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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.

2

Hours

Minutes

SUBMISSION OBJECTING TO THE MAKING OF A TARIFF CONCESSION ORDER (TCO)

THIS FORM MUST BE COMPLETED BY A LOCAL MANUFACTURER WHO WISHES TO OBJECT TO THE GRANTING OF A TCO.
THE INFORMATION PROVIDED ON THIS PAGE WILL BE FORWARDED TO THE APPLICANT FOR THE TCO.
THE FORM SHOULD BE READ CAREFULLY BEFORE BEING COMPLETED.

DETAILS OF THE TCO APPLICATION TO WHICH THIS SUBMISSION REFERS

GAZETTE NO TC 15/20 DATE 27 May 2015

Gazetted description of goods.	TC Reference Number
STORAGE CONTAINERS, stainless steel, having ALL of the following: (a) maximum volume capacity NOT greater than 1,200 L; (b) maximum operating pressure NOT greater than 2 bars; (c) manhole lid; (d) valves	TC 1515633

LOCAL MANUFACTURER DETAILS

Name <u>Newell Composites Pty Ltd (previously The Newell Group Pty Ltd)</u>			
Business Address <u>191 Adelaide Road, MURRAY BRIDGE SA 5253</u>			
Postal Address (if the same as business address write "as above") <u>as above</u>			
Australian Business Number (A.B.N.) <u>37 168 710 361</u>		Reference <u>Receipt 2/7/15</u>	
Company Contact <u>s47F</u>	Phone Number <u>s47F</u>	Facsimile Number <u>(08) 8531 0157</u>	E-mail Address <u>admin@newell.composites.com.au</u>

DETAILS OF THE SUBSTITUTABLE GOODS PRODUCED IN AUSTRALIA

1 Describe the locally produced substitutable goods the subject of the objection.

"Substitutable goods" are defined in the Customs Act 1901 as "goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put".

Storage containers

2 State the use(s) to which the substitutable goods are put or are capable of being put.

For the aseptic storage of food products

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3 Attach technical, illustrative descriptive material and/or a sample to enable a full and accurate identification and understanding of the substitutable goods.

4 Are you aware of any other local manufacturers producing substitutable goods? ☒ YES ☐ NO

5 If yes to question 4, please provide details of any goods produced in Australia which are substitutable for the goods for which a TCO is being sought, and the names and addresses of the manufacturers of those goods.

Corrosion Technology Australia Pty Ltd
18 Fowler Road, DANDENONG VIC 3175

6 PRODUCTION OF GOODS IN AUSTRALIA

Goods other than unmanufactured raw products will be taken to have been produced in Australia if:

- (a) the goods are wholly or partly manufactured in Australia; and
- (b) not less than 1/4 of the factory or works costs of the goods is represented by the sum of:
 - (i) the value of Australian labour; and
 - (ii) the value of Australian materials; and
 - (iii) the factory overhead expenses incurred in Australia in respect of the goods.

Goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

Without limiting the meaning of the expression "substantial process in the manufacture of the goods", any of the following operations or any combination of those operations DOES NOT constitute such a process:

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

A Are the goods wholly or partly manufactured in Australia? ☒ YES ☐ NO

B Does the total value of Australian labour, Australian materials and factory overhead expenses incurred in Australia represent at least 25% of the factory or works costs? ☒ YES ☐ NO

Specify each of the following costs per unit for the substitutable goods:

- Australian labour
- Australian materials
- Australian factory overhead expenses
- Imported content

TOTAL

\$47

Specify the date or period to which the costs relate. 27/10/14 - 12/02/15 \$47

Attach a copy of the working papers that were used to prepare the above costing information. Those working papers should be supported by (at least two) extracts from the accounting records of the business.

