

International Trade Services

08M International Trade Services Pty Ltd ABN 88 102 989 220 ACN 102 989 220

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Melb (03) 9338 0777

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23 April 2004

The National Manager Tariff Branch Australian Customs Service Customs House 5 Constitution Avenue Canberra ACT 2601

Dear Sir/Madam

Application for a Tariff Concession Order (TCO) Self-Unloading Agricultural Trailers

We act for Customvac Australia Pty Ltd in TCO matters and our client has requested we seek a TCO for certain imported self-unloading agricultural trailers.

Pursuant to Section 269F of the Customs Act 1901 and your Service's requirements in these matters we enclose herewith the following:

- a completed Application for a TCO (form B443),
- a copy of correspondence to the Australian manufacturers consulted in this matter,
- proposed wording for the TCO application, and
- IDM of the goods for which a TCO is being sought.

We trust the attached meets with your requirements in this regard. Should this not be the case or you would like to discuss any of the matters raised in this letter or attached application, please contact the undersigned at this office.

Yours sincerely OBM International Trade Services

VANTE ZI WILD

Enc.

BRISBANE . SYDNEY . MELBOURNE





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. Minutes

Hours

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.
- Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- 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 1300 363 263.

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

| Applicant's Name Customvac Australia Pty Ltd | | Australian Business Number (A.B.N.) | . 1 |
|---|--|---|---------|
| | | 28 077 185 736 | a) |
| Postal Address PO Box 2426, Too | woomba, Queensland, 4350 | | 1882 0 |
| Applicant's Reference N/A | Owner Code | (if applicable) 2506494D | 50 9 |
| Company Contact 547F | Position Held | \$47F | the. |
| Telephone Number | acsimile Number 07 4634 7606 | E-mail Address | der |
| f you do not intend to use the TCO to import below, the identity of the importer for whom MPORTER DETAILS | into Australia the goods the subject n you are acting (refer to paragraph | of the application, you must provide, in the 269F(3)(c) of the Customs Act 1901). | |
| | | | Ω |
| Importer's Name (If same as applicant, write | e "as above") As Above | A.B.N. |)IBP |
| Importer's Name (It same as applicant, write Postal Address | e "as above") As Above | A.B.N. | oy DIBP |
| | e "as above") As Above Owner Code | | by DI |
| Postal Address | AS ADOVE | | |

| Vostal Address 98 Commercial Rd, Newstead QLD 4006 Agency Contact 47F Agency Contact 47F | al features of the goods or the various to. ake a TCO in respect of goods: nded. nple, their description, either directly or by articular part number applies to the goods e ACS Manual and in Australian Customs |
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| Agent's Reference 1060 Agent's Reference 1060 Felephone Number Facsimile State Stat | @obmpl.com.au ne goods in the TCO (if made). al features of the goods or the various to. ake a TCO in respect of goods: nded. nple, their description, either directly or by articular part number applies to the goods the ACS Manual and in Australian Customs the following: |
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| | |
| LLUSTRATIVE MATERIAL Attach technical, illustrative descriptive material and/or a sample to enab of the goods the subject of the application. IDM Attached | ble a full and accurate identificatior |
| ARIFFCLASSIFICATION | |
| Identify the tariff classification (to 8 figure subheading level) 87162 Identify the General Duty rate 05% If a Tariff Advice for the goods has been sought or obtained, please provide or attach a copy. | ţ, |
| Describe ALL uses (including design uses) to which the goods can be put. | 5 |
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| arriage of stock feed and grains | <u> </u> |
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| | STITUTABILITY OF LOCALLY PRODUCED GOODS | 2017 TR.07 | 7 |
|-------------------|--|--|----|
| (a) (b) (c) | A local manufacturer's goods are substitutable when they are put, or are capable of being put, to a use that correspond a use (including a design use) to which the goods the subject of the application can be put (subsection 269B(1) of the C <i>Act 1901</i>). Even if not identical, locally made goods may be substitutable. In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject application, the ability of the goods to compete with each other in any market is not relevant. The applicant must provide written information as to the inquiries made to establish that there are reasonable grounds for b that there are no producers of substitutable goods in Australia. The application must include a copy of the research material and a copy of correspondence to, and replies from, potential local manufacturers or relevant industry associations. The appli- will be rejected if it fails to provide all written information as to the inquiries made. | Customs at of the pelieving sourced | |
| NOT | E: The Australian Customs Service suggests that potential local manufacturers should be given at least 10 working days to re- inquiries concerning local manufacture. | spondto | r. |
| 5 | Provide details of the nature of ALL inquiries you have undertaken in order to establish that substitutable goods produced in Australia, and the results of those inquiries. Attach copies of all correspondence or directory search | | |
| Plea | se see attached | 100, 010. | |
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| 6 | Provide any additional information in support of discharging your responsibility to establish that there are rea grounds for asserting that there are no substitutable goods produced in Australia in the ordinary course of bus | sonable siness. | , |
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| Plea | ise see attached | | 4 |
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PRESCRIBED ORGANISATIONS

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

YES X NO

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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

| Provide any additional information in support of your application. | |
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| ot Applicable | |
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DECLARATION

