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'97 AUG 4 11:18

AUSTRALIAN CUSTOMS SERVICE

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

Please read the form carefully before completing.

1 Section 269F of the *Customs Act 1901* requires a TCO application to 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. EVERY QUESTION MUST BE ANSWERED.**
2 **Applicant's obligation** - Section 269FA of the *Customs Act 1901* sets out the responsibility of an applicant for a TCO to establish to the satisfaction of the Chief Executive Officer (CEO), that on the basis of:
(a) all information that the applicant has, or can be reasonably expected to have; and
(b) 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.
3 Failure to supply the information required by this form will result in rejection of the application and consequential loss of operative date.
4 Where there is insufficient space, answers may be provided by attachment, which should clearly identify the question to which the attachment relates.
5 The identity of the applicant and of the importer for whom the applicant is acting will be published in the Gazette.
6 An application will be date stamped on the day it is first received in Canberra by an officer of Customs in accordance with the instructions specified at the end of this form. Any resultant TCO comes into force **ON THAT DAY.**
7 All information about inquiries into the production of substitutable goods must relate to the date this application is lodged with Customs.
8 Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, the foreword to the Schedule of Concessional Instruments (SCI), the administrative guidelines in Volume 13 of the Australian Customs Service (ACS) Manual, or by phoning (06) 275 6666.
9 Customs may require an applicant to substantiate with documentary evidence any information provided on the application form.
10 TCOs are available for use by any importer and are published in the SCI and in TAPIN. Before lodging a TCO application, check to ensure an existing TCO does not already cover the goods.

APPLICANT DETAILS

Applicant's Name	AUSTRALIAN PAPER	A.C.N.	005146350
Postal address	695 BURKE ROAD, CAMBERWELL, VIC 3124		
Applicant's Reference	SPOOL CHANGE BANDS	Owner Code *(if applicable)*	0716262D
Company Contact	[redacted]	Position Held	[redacted]
Phone Number	[redacted]	Facsimile Number	(03) 9811 9877

IMPORTER DETAILS

If you are not proposing to make use of the TCO to import the goods to which the application relates into Australia on your own behalf - the identity of the importer for whom you are acting must be provided (paragraph 269F(1)(c) of the *Customs Act 1901*).

Name of Importer *(If same as Applicant, state "As above")* AS ABOVE		
A.C.N.	Owner Code	Importer's Reference
Postal address		
Company Contact	Phone Number	Facsimile Number

B443(7/96)

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AGENT/BROKER DETAILS (*if applicable*)

Name of Agent [redacted] Trade Consultant Pty Ltd	
A.C.N. A 053 127 772	Agent's Reference MH592
Postal address PO Box 499 Wanniassa ACT 2903	

Agency Contact	Phone Number	Facsimile Number
[redacted]	[redacted]	(06) 2917212

DESCRIPTION OF GOODS

1 Description of the goods

This description will be used as the description of goods in a TCO, and, in accordance with section 269SJ of the Customs Act 1901, must NOT:

- *describe the goods in terms other than generic terms; or*
- *describe the goods in terms of their intended end use; or*
- *describe goods declared by the regulations to be goods to which a TCO should not extend.*

Goods are taken NOT to be described in generic terms if 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.

Guidance for the drafting of TCO descriptions is contained in Volume 13, Appendix H, of the ACS Manual.

BANDS, SPOOL CHANGE OVER SYSTEM, being of repulpable paper, bleached or unbleached, and consisting of individual spun paper joined together.

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

3 Tariff Classification (to 8 figure subheading level) 4 8 2 3 9 0 9 0 **General Duty rate** 5 %

If a Tariff Advice for the goods has been sought or obtained, please provide TA No. or attach a copy.

8 3 1 8 1 C O

4 Describe ALL uses (including design uses) to which the goods can be put.

Used in the automatic spool change over systems in paper or paperboard making or finishing machines.

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SUBSTITUTABLE GOODS

(1) Lo Manufacturers' 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 goods.

(2) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application - it is irrelevant whether or not the goods compete with each other in any market.

(3) Applications will be rejected if they fail to provide sufficient information as to inquiries made by the applicant to establish that there are reasonable grounds for believing that no substitutable goods are produced in Australia.

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

An examination of Kompass (1996 edition) has been made under the following headings:

Bands: No appropriate references
Paper: No appropriate references
Tapes industrial 2352.0.27
Three companies are listed as manufacturers of industrial tapes as follows:
. 3M Australia Pty Ltd Pymble NSW 2073
. Kinnears Pty Ltd Footscray Vic 3011
. Universal Forme Cutting Pty Ltd Braeside Vic 3195

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.**

Identical goods are currently covered by TC 9305023 however end-use terminology is used.

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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 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.

