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# 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 Orica Australia Pty Ltd		Australian Business Number (A.B.N.) 99 004 117 828
Postal Address 1 Nicholson Street, Melbourne VIC 3000		
Applicant's Reference	Owner Code (if applicable) 0584119B	
Company Contact s47F	Position Held s47F	
Telephone Number s47F	Facsimile Number (03) 9665 7834	E-mail Address s47F@orica.com

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") As above	A.B.N.
Postal Address	
Importer's Reference	Owner Code
Company Contact	Position Held
Telephone Number	Facsimile Number

B443 (JUN 2000)

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Freedom of Information Act 1982

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

Agent's Name PricewaterhouseCoopers	A.B.N. 52 780 433 757
Postal Address GPO Box 150, BRISBANE QLD 4001	
Agent's Reference	Agency Contact s47F
Telephone Number s47F	Facsimile Number 07 3031 9362

**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**

ALCOHOLS, ETHER AND HALOGEN / SULPHOR / NITRIC DERIVATIVES

**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.**

See attached

**TARIFF CLASSIFICATION**

- 3 Identify the tariff classification (to 8 figure subheading level)** 29094900
- 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.**

Chemical manufacturing

**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.

A search of the Aussie Database (see attached) revealed no potential suppliers of the product.

- 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?

**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, <sup>s47F</sup>	<b>Position Held</b> <sup>s47F</sup>
<b>Company (If applicable)</b> Orica 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; 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 <sup>s47F</sup>	Date 22/12/05

**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:  
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) 8275 6376  
or
- e-mailing it to tarcon@connect.net.au.

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aussie.com.au - Australia's leading online business directory

Page 1 of 1



home  
business centre  
advanced search  
add your business  
update your listing  
help  
sign up  
contact us

Sorry, no matches were found for **ETHER ALCOHOLS**

Try another keyword search:

**Search by Keyword**

in ALL STATES

Key in whatever you're looking for, e.g. hot water

Try a category search:

**Search by Category**

in ALL STATES

Key in the type of business you're looking for, e.g. plumber

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

7  
Customs House  
5 Constitution Avenue  
Canberra ACT 2601

Quote:

TC 0601602

Ph. 02 6275 6404  
Fax. 02 6275 6376

Your Ref:

06 JAN 06

Dear Sir/Madam,

**APPLICATION FOR A TARIFF CONCESSION ORDER**

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 29 DEC 05. The TC number shown above has been allocated to your application.

Date Sent : 22 DEC 05  
Applicant : ORICA AUSTRALIA PTY LTD  
Goods : ALCOHOLS ETHER AND HALOGEN SULPHOR NITRIC DERIVATIVES  
Owner Code : 0584119B

If you have not been using the above Owner Code for this company would you please do so for future applications.

Yours faithfully,

s22(1)(a)(ii)

Delegate of the Chief Executive Officer

PRICewaterhouseCOOPERS  
Attn: s47F

GPO BOX 150  
BRISBANE QLD 4001

protecting our borders

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THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification		COLUMN 2 Prescribed Item No. Date
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2909.49.00 <sup>Henry Billa</sup> ALCOHOLS, ETHER AND HALOGEN/SULPHOR/NITRIC DERIVATIVES  
Op. 29.12.05 <sup>612</sup>  
STATED USE:  
Chemical manufacturing  
Applicant: ORICA AUSTRALIA PTY LTD  
MELBOURNE, VIC, 3000

- TC 0601602

50

OK ~~as~~  
~~FAIR~~  
Wording agreed  
s22(1)  
(a)(ii)  
11/1/05  
see 0601584

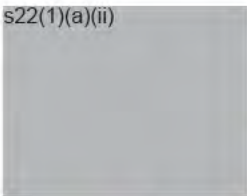
QS: F3

Aussie.com.au: F6

IPM: NO

Wording: PLEASE CHECK

s22(1)(a)(ii)