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|---------|---|--|---------------------|
| Compa | any (if applicable) OBM International Tra | ade Services Pty Ltd | |
| decla | re that: | | |
| 1 | To the best of my knowledge and belief the ir | nformation contained in this form is correct; and | |
| 2 | I have the authority to act on behalf of the cor | mpany/applicant: and | |
| 3 | Electronic Transactions Act, this application | neans (including facsimile) that, for the purposes of Sub-Section 14 a will be taken to have been lodged when it is first received by an o essed by an officer of Customs, as specified in Sub-Section 269F(| fficer o |
| | | Date | a |
| | SECTION 234 OF THE CUSTOMS/ACT 190 OFFICER THAT IS FALSE OR MISLEADIN | 23/04/04 | d@r the |
| Signa | SECTION 234 OF THE CUSTOMS ACT 190 | 23/04/04 01,PROVIDES THAT IT IS AN OFFENCE TO MAKE A STATEMEN IG IN A MATERIAL PARTICULAR. GEIT WITH CUSTOMS BY: | ed by DIBP und@r th |
| | SECTION 234 OF THE CUSTOMS/ACT 190 OFFICER THAT IS FALSE OR MISLEADIN WHEN THIS FORM HAS BEEN COMPLETED LODO • 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 Offic Customs House, Canberra | 23/04/04 01,PROVIDES THAT IT IS AN OFFENCE TO MAKE A STATEMEN IG IN A MATERIAL PARTICULAR. GEIT WITH CUSTOMS BY: | by DIBP under th |

FOI Docyment #3

Attachment to Application for a Tariff Concession Order

SUBSTITUTABLE GOODS

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

The inquiries undertaken to establish if substitutable goods are produced in Australia involved researching various trade directories, including "Kompass" (see enclosed).

As a result of the above inquiry several potential Australian manufacturers were identified whom it was considered may produce substitutable goods.

We then wrote to these companies advising them of our intentions to lodge a TCO application (a copy of this correspondence is enclosed for your reference) and provided them with information and literature on the subject goods. The list of the potential Australian manufacturers contacted appears below for your reference.

Potential Australian Manufacturers Contacted

K D McLaughlin Trading Co Webster Ltd MWT Group Australian Agro-Industries Pty Ltd Guidolin Agricmac Aust J P Slattery & Co Pty Ltd

The companies listed above were advised that if they failed to respond to our letter within 10 working days, it would be considered that they do not object to this TCO being granted. Of the six (6) companies contacted one (1) responded to our letter dated 7 April 2004 (copies attached for your reference). In summary the responses were:

- K D McLaughlin Trading Co responded to our correspondence and stated they did not object to the granting of this TCO
- The balance of the companies contacted failed to respond to our correspondence and as a result are considered **not to object to the granting of this TCO**.

Attachment to Application for a Tariff Concession Order

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.

During the course of our inquiries it became clear that there were no substitutable goods, to those the subject of this application, produced n Australia. This was substantiated by Kompass searches conducted that revealed no Australian companies exist for the following search terms:

- Self-unloading agricultural trailer
- Self unloading agricultural
- Pneumatic Discharge
- Stockfeed trailers
- · Grain auger trailer
- Bulk discharge trailer
- Auger trailer
- Trailer discharge
- Bulk feed trailer

A copy of these seach results are attached for your reference.

We therefore submit that if no local manufacturers were identified within the above mentioned search terms, then there are reasonable grounds to say that there are no substitutable goods, to those in issue, produced in Australia in the ordinary course of business.



Pneumatic Discharge Agricultural Trailer



The Walinga Ultra-Lite Tanker Trailer features non-pressurised, non-tipping feed and grain delivery. It combines features and advantages from standard aluminium tipper trailers and steel pressure tankers in one light-weight delivery trailer.



Heavy-duty aluminium construction delivers lower tare weight and higher payloads without compromising on strength and durability. Years of highway and off-road operation in North America prove the durability of Ultra-Lites aluminium tanker design.

FOI Document #4

27



Belly-mounted paddle-chain or auger moves product cleanly and easily to the rear of the tanker. Belly delivery to the rear means no tipping and no partitions to shift. The result is easier operation and greater safety.

Discharge options from the rear of the tanker include pneumatic transfer via blower and rotary airlock or boom and auger or both.

Multi-compartment tank design means greater versatility and efficiency in scheduling loads. It removes the need for operators to enter the trailer - eliminating cross-contamination and satisfying buyer's quality assurance requirements.

(right) Bulk discharge through rear dump gate using belly-mounted paddle-chain conveyor. Note - non-tipping operation. Conveyor direct-dumps to rear or diverts to rotary airlock blow-line.