FOR USE OF PRESCRIBED ORGANISATION ONLY

▶ Prescribed Organisation's Reference

▶ Prescribed Organisation's Advice:

See answers to Quest 5 & 6

8 Provide any additional information in support of your application.

I, [redacted]

Position Held [redacted]

Company (if applicable) [redacted] Trade Consultant Pty Ltd

declare that:

1 To the best of my knowledge and belief the information contained in this submission is correct;

2 I have the authority to act on behalf of the company/applicant.

Signature of ~~Applicant~~/Agent/~~Broker~~ [redacted]

Date 4/8/97

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, Industry 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 (06) 275 6376.

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COPY

[redacted] TRADE CONSULTANTS PTY LTD

[redacted]
PO BOX 2335
TUGGERANONG MDC ACT 2901

Telephone [redacted]
Fax 06 2917212
ACN 053 127772
1 Ahern Place, MONASH
CANBERRA ACT 2904

The Manager
Universal Forme Cutting Pty Ltd
6-8 Crawford Street
BRAESIDE Vic 3195

July 1997

Dear Sir,

I have been asked by Australian Paper to apply for a tariff concession for a particular repulpable paper band required to be used in their automatic spool changeover system in the production of paper.

These goods are covered by a current tariff concession but as the wording embodies an end-use description a suitable alternative wording must be found for the concession to continue.

However, before the application can be processed, I must satisfy the Australian Customs Service that substitutable goods are not available from local production. I have your Company as a potential local manufacturer of industrial tapes and would seek your advice regarding the availability of these goods, or a substitutable good, from your manufacture.

The goods currently attract a customs duty rate of 3% and if our application is successful would continue at 3%.

To assist you, substitutable goods are considered to be goods which have a use corresponding to the use of the imported goods, however "substitutability" is being administered from a practical and realistic point of view. That is, is it practical or realistic for the locally produced good to be substituted for the imported good?

If you believe you are producing a substitutable good I would appreciate details, in the form of descriptive literature, specifications etc. of the relevant goods.

To further assist you in your examination of my request I have enclosed a copy of descriptive matter and a sample of the bands.

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If appropriate the concession application would be worded as follows:

"BANDS, SPOOL CHANGE OVER SYSTEM, being of repulpable paper, bleached or unbleached, and consisting of individual spun paper joined together."

Should you have any queries please contact me.

Your early advice would be appreciated.

Yours faithfully,

[redacted]

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[redacted] TRADE CONSULTANTS PTY LTD

[redacted]

PO BOX 2335
TUGGERANONG ACT 2901

Telephone [redacted]
Fax 06 2917212
ACN 063 127772
1 Ahern Place, MONASH
CANBERRA ACT 2904

Details of Turn-up system and paper band required:

TUSA II
Faster, safer, more economical

The revolutionary TUSA II reel turn-up system represents a major advancement for the paper industry. At last there is a continuous-operation system that completely automates the switching of a winding web of paper from a full to an empty spool...safely, simply and reliably, with a minimum of waste and wrinkles.

- Fully programmable, each unit can be easily customised to any machine reel on paper, pulp, off-machine coaters, or laminator machines with the following specifications:
    - Speeds ranging from 40 to 1400 metres per minute
    - paper weights ranging from 30 to 800 Gm/square metre
    - calipers ranging from .003 to 1 mm board and pulp grades.

The self contained TUSA II system uses a uniquely engineered paper band which moves along the guideway from the unit on the tending side to the drive-side and into the proximity of the nip between the empty spool and the reel drum. As the primary arm moves forward it automatically activates a limit switch to thrust the paper band into the nip. Here in one clean sweep, the turn-up is completed. The automatic action of the primary arm can be over-ridden by the operator.

THE PAPER BAND

The paper band used in conjunction with the TUSA II system is exclusively designed to the following specifications:

- 100% repulpable to ensure non-contamination of equipment and paper making process
- width 19 mm bleached and unbleached
- tensile strength up to 160 kg
- flexibility 4% stretch
- non-slippery

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[redacted] TRADE CONSULTANTS PTY LTD

[redacted]
PO Box 2335
TUGGERANONG MDC ACT 2901

Telephone [redacted]
Fax 06 291 7212 ACN 053 127 772

1 Ahern Place Monash
CANBERRA ACT 2904

My Reference [redacted] 592

4 Aug ~~July~~ 1997

The Manager
Tariff Concession Branch
Australian Customs Service
Customs House
CANBERRA ACT 2601

'97 AUG 4 11:18

Tariff concession application - Spool change over system paper bands - Australian Paper - Tariff classification 4823.90.90

Dear Sir,

Please find attached my completed application for the above goods on behalf of Australian paper.

An examination of Kompass (1996 edition) has been made under the following headings:
Bands: No appropriate references
Paper: No appropriate references
Tapes industrial 2352.0.27

Three companies are listed as manufacturers of industrial tapes as follows:

- **3M Australia Pty Ltd Pymble NSW 2073**
- **Kinnears Pty Ltd Footscray Vic 3011**
- **Universal Forme Cutting Pty Ltd Braeside Vic 3195**

These companies have been approached with technical specifications and samples.

