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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.

Hours: Minutes:

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

The form should be read carefully before being completed

- (a) Before lodging an application for a TCO, the applicant should determine whether a suitable TCO already exists. Information on existing TCOs is contained in the schedule of Concessional Instruments (SCI), a copy of which is available at each Regional Office of Customs. A TCO can be used by any importer.
- (b) An application will be date stamped on the day it is first received in Canberra by an officer of Customs. Receipt of an application will be acknowledged. Any resultant TCO will operate from the date of receipt. Instructions on how to lodge this form are provided at the end of this form.
- (c) Where an application is accepted as being a valid application, the identity of the applicant and of the Importer for whom the applicant is acting will be published in the Gazette.
- (d) Section 269F of the Customs Act 1901 requires that a TCO application to be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form. This is the approved form for the purposes of that section.
- (e) Section 269FA of the Customs Act 1901 states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Chief Executive Officer (CEO), that, on the basis of:
 - (i) all information that the applicant has, or can reasonably be expected to have; and
 - (ii) all inquiries that the applicant has made, or can reasonably be expected to make;
 there are reasonable grounds for asserting that the application meets the core criteria".
 The application is taken to meet the core criteria if, on the day of lodgement of the application, no substitutable goods were produced in Australia in the ordinary course of business.
- (f) Every question on the form must be answered. Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) Where the form provides insufficient space to answer a question, an answer may be provided in an attachment. The attachment should clearly identify the question to which it relates.
- (h) All information about inquiries into the production of substitutable goods must relate to the date the application is lodged with Customs.
- (i) Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- (j) Further information on the Tariff Concession System is available in Part XVA of the Customs Act 1901, in the foreword to the Schedule of Concessional Instruments, in the administrative guidelines in Volume 13 of the Australian Customs Service Manual, in Australian Customs Notice No. 98/19, on the internet at www.customs.gov.au, 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 The Trustee for The New Life Industries Trading Trust		Australian Business Number (A.B.N.) 25 714 516 252	
Postal Address 19-81 Lillico Road, Devonport, Tasmania, 7310.			
Applicant's Reference New Life Tempered Float Glass		Owner Code (if applicable)	
Company Contact [Redacted]		Position Held [Redacted]	
Telephone Number [Redacted]	Facsimile Number 03 6425 2784	E-mail Address [Redacted]	

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		DATE 12/6/07	
Importer's Reference		Owner Code	
Company Contact		Position Held	
Telephone Number		Facsimile Number	

B443 (JUN 2001)

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AGENT/BROKER DETAILS (if applicable)

Agent's Name TOLL INTERNATIONAL	A.B.N. 31 082 292 233
Postal Address 14 Huon Street Narangba Brisbane 4504	
Agent's Reference Tempered Glass	Agency Contact S47F
Telephone Number S47F	Facsimile Number 07 3385 6507

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 268SJ of the Customs Act 1901, the CEO must not make a TCO in respect of goods:
- described in terms other than in generic terms; or
 - described in terms of their intended end use; or
 - 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

Panels, laminated glass, 4mm thickness, rough milled all sides.

ILLUSTRATIVE MATERIAL

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

TARIFF CLASSIFICATION

- 3 Identify the tariff classification (to 8 figure subheading level) 7007.19.00**
Identify the General Duty rate 05 %
 If a Tariff Advice for the goods has been sought or obtained, please provide the TA No. 18662200 or attach a copy.

USES OF THE IMPORTED GOODS

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

For use in the construction of a computerised and automated glasshouse.

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SUBSTITUTABILITY OF LOCALLY PRODUCED GOODS

- (a) A local manufacturer's goods are substitutable when they are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application can be put (subsection 269B(1) of the Customs Act 1901). Even if not identical, locally made goods may be substitutable.
- (b) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application, the ability of the goods to compete with each other in any market is not relevant.
- (c) The applicant must provide written information as to the inquiries made to establish that there are reasonable grounds for believing that there are no producers of substitutable goods in Australia. The application must include a copy of the research material sourced and a copy of correspondence to, and replies from, potential local manufacturers or relevant industry associations. The application will be rejected if it fails to provide all written information as to the inquiries made.

NOTE: The Australian Customs Service suggests that potential local manufacturers should be given at least 10 working days to respond to inquiries concerning local manufacture.

- 5 Provide details of the nature of ALL inquiries you have undertaken in order to establish that substitutable goods are not produced in Australia, and the results of those inquiries. Attach copies of all correspondence or directory searches, etc.

No known local manufacturers of glass of this nature with the required tolerances.

Refer to the attached letter from the ICN in Tasmania who investigated the local capability of all equipment of the glasshouse on behalf of the applicant.

- 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.

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PRESCRIBED ORGANISATIONS

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

YES NO X 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.

DECLARATION

I, ^{s47F} [Redacted]	Position Held ^{s47F} [Redacted]
-------------------------------	--

Company (if applicable)
TOLL INTERNATIONAL PTY LTD

declare that:

- To the best of my knowledge and belief the information contained in this form is correct; and
- I have the authority to act on behalf of the company/applicant; and
- 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 ^{s47F} [Redacted]	Date 11/06/07
--	------------------

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) 6275 6376
or
- e-mailing it to tarcon@connect.net.au.