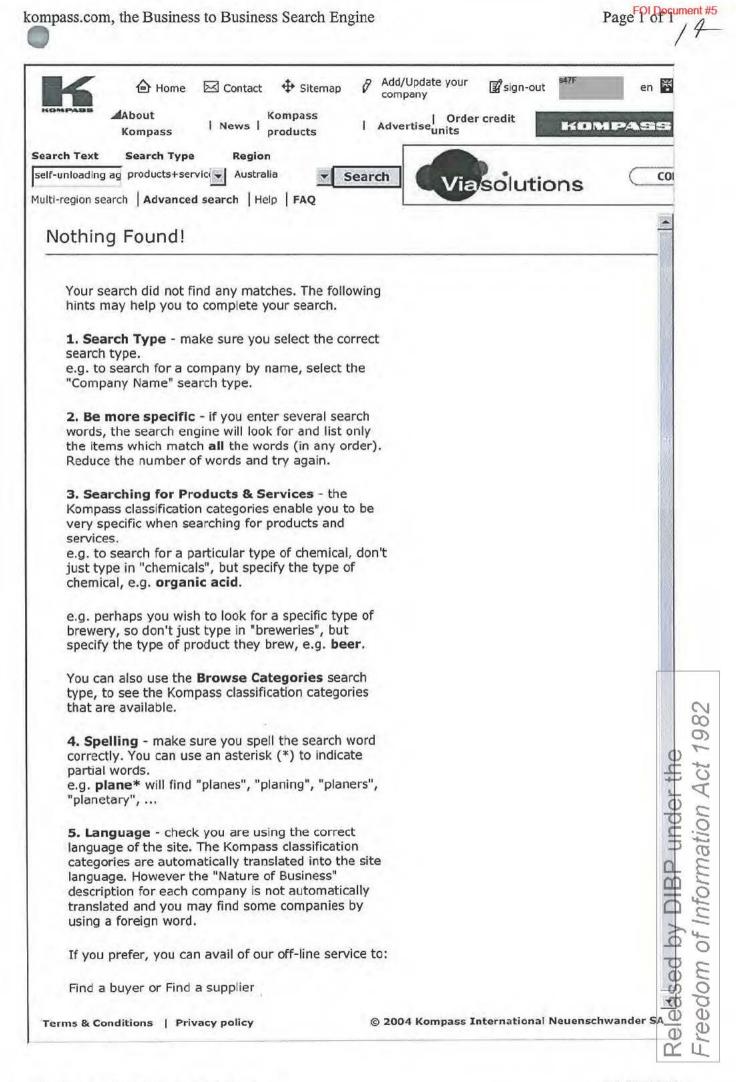


(above left) Top view showing wide-access multi-compartment design. Note - walkways with full-height fold-away guardrails.

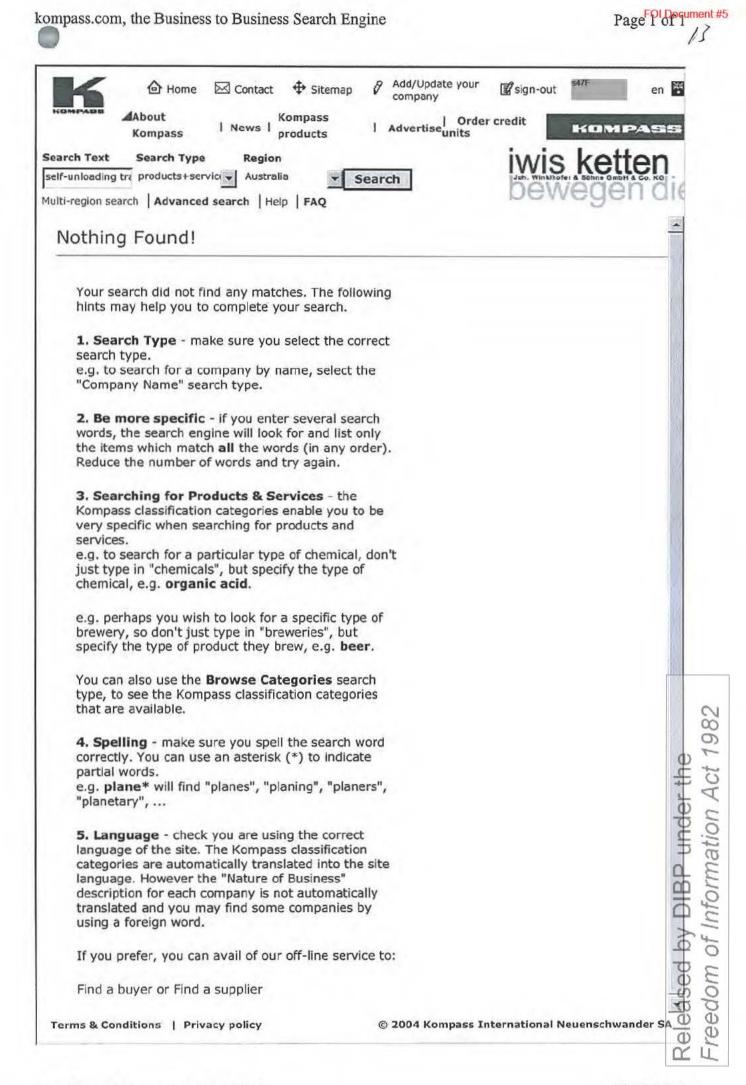


(above right) Rear view showing pneumatic (blower) discharge line, elevated walkways with fold-away guardrails, rear-dump discharge outlet with cover closed.