6/1/06

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THE TABLE

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Prescribed Item No.	Date
2909.49.00	ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES Op. 29.12.05 STATED USE: Chemical manufacturing Applicant: ORICA AUSTRALIA PTY LTD MELBOURNE, VIC, 3000	- TC 0601602	50

s22(1)  
(a)(ii)

12/1



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s22(1)(a)(ii)

**From:** s22(1)(a)(ii)  
**Sent:** Friday, 13 January 2006 14:45  
**To:** s47F @au.pws.com'  
**Subject:** Applications for TCO's - Orica

Good afternoon s47F

After speaking to s47F I yesterday she informed me that you would be taking over the handling of the TCO applications for Orica.

We have received all the applications however, after requesting twice, we have not received any illustrative descriptive material (IDM). A part of the necessary information required for your applications to be accepted is that you supply the relevant illustrative descriptive material (IDM).

Could you please send me (fax no.02 6275 6376 or e mail s22(1)(a)(ii) @customs.gov.au) the requested material. This material is required as soon as possible for your application to be accepted and your operative date of 29 December 2005 to be maintained. If this evidence is not received by 02.00pm on Tuesday 17 January 2006, consideration will be taken to reject your Tariff Order Applications. This would involve the cancellation of your operative date of 29 December 2005 and may require you to lodge all the applications again if this information is obtained after 02.00pm, Tuesday 17 January 2006.

If you require any further information on this matter please contact me on s22(1)(a)(ii)

Regards

s22(1)(a)(ii)

**Tariff Concession Officer**  
**Australian Customs Service**  
**Canberra ACT**

PH s22(1)(a)(ii)

Fax 02 6275 6601

Email s22(1)(a)(ii) @customs.gov.au

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IDM for remaining Orica TCO Applications		
Product	Application Number	Description
Ether and halogen/sulphor/nitric derivatives s22(1)(a)(ii)	TC 0601602	Nitric Acid is manufactured from ammonia. In essence ammonia is oxidised over a catalyst and absorbed into water to produce weak nitric acid, typically 60 to 68% strength.

(12)

**MINUTE PAPER  
CENTRAL OFFICE**

TR5

TC Number 0601602

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

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

OP Date: 29-Dec-05

APPLICANT: Orica

GOODS: Alcohols

CLAIMED CLASSIFICATION: 2909.49.00

Date to Classification Section: 18-Jan-05

Required Return Date: 21-Jan-06

TA No. & CLASSIFICATION: \_\_\_\_\_

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

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

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

CLASSIFICATION DECISION:

2909	49	00
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COMMENTS: 1 Rule 1 v 6 TO IT

CFD



SS



s22(1)(a)(ii)

RETURNED TO TARIFF CONCESSIONS BY: \_\_\_\_\_

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

DATE: 24/10/05



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

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Reply to the Chief Executive Officer

Quote: TC 0601602  
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

24 January 2006

s47F

PRICewaterhouseCOOPERS  
GPO BOX 150  
BRISBANE QLD 4001

Dear s47F

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

Your application for Tariff Concession Order (TCO) Number TC 0601602 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC06/04 of 1 February 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

2909.49.00 ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES  
Op. 29.12.05

- TC 0601602

50

Stated Use:  
Chemical manufacturing

Applicant:  
ORICA AUSTRALIA PTY LTD

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

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Reply to the Chief Executive Officer

Quote: TC 0601602

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

24 March 2006

s47F

PRICEWATERHOUSECOOPERS  
GPO BOX 150  
BRISBANE QLD 4001

Dear s47F

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

I refer to your application for Tariff Concession Order (TCO) Number TC 0601602 lodged on 29 December 2005.

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 TC06/12 of 29 March 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**

2909.49.00 ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES  
Op. 29.12.05 Dec. date 24.03.06 - TC 0601602

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## EXPLANATORY STATEMENT

### Tariff Concession Instrument No. 0601602

#### *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.

Orica Australia Ltd applied for a TCO in respect of certain ether alcohols on 29 December 2005.

