in Australia to action and accept FTA COOs in a more streamlined approach. In summary, regardless of the discrepancy on an FTA COO, as long as the broker or compiler is confident that the COO applies to the shipment at hand, we can accept the COO without requiring it to be amended or reissued. This in turn will save the industry a huge amount of time.

AUSTRALIAN CUSTOMS NOTICE NO. 2023/43

HS Codes, Origin Criteria and Other Information on Certificates of Origin under Australia's FTAs

Certain Free Trade Agreements (FTAs) require a Certificate of Origin (COO) to be held by the importer in order to claim a preferential rate of customs duty.

There are occasions where differences between the COO and the information reported to the ABF via the Integrated Cargo System (ICS) may occur.

For example: differences between the Harmonized System (HS) Code used by the exporting party and the Tariff Classification used in the import declaration may occur. Administrative arrangements in certain exporting Parties, may also raise concerns about the particular Origin Criteria provided on a COO, but not that the goods are originating goods under the relevant Division of Part VIII of the Customs Act 1901.

Further, under certain circumstance, the details on the COO may be different to that of commercial documentation, such as:

- Exporter name and details
- Importer name and details
- Description or quantities of the goods

Where there are multiple differences on a COO, importers and their Licensed Customs Broker (LCB) are encouraged to seek a replacement COO in order to eliminate or reduce the number of differences. This should be done on the basis of self-assessment, including ensuring that the COO is certified by the exporting Parties issuing body or authority and the origin of the goods is not otherwise in question.

In order to facilitate trade, the ABF provide the following guidance.

HS Code on the COO compared with the Tariff Classification on an import declaration

Where an FTA's minimum data requirements for a COO must include a HS Code, that requirement is considered to be fulfilled if a COO has a HS Code in the relevant field, is certified by the exporting Parties' issuing body or authority and the origin of the goods is not otherwise in question.

When completing an import declaration in ICS, importers and their LCB must classify the goods in accordance with the Customs Act 1901 and the Customs Tariff Act 1995.

The HS Code on a COO can be accepted as different to the Tariff Classification in an import declaration as long as the COO is certified by the exporting Parties issuing body or authority and the origin of the goods is not otherwise in question.

Origin Criteria on the COO

Where an Origin Criteria is provided on a COO and is certified by the exporting Parties issuing authority or body, importers and their LCB who consider that another origin criteria is more appropriate, they should enter the relevant Preference Scheme Rule in the import declaration based upon the Origin Criteria provided in the COO. This does not preclude the importer or LCB demonstrating that the goods meet a different Origin Criteria under the relevant Division of Part VIII of the Customs Act 1901 should they be required to demonstrate the goods are originating goods.

Exporter and Importer Name and Details, Description of Goods or Quantity

An importer or their LCB may receive a COO where the details of the COO do not match the commercial documents.

Minor differences on their own will not invalidate the COO. As long as there is other information on the COO that clearly demonstrate that the COO relates to the goods in question, the COO is certified by the exporting Parties issuing body or authority and the origin of the goods is not otherwise in question.

Where there are differences in the quantity on the COO compared to other commercial documentation, importers and their LCB should ensure that they can reasonably explain the difference, such as additional units being included in the shipment to make up a full container.

Compliance approach

Importers and LCB are reminded to keep records and commercial documentation in

accordance with the requirements of the Customs Act 1901. Relevant records and documents may include, but are not limited to: invoices, bills of lading, packing lists, testing and analytical results, tariff advices or precedents, and any relevant correspondence with the manufacturer, supplier, exporter or importer.

When following this guidance, the originating status of the goods must not be in doubt and the goods must be originating in their own right. Where applicable, the quantities, descriptions and other information should otherwise relate to the goods on the COO and other documentation.

Where a short payment results from an incorrectly claimed preferential rate of customs duty, an importer may be protected from liability for an offence against subsection 243T(1) or 243U(1) of the Customs Act 1901 if they make a voluntary disclosure through a written error notice, including that they relied on information on a COO at the time of importation.

A voluntary disclosure must disclose fully, truthfully and voluntarily, the details of the relevant import declaration and the nature of the errors.

A disclosure is taken to be given involuntarily if an error notice is given after the ABF exercises powers under a customs-related law to verify information in the statement (such as a 214AD notice), or an infringement is served relating to the statement or if proceedings have commenced in relation to the statement.

