

Item 15



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 Schedule of Concessional Instruments, in the administrative guidelines in Volume 13 of the Australian Customs Service Manual, in Australian Customs Notice No. 98/19, on the internet at [www.customs.gov.au](http://www.customs.gov.au), by e-mailing [information@customs.gov.au](mailto:information@customs.gov.au) or by phoning the Customs Information Centre 1300 363 263.

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

Applicant's Name <b>ONESTEEL MANUFACTURING PTY LTD</b>		Australian Business Number (A.B.N.) <b>42 004 651 325</b>
Postal Address <b>LEVEL 40, 259 GEORGE ST, SYDNEY NSW 2000</b>		
Applicant's Reference <b>C:/ERNST + YOUNG</b>	Owner Code (if applicable)	
Company Contact <b>s47F</b>	Position Held <b>s47F</b>	
Telephone Number <b>s47F</b>	Facsimile Number <b>—</b>	E-mail Address <b>s47F @ ONESTEEL</b>

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

Importer's Name (If same as applicant, write "as above") <b>"AS ABOVE"</b>	A.B.N.
Postal Address <b>RECEIVED</b>	
Importer's Reference	Owner Code <b>11/4/06</b>
Company Contact	Position Held
Telephone Number	Facsimile Number

B443 (JUN 2001)

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**AGENT/BROKER DETAILS** (if applicable)

Agent's Name <b>ERNST &amp; YOUNG</b>		AB.N. <b>75 288 172 749</b>
Postal Address <b>680 GEORGE STREET SYDNEY</b>		
Agent's Reference s47F	Agency Contact	
Telephone Number s47F	Facsimile Number <b>(02) 9276 9155</b>	E-mail Address s47F <b>@au.ey.com</b>

**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:

- (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**

*Tailings & Concentrate Thickeners*

**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.**

**TARIFF CLASSIFICATION**

**3 Identify the tariff classification (to 8 figure subheading level)** 84748000

Identify the General Duty rate 5%

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

**USES OF THE IMPORTED GOODS**

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

*For use in minerals processing, chemical, water treatment, industrial and effluent applications*

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**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 written 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 the research material sourced and a copy of correspondence to, and replies from, potential local manufacturers or relevant industry associations. The application will be rejected if it fails to provide all written information as to the inquiries made.

**NOTE:** The Australian Customs Service suggests that potential 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. Attach copies of all correspondence or directory searches, etc.**

RESEARCH WAS UNDERTAKEN USING THE KOMPASS DATABASE. THE SEARCH RESULTS HAVE SHOWN THAT THERE ARE NO AUSTRALIAN MANUFACTURERS OF THE GOODS

(SEE ATTACHED)

**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.**

**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.

.....

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.....

.....

.....

.....

.....

.....

**DECLARATION**

I, <span style="background-color: black; color: white;">s47F</span>	Position Held <span style="background-color: black; color: white;">s47F</span> CUSTOMS & INTERNATIONAL TRADE
Company (if applicable) ERNST & YOUNG	
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; and	
3 I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of Sub-Section 14(3) of the Electronic Transactions Act, this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail, when it is first accessed by an officer of Customs, as specified in Sub-Section 269F(4) of the Customs Act.	
Signature of Applicant/Agent/Broker <span style="background-color: black; color: white;">s47F</span>	Date 10.4.06

**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
- delivering it to the ACT Regional Office located at  
Customs House, Canberra
- or
- sending it by facsimile to (02) 6275 6376
- or
- e-mailing it to tarcon@customs.gov.au.

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**Search for:**  Products/Services  Companies

[More search criteria](#)

**You searched for "tailings and concentrate thickeners" in "Products & services". There are no matches for your search.**

**1. If the search type selected "Products & services " was not correct, please click on one of the other available search types below and your search will be conducted again automatically:**

- Company names
- Trade names
- Executives

**2. Be more general** - if you enter several search words, the search engine will look for and list only the items which match **all** the words (in any order). Reduce the number of words and try again.

