


**AUSTRALIAN
CUSTOMS SERVICE**

If this form was completed by a business with fewer than 20 employees,
please provide an estimate of the time taken to complete this form.

Hours

Minutes

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

The form should be read carefully before being completed

- (a) Before lodging an application for a TCO, the applicant should determine whether a suitable TCO already exists. Information on existing TCOs is contained in the schedule of Concessional Instruments (SCI), a copy of which is available at each Regional Office of Customs. A TCO can be used by any importer.
- (b) An application will be date stamped on the day it is first received in Canberra by an officer of Customs. Receipt of an application will be acknowledged. Any resultant TCO will operate from the date of receipt. Instructions on how to lodge this form are provided at the end of this form.
- (c) Where an application is accepted as being a valid application, the identity of the applicant and of the importer for whom the applicant is acting will be published in the Gazette.
- (d) Section 269F of the Customs Act 1901 requires that a TCO application to be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form. **This is the approved form for the purposes of that section.**
- (e) Section 269FA of the Customs Act 1901 states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Chief Executive Officer (CEO), that, on the basis of:
- (i) all information that the applicant has, or can reasonably be expected to have; and
- (ii) all inquiries that the applicant has made, or can reasonably be expected to make;
- there are reasonable grounds for asserting that the application meets the core criteria". The application is taken to meet 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.
- (f) Every question on the form must be answered. Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) Where the form provides insufficient space to answer a question, an answer may be provided in an attachment. The attachment should clearly identify the question to which it relates.
- (h) All information about inquiries into the production of substitutable goods must relate to the date the application is lodged with Customs.
- (i) Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- (j) Further information on the Tariff Concession System is available in Part XVA of the Customs Act 1901, in the foreword to the SCI, in the administrative guidelines in Volume 13 of the Australian Customs Service (ACS) Manual, in Australian Customs Notice No. 98/19, or by phoning (02) 6275 6886.

APPLICANT DETAILS (An agent/broker should provide details on the next page)

Applicant's Name: Dixon Asia Pacific		Australian Business Number (A.B.N) 35 075 100 239
Postal Address: 170 Francis Road, Wingfield, SA 5013		
Applicant's Reference: Dixon TCO # 4		Owner Code (# applicable)
Company Contact: S47F		Position Held: S47F
Telephone Number S47F	Facsimile Number	E-mail Address S47F

If you do not intend to use the TCO to import into Australia the goods the subject of the application, you must provide, in the section below, the identity of the importer for whom you are acting (refer to paragraph 269F(3)(c) of the Customs Act 1901).

IMPORTER DETAILS

Importers Name (if same as applicant, write "as above") As above		A.B.N.
Importer's Reference	Owner Code 22 002 100 13 02	
Company Contact	Position Held	
Telephone Number	Facsimile Number	

B443 (JUL 2007)

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(3)

AGENT/BROKER DETAILS (if applicable)

Agent's Name Kuehne & Nagel Australia Pty Ltd		A.B.N 70 000 871 607
Postal Address : 8 Bradford Street, Alexandria NSW 2015		
Agent's Reference: Dixon TCO # 4		Agency Contact: s47F
Telephone Number s47F	Facsimile Number	E-mail Address s47F

DESCRIPTION OF GOODS

(a) The description of the goods in the application will be used as the description of the goods in the TCO (if made).

(b) The application should provide a full description of the goods, including the physical features of the goods or the various components of the goods. It should not describe the goods in terms of what they do.

(c) In accordance with section 269SJ of the Customs Act 1901, the CEO must not make a TCO in respect of goods:

3(i) described in terms other than in generic terms; or

(ii) described in terms of their intended end use; or

(iii) declared by the regulations to be goods to which a TCO should not be extended.

Goods will be taken to be described in terms other than in generic terms if, for example, their description, either directly or by implication, indicates that they are goods of a particular brand or model, or that a particular part number applies to the goods.

(d) Guidance on the drafting of the description of goods is contained in Volume 13 of the ACS Manual and in Australian Customs Notice No. 98/19.

1 Describe the goods

HOSE, PVC or Polyurthethane, lay flat type

ILLUSTRATIVE MATERIAL

2	Attach technical, illustrative descriptive material and/or a sample to enable a full and accurate identification of the goods the subject of the application.
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TARIFF CLASSIFICATION

3	Identify the tariff classification (to 8 figure subheading level)	3917.23.00
	Identify the General Duty rate	5%
If a Tariff Advice for the goods has been sought or obtained, please provide the TA No.		
	18978700	or attach a copy.