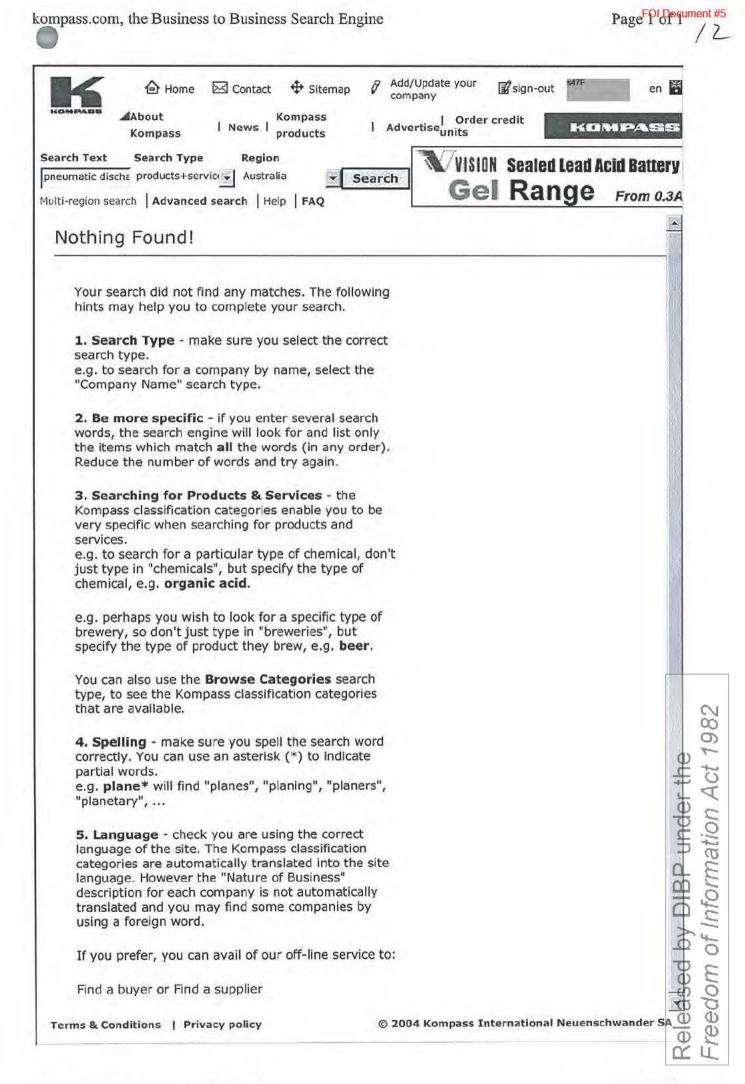
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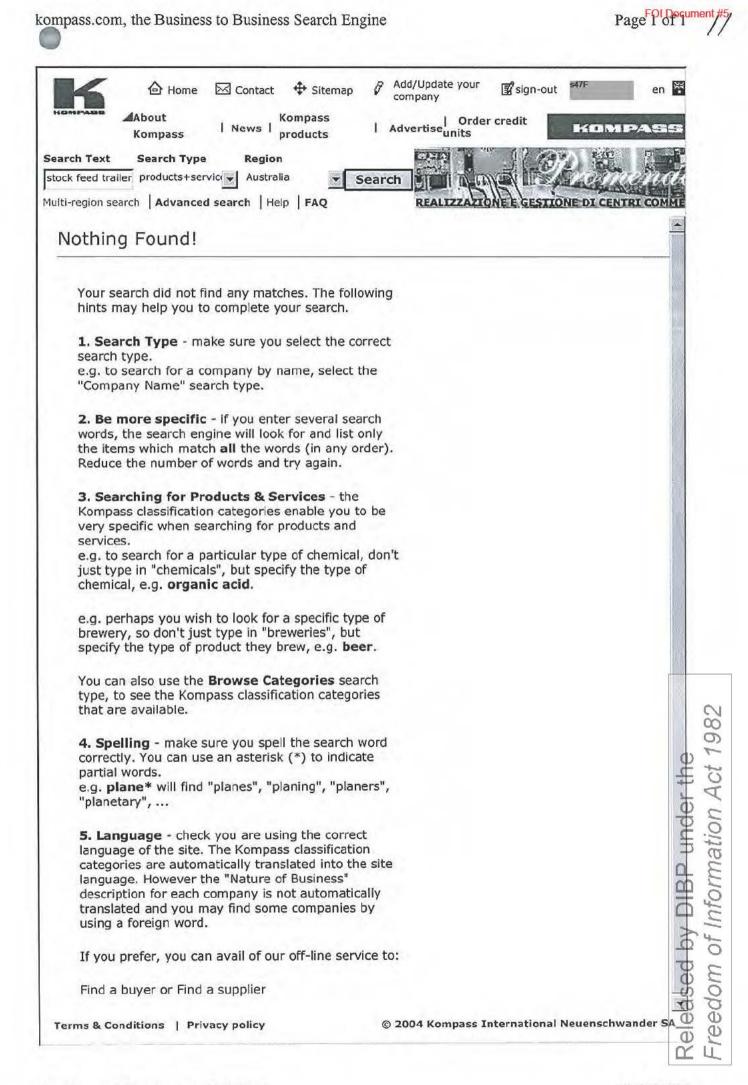
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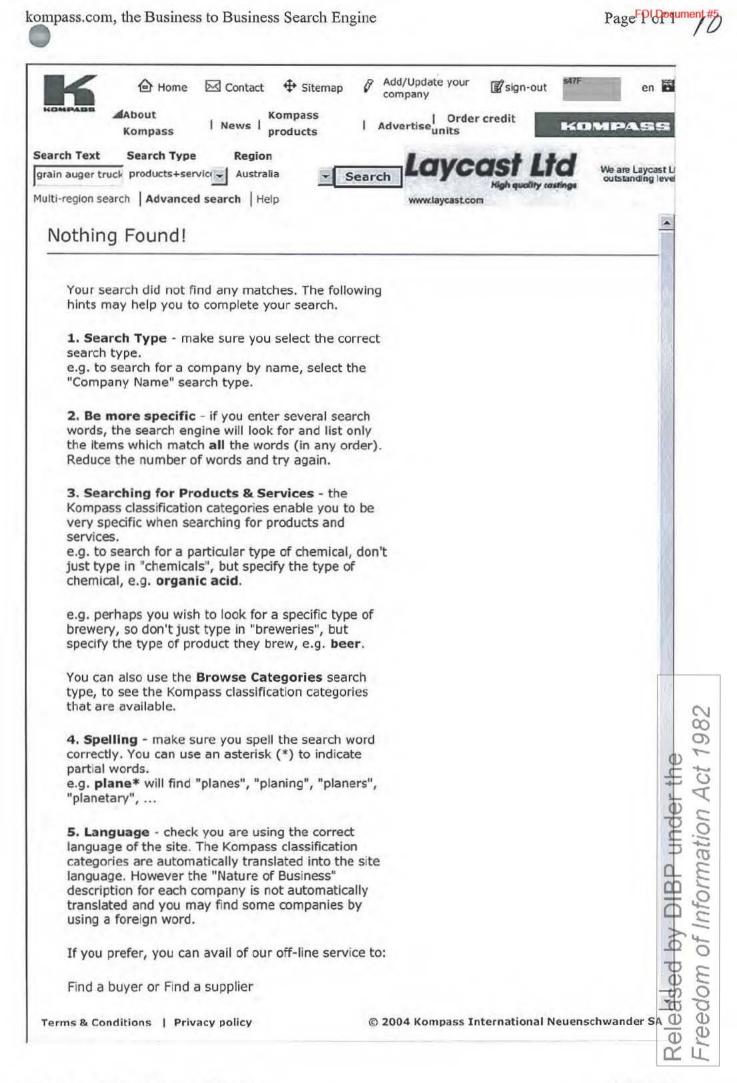