C Is at least one substantial process in the manufacture of the goods carried out in Australia? ☒ YES ☐ NO
If yes, please specify at least one major process involved:

Filament Winding, Hand Layup, Fitting construction
Fitout, Assembly, Completion

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7 PRODUCTION OF GOODS IN THE ORDINARY COURSE OF BUSINESS

(Answer 7.1 or 7.2)

7.1 SUBSTITUTABLE GOODS OTHER THAN MADE-TO-ORDER CAPITAL EQUIPMENT

Substitutable goods (other than made-to-order capital equipment) are taken to be produced in Australia in the ordinary course of business if:

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

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

- A Have the goods been produced in Australia in the last 2 years? ☒ YES ☐ NO
- B Have the goods been produced and are they held in stock in Australia? ☐ YES ☒ NO
- C If the goods are intermittently produced in Australia, have they been so produced in the last 5 years? ☒ YES ☐ NO
- D Are you prepared to accept an order for the goods? ☒ YES ☐ NO

7.2 SUBSTITUTABLE GOODS BEING MADE-TO-ORDER CAPITAL EQUIPMENT

"Made-to-order capital equipment" means a particular item of capital equipment that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production and that is not produced in quantities indicative of a production run. Capital equipment means goods which, if imported, would be goods to which Chapters 84, 85, 86, 87, 89 or 90 of Schedule 3 to the Customs Tariff Act 1995 would apply.

Goods that are made-to-order capital equipment are taken to be produced in Australia in the ordinary course of business if:

- (a) a producer in Australia:
 - (i) has made goods requiring the same labour skills, technology and design expertise as the substitutable goods in the 2 years before the application; and
 - (ii) could produce the goods with existing facilities; and
- (b) the producer in Australia is prepared to accept an order to supply the substitutable goods.

- E Have goods requiring the same labour skills, technology and design expertise as the goods the subject of the application been made in Australia in the last 2 years? ☒ YES ☐ NO
- If yes, describe the goods made during this period:

Olive Vats as per question 6B on previous page

- F Can the goods be produced with existing facilities? ☒ YES ☐ NO
- G Are you prepared to accept an order for the goods? ☒ YES ☐ NO

8 What was the first date on which you were prepared to accept an order?

01/05/2014

Are the goods still in production?

☒ YES ☐ NO

If the answer is no, when did production cease?

 / /

If production has ceased and goods are held in stock, please estimate the date by which stock is expected to be sold, based on past sales information and attrition rate of the local goods.

 / /

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9 Provide any additional information in support of your objection.

NOTES

- (a) Section 269K and 269M of the *Customs Act 1901* require that a submission opposing the making of a TCO 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 those sections.**
- (b) A submission will be date stamped on the day it is first received in Canberra by an officer of Customs. The submission is taken to have been lodged on that day.
- (c) For the submission to be taken into account, it must be lodged with Customs:
- no later than 50 days after the gazettal day for an application for a TCO;
 - no later than 14 days after the gazettal day for an amended application for a TCO; or,
 - where the Chief Executive Officer has invited a submission, within the period specified in the invitation.
- (d) **Every question on the form must be answered.**
- (e) 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.
- (f) Unless otherwise specified, all information provided should be based on the situation as at the date of lodgement of the TCO application.
- (g) Customs may require an objector to substantiate, with documentary evidence, information provided in relation to the objection.
- (h) 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, by e-mailing information@customs.gov.au or by phoning the Customs Information Centre on 1300 363 263.

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 submission 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.

Full Name s47F	Position Held Office Manager
Signature s47F	Date 02/07/2015

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.

Olive Pickling

& Fermentation Vats

Manufactured from Composite Reinforced Plastics

Proven successful history with Australia's major Olive Processors



These vessels are custom designed and built to achieve top quality results. They have a corrosion resistant interior lining to handle caustic solutions.

Each vessel is post cured to neutrality to provide food grade quality.