##### ***Instrument***

TCO No 0601602 was made on 24 March 2006. It declares that those certain ether alcohols 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 free.

##### ***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. 0601602 is taken to have come into force on 29 December 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.

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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 29.12.05 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
2909.49.00	ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES	50
	Op. 29.12.05	- TC 0601602

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

Dated 24 March 2006

.....  
Delegate of the Chief Executive Officer

s22(1)(a)(ii)

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Tariff Concession Order 0601602  
**H20060328023**  
28/03/2006

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**Federal Register of Legislative Instruments (FRLI) - Hard Copy Lodgment Form**If this is a **NEW** Legislative Instrument:

Tariff Concession Order 0601602

Name of Instrument:

Is there any additional material being lodged with this instrument? ☐ YesDoes this instrument require **urgent** registration? ☐ Yes

If yes, registration required on/by:

...../...../200

Has a copy of this instrument already been faxed to Register staff? ☐ Yes

Please note: Charges apply for registration of all new Legislative Instruments.

If this is a **BACKCAPTURE** Legislative Instrument:Is this a **single** backcapture lodgment? ☐ Yes

Name of Instrument:

Is this part of a **multiple** backcapture? ☐ Yes If yes, how many related instruments are being lodged?

Name of Principal:

Note 'Principal' means the title of the first instrument that all the instruments you are lodging as a multiple backcapture are related to eg. ABC Determination 2001

How many pages are included with this lodgment?

**Contact details in relation to this lodgment:**

First Name

s22(1)(a)(ii)

Last Name

s22(1)(a)(ii)

Phone Number

s22(1)(a)(ii)

Fax No.

02 6275 6376

e-mail Address

s22(1)(a)(ii)

@customs.gov.au

Agency

Australian Customs Service



Tariff Concession Order 0601602  
**H20060328023**  
28/03/2006

**ComLaw incorporating the Federal Register of Legislative Instruments (FRLI)**

Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Phone: FRLI - (02) 6250 6222  
Fax: (02) 6250 6223  
Email: FRLI - frl@ag.gov.au

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**IN-CONFIDENCE**



C06/01602

C06/01602                      PART: 1  
TRADE - TARIFF CONCESSIONS - ALCOHOL  
ETHER AND HALOGEN SULPHOR NITRIC  
DERIVATIVES - 29094900 - ORICA

GAT  
1/2

946

08/04886

PART:

*i*

## PREVIOUS PART

LATER  
PART

FORMERLY/RELATED

[illegible]

ETHER AND HALOGEN SULPHOR NIT  
DERIVATIVES - 29094900 - ORIC



File Note

Tariff Concession Order 0601602

The above TCO was made on 29 March 2006 with the following wording:

ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES

Comments

Classification is in subheading 2909.49.00.

Subheading 2909.4 applies to ether-alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives. Subheading 2909.49.00 applies to (other) ether-alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.

Ether-alcohols are a class of organic compounds formed from polyhydric alcohols in which the hydrogen of one hydroxyl group has been replaced by an alkyl or aryl radical. These goods are used, for example, in perfume manufacture and as solvents.

In the Customs Tariff, in chemical literature and widely on the internet, the term ether-alcohols is used, that is one hyphenated word. Both "ether" and "alcohols" are names for particular organic compounds and also classes of organic compounds. When used as above, (i.e. alcohols, ether and halogen etc), the terminology means halogen etc derivatives of alcohols or of ether, neither of which is classified in subheading 2909.49.00. It could also be interpreted as an "ether" derivative of ethanol which also would not be classified in subheading 2909.49.00.

This is a case where it is important to use the Harmonized System (HS) terminology.