**3. Be more specific** - especially when searching for Products & Services - the Kompass classification categories enable you to be very specific when searching for products and services and thus provide the right match immediately.

e.g. to search for a particular type of chemical, don't just type in "chemicals", but specify the type of chemical, e.g. **organic acid**.

e.g. perhaps you wish to look for a specific type of brewery, so don't just type in "breweries", but specify the type of product they brew, e.g. **beer**.

You can also **Browse Categories** to see the Kompass classification categories that are available.

**4. Spelling** - make sure you spell the search word correctly. You can use an asterisk (\*) to indicate partial words.

e.g. **plane\*** will find "planes", "planers", "planetary", ...

**5. Language** - check you are using the correct language of the site. The Kompass classification categories are automatically translated into the site language that you are using. If you wish to carry out your search in another language, you can change the language or also change it in your membership area by clicking on your name.

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concentrate thickeners

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Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

TAILING AND CONCENTRATE THICKENERS  
Op. 11.04.06

- TC 0605756

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Stated Use:

For use in minerals processing, chemical, water treatment,  
industrial and effluent applications

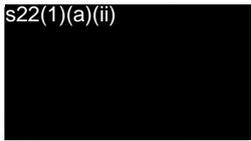
Applicant:

ONESTEEL MANUFACTURING PTY LTD

Q5: F3 Kompass: F6-13

IPN: F14-25

Warning: PLEASE CHECK

s22(1)(a)(ii)  


21/4/06

1/5/06 I spoke to [redacted] of Ernst & Young [redacted] stated that [redacted] on [redacted] was handling the TCO enquiries. I left a message for [redacted] to call me.

[redacted]

2/5/06 I ~~was~~ attempted to ring [redacted] and left a message for [redacted] to ring back. No return call was received I called [redacted] who stated that [redacted] asked that I call tomorrow 3/5/06.

[redacted]

3/5/06 I attempted to ring [redacted] and was informed that [redacted] I then spoke to [redacted] who got [redacted] to call back. [redacted] stated that [redacted] would send ~~and~~ report TCO wording via email by Thursday 4/5/06.

[redacted]

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s22(1)(a)(ii)