All tanks have a smooth internal mirror finish which has been fabricated using our proprietary process.

food grade quality with greater all round chemical resistance

28000 L Vats	= 18 tonne of olives	3500mm Dia x 3100mm High	\$9,150.00
16700 L Vats	= 11.2 tonne of olives	3500mm Dia x 1800mm High	\$6,500.00
13500 L Vats	= 9 tonne of olives	3200mm Dia x 1800mm High	\$5,450.00
9000 L Vats	= 6 tonne of olives	3200mm Dia x 1200mm High	\$4,750.00
6000 L Vats	= 4 tonne of olives	2650mm Dia x 1200mm High	\$3,900.00
4700 L Vats	= 3 tonne of olives	2350mm Dia x 1200mm High	\$3,400.00
2200 L Vats	= 1.5 tonne of olives	1855mm Dia x 900mm High	\$2,950.00
1180 L Vats	= 0.8 tonne of olives	1500mm Dia x 775mm High	\$2,395.00

All prices shown are GST exclusive
and FOT Murray Bridge, South Australia.



Fittings not included in price.

Prices effective 01/10/2006



Newell
Composites

191 Adelaide Rd, Murray Bridge SA, Australia 5253
Ph: +61 8 8532 2455 Fax: +61 8 8531 0157
Email: admin@newellcomposites.com.au
Website: www.newellcomposites.com.au
ABN: 37 168 710 361

Member of:
Composites
Australia

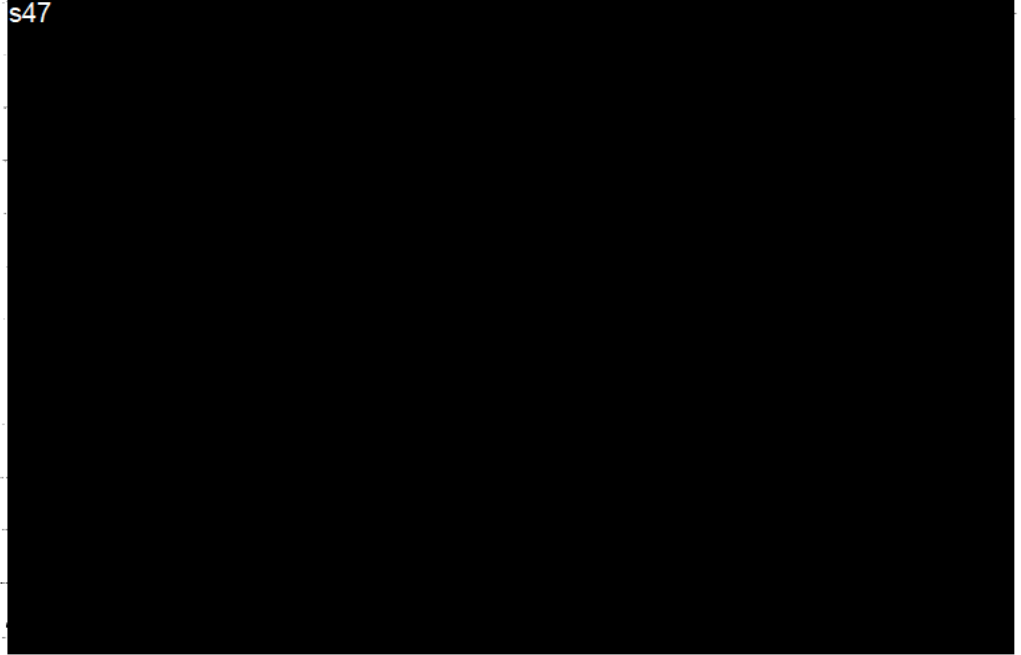
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16.7 KI OLIVE VAT MATERIALS

w C

w P

s47



TOTAL =

s47

All local Content.