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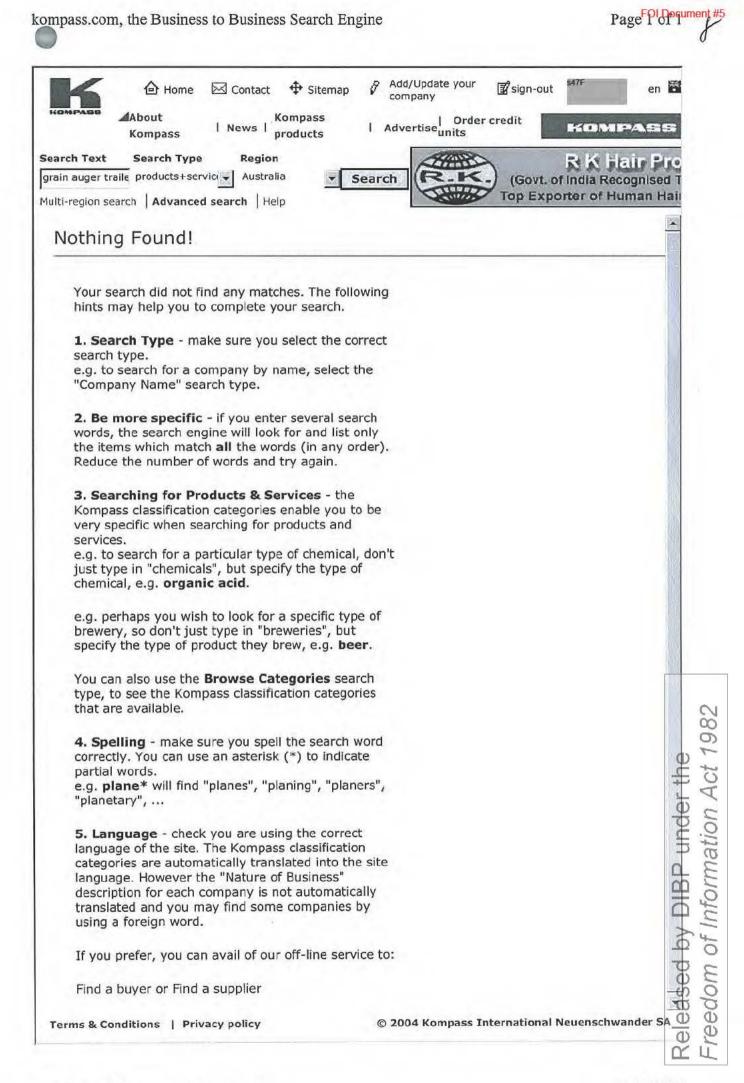
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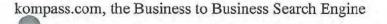