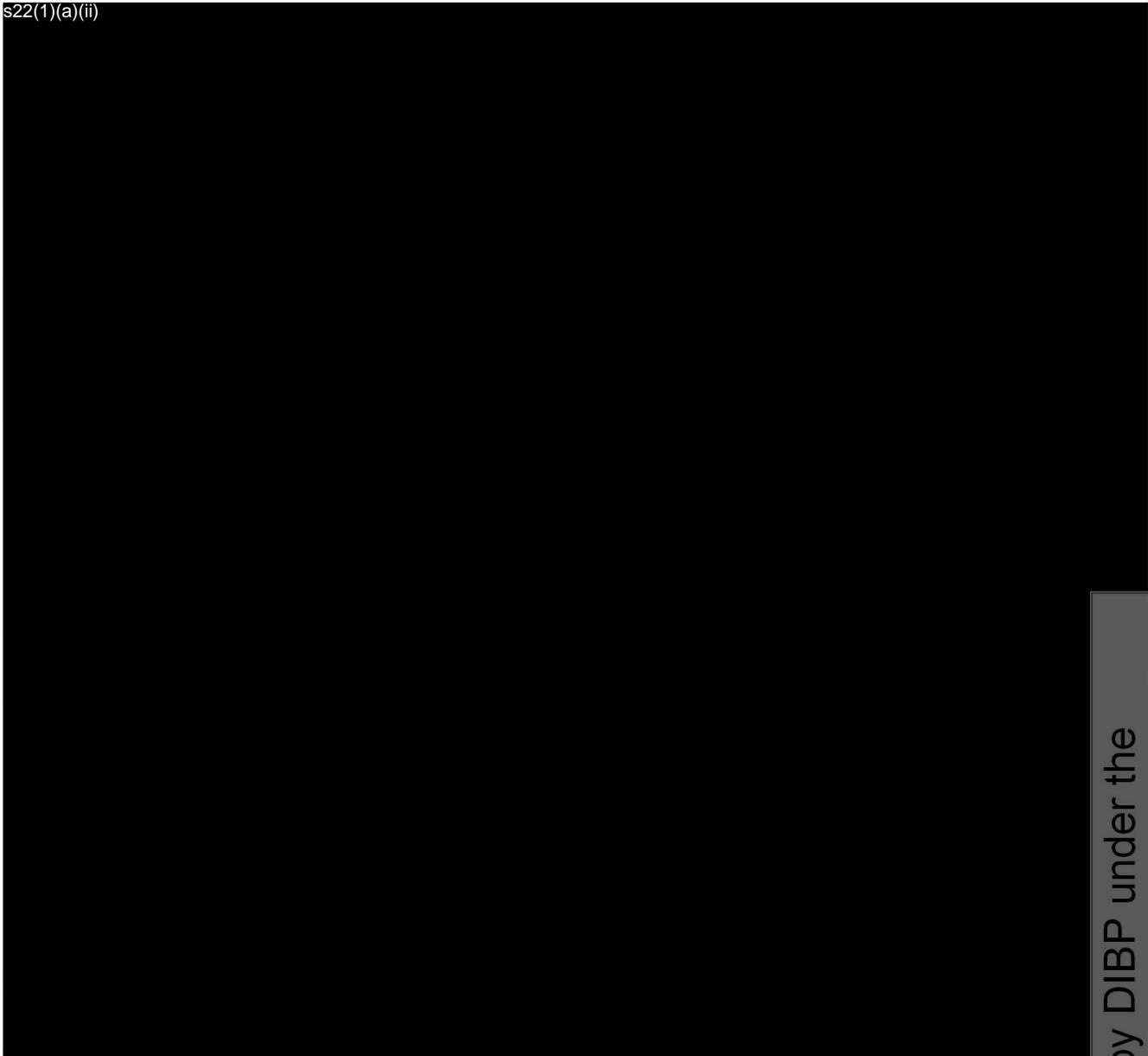
**From:** s47F  
**Sent:** Friday, 5 May 2006 16:25  
**To:** s22(1)(a)(ii)  
**Cc:** s47F@au.ey.com;  
**Subject:** Fw: TCOs

This email is to be read subject to the disclaimer below.

Dear s22(1)(a)(ii)

Subsequent to your telephone conversation on 3 May 2006 with s47F of our office in relation to the OneSteel TCO Applications, please find below our responses to your queries:

s22(1)(a)(ii)



8. TC 0605756 Tailing and concentrate thickeners (Our ref: Item 15)  
We agree with the following TCO wording as suggested by Customs:

8/05/2006

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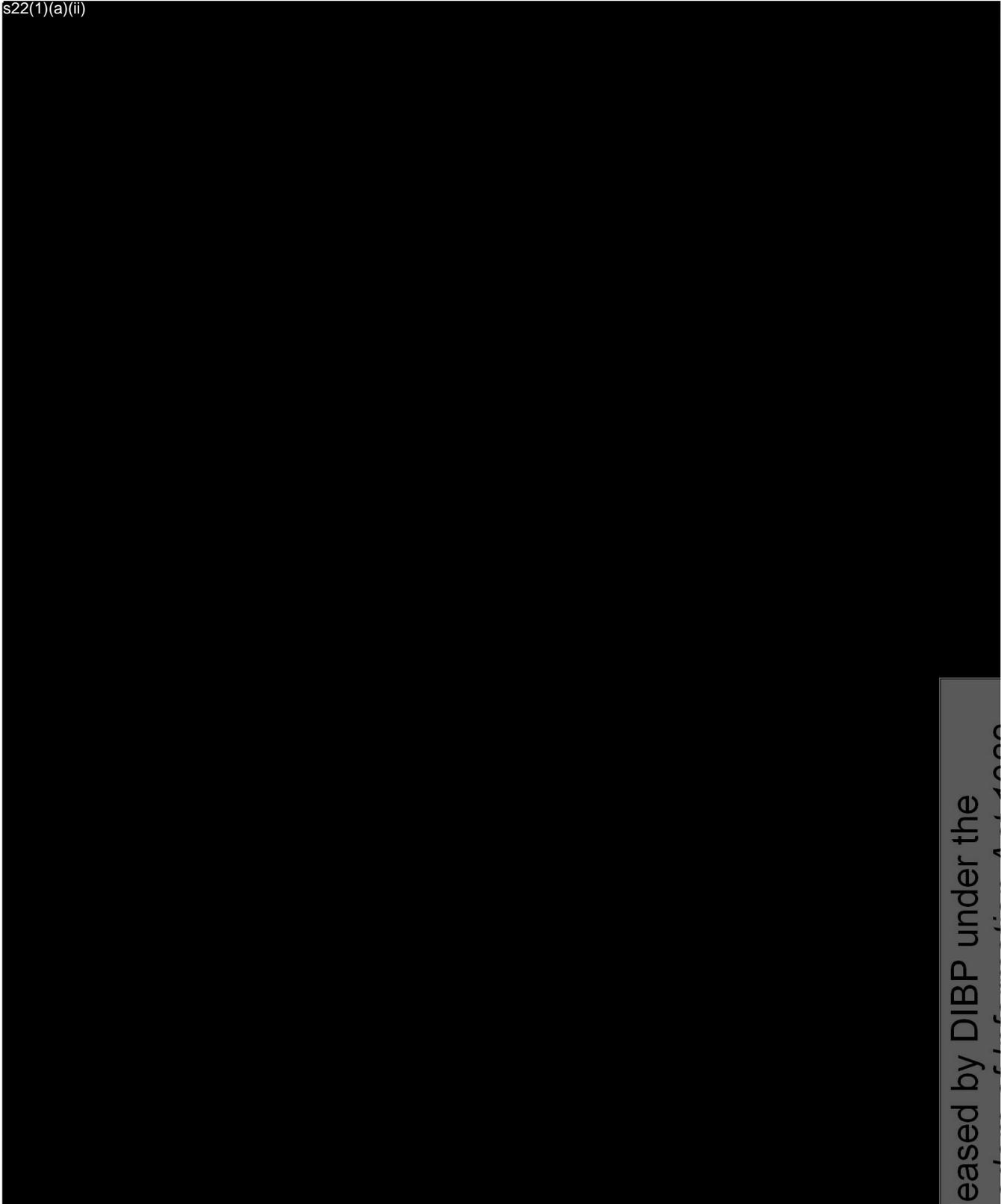
33

"THICKENERS, tailings and concentrate"

In relation to your query as to the nature of "tailings", we advise of the following:

When minerals are mined and initially washed and separated from other elements, small parts of the subject minerals are also washed out in the refuse. This is referred to as "tailings". The purpose of the thickeners is to reprocess these tailings to procure further minerals. Thickeners are used to cause the subject minerals to suspend and a deflocculent is used to settle the subject minerals.

s22(1)(a)(ii)



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s22(1)(a)(ii)

s47F

Ernst & Young  
Ernst & Young Centre  
680 George Street  
Sydney NSW 2000  
Australia

Direct: s47F  
Fax: +6  
E-mail: @au.ey.com

----- Forwarded by s47F TAX/ErnstYoung/AU on 05/05/2006 03:29 PM -----

s22(1)(a)(ii) @customsgov.au

To s47F @au.ey.com

cc s47F @au.ey.com

05/05/2006 02:34 PM

Subject RE: TCOs

All email is logged and may be reviewed - Refer  
policy [FP206](#)

Susanna

I refer to our telephone conversation today regarding Tariff Concession Order (TCO) applications for Onesteel Manufacturing Pty Ltd with the following refer TCO no's s22(1)(a)(ii) 0605756, s22(1)(a)(ii) and s22(1)(a)(ii)

There still needs to be agreement regarding the TCO wording and stated use wording for these TCO's. Also further IDM is also required for s22(1)(a)(ii). The Customs Act requires that the TCO wording be generic and not unnecessarily restricted and avoiding cases of duplication of TCO's. . So agreement on these TCO wordings are essential for the approval of these applications.