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TERMS AND CONDITIONS OF QUOTATION AND SALE

- a) Goods supplied by the Seller to the Buyer shall be at the Buyers risk immediately upon delivery to the buyer, into the Buyer's custody at the Buyer's direction (whichever is the sooner). The Buyer shall thereafter insure the goods at its cost against such risks as it thinks appropriate, shall note the interest of the Seller on the insurance policy and shall produce a certificate to this effect to the Seller upon request.
- b) Property in the goods supplied by the Seller to the Buyer pursuant to these terms and conditions shall not pass to the Buyer until those goods and other goods supplied by the Seller to the Buyer have been paid in full.
- c) Until the goods have been paid for in full:
 - (i) the Buyer shall store the goods in such a manner as to show clearly that they are the property of the Seller; and
 - (ii) the Buyer may sell the goods, in the ordinary course of its business, as agent for the Seller and shall account to the Seller for the proceeds of sale (including any proceeds from insurance claims) which proceeds shall be kept in a separate bank account
- d) The Buyer irrevocably authorises the Seller at any time to enter upon any premises upon which:
 - (i) the Seller's goods are stored to enable the Seller to:
 - inspect the goods and/or
 - if the Buyer has breached these terms and conditions, reclaim the goods;
 - (ii) the Buyers records pertaining to the goods are held to inspect and copy such records.
- e) The Buyer and the Seller agree that the provisions of the clause apply notwithstanding arrangement pursuant to which the Seller grants credit to the Buyer.
- f) Payment for the goods and all other costs and expenses herein mentioned shall be made to the Seller according to the Payment Terms specified on this invoice. Should the Buyer delay or default in respect of any payment due to the Seller, the Seller shall have the right to charge interest at a rate of 2% higher than the current interest rate applied by its bank for use of overdraft facilities. This interest will commence from the due date and will continue until payment of all costs has been received in full.

SUPPLY

The seller reserves the right to suspend or discontinue the supply of goods to the Buyer without being obliged to give any reason for its action.

File Note

Local Manufacturer Site Visit Newell Composites Pty Ltd (Newell)

15 July 2015

Site Visit to confirm objection submission for TC 1515633 and to assess manufacturing capability for future objections and revocations

Present at meeting:

s47F [REDACTED] Managing Director

s22(1)(a)(ii) [REDACTED], Director, Industry Assistance

s22(1)(a)(ii) [REDACTED], Assistant Director, Industry Assistance

QC

Newell manufacturing

Newell has been manufacturing a range of tanks for over 45 years.

Currently it manufactures a range of products including:

- Rainwater tanks;
- Corrosion resistant tanks for chemical, industrial and municipal engineering projects;
- Composite ducting systems;
- Insulated tanks, including twin-walled insulated hot and cold tanks;
- Tanks for road tankers of up to 20,900 litres, corrosion resistant that allow for add-ons such as pumps, valves and spray guns;
- Fertigation tanks for use in horticulture and viticulture;
- Aquaculture tanks, including features such as smooth interior walls to prevent injury to fish, conical or flat base and truck mountable;
- Dairy wash down tanks;
- Food grade tanks for goods such as olives; and
- Pressure vessels up to 1,100 kpa

Standard sizes for tanks range from 910mm to 4.5mm in diameter and up to 6m in height. Capacities range as little as 900 litres up to 100,000 litres. Newell produces and advertises olives tanks from 1,180 litres up to 28,000 litres. Newell also advised that it will custom build tanks of any sort to customer's requirements.

So far as the manufacture of Newell's olive (and other) tanks is concerned, an advertising document provides the following information in respect of the manufacturing processes:

- The tank mould is coated with a gel in the required interior colour;
- "Chopped glass" is then layered onto the mould via a chopper gun;
- The tank rotates on a mandrel as glass is applied by a layering process. One person uses a chopper gun, while a second person is on the other side of the tank rolling out the glass to remove air bubbles;

- A hydraulic filament winder wraps the strands of glass around the tank, like a ribbon. The process increases the tank's strength and reduces the weight where a tank is made exclusively from a chopper gun;
- The winding goes down the tank and up again from the base by about 600mm to reinforce the knuckle;
- As the winding returns from the tank, it sandwiches a layer of chopped glass which is then sprayed all the way to the top of the tank again;
- The exterior of the tank is then gelcoated for its exterior colour and left to cure;
- The tank is then removed from the mould and progresses through the rest of the factory for fitting out and post curing.

During the visit we sighted a number of finished tanks for purposes described above as well as moulds of various sizes. A number of tanks in various stages of construction were also observed.

Based on my observations, I am satisfied that a substantial process of manufacture is undertaking in the manufacture of Newell's tanks, including tanks substitutable for TC 1515633.