In the above wording, "sulphor" should be spelt "sulphur". However, the correct chemical and HS terminology is "sulphonated". The present wording used in TCO 0601602 implies that a sulphur atom is attached to the organic compound and this is not what is intended. (If this were the case, the classification could not be subheading 2909.49.00).

Similarly, the correct chemical and HS terminology for a halogen derivative of an organic compound is "halogenated", not "halogen".

While the term "nitric" is used in "nitric acid", it does not have a meaning in terms of derivatives of organic compounds. The correct term is nitrated.

Subheading 2909.4 also allows for "nitrosated" derivatives. These derivatives are different from nitrated derivatives. It is not clear whether the term "nitric" in the TCO description is intended to also include "nitrosated" derivatives.

*Manager  
Tariff Concessions  
Could you please  
consider the  
revocation +  
re-issue of  
this TCO which  
currently disallows  
goods that  
cannot exist.  
TCO came to  
light when  
looking at  
DOs.*

*Regards  
Manager  
Tariff  
legislation  
22/4/08*

s22(1)(a)  
(ii)  
s22(1)(a)  
(ii)

-2-


Correct terminology for these goods should be:

**ETHER-ALCOHOLS AND HALOGENATED OR SULPHONATED OR  
NITRATED (OR NITROSATED) DERIVATIVES**

The TCO should be re-worded to reflect correct chemical and HS terminology.

The above description covers all the goods of subheading 2909.49.00. There is no indication that there was an attempt to refine or narrow the original wording and it might be useful to ascertain whether the original application was intended to cover all ether-alcohols.

s22(1)(a)(ii)



Tariff Legislation

21 April 2008

## EXPLANATORY STATEMENT

### Tariff Concessions Revocation Instrument 52/2008

#### *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 and revoked 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 sections 269C and 269P of the Act, a TCO will be made if the application for the TCO meets the core criteria, that is, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

Subsection 269SD(3) of the Act provides that if the CEO is satisfied that, in making a TCO, there has been a transcription error in the description of goods the subject of the TCO including the tariff classification that is stated in the TCO to apply to the goods, the CEO may:

- make an order revoking the TCO; and
- make a new TCO in respect of goods that corrects the error.

#### ***Instrument***

Tariff Concessions Revocation Instrument No 52/2008 was made on 3 May 2008. It revokes TCO 0601602 and makes TCO 0804886 because of a certain transcription error.

#### ***Consultation***

No consultation was undertaken since the change is minor or machinery nature and does not substantially alter existing arrangements.

#### ***Commencement***

Subsection 269SD(3) provides that the order revoking the TCO has effect from the day on which the TCO came into force and the new TCO has effect from the revocation of the old TCO.

Subsection 269SD(6) provides that section 269SD has effect despite section 12 of the *Legislative Instruments Act 2003*. Section 12 prohibits the making of certain retrospective legislative instruments.

Tariff Concessions Revocation Instrument No.52/2008 revoked 0601602 and made new TCO 0804886 on 3 May 2008, with the revocation date of effect as from 29 December 2005



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TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(3) of the Customs Act 1901, I s22(1)(a)(ii) a delegate of the Chief Executive Officer  
(a) revoke Tariff Concession Order Number 0601602 made on 24.03.06, in respect of the goods  
described in TABLE A below. This Revocation has effect from 29.12.05; and  
(b) make in its place the Tariff Concession Orders described in TABLE B. The goods specified in  
Column 1 of TABLE B are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995  
specified in Column 2 of TABLE B applies.

TABLE A

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect	
2909.49.00	ALCOHOLS, ETHER AND HALOGEN OR SULPHOR OR NITRIC DERIVATIVES Op. 29.12.05	50 N/A	- TC 0601602

This is page 1 of 2 Pages of the instrument.

Dated 03 May 2008

s22(1)(a)(ii)

.....  
Delegate of the Chief Executive Officer

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TABLE B

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COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
2909.49.00	ETHER-ALCOHOLS AND HALOGENATED OR SULPHONATED OR NITRATED (OR NITROSATED) DERIVATIVES	50
Op. 29.12.05		- TC 0804886

This is page 2 of 2 Pages of the instrument.