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| Your search did not find any matches. The for hints may help you to complete your search | | |
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| "Company Name" search type. | | |
| 2. Be more specific - if you enter several s words, the search engine will look for and lis the items which match all the words (in any Reduce the number of words and try again. | st only | |
| 3. Searching for Products & Services - the Kompass classification categories enable you very specific when searching for products an services. e.g. to search for a particular type of chemic just type in "chemicals", but specify the type chemical, e.g. organic acid. | u to be id cal, don't | |
| e.g. perhaps you wish to look for a specific t brewery, so don't just type in "breweries", b specify the type of product they brew, e.g. t | ut | |
| You can also use the Browse Categories so type, to see the Kompass classification categories that are available. | | 32 |
| Spelling - make sure you spell the searc correctly. You can use an asterisk (*) to ind partial words. | icate | he ct 198 |
| e.g. plane* will find "planes", "planing", "pl "planetary", | aners", | A |
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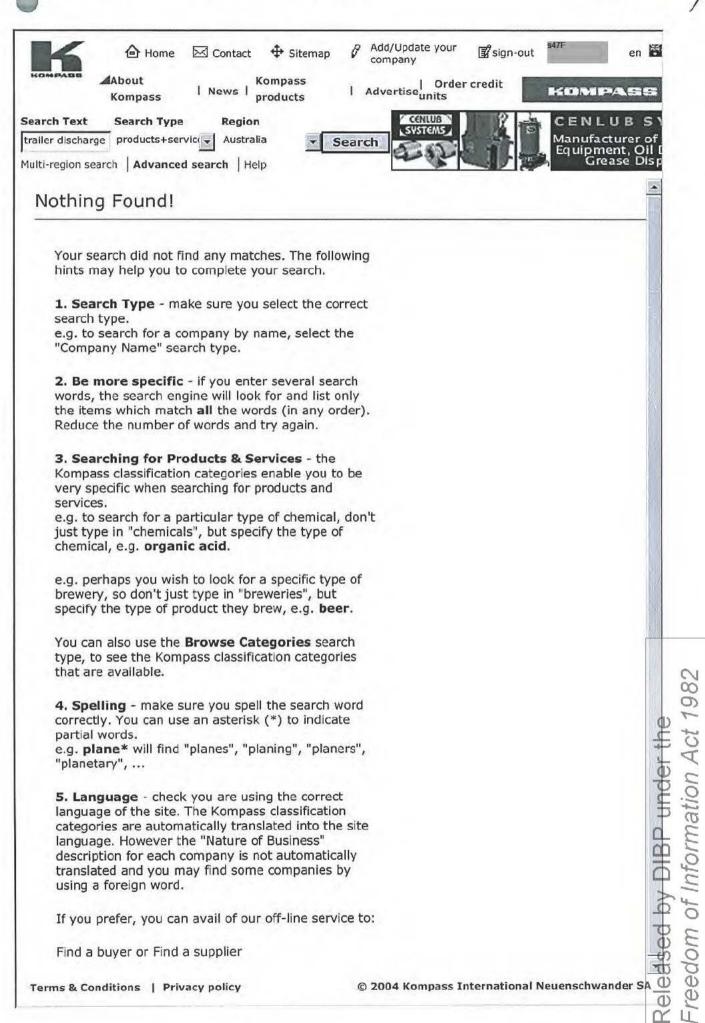
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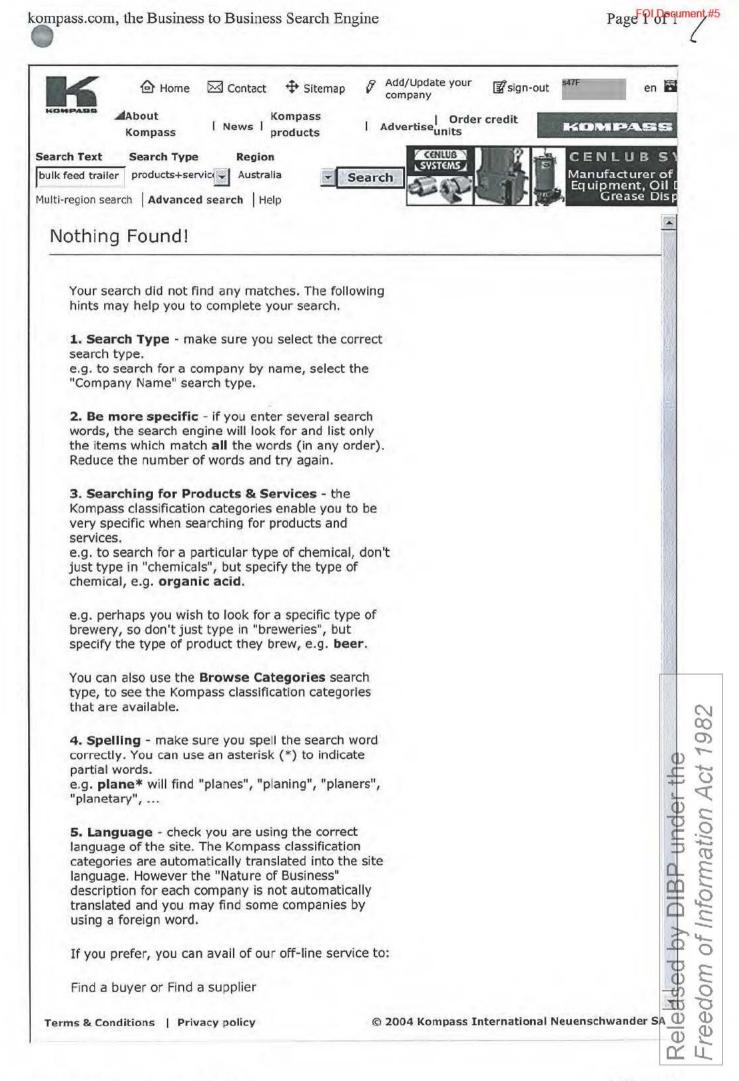