USES OF THE IMPORTED GOODS

4	Describe ALL uses (including design uses) to which the goods can be put.
	Heavy duty water drainage hoses used in mines

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(2)

SUBSTITUTABILITY OF LOCALLY PRODUCED GOODS

- a) A local manufacturer's goods are substitutable when they 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 can be put (subsection 269B(1) of the Customs Act 1901). Even if not identical, locally made goods may be substitutable.
- b) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application, the ability of the goods to compete with each other in any market is not relevant.
- c) The applicant must provide information as to the inquiries made to establish that there are reasonable grounds for believing that there are no producers of substitutable goods in Australia. The application must include a copy of correspondence to, and replies from, local manufacturers. The application will be rejected if it fails to provide all information as to the inquiries made.

NOTE: The Australian Customs Service suggests that local manufacturers should be given at least 10 working days to respond to inquiries concerning local manufacture.

- 5 Provide details of the nature of ALL inquiries you have undertaken in order to establish that substitutable goods are not produced in Australia, and the results of those inquiries.

A search of Kompass using the search of key word "HOSE, PVC or Polyurthethane, lay flat type" did not locate any Australian manufacturers of these goods.

- 6 Provide any additional information in support of discharging your responsibility to establish that there are reasonable grounds for asserting that there are no substitutable goods produced in Australia in the ordinary course of business.

A search of Kompass did not locate any Australian manufacturers of these goods.

Copies are attached

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PRESCRIBED ORGANISATIONS

- 7 Have you made inquiries of a prescribed organisation to obtain advice about whether there are producers in Australia of substitutable goods?

☐

YES

☒

NO

If YES, attach a copy of the advice received.

Note that under subsection 269M(6) of the Customs Act 1901, the CEO may, despite section 16 of the Customs Administration Act 1985, give a copy of all, or of a part, of the application to a prescribed organisation.

ADDITIONAL INFORMATION

- 8 Provide any additional information in support of your application.

A search of Kompass did not locate any Australian manufacturers of the subject goods.

We submit that this application meets the core criteria of Section 269C of the Customs Act

DECLARATION

I, S47F

Position Held: S47F

Company (if applicable) Kuehne & Nagel Australia Pty Ltd

declare that:

- 1 To the best of my knowledge and belief the information contained in this form is correct; and
- 2 I have the authority to act on behalf of the company/applicant.

Signature of Applicant/Agent/Broker

Date: 22/04/08

NOTE: SECTION 234 OF THE CUSTOMS ACT 1901 PROVIDES THAT IT IS AN OFFENCE TO MAKE A STATEMENT TO AN OFFICER THAT IS FALSE OR MISLEADING IN A MATERIAL PARTICULAR.

WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH CUSTOMS BY:

- posting it by prepaid post to the
National Manager, Tariff Branch
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

Or

- leaving it in the box provided in the foyer of Customs House, Canberra

Or

- sending it by facsimile to (02) 6275 6376.

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Layflat

51

Medium Duty Blue

Application:	Mines, construction, irrigation
Temperature Range:	-20°C to 54°C
Tube:	Blue PVC *
Reinforcing:	High Strength Textile
Cover:	Blue PVC
Special Features:	Abrasion Resistant; UV Stabilised

Sunny Blue

Part No.	Dimensions (mm)		Working Pressure		BP psi	Weight kg/mtr	Length mtr	\$ Price per mtr or coil
	ID	OD	psi	MPa				
LFAB025	26	29	100	0.7	300	0.16	100	s47G
LFAB032	33	35	100	0.7	300	0.20	100	
LFAB040	40	43	75	0.5	220	0.21	100	
LFAB050	52	55	75	0.5	220	0.29	100	
LFAB065	65	68	60	0.4	180	0.40	100	
LFAB080	77	82	60	0.4	180	0.75	100	
LFAB100	103	107	60	0.4	180	0.75	100	
LFAB125	128	132	45	0.3	135	1.0	100	
LFAB150	153	158	45	0.3	135	1.25	100	
LFAB200	207	212	45	0.3	135	1.93	100	