A copy of my letter approaching these companies is enclosed. I have also enclosed my completed application and illustrative descriptive matter.

I would appreciate the Service accepting this application for processing.

Should you have any queries please contact me.

Yours faithfully,

[redacted]

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AUSTRALIAN CUSTOMS SERVICE

MINUTE PAPER

CENTRAL OFFICE

11 August, 1997

TR(C3)

Please provide a tariff classification for the goods the subject of this Tariff Concession application and return file to TC(A3).

TC No. & Receipt Date :	9706777
Applicant:	AUSTRALIAN PAPER
Goods:	BANDS, SPOOL CHANGE OVER SYSTEM
Claimed Classification:	4823.90.90

TA No & Class'n:

Insufficient Info. (Reasons):

Precedent No & Classification: 8318100

Tariff Advice No - (TAPIN)

CLASSIFICATION DECISION: 4823.90.90

Reason(s)

Replaces and use TC

Decision given by: [redacted]

Signed:

Date: 12 / 8 / 1997

[redacted]

AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9706777

Customs House
5 Constitution Avenue
Canberra ACT 2601
email: information @ customs.gov.au

Ph. s22(1)(a)(ii) [redacted]
Fax. 06 2756376

Your Ref: s47F [redacted]592

12 AUG 97

Dear Sir/Madam,

TARIFF CONCESSION - APPLICATION ACCEPTANCE

Your application for a Tariff Concession Order (TCO) has been accepted by Customs as a valid application. The application will be published in Gazette No. TC 97/33 of 20 AUG 97. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise this office immediately if the wording does not accurately describe the goods for which a TCO has been sought. This is a verification of agreed wording, not an opportunity to further amend.

Yours faithfully,

s22(1)(a)(ii) [redacted]

Delegate of the Chief Executive Officer

s47F [redacted] TRADE CONSULTANT PTY LTD
Attn: s47F [redacted]

PO BOX 2335
TMDC ACT 2901

THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification			COLUMN 2 Prescribed Item No. Date
4823.90.90	BANDS, SPOOL CHANGE OVER SYSTEM, being of repulpable paper, bleached or unbleached and consisting of individual spun paper joined together Op. 04.08.97 STATED USE: Used in the automatic spool change over systems in paper or paperboard making or finishing machines Applicant: AUSTRALIAN PAPER CAMBERWELL, VIC, 3124	- TC 9706777	50

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AUSTRALIAN CUSTOMS SERVICE

MINUTE PAPER
CENTRAL OFFICE

File No. 97/06777

DECISION RE TCO APPLICATION

Information available for consideration indicates there are no substitutable goods produced in Australia in the ordinary course of business.

Therefore I am satisfied that the application meets the core criteria in terms of S269C of the Customs Act 1901 and I have decided to accept the TCO application pursuant to S269P(1).

s22(1)(a)(ii)

[redacted]

Delegate of the CEO
10 October, 1997

File Examined
28 OCT 1997

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AUSTRALIAN
CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9706777

Customs House
5 Constitution Avenue
Canberra ACT 2601
email: information @ customs.gov.au
Ph. s22(1)(a)(ii) [redacted]

Your Ref s47F [redacted]92

10 OCT 97

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 04 AUG 97.

As a delegate of the Chief Executive Officer, I am satisfied that the application meets the core criteria on the basis of paragraph 269C of the Customs Act 1901 and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette No. TC 97/42 of 22 OCT 97.

The TCO, as detailed in the attachment, will be published in the Schedule of Concessional Instruments as soon as possible.

Yours faithfully,

s22(1)(a)(ii) [redacted]

Delegate of the Chief Executive Officer

s47F [redacted] TRADE CONSULTANT PTY LTD
Attn: s47F [redacted]

PO BOX 2335
TMDC ACT 2901

SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART I - TARIFF CONCESSION ORDERS

Description of the particular goods including the applicable subheading of the Customs Tariff			Prescribed Item Last day of effect
4823.90.90	BANDS, SPOOL CHANGE OVER SYSTEM, being of repulpable paper, bleached or unbleached and consisting of individual spun paper joined together Op. 04.08.97	- TC 9706777	50

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TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I [redacted] 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 AUGUST 4, 1997 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 Prescribed Item No. Date
4823.90.90	BANDS, SPOOL CHANGE OVER SYSTEM, being of repulpable paper, bleached or unbleached and consisting of individual spun paper joined together Op. 04.08.97 - TC 9706777	50

This is page 1 of 1 page(s) of the above Table.

Dated OCTOBER 10, 1997

[redacted]

Delegate of the Chief Executive Officer