There has also previously been various phone conversations with s47F on 1/5/06, 2/5/06 and 3/5/06. From my phone conversation with s47F on 3 May 2006, s47F stated that all these wording and IDM would be received by Customs on 4 May 2006. As discussed, agreement of the TCO wordings, stated use wording and IDM is required by 2:00 on Monday 15 May 2006. If no agreement can reached before 2:00 p.m. on 15 May 2006, consideration may be given to rejecting these TCO applications. This may involved the earlier operative date being cancelled and the need to re-apply for these TCO's with completed information and a new operative dates.

Regards

s22(1)(a)(ii)

Tariff Concessions Operations  
Tel s22(1)(a)(ii)  
Fax  
Email s22(1)(a)(ii) @customs.gov.au

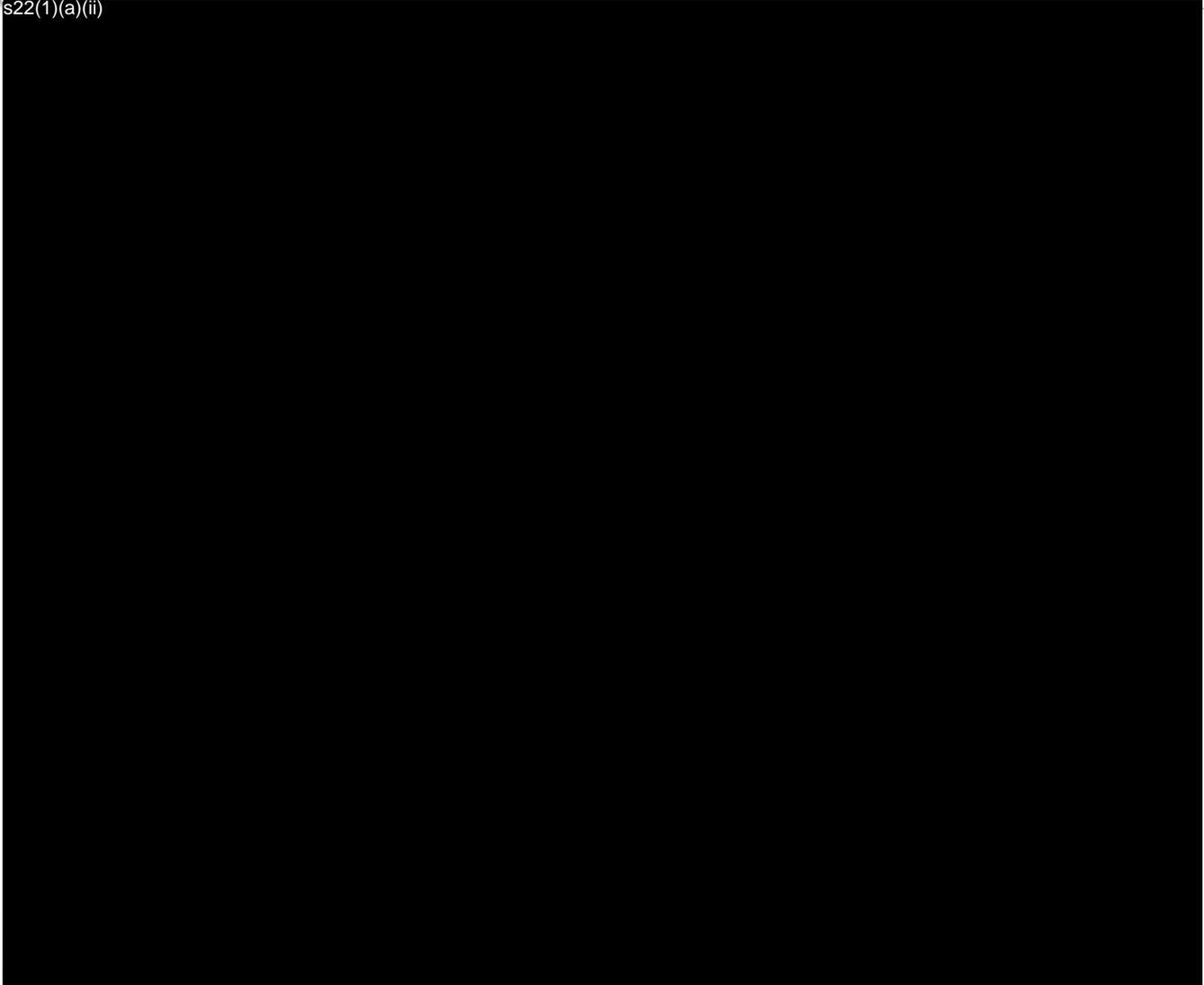
s22(1)(a)(ii)