DA33

Heavy Duty Red

Application:	Heavy Duty Red: Designed for water drainage at open pit mining and at civil engineering/dam construction sites in mountains or other areas where water must be moved to significantly higher or lower elevations. This hose has excellent abrasion resistance.
Temperature Range:	-20°C to 54°C
Tube:	Red PVC
Reinforcing:	High Strength Textile
Cover:	Red PVC
Special Features:	Abrasion Resistant; UV Stabilised

Sunny Red

Part No.	Dimensions (mm)		Working Pressure		BP psi	Weight kg/mtr	Length mtr	\$ Price per mtr or coil
	ID	OD	psi	MPa				
LFAR040	40	43.8	150	1	450	0.3	100	s47G
LFAR050	52.5	58.5	150	1	450	0.42	100	
LFAR065	68	70.2	150	1	450	0.55	100	
LFAR080	78.5	82.7	125	0.8	375	0.66	100	
LFAR100	104	108	125	0.8	375	1.0	100	
LFAR150	155	160.5	100	0.7	300	1.65	100	
LFAR200	208	214.8	70	0.5	210	2.2	100	

DA33



Phone: 1300 134 651
www.dixonvalve.com.au

ADPL2008

Part numbers marked * are non stock.
Enquire for availability.
Prices do not include GST.

2 - Layflat Hose

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TCO Ref #4
LAY flat hosing

Currently
= 3917.2800
Should
= 3917.39.90

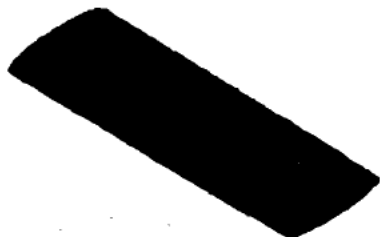
PVC
with
reinforcing

Layflat

53

⑦

Techflex



Application:	Industrial Washdown, Pump Discharge, Submersible Pump Discharge, Bypass Systems, Drainage Systems, Irrigation/Watering, Fertilizer Distribution, Cable Cover, and Pollution Control Flotation Booms.
Temperature:	-20°C to 80°C.
Tube:	NBR
Reinforcing:	High Strength Textile
Cover:	NBR
Special Features:	Abrasion Resistant; Oil Mist Resistant; UV Stabilised

Part No.	Dimensions (mm)		Working Pressure		BP psi	Wall Thickness	Tensile Strength (kg/mtr)	Bending radius (mtr)	Weight (kg/mtr)	Length (mtr)	\$ Price per mtr
	ID	OD	psi	MPa							
ORO038	38	42	275	1.9	825	2	1,700	0.70	0.3	20, 100	\$47G
ORO050	52	56	250	1.7	750	2	3,600	1.0	0.42	20, 100	
ORO075	78	83	250	1.7	750	2.5	6,200	1.3	0.7	20, 100, 200	
ORO100	105	110	225	1.6	675	2.5	9,300	1.55	1.0	25, 100	
ORO150	155	161	150	1	450	3	13,800	2.0	1.7	25, 100	
ORO200	204	210	150	1	450	3	16,800	3.0	2.4	25, 100	

250mm and 300mm also available - Contact your nearest Dixon branch for details.

DA38

Techflex Assemblies



Application:	Techflex assemblies are assembled in-house by Dixon's trained hose technicians and can be tailor made to suit any application. All fittings are secured with Ultra-Lok band clamps (see page 217 of this catalogue).
	Please contact your local Dixon branch for pricing on application.

Part No.	Length mtr	Assembled with	\$ Price per mtr or coil
ORO075F	25	75mm Male & Female Bauer Couplings	\$47G
ORO075FC	25	75mm Male & Female Camlock Couplings	
ORO100F	25	100mm Male & Female Bauer Couplings	
ORO15020F	25	150mm Heavy Duty Male & Female Bauer Couplings	
ORO20020F	25	200mm Heavy Duty Male & Female Bauer Couplings	

DA40

Techflex PU - Polyurethane



Application:	Drainage systems, Delivery of chemicals substances, oils, highly abrasive substances and sludge pumping, Irrigation and dewatering
Temperature Range:	-50°C to 75°C.
Tube:	Polyurethane Black.
Reinforcing:	Textile
Cover:	Polyurethane Black
Special Features:	Non-Toxic; Abrasion Resistant; UV Stabilised