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kompass.com, the Business to Business Search Engine

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Expanded Kompass categories

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Select the Kompass categories you are interested in to complete your search

View checked

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|----------|---------|---|-------|----|-----|
| ¢ | 67200 | Agricultural, horticultural and forestry machinery and equipment (trade) [98 companies] | | Г | |
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| Г | 6720001 | Agricultural tractors and power cultivators (trade) [71 companies] | Γ | Π | Г |
| | 6720002 | Soil preparation equipment and ploughs (trade) [5 companies] | Π | Г | Γ |
| Г | 6720003 | Soil dressing equipment and harrows (trade) [6 companies] | | Γ | Γ |
| Г | 6720004 | Sowing and planting equipment (trade) [5 companies] | | | |
| Г | 6720005 | Manure and fertiliser spreaders (trade) [5 companies] | Γ | Π | Π |
| V | 6720006 | Agricultural trailers | ET. | È. | |
| 1 | 0720000 | (trade) [6 companies] | 5-1 Y | | 5-6 |
| | 6720007 | Irrigation and watering systems and equipment, agricultural (trade) [12 companies] | Ē | | |
| , | 6720008 | (trade) [4 companies] | | | |
| Ľ | 6720010 | Cereal harvesting and processing machinery and equipment, farm use (trade) [14 companies] | | | |
| Ľ, | 6720011 | Balers, agricultural (trade) [4 companies] Cattle and horse breeding and | | | Γ |
| Г | 6720013 | farming equipment (trade) [1 companies] | Γ | | G |
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| | 6720015 | equipment (trade) [0] | | | |
| | 6720016 | Bee-keeping and sericulture equipment (trade) [0] | | | |
| | 6720017 | Fish, mollusc and crustacean farming equipment (trade) [0] | | | |
| | 6720018 | Fur animal breeding and farming equipment (trade) [0] | | | |
| E | 6720020 | Dairy farm equipment (trade) [1 companies] Agricultural farm handling and | | Π | |
| Г | 6720022 | storage equipment (trade) [10 companies] | | | |
| | 6720023 | Hand tools, agricultural and horticultural (trade) [6 companies] | Г | | |
| Ē | 6720024 | Parts and accessories for agricultural machinery (trade) [4 companies] | | | |
| | 6720026 | Vineyard equipment (trade) [0] | | | |
| Г | 6720027 | equipment (trade) [1 companies] | Г | Γ | Г |
| | 6720028 | Forestry machinery and equipment (trade) [0] | | | |
| | 6720029 | Forestry equipment second- | | | |
| | 6720030 | Agricultural machinery and | | | |



Krishna Industries 400004 Mumbai India



Atespar Motorlu Araclar Sanayi Dis Ticaret 42300 Konya Turkey



Bando Industrial Corporation 368-811 Jeungpyung-Gun,Choongbuk Korea, Republic of (South Korea)



Bepco Tracpieces Group DY10 4JB Kidderminster United Kingdom



TIP spol. s r.o. 796 01 Prostejov Czech Republic



TRASTA, spol. s r.o. 628 00 Brno Czech Republic



kompass.com, the Business to Business Search Engine

Page 2 of 2 25

| □ 6720048 | tractors, second-hand [0] Animal drawn vehicles (trade) [1 companies] | |
|------------|--|--|
| | Tools and accessories for agricultural machinery (trade) [3 companies] | |
| F 6720050 | Horticultural tools and equipment (trade) [4 companies] | |
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| | Darlington 6070 Western A Australia] | | | 9 + 61 8 9299 7469 | |
| - Guidolin Agrimac Aust Pty 🖂 🕻 | Griffith 2680 New South W | /ales [Australia] | + 61 2 6964 340 | 0 + 61 2 6962 6692 | |
| Ltd J P Slattery & Co Pty Ltd | /affra 3860 Victoria (Austr | ralia] | + 61 3 5147 112 | 2 + 61 3 5147 3203 | |
| | | (| Companies: 1 | 44 4 1 - 6 ▶ ₩ 6 | |
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International Trade Services