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8/05/2006

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s22(1)(a)(ii)



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Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

8474.80.00 THICKENERS, TAILING AND CONCENTRATE  
Op. 11.04.06

- TC 0605756

50

Stated Use:  
For use in minerals processing, chemical, water treatment,  
industrial and effluent applications

Applicant:  
Onesteel

*amend to show  
ok  
8/15/06*

§22(1)  
(a)(ii)

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s22(1)(a)(ii)

From: s47F [redacted]@au.ey.com  
Sent: Monday, 8 May 2006 14:06  
To: s22(1)(a)(ii) [redacted]  
Cc: s47F [redacted]@au.ey.com  
Subject: Thickeners

This email is to be read subject to the disclaimer below.

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

As discussed, tailings thickener is to thicken a slurry for discharge to waste tailings dam. Concentrate is finely ground ore in a water mixture. Concentrate thickeners are to thicken product slurry for pumping.

Regards

+++++

s47F [redacted]

Ernst & Young  
Ernst & Young Centre  
680 George Street  
Sydney NSW 2000  
Australia

Direct: s47F [redacted]  
Fax: +61 [redacted]  
E-mail: [redacted]@au.ey.com

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Description of Goods including the  
Customs Tariff Classification

8474.80.00

THICKENERS, TAILING AND CONCENTRATE  
Op. 11.04.06

Schedule 4 Item Number

50

TC 0605756

Stated Use:

Tailings thickener is used to thicken a slurry for discharge to waste tailings dam. Concentrate is finely ground ore in a water mixture. Concentrate thickeners are used to thicken product slurry for pumping.

Applicant:

PO BOX 156 NEWCASTLE NSW 2300

Please ask if thickener is sufficient - it seems like while one steel would be used for thickening and

also be used for water tanks for bulks & concentrates

Thicken slurry for pumping

OneSteel

Reduce the proportion of water in a pulp/slurry, by means of sedimentation.

in minerals processing, chemical, water treatment, industrial & effluent applications

we more than just tailings & concentrates & other should be able to use this (if granted) - s 269.55

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MINUTE PAPER  
CENTRAL OFFICE

TR5

TC Number 0606956

Please provide a Tariff Classification for the goods subject of this Tariff Concession application

TC Officer: s22(1)(a)(ii)

OP Date: 11-Apr-06

APPLICANT: Onesteel

GOODS: Thickeners, tailing and concentrate

CLAIMED CLASSIFICATION: 8474.80.00

Date to CLASS'N: 8/05/2006

Required Return Date: 4-May-06

TA No. & CLASS'N: \_\_\_\_\_

INSUFFICIENT INFO. (REASONS): \_\_\_\_\_

PRECEDENT No & CLASS'N: \_\_\_\_\_

TARIFF ADVICE No (TAPIN): \_\_\_\_\_

CLASSIFICATION DECISION:

8474	80	00
------	----	----

ARE THESE GOODS EGS? NO

COMMENTS: \_\_\_\_\_

1 Rules 146 TOIT

CFD

s22(1)(a)(ii)

RETURNED TO TARIFF CONCESSIONS.