For more information, see the ABF webpage on Voluntary disclosures (abf.gov.au).



WEST GATE TUNNEL PROJECT SPARKS GRIDLOCK CONCERNS

Container transporters in Melbourne are apprehensive about the recent traffic gridlock at the Port of Melbourne precinct, hoping it doesn't set the tone for the coming months. The ongoing West Gate Tunnel Project (WGTP) has entered a new phase, resulting in road closures, lane restrictions, and detours for heavy vehicles. Neil Chambers, the director of Container Transport Alliance Australia, expressed concerns about the toll this is taking on their members.

On October 9, the entire Swanson Precinct was paralyzed by gridlock. Trucks at the eastern end found themselves unable to exit Appleton Dock Road or use the new port road Intermodal Way due to the severe traffic congestion, leading to a situation where trucks couldn't leave Patrick's East Swanson Terminal. The western end of the Swanson Precinct faced similar challenges as private vehicles mingled with trucks on Footscray Road, Intermodal Way, and Dock Link Road.

Fortunately, DP World West Swanson Terminal was closed for road operations due to protected industrial action, mitigating the congestion to some extent. Despite this, truck travel times from transport depots in Melbourne's west skyrocketed to well over two hours. It was reported that it took over 45 minutes to travel from Whitehall Street to the west of the Swanson Precinct into the port's facilities, with similar delays experienced from the east.

Chambers emphasised that despite ongoing communication between industry stakeholders, the WGTP team, Transurban, and the state government, transport operators are left questioning whether the current congestion will persist until the road construction is completed. If that proves to be the case, it will significantly hamper landside efficiency and productivity at the Port of

Melbourne, ultimately affecting importers, exporters, and consumers during the peak season leading up to Christmas.

The situation has been exacerbated by substantial lane restrictions on Footscray Road in both directions within the Swanson Precinct. The main access route for heavier road combinations between the Swanson Precinct and port facilities at Webb Dock to the south, Wurundjeri Way, will remain closed until early December 2023. Heavy vehicles over 68.5 tonnes gross vehicle mass will be detoured via the Bolte Bridge.

The repercussions of this congestion include missed truck time slot appointments at container terminals, potential financial penalties, import containers left uncollected and undelivered, late export receipt requests, and a significant increase in truck turnaround times. Transport operators will need to decide whether to impose congestion surcharges to compensate for the delays, a challenging conversation to have with their customers.

Chambers noted that they hope to avoid such surcharges if the West Gate Tunnel Project and the government take action to alleviate the congestion. The government has assured the Container Transport Alliance Australia that additional measures will be put in place to divert private vehicles away from Footscray Road and adjust traffic-light sequencing at various intersections to facilitate the flow of trucks. However, it remains clear that if the current road congestion persists, it will have a substantial negative impact on trade through the Port of Melbourne, particularly during its busiest operational period.

Big Rigs. (2023). Container transporters caught in gridlock as West Gate Tunnel work ramps up. Retrieved from <https://bigrigs.com.au/2023/10/10/container-transporters-caught-in-gridlock-as-west-gate-tunnel-work-ramps-up/> on 12th October, 2023.



AIRLINES WARNED FOLLOWING ISRAELI-PALESTINIAN CONFLICT

Tel Aviv's Ben Gurion Airport (LLBG/TLV) remains operational, but many major airlines are yet to resume flights to and from Israel's main air hub due to ongoing security concerns following a recent Hamas attack.

British Airways has adjusted its London Heathrow to Tel Aviv flights, moving them to morning departures to avoid overnight stays in Israel. However, it has been reported that a recent BA flight to Tel Aviv had to return to London mid-flight.

Israel's national carrier, El Al, and the country's sole freighter operator, Challenge Airlines, are maintaining their schedules. Despite this, an aviation information platform has issued a high-risk warning for flights in the region. Israel's aviation authority has advised airlines still operating in its airspace to carry extra fuel due to expected delays.

Several carriers, including American Airlines, Air Canada, Air France-KLM, Cathay Pacific, Delta, EgyptAir, Emirates, Finnair, Lufthansa, and United Airlines, have suspended services to Tel Aviv.