Photographs Newell's goods and some of the manufacturing processes and this site visit report are held on file 2015/008243.

s22(1)(a)(ii)



Assistant Director
Industry Assistance
27 July 2015

Attachments - photographs

- (a) Small tank under construction (foreground) and larger tank with flanged opening and dome lid (background);
- (b) Tank and domed lid;
- (c) Resin applicator and fibreglass in rolls;
- (d) Tank under construction;
- (e) Finished tanks;
- (f) Tank moulds, various sizes;
- (g) Photographs of Newell products including road tankers and "Big Olive" in Renmark park;
- (h) Photographs of Newell products – assorted chemical tanks;
- (i) Photographs of Newell products – assorted pressure vessels



191 Adelaide Road, Murray Bridge
South Australia
+61 8 8532 2455

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Quick Contact

Newell Composites
Murray Bridge
South Australia

Australia:

[\(08\) 8532 2455](tel:(08) 8532 2455)

International:

[+61 8 8532 2455](tel:+61 8 8532 2455)



Coca Cola Spring Water Plant, NSW

Share Us

Member of



Food Grade Storage Tanks

Composite Reinforced Plastic (FRP or GRP) Food Grade Storage Tanks can be used in many processes, for example:

- Fruit and fruit juice
- Milk and cheese products
- Olive fermentation, pickling and transportation
- Wine fermentation and storage
- Meat and fish
- Spring water

These vessels are custom designed and built to achieve top quality results. They have a corrosion resistant interior lining to handle acidic and caustic solutions.

Manufactured under our MIT process the vessels are then each post cured to 0.2% neutrality to provide food grade quality, that is they are totally inert. We have numerous references of these successful applications.

Conical based tanks used in the processing of bottled spring water can be seen in the photo above.

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Attachment 'A'

Attachment 'B'

s47G

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Attachment 'C'

s47G

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15/07/2015 1



15/07/2015 1

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Newell Composites



15/07/2015 1

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Newell Composites PTY. LTD.



ASBESTOS REMEDIATION VESSELS



15/07/2015 1

s22(1)(a)(ii)

From: s22(1)(a)(ii)
 Sent: Tuesday, 18 August 2015 11:15 AM
 To: s47F Newell Composites'
 Subject: RE: Submission Objecting to the making of a Tariff Concession Order
 [SEC=UNCLASSIFIED]

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Hi s47F

Your objection to the making of TCO has risen to the top of the Objections pile and I hope to be able to turn my mind to it in the next week or two.

However, while looking into existing TCO's for similar goods, I came across the following:

7309.00.00

TOTE BINS, stainless steel, having ALL of the following:

- (a) capacity NOT greater than 800 litres;
- (b) operating pressure NOT greater than 1 bar;
- (c) manhole lid;
- (d) valves

Op. 10.04.14

- TC 1412644

The stated use of these goods is for: "Aseptic food processing".

Based on my visit and the documentary evidence that Newell Composites has supplied, you may wish to apply for the revocation of this TCO on the grounds that you manufacture goods with a corresponding use in Australia.

I have attached a blank revocation request form from the Border Protection website for your consideration:

<http://www.border.gov.au/Tariffclassificationofgoods/Documents/typableb4412001.pdf#search=revocation%20form>

The information requirements are exactly the same as for your objection – an invoice demonstrating a sale of your substitutable goods within the last year or so would also be appreciated.

If you have any questions, please do not hesitate to contact me.

Regards,

s22(1)(a)(ii)

Industry Assistance
 Trade Branch, Trade Customs and Industry Policy Division
 Policy Group
 Department of Immigration and Border Protection
 Ph s22(1)(a)(ii)
 s22(1)(a)(ii)@border.gov.au

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 Freedom of Information Act 1982

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Friday, 28 August 2015 2:34 PM
To: 'admin@newellcomposites.com.au'
Subject: Attn s47F Tariff Concession System - objection to TCO 1515633 - food storage containers [SEC=UNCLASSIFIED]

Dear s47F

I refer to Newell Composites' objection to the making of Tariff Concession Order 1515633 for aseptic food containers.

I advise that your objection was successful.

Formal notification of the decision to refuse to make the Tariff Concession Order will be published in Tariff Concession Gazette TC 15/34 of 2 September 2015.