NAME: \_\_\_\_\_

DATE: 9/5/06

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Freedom of Information Act 1982

Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

8474.80.00 THICKENERS, TAILING AND CONCENTRATE  
Op. 11.04.06

50  
- TC 0605756

Stated Use:

Tailings thickener is used to thicken a slurry for discharge to waste tailings dam. Concentrate thickeners are used to thicken product slurry for pumping.

Applicant:

ONESTEEL

OK  
s22(1)(a)  
(ii)

9/15/06.

9/15/06. I spoke to

s47F [Redacted]

s47F [Redacted]

stated that [Redacted] agreed

with the above TCO wording changes

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

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Freedom of Information Act 1982

**CUSTOMS TARIFF  
SCHEDULE 3**

Section 16  
Chapter 84/58

Reference Number	Statistical Code/Unit	Goods	Rate #
8474.3		- Mixing or kneading machines:	
8474.31.00	24 No	-- Concrete or mortar mixers	5%
8474.32.00	25 No	-- Machines for mixing mineral substances with bitumen	5%
8474.39.00	26 No	-- Other	5% DCS:4% CA:Free DCT:5%
8474.80.00	27 No	- Other machinery	5% DCS:4% CA:Free DCT:5%
8474.90.00	28 ..	- Parts	5% CA:Free
8475		<b>MACHINES FOR ASSEMBLING ELECTRIC OR ELECTRONIC LAMPS, TUBES OR VALVES OR FLASH-BULBS, IN GLASS ENVELOPES; MACHINES FOR MANUFACTURING OR HOT WORKING GLASS OR GLASSWARE:</b>	
8475.10.00	29 No	- Machines for assembling electric or electronic lamps, tubes or valves or flash-bulbs, in glass envelopes	Free
8475.2		- Machines for manufacturing or hot working glass or glassware:	
8475.21.00	52 No	-- Machines for making optical fibres and preforms thereof	Free
8475.29.00	53 No	-- Other	5% DCS:4% DCT:5%
8475.90.00	31 ..	- Parts	5% DCS:4% DCT:5%

# Unless otherwise indicated NZ, PG, FI, DC, LDC and SG rates are Free.  
Unless otherwise indicated general rate applies for CA.  
Unless indicated in Schedule 5, rates for US originating goods are Free.  
Unless indicated in Schedule 6, rates for TH originating goods are Free.  
DCS denotes the rate for countries and places listed in Part 4 of Schedule 1 to this Act.  
DCT denotes the rate for HK, KR, SG and TW.  
If no DCT rate shown, DCS rate applies. If no DCT or DCS rate shown, general rate applies.

1/7/05

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Freedom of Information Act 1982



**Australian Government**  
**Australian Customs Service**

Reply to the Chief Executive Officer

Quote: TC 0605756

Your Ref:

Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601  
Ph: (02) 6275 6666  
Fax: (02) 6275 6376  
Email: tarcon@customs.gov.au

15 May 2006

s47F

ERNST & YOUNG  
680 GEORGE ST  
SYDNEY NSW 2000

Dear s47F

**TARIFF CONCESSION SYSTEM**  
**APPLICATION ACCEPTANCE**

Your application for Tariff Concession Order (TCO) Number TC 0605756 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC06/19 of 17 May 2006. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise Customs 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 sincerely,

s22(1)(a)(ii)

for National Manager  
Trade

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Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

8474.80.00 THICKENERS, TAILING AND CONCENTRATE  
Op. 11.04.06

50  
- TC 0605756

Stated Use:

Tailings thickener is used to thicken a slurry for discharge to waste tailings dam. Concentrate thickeners are used to thicken product slurry for pumping.