Air France-KLM Cargo emphasised the importance of the Tel Aviv route, which handles significant import and export flows, including fresh fish, pharmaceuticals, flowers, and general cargo.

OPS Group, a platform for information exchange in aviation, has advised airlines to avoid Israeli airspace due to the high risk of unintended incidents, including missile threats, anti-aircraft weaponry, and other operational challenges.

DHL Express continues its operations in and out of Israel, but the company didn't provide additional operational details.

FedEx clarified that it is still providing service in Israel in compliance with government requirements and closely monitoring the situation, despite some media reports suggesting otherwise.

Todd, S. (2023). Israel update: airlines warned of high risks of operating in a war zone. Retrieved from <https://theloadstar.com/israel-update-airlines-warned-of-high-risks-of-operating-in-a-war-zone/> on 12th October, 2023.



MAJOR METHAMPHETAMINE BUST IN MELBOURNE

Four alleged members of a transnational organised crime syndicate operating in Melbourne are set to appear in court on October 12, 2023, after authorities discovered approximately 622kg of methamphetamine concealed within a shipment of toilet paper rolls.

The Victorian Joint Organized Crime Taskforce (JOCTF), consisting of the AFP, Victoria Police, Australian Border Force (ABF), Australian Criminal Intelligence Commission (ACIC), and Department of Home Affairs, made the arrests following a significant law enforcement investigation into a criminal syndicate suspected of smuggling controlled drugs into the country. The investigation, known as Operation Improcco, received support from the Victoria Police Clan Labs Squad.

Authorities allege that the four men are connected to the importation of methamphetamine which was concealed in a shipment of toilet paper that arrived in Melbourne via sea cargo from Malaysia on October 4, 2023. The investigation began when ABF officers identified irregularities during an x-ray screening of a shipment, which they reported to the AFP. Subsequently, JOCTF and AFP Forensics officers discovered and seized 622 packages of green and gold tea, each weighing 1kg, containing a white crystalline substance. These packages were hidden within a pallet of toilet paper.

The seized quantity of methamphetamine is equivalent to more than 6.2 million individual street doses and has an estimated street value of \$559.8 million. Forensic testing confirmed the presence of methamphetamine in the substance.

On October 11, JOCTF members arrested four men, aged between 32 and 34 in various locations in Melbourne. Two were arrested at Melbourne Airport as they attempted to leave Australia. Search warrants were executed at a warehouse in Sunshine North, a storage facility in South Melbourne, and residential properties in Box Hill, Blackburn, and Glen Waverley. These operations led to the confiscation of evidence related to the drug imports, along with electronic devices such as mobile phones.

The four men have been charged with attempting to possess a commercial quantity of border-controlled drugs which carries a maximum penalty of life imprisonment. They are expected to appear in the Melbourne Magistrates' Court on October 12, 2023.

AFP Commander Raegan Stewart highlighted the severe harm caused by methamphetamine, both psychologically and socially, highlighting the importance of disrupting organised crime attempts to import illicit drugs. He also mentioned the collaborative efforts of law enforcement agencies to protect the community and bring the criminals to justice. Victoria Police Detective Acting Superintendent, Dan Ryan, reiterated the harm inflicted by methamphetamine on the community and pledged to continue efforts to prevent illicit drugs from reaching the streets. ABF Commander, Clint Sims, emphasised the dedication of ABF officers to prevent narcotics from entering the country and causing harm, while acknowledging the relentless activities of criminal syndicates.



AFP. (2023). Four men charged after 600kg of methamphetamine hidden in toilet rolls seized in Melbourne. Retrieved from <https://www.afp.gov.au/news-centre/media-release/four-men-charged-after-600kg-methamphetamine-hidden-toilet-rolls-seized> on 12th October, 2023.



NEW INDUSTRIAL ACTION AT DP WORLD TERMINALS

The Maritime Union of Australia has announced further industrial action at DP World container terminals across Australia amid ongoing contract negotiations for port operations workers. The industrial action affects terminals in Brisbane, Sydney, Melbourne, and Fremantle and includes work stoppages lasting from two to 24 hours, as well as various work bans, such as overtime, loading/unloading of trucks and trains, work on subcontracted vessels, and servicing trucks with a Qube logo.