Dated 03 May 2008

s22(1)(a)(ii)

.....  
Delegate of the Chief Executive Officer

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**FRLI**

Federal Register of Legislative Instruments

**Hard Copy Lodgment Form**Tariff Concessions Revocation Instrument  
52/2008**H20080604011**

04/06/2008

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If this is a **NEW** Legislative Instrument:

Name of Instrument:

Tariff Concessions Revocation Instrument 52/2008

Is there any additional material being lodged with this instrument? ☐ Yes ☒ NoDoes this instrument require urgent registration? ☐ Yes ☒ NoIf yes, registration required on/by: Has a copy of this instrument already been faxed to Register staff? ☐ Yes ☒ No

Please note: Charges apply for registration of all new Legislative Instruments.

If this is a **BACKCAPTURE** Legislative Instrument:Is this a single backcapture lodgment? ☐ Yes ☒ No

Name of Instrument:

Is this part of a multiple backcapture? ☐ Yes ☒ NoIf yes, how many related instruments are being lodged? 

Name of Principal:

Note:

'Principal' means the title of the first instrument that all the instruments you are lodging as a multiple backcapture are related to, eg. ABC Determination 2001

How many pages are included with this lodgment? **Contact details in relation to this lodgment:**

First Name:

s22(1)(a)(ii)

Last Name:

s22(1)(a)(ii)

Phone Number:

s22(1)(a)(ii)

Fax Number:

02 6275 6376

E-mail Address:

s22(1)(a)(ii)

@customs.gov.au

Agency:

AUSTRALIAN CUSTOMS SERVICE

**FRLI**

Federal Register of Legislative Instruments

**Hard Copy Lodgment Receipt**Tariff Concessions Revocation Instrument  
52/2008**H20080604011**

04/06/2008

ComLaw incorporating the Federal Register of Legislative Instruments (FRLI)

Phone: (02) 6282 7348

Fax: (02) 6282 7349

Email: FRLI - frli@ag.gov.au

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**Customs Tariff Act 1995 Schedule 3**

2909.4		- Ether-alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:	
2909.41.00	26 kg	-- 2,2'-Oxydiethanol (diethylene glycol, digol)	5%
2909.43.00	47 kg	-- Monobutyl ethers of ethylene glycol or of diethylene glycol	5%
2909.44.00		-- Other monoalkylethers of ethylene glycol or of diethylene glycol	5%
2909.49.00	31 kg	-- Other	5%

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Tariff Code: **2909.49.00**

Reference No: **0804886**

Schedule4 Item: **50**

ETHER-ALCOHOLS AND HALOGENATED OR SULPHONATED OR NITRATED (OR  
NITROSATED) DERIVATIVES

Op. 29.12.05

Dec. Date 03.05.08

- TC 0804886

NOTE:

Transcription error

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s22(1)(a)(ii)

**From:** s47F  
**Sent:** Friday, 22 May 2009 10:00  
**To:** TARCON  
**Subject:** TCO 0804886  
**Attachments:** 4994\_001.pdf

Hello s22(1)(a)(ii)

As discussed, just wanting some clarification on TC 0804886 which has the same wording as sub heading 2909.4 as per attached.

Does this mean that anything that is classified under 2909.41.00, 2909.43.00, 2909.44.00 & 2909.4900 is eligible for this concession?

Thanks.

Kind Regards,

s47F

Advised s47F that use of this TCO was only valid where goods being imported were of the same classification as that of the TCO. Description must cover goods as well.

s22(1)(a)(ii)

com

Trade Services Branch

27.05.09

s47F

**From:** s47F  
**Sent:** Friday, 22 May 2009 10:26 AM  
**To:** s47F  
**Subject:** Attached Image

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22/05/2009