Part No.	Dimensions (mm)		Working Pressure		BP psi	Flat Dimension (mm)	Tensile Strength (kg/mtr)	Weight (kg/mtr)	Length (mtr)	\$ Price per mtr
	ID	OD	psi	MPa						
LF050PU	52	57.4	250	5.2	750	87	4,900	0.53	100	\$47G
LF076PU	76	81.8	225	4.5	675	126	8,900	0.78	100	
LF100PU	102	108	175	3.8	525	166	10,300	1.20	100	

150mm and 200mm also available - Contact your nearest Dixon branch for details.

DA32

Part numbers marked *F are non stock.

2 - Layflat Hose

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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 24 April 2008 15:10
To: s47F
Subject: TCO application's s22(1)(a)(ii) and 0804820 - IDM and 8 Digit Classification required [SEC=UNCLASSIFIED]

Security Classification:
UNCLASSIFIED

Dear s47F

I have been given your email address(s) as the appropriate person to contact regarding these applications from s47F (whose name appeared on the application).

Please reply to e-mail address TARREV2@customs.gov.au or phone me as below.

TARIFF CONCESSION ORDER IDM REQUIREMENTS

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

TCO application 0804820

14

- This application has an 8 digit classification number however can you please supply IDM for the hose the subject of the application. I have received IDM which is on file however there appears to be a variety of hoses covered, again for classification purposes I need to identify which hose you claim goes to the 8 digit classification (3917.23.00 nominated).
- Can you please forward IDM that clearly outlines and illustrates what the product is, what it is made from, dimensions, uses, constituents etc.

Provision of information which addresses the above concerns sent by WEDNESDAY 30 APRIL 2008 by 1pm will enable Customs to continue to progress your application through the screening period.

If you are unclear about the information required, I will be able to assist by explaining what is needed. I can be contacted via this email address or by telephoning s22(1)(a)(ii).

If material which adequately addresses the above deficiencies is not provided by 28 April 2008, I will return your application to the Tariff Concessions area as 'not able to classify'. This can act as a basis for the rejection of your application and subsequent loss of operative date. I would therefore ask that you treat this request as a matter of priority in order to avoid such a consequence.

Thanks

Kind regards

s22(1)(a)(ii)

Trade Services Branch
Australian Customs Service
Canberra
s22(1)(a)(ii)

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Message

Spoke to

s47F

going to

Page 1 of 1

(18)

s22(1)(a)(ii)

double check + get back

From: s47F

Sent: Monday, 28 April 2008 11:30

To: s22(1)(a)(ii)

Cc: s47F

Subject: RE: TCO application's s22(1)(a)(ii) and 0804820 - IDM and 8 Digit Classification required [SEC=UNCLASSIFIED]

s22(1)(a)(ii)

Pls find my response below. Sorry about the typo on classifications before, in addition we didn't clarify product names on IDM previously, You will find what we are dealing with here easily identified items, hence classification can be simply determined now. Pls feel free to phone me for assistance.

s22(1)(a)(ii)

[Redacted content]

Ref # 4

Refer to IDM you have:

Page 51 "medium duty blue" and "heavy duty red".

IDM is thorough enough to determine classification via I.R. 1. There is no other IDM available.

IS it Rigid - y/N

gone to rigid heading

Kind Regards

s47F

Kuehne + Nagel

7 y/N

Rigid

Shape

round, oval, rectangle
 (length not exceeding 15 x width)

Notes in Lay

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28/04/2008

(20)