Workers at these terminals are already engaged in a period of industrial action that began on October 6, which has led to operational disruptions, affecting berthing arrangements and landside services. DP World has expressed its commitment to finding a resolution and ensuring minimal disruptions but has also highlighted the financial impact of the ongoing industrial actions on their business, clientele, and the Australian supply chain.

Negotiations have been ongoing for several months, with DP World reinforcing their willingness to negotiate in good faith. However, they express concerns about the union's intensification of bans and disruptions and the potential harm it could cause to their workers and the broader community.

The MUA has not yet provided a comment on the situation. Notably, in the past, negotiations on DP World stevedores' contracts have taken an extended period, with the last agreements being voted on in February 2021 after several years of negotiations.

Ackerman, I. (2023). MUA ANNOUNCES NEW INDUSTRIAL ACTION AT DP WORLD TERMINALS. Retrieved from <https://www.thedcn.com.au/news/containers-and-container-shipping/mua-announces-significant-industrial-action-at-dp-world-terminals/> on 10th October, 2023.

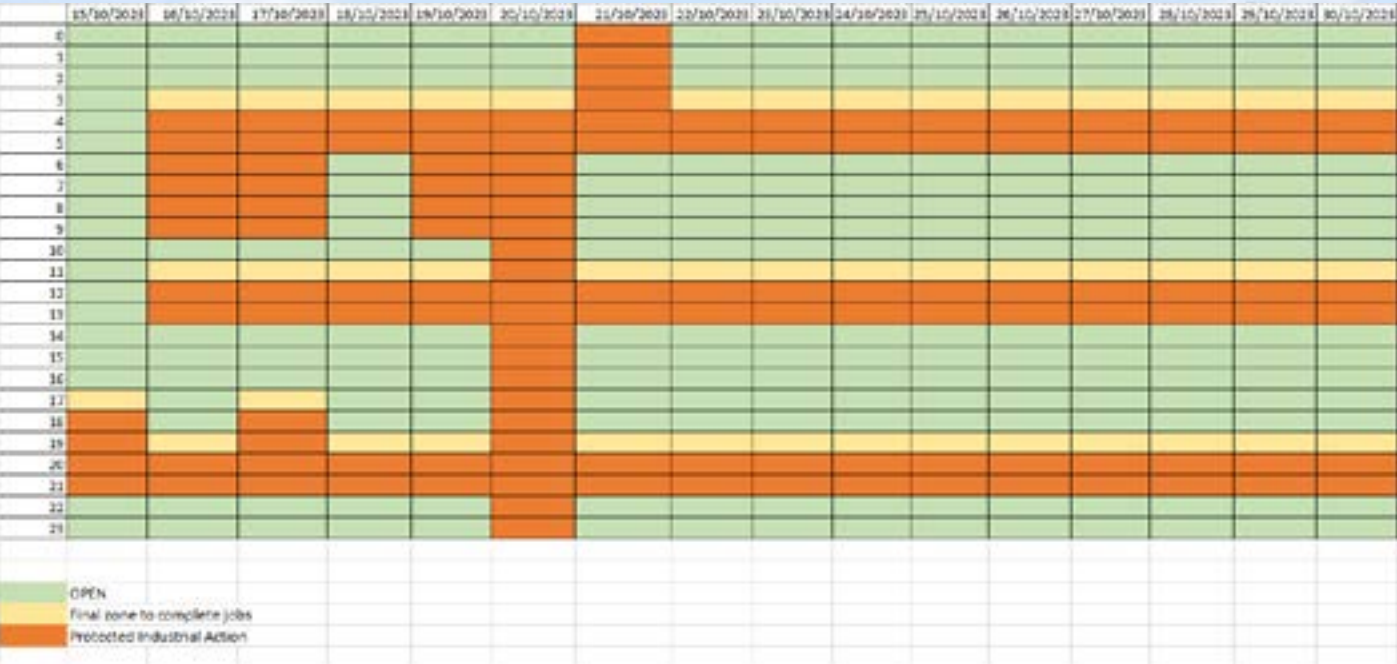
PLANNED STOPPAGES - WEST SWANSON TERMINAL

A summary of the planned stoppages at the West Swanson Terminal are outlined below for the dates Sunday 15th Oct through to Monday 30th Oct.