The applicant may request a review of my decision within 28 days of the above gazettal date.

Regards,

s22(1)(a)(ii)

Industry Assistance
Trade Branch, Trade Customs and Industry Policy Division
Policy Group
Department of Immigration and Border Protection
Ph s22(1)(a)(ii)
s22(1)(a)(ii)@border.gov.au

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Monday, 25 January 2016 3:39 PM
To: TARCON
Cc: s22(1)(a)(ii)
Subject: FW: tariff class /tco confusion [SEC=UNCLASSIFIED]

Categories: Actioned by s22(1)(a)(ii)

Good afternoon Tarcon,

NTAC has confirmed a classification error on TCO 1503322. The correct classification should be 39251000.

Referred for your consideration.

Regards,

s22(1)(a)

s22(1)(a)(ii)

s22(1)(a) TARIFF, NATIONAL TRADE ADVICE CENTRE | National Trade Services
 Customs Compliance Branch | Border Management Division
 Australian Border Force
 1010 LaTrobe Street, MELBOURNE DOCKLANDS VIC 3008

From: s22(1)(a)(ii)
Sent: Monday, 7 December 2015 3:33 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: RE: tariff class /tco confusion [SEC=UNCLASSIFIED]

Good afternoon s22(1)(a)

It would appear the goods may have been incorrectly classified

In TC15/03322, 3925 was rejected on the basis that the goods do not meet TOH as "Builders wares" of plastics. However I think Chapter 39 Note 11(a), which specifically includes reservoirs, tanks... of a capacity exceeding 300L, may have been overlooked.

For your consideration.

Regards,

s22(1)(a)(ii)

s22(1)(a)(ii) National Trade Advice Centre
 Trade Advice Facilitation & Compliance
 Regional Command Vic/Tas | Strategic Border Command
 Australian Border Force
 1010 La Trobe St, Melbourne Docklands VIC 3008
 P: +1800 053 016 | F: +613 9244 8680

From: s22(1)(a)(ii)
Sent: Monday, 7 December 2015 12:13 PM
To: s22(1)(a)(ii)

Cc: s22(1)(a)(ii)

Subject: FW: tariff class /tco confusion [SEC=UNCLASSIFIED]

Good afternoon s22(1)

Thanks and please call for the TCO file and ascertain if the goods subject to the TCO application was correctly classified.

Please advise me.

Regards

s22(1)(a)(ii)

s22(1)(a)(ii) Valuation, Origin and Reviews, National Trade Advice Centre

Trade Advice, Facilitation and Compliance
Regional Command Vic/Tas | Strategic Border Command

Australian Border Force
1010 La Trobe Street, MELBOURNE DOCKLANDS VIC 3008 Telephone: 1800 053 016

From: s22(1)(a)(ii)

Sent: Tuesday, 1 December 2015 9:49 AM

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

Subject: RE: tariff class /tco confusion [SEC=UNCLASSIFIED]

Good morning s22(1)(a)(ii)

TA 21349200 is correctly classified to 3925.10.00 (Builder's ware of plastic; tanks of a capacity exceeding 300L). This TA was completed by s22(1)(a) and peer reviewed by s22(1)

Whilst there is a TCO for TANKS, polyester reinforced with fibreglass, having a maximum volume capacity NOT less than 8 000 L, with OR without mounting platforms for goods classified to 3926.90.90 (Other articles of plastics; other) we cannot classify by TCO.

Regards,

s22(1)(a)(ii)

National Trade Advice Centre

Trade Advice Facilitation & Compliance
Regional Command Vic/Tas | Strategic Border Command
Australian Border Force
1010 La Trobe St, Melbourne Docklands VIC 3008
P: +1800 053 016 | F: +613 9244 8680

s22(1)(a)(ii)

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UNCLASSIFIED

s22(1)(a)(ii)

From: s47F
 Sent: Friday, 18 March 2016 3:42 PM
 To: s22(1)(a)(ii)
 Subject: RE: Polyester tanks tariff concession TC 1503322 [SEC=UNCLASSIFIED]

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Thanks s22(1)

Yes no problem, understand the issue. 3925.1000 applies.

s47G won't be importing more tanks as the reason why a TCO for these where applied for tanks was that the importer didn't get advice before ordering the complete machine from Spain as the tanks were exported 2 months before the complete bigger olive grading machine was manufactured to claim schedule 4 item 45.