08M International Trade Services Pty Ltd ABN 85 102 589 220 ACN 102 989 220

98 Commercial Road Newstead Brisbane Qld 4005 Australia Tel (07) 3854 1227 Fax (07) 3854 1351 (07) 3854 1898 obm@obmpl.com.au www.obmpl.com.au Syd (02) 9699 5299 Molb (03) 9338 0777

7 April 2004

General Manager K D McLaughlin Trading Co 5 Wyncombe Court Lake Boga VICTORIA 3584

Dear Sir/Madam

Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

We have been requested by a client to seek a TCO for certain pneumatic discharge agricultural trailers they propose to import. If our efforts in this regard are successful then the proposed pneumatic discharge agricultural trailers will be able to be imported into Australia at a duty rate of three (3) percent. As things presently stand, the pneumatic discharge agricultural trailers are subject to five (5) percent customs duty upon importation.

As part of the process for applying for a TCO we are required to consult any Australian manufacturers who might be affected should the subject goods be granted a concessional rate of duty. Our research has indicated your company may possibly be an Australian manufacturer who may be affected by the granting of this TCO.

We would appreciate if you could complete the statement set out at the end of this letter and return this correspondence to us by return facsimile. Any response in this regard can be directed to our facsimile number (07) 3317 9889. If a reply is not received within 10 working days of this letter, it will be considered that your company does not object to a TCO being granted for the goods described in this letter.

We are grateful for your consideration of this matter. Should you like to discuss any of the issues raised in this letter or like further information necessary to complete the statement set out below please do not hesitate to contact the undersigned at this office.

Yours sincerely OBM International Trade Services

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O Application – pneumatic discharge agricultural trailers

on behalf of K D McLaughlin Trading Co do not object/de object* to a TCO being granted for the pneumatic discharge agricultural trailers described in this letter. (strikeout whichever does not apply)

Moreover, we hereby confirm that we do not manufacture substitutable goods to those the subject of this correspondence.

HORTI PAK 5 Wycombe Court, Lake Boga Vic. 3584 Ph: (03) 5037 2379 Fax: (03) 5037 2745 Mobile: \$47F

* If you do object to this concession, please attach to this statement a copy of a brochure or literature of the goods that you produce which are said to be substitutable to the goods in issue.

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08M International Trade Services Pty Ltd ABN 83 102 989 220 ACN 102 989 220

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7 April 2004

General Manager JP Slattery & Co Pty Ltd 16 Johnson Street Maffra VICTORIA 3860

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Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

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Yours sincerely OBM International Trade Services

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CBM International Trade Services Pty Ltd ABN 88102989220 ACN 102989220

98 Commercial Road Newstead Brisbane Old 4006 Australia Tel (07) 3854 1227 Fax (07) 3854 1351 (07) 3854 1898 obm@obmpl.com.au www.obmpl.com.au Syd (02) 9699 5299

Melb (03) 9338 0777

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7 April 2004

General Manager Guidolin Agrimac Aust Pty Ltd 202-204 Merrigal St Griffith NEW SOUTH WALES 2680

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Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

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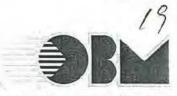
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7 April 2004

General Manager Australian Agro-Industries Pty Ltd 5 Valest Pl Darlington WESTERN AUSTRALIA 6070

Dear Sir/Madam

Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

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Yours sincerely OBM International Trade Services

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International Trade Services

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7 April 2004

General Manager MWT Group Merici House, 128a Dangar St Armidale NEW SOUTH WALES 2350

Dear Sir/Madam

Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

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Yours sincerely OBM International Trade Services

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Dear Sir/Madam

General Manager

120 Cambell St

Hobart TASMANIA 7000

7 April 2004

Webster Ltd

Application for Tariff Concession Order (TCO) Pneumatic Discharge Agricultural Trailers

We have been requested by a client to seek a TCO for certain pneumatic discharge agricultural trailers they propose to import. If our efforts in this regard are successful then the proposed pneumatic discharge agricultural trailers will be able to be imported into Australia at a duty rate of three (3) percent. As things presently stand, the pneumatic discharge agricultural trailers are subject to five (5) percent customs duty upon importation.

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Yours sincerely OBM International Trade Services

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TCO Application – pneumatic discharge agricultural trailers

I, ______ on behalf of Webster Ltd do not object/do object* to a TCO being granted for the pneumatic discharge agricultural trailers described in this letter. (strikeout whichever does not apply)

Moreover, we hereby confirm that we do not manufacture substitutable goods to those the subject of this correspondence.

(signed)

(date)

* If you do object to this concession, please attach to this statement a copy of a brochure or literature of the goods that you produce which are said to be substitutable to the goods in issue.



Proposed TCO Wording

TRAILERS, AGRICULTURAL, SELF UN-LOADING, having ALL of the following:

- a.) multi compartment aluminium tank
- b.) internal belly mounted paddle chain or auger conveyor
- c.) pneumatic discharge system

STATED USE: Transport of Grains and Stock Feed.