Sun 15th Stoppage 1800-2200
Mon 16th Stoppage 0400-0600
Mon 16th Stoppage 0600-1000
Mon 16th Stoppage 1200-1400
Mon 16th Stoppage 2000-2200
Tue 17th Stoppage 0400-0600
Tue 17th Stoppage 0600-1000
Tue 17th Stoppage 1200-1400
Tue 17th Stoppage 2000-2200
Wed 18th Stoppage 0400-0600
Wed 18th Stoppage 1200-1400
Wed 18th Stoppage 2000-2200
Thu 19th Stoppage 0400-0600
Thu 19th Stoppage 0600-1000
Thu 19th Stoppage 1200-1400
Thu 19th Stoppage 2000-2200
Fri 20th Stoppage 0400-0600
Fri 20th Stoppage 0600-0600
Sat 21st Stoppage 1200-1400
Sat 21st Stoppage 2000-2200
Sun 22nd Stoppage 0400-0600
Sun 22nd Stoppage 1200-1400

Sun 22nd Stoppage 2000-2200
Mon 23rd Stoppage 0400-0600
Mon 23rd Stoppage 1200-1400
Mon 23rd Stoppage 2000-2200
Tue 24th Stoppage 0400-0600
Tue 24th Stoppage 1200-1400
Tue 24th Stoppage 2000-2200
Wed 25th Stoppage 0400-0600
Wed 25th Stoppage 1200-1400
Wed 25th Stoppage 2000-2200
Thu 26th Stoppage 0400-0600
Thu 26th Stoppage 1200-1400
Thu 26th Stoppage 2000-2200
Fri 27th Stoppage 0400-0600
Fri 27th Stoppage 1200-1400
Fri 27th Stoppage 2000-2200
Sat 27th Stoppage 0400-0600
Sat 27th Stoppage 1200-1400
Sat 27th Stoppage 2000-2200
Sun 29th Stoppage 0400-0600
Sun 29th Stoppage 1200-1400
Sun 29th Stoppage 2000-2200
Mon 30th Stoppage 0400-0600

A visual representation of the stoppages can be seen in the table below:



STAFF SPOTLIGHT

ALBERT ZHANG CARTAGE COORDINATOR TOMAX LOGISTICS AUSTRALIA



What is your role at Tomax?

My role at Tomax is Cartage Coordinator.

What are your hobbies and interests?

Cooking, hiking and gaming.

Any goals you would like to achieve?

Climb Mount Olympus on Mars, bring peace to the world and become rich and buy an island.

Your favourite food?

BBQ lamb, hot pot beef slices and oysters with fresh lemon juice.

If you could meet any celebrity alive or dead, who would it be?

I've never thought of this, maybe Vincent Van Gogh?

Where is your favourite place to travel to and why?

Lord Howe Island - it's just paradise!

Describe yourself in 3 words?

A modern dreamer.

Do you have any hidden or not-so-hidden talents?

I cook the best egg-fried rice in the world.



WORD SEARCH

See if you can find the following hidden words?

E	T	I	N	V	E	N	T	O	R	Y	G	U	T
L	A	N	O	I	T	A	N	R	E	T	N	I	R
P	C	O	N	S	I	G	N	E	E	T	G	I	A
R	I	H	C	C	O	L	E	U	F	O	I	B	N
O	D	T	A	L	A	H	A	L	C	D	F	R	S
C	U	I	D	L	A	R	O	O	E	E	T	O	I
U	L	T	S	U	D	N	R	S	T	T	R	A	T
R	D	A	L	P	O	N	I	I	V	U	A	A	G
E	V	A	T	T	A	T	T	L	E	O	N	N	L
M	G	S	A	A	E	T	O	L	M	R	S	A	O
E	D	T	S	L	R	Y	C	A	A	T	P	E	B
N	E	T	L	U	E	P	R	H	L	L	O	A	A
T	I	A	N	L	O	A	D	E	E	A	R	E	L
V	P	T	I	A	A	N	A	B	C	D	T	I	A

BIOFUEL

CARRIER

CONSIGNEE

DISPATCHED

GLOBAL

HAULAGE

INTERNATIONAL

INVENTORY

LOAD

PALLETISED

PROCUREMENT

ROUTE

TRANSIT

TRANSPORT



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