File note - 29 April 2008

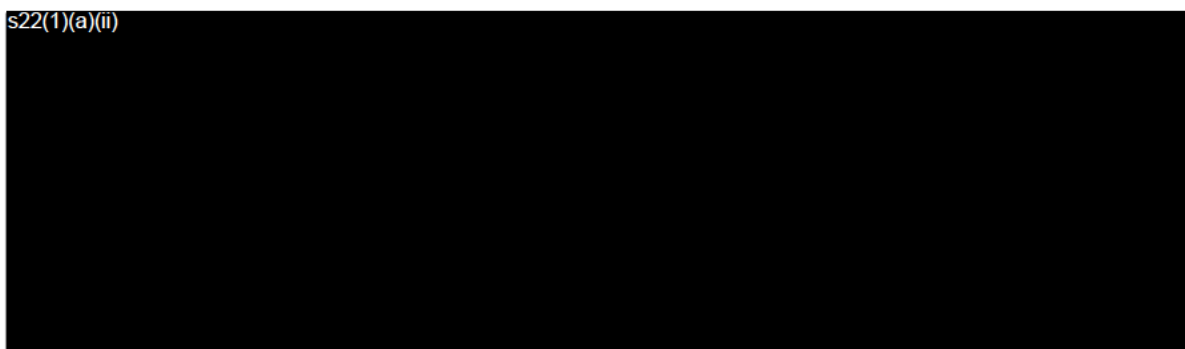
DIXON Pty Ltd

TCO 0804820

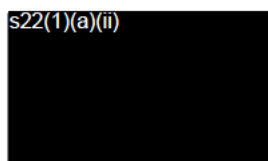
Layflat hosing - page 51 of brochure included

Spoke with ^{s47F} [REDACTED] regarding this product. Agreed the hose is in fact NOT 'rigid' and should be classified to 3917.39.90 as a flexible hose.

s22(1)(a)(ii)



s22(1)(a)(ii)



Wording (substance) ok

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Kord Industrial, Inc.

 CUSTOM HOSE ASSEMBLIES
 FLUID CONNECTOR SPECIALISTS

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Sunflow Layflat Hose

Sun-flow medium to heavy duty PVC layflat discharge hose is available in 3/4"ID thru 16"ID.

>> Products >> Sunflow Layflat Hose