Applicant:

ONESTEEL

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Freedom of Information Act 1982

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**Australian Government**  
**Australian Customs Service**

Reply to the Chief Executive Officer

Quote: TC 0605756

Your Ref:

Australian Customs Service  
 Customs House  
 5 Constitution Avenue  
 CANBERRA ACT 2601  
 Ph: (02) 6275 6666  
 Fax: (02) 6275 6376  
 Email: tarcon@customs.gov.au

07 July 2006

s47F

ERNST & YOUNG  
 680 GEORGE ST  
 SYDNEY NSW 2000

Dear s47F

**TARIFF CONCESSION SYSTEM**  
**APPLICATION SUCCESSFUL**

I refer to your application for Tariff Concession Order (TCO) Number TC 0605756 lodged on 11 April 2006.

As a delegate of the Chief Executive Officer I am satisfied that the application meets the core criteria on the basis of section 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 Number TC06/27 of 12 July 2006.

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

Yours sincerely,

s22(1)(a)(ii)

for National Manager  
 Trade

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Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
8474.80.00 THICKENERS, TAILING AND CONCENTRATE Op. 11.04.06 Dec. date 07.07.06 - TC 0605756	50

(07.07.06)

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## TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, §22(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 11.04.06 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		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
8474.80.00	THICKENERS, TAILING AND CONCENTRATE	50
	Op. 11.04.06	- TC 0605756

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

Dated 07 July 2006

.....  
Deleg

§22(1)(a)(ii)

.....  
Chief Executive Officer

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## EXPLANATORY STATEMENT

Tariff Concession Instrument No. 0605756

*Customs Act 1901*

### **Background**

Part XVA of the *Customs Act 1901* (the Act) sets out a scheme under which Tariff Concession Orders (TCOs) may be made by the Chief Executive Officer of Customs (the CEO). A lower rate of customs duty applies to goods that are the subject of a TCO.

Under section 269F of the Act, a person may apply to the CEO for a TCO in respect of goods. If the CEO is satisfied that the application is not in respect of goods specified in section 269SJ of the Act, which sets out those goods that cannot be subject to a TCO, the CEO must decide whether the application meets the core criteria.

Section 269C of the Act provides that a TCO application meets 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 269B of the Act provides that 'goods produced in Australia' has the meaning given by section 269D, 'ordinary course of business' has the meaning given by section 269E and 'substitutable goods' in respect of goods the subject of a TCO application, 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 can be put.

Subsection 269P(3) of the Act provides that if the CEO is satisfied that a TCO application meets the core criteria, the CEO must make a written order (a TCO) declaring that the goods the subject of the TCO application are goods to which a prescribed item of Schedule 4 to the *Customs Tariff Act 1995* (the Tariff) specified in the order applies.

Onesteel Manufacturing Pty Ltd applied for a TCO in respect of certain tailing and concentrate thickeners on 11 April 2006.

### **Instrument**

TCO No 0605756 was made on 7 July 2006. It declares that those certain tailing and concentrate thickeners are goods to which item 50 of Schedule 4 to the Tariff applies since the CEO was satisfied that no substitutable goods were produced in Australia. The general rate of duty on these goods is 5%. The rate of duty for the goods subject to the TCO is 0%.

### **Consultation**

Subsection 269K(1) of the Act provides in part that as soon as practicable after accepting a TCO application as a valid application, the CEO must publish a notice in the Gazette which includes an invitation to any person who considers that there are reasons why the TCO should not be made to lodge a submission with the CEO. The CEO did not receive any submissions in response to this invitation.

### *Commencement*

Subsection 269S(1) relevantly provides that a TCO is to be taken to have come into force on the day on which the application for the TCO was lodged. TCO No. 0605756 is taken to have come into force on 11 April 2006.

The TCO does not affect the rights of a person (other than the Commonwealth) as at the date of registration so as to disadvantage that person or impose liabilities on a person (other than the Commonwealth) in respect of anything done or omitted to be done before the date of registration. The rights of importers will be beneficially affected. Under paragraph 126(1)(r) of the Regulations, importers of such goods will be able to apply for a refund of duty on goods imported since the day on which the TCO is taken to have come into force. The TCO does not impose any liabilities on any person.