Yes the importer would be contacting the s47G Company for more tanks if they need them.

Thanks and Best Regards

s47F

-----Original Message-----

From: s22(1)(a)(ii) @border.gov.au]
 Sent: Friday, 18 March 2016 3:31 PM
 To: s47F
 Subject: Polyester tanks tariff concession TC 1503322 [SEC=UNCLASSIFIED]

Hello s47F

I have received advice from the National Trade Advice Centre that TC 1503322 is incorrectly keyed to tariff classification 3926.90.90. The correct classification for plastic tanks of a capacity not less than 8000 L is 3925.10.00.

I am proposing to publish a notice of an intention to revoke the concession under section 269SD (1AA) in the tariff concessions gazette of 23 March 2016.

I believe that there are local producers of similar tanks so that any future application for a concession could be problematic.

Regards

s22(1)(a)(ii)

Assistant Director Industry Assistance
 Trade and Customs Branch | Traveller Customs and Industry Policy Division Policy Group Department of Immigration and Border Protection
 P: s22(1)(a)(ii)
 E: s22(1)(a)(ii) @border.gov.au

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File Note

On 20 April 2016 I formed a belief, in accordance with s.269SD (1AA) that if particular Tariff Concession Orders (TCOs) were in place today the Comptroller-General of Customs would not have made those TCOs. The relevant TCOs are:

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
<p>3925.10.00 TANKS, glass fibre reinforced plastic, rectangular or square, having BOTH of the following:</p> <p>(a) capacity NOT less than 300 L;</p> <p>(b) hot press moulded sectional panel construction</p> <p>Op. 29.08.08 Dec. date 21.11.08 - TC 0828806</p> <p>Stated use: for fire fighting sprinkler systems</p>	50
<p>7309.00.00 TOTE BINS, stainless steel, having ALL of the following:</p> <p>(a) capacity NOT greater than 800 litres;</p> <p>(b) operating pressure NOT greater than 1 bar;</p> <p>(c) manhole lid;</p> <p>(d) valves</p> <p>Op. 10.04.14 Dec. date 04.07.14 - TC 1412644</p> <p>Stated use: Aseptic food processing</p>	50
<p>3926.90.90 TANKS, polyester reinforced with fibreglass, having a maximum volume capacity NOT less than 8 000 L, with OR without mounting platforms</p> <p>Op. 21.01.15 Dec. date 11.05.15 - TC 1503322*</p> <p>Stated use: for the fermentation of olives</p>	50

* Also misclassified

As a result of a successful objection to TC 1515633, lodged by Newell Composites Pty Ltd (Newell) on 2 July 2015, worded as follows:

STORAGE CONTAINERS, stainless steel, having ALL of the following:

- (a) maximum volume capacity not greater than 1 200 L;
- (b) maximum operating pressure NOT greater than 2 bars;
- (c) manhole lid;
- (d) valves

Stated use: For the aseptic storage of food products.

I became aware of a local manufacturer of goods substitutable to goods described by the three TCOs described above.

For its objection to TC 1515633, Newell lodged supporting information in respect of substitutability, produced in Australia and ordinary course of business. Additionally, I conducted a site visit to Newell on 15 July 2015 to verify claims made in its objection to the making of TCO 1515633. I consider the information provided in respect of the

objection to 1515633 to be relevant and sufficient to conclude that Newell is a manufacturer of substitutable goods to the goods the subject of TC 0828806, TC 1412644 and TC 1503322. 95

I also note information was provided in respect of an objection to TC 1503322 lodged by s47G [REDACTED] I also note, however that this information was not tested as s47G [REDACTED] withdrew its objection after discussions with the applicant. ■

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

Delegate of the Chief Executive Officer
20 April 2016