The following SUNFLOW LAYFLAT HOSE products are available:



Sunflow SF-10

 P.V.C. Blue Water Discharge Hose
 SUNFLOW SF-10 BLUE P.V.C WATER DISCHARGE HOSE


Sunflow SF-50

 P.V.C. Red Heavy Duty Discharge Hose
 Sunflow SF-50 PVC Red Heavy Duty Discharge Layflat Hose

 Kord Industrial, Inc.
 47906 West Road
 Wixom, MI 48393 USA

 Phone: 248.960.3333
 Fax: 248.960.3465
 Toll Free: 866.874.5673

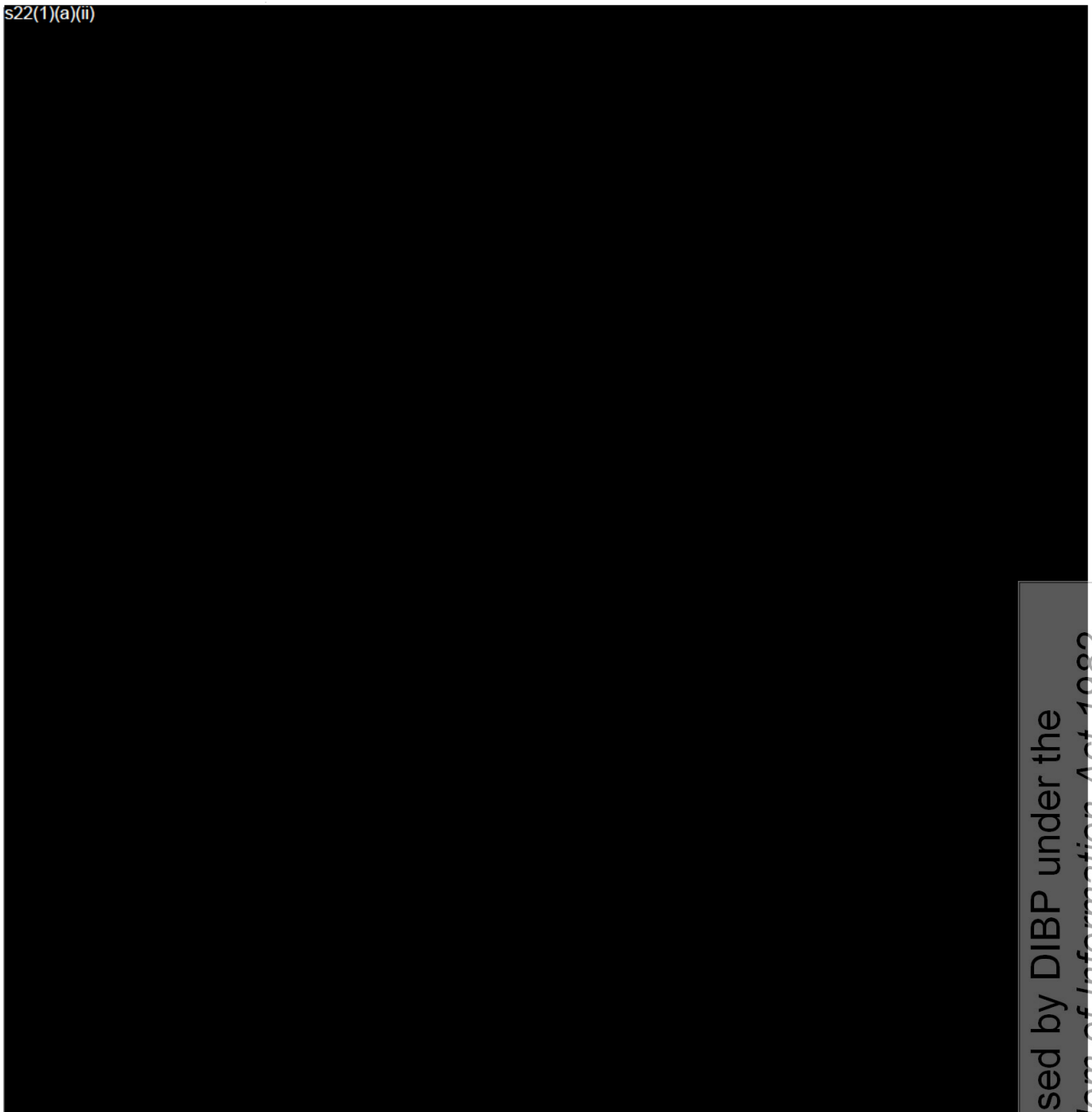
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s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 15 May 2008 14:51
To: s47F
Subject: TCO Applications Dixon Asia Pacific [SEC=UNCLASSIFIED]
Importance: High
Security Classification: UNCLASSIFIED

Good afternoon s47F


s22(1)(a)(ii)



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15/05/2008

s22(1)(a)(ii)



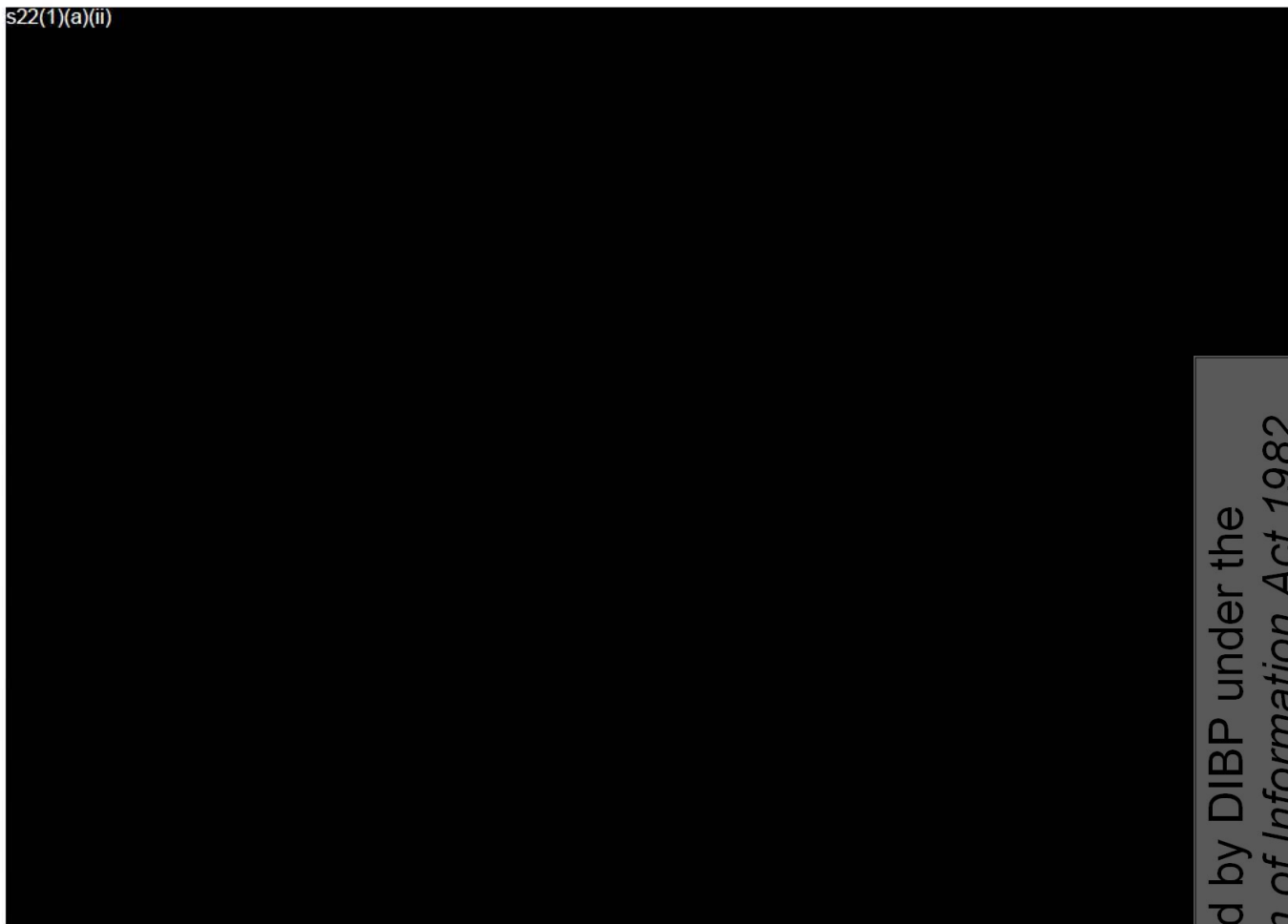
0804820

HOSE, polyvinyl chloride OR polyurethane, layflat

Stated Use:

Heavy duty water drainage applications such as open pit mining and civil engineering/dam construction sites


s22(1)(a)(ii)




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15/05/2008

s22(1)(a)(ii)

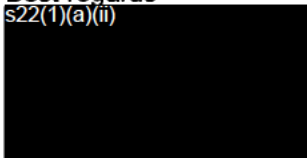


Please call if you wish to discuss.

Most grateful if you can work on the above and get back earliest. Next stop manager  **Monday is day 27.**

Best regards

s22(1)(a)(ii)



Tariff Concessions

Trade Services

Australian Customs Service

Tel: s22(1)(a)(ii)

Fax: 

Email: 

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15/05/2008

s22(1)(a)(ii)

From: s47F
 Sent: Monday, 19 May 2008 13:09
 To: s47F
 Subject: Dixon Hoses

s22(1)(a)(ii)

s47F

Are you happy that the below wording covers Dixon Hose that we need covered?
 The classifications you see were decided by Customs based on your catalogue.

0804820 - Classification - 3917.39.90

HOSE, polyvinyl chloride OR polyurethane, layflat ✓

Broker + client agreed.

Trade Services Branch

19-05-08

Stated Use:

Heavy duty water drainage applications such as open pit mining and civil engineering/dam construction sites

s22(1)(a)(ii)

Kind Regards


s47F

Kuehne + Nagel
 8 Bradford St
 Alexandria NSW 2015 Australia

s47F

www.kuehne-nagel.com

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19/05/2008

Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number
3917.39.90	HOSE, LAYFLAT, polyvinyl chloride OR polyurethane Op. 22.04.08 Stated Use: Heavy duty water drainage applications such as open pit mining and civil engineering/dam construction sites Applicant: DIXON (ASIA PACIFIC) PTY LTD	50 - TC 0804820

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Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
3917.39.90 HOSE, LAYFLAT, polyvinyl chloride OR polyurethane Op. 22.04.08 Dec. date 18.07.08 - TC 0804820	50

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(18.07.08)

39

TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, s22(1)(a)(ii), a delegate of the Chief Executive Officer declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995 specified in Column 2 of THE TABLE applies. This Order shall have effect from 22.04.08 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
3917.39.90 HOSE, LAYFLAT, polyvinyl chloride OR polyurethane Op. 22.04.08	50 - TC 0804820

This is page 1 of 1 Page of the above Table.

Dated 18 July 2008

s22(1)(a)(ii)

.....
Delegate of the Chief Executive Officer

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