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Tariff Advice View



Tariff Advice View

Print

Refresh

Tariff Advice Details

Tariff Advice Number 18662200 **Status** INPUT
Previous Tariff Advice Number 0
Type TARIFF ADVICE **Input Date** 11 JUN 2007
State QLD **Lodge Date**
Confidential NO **Acquit Date**
Void Date

Company and Contact Details

Importer THE TRUSTEE FOR THE NEW LIFE INDUSTRIES TRADING TRUST **ABN** 25714516252 **CAC Customs Client Id**
Supplier s47G [REDACTED]
Applicant TOLL INTERNATIONAL PTY LIMITED 31082292233
Applicant Contact Name s47F [REDACTED] **Ph** s47F [REDACTED]
Applicant Reference NEW LIFE LAMINATED FLOAT GLASS **Fax** 07 3385-6507
Broker Box No. 025K

Goods Details

Goods Description 4mm four sides rough milled laminated float glass sheets.
Show Full
Claimed Tariff Classification 7007.19.00
Claimed Instrument
Claimed Schedule 4 Item
Claimed Reasons The terms of the item. Excluded from 7006 refer heading note.
Show Full

Lodgement Details

Sample Provided NO **Illustrative Descriptive Material** NO
Additional Info Requested NO **Requested On**

Acquittal Details

Additional Info Received NO
Given Tariff Classification
Given Instrument
Given Schedule 4 Item
Given Reasons
Decision Officer Name
Decision Officer Phone
Multiple Classification M/N
Rejection Reason
Void Reason

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**INDUSTRY CAPABILITY NETWORK
TASMANIA**

5 March 2007

22 Elizabeth Street
MOBART TAS 7005
GPO Box 646
MOBART TAS 7001
Tel: +61 3 6271 5950
Fax: +61 3 6233 5551
www.icntas.org.au
info@icntas.org.au
ABN 34 531 577 104

s47F

Director: New Life Industries
81 Lillico Road
Devonport TAS 7310

Level 1, Cornwall Square
12-16 St John Street
LAUNCESTON TAS 7250
Brix 1196
LAUNCESTON TAS 7250
Tel: +61 3 6236 2501
Fax: +61 3 6334 7131

Dear s47F

Re: 1.8ha Capsicum Glasshouse and Equipment for Capsicum Growing

2nd Floor Harris Building
Cathway Street
BURNIE TAS 7320
PO Box 872
BURNIE TAS 7320
Tel: +61 3 6324 6357
Fax: +61 3 6331 9164

We thank you for your request to assist with the identification of a local manufacturer of Capsicum Glasshouses and Equipment. Including:

- High Pressure Fog system
- Reverse Osmosis Plant
- Moisture and Climate control including software
- Tempered Floatglass

We regret to advise that we have been unable to locate a local manufacturer who can competitively meet your specific technical requirements for this type of equipment.

Although unsuccessful in this case, we appreciate this opportunity to source Australian/New Zealand made equipment and would be pleased to advance the involvement of the Industry Capability Network with any future enquiries.

Yours faithfully

s47F

"Promoting Australian Industry Capability"

Brisbane Sydney Melbourne Adelaide Perth Darwin Hobart Canberra
Regional Offices: Invercailie Grafton Armidale Orange Dubbo Newcastle Wollongong Geelong Wagga Wagga
Albury Ballarat Bendigo Traralgon Alice Springs Launceston Guelph

ICN Tasmania is supported by the Tasmanian Government through the Department of Economic Development.

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s47G

GLASS SPECIFICATION

Contract No. GW-RQ-0702

1. Detailed sizes and price list

NO	Types	Size / M	
		Width	Length
1	Clear Float Glass -4mm	1.707	0.703
		1.707	0.345
		1.707	0.788
		1.707	0.388
		Total	
2	Clear Tempered Glass -4mm	1.200	1.242
		0.933	1.245
		2.123	1.246
		2.123	0.710
		Total	
Total Price / Euro			

2. Specification about raw material and process:

- 1) Clear float glass;
- 2) Clear tempered glass, Glass-fragmentation after breakage: approx. 50 pieces/ 5cm*5cm.
- 3) 4 sides rough milling.
- 4) Tolerance on length and width: +/- 1 mm
- 5) Tolerance on thickness 4 m: +/- 0,2 mm
- 6) Maximum difference between diagonals; 3 mm.

3. Technical requirements and Certificate:

- 1) Technical Standard:
 - Clear Float Glass: National Standard with Norm: GB 11614-1989 (can meet technical required of standard of EN572);
 - Clear tempered glass: American standard ANSI.Z97.1-2004 and CPSC 16 CFR 1201. (can meet technical required standard of EN 12150)
- 2) Certificates:
 - Clear Float Glass: GB (national standard) inspection report
 - Clear tempered glass: ANSI.Z97.1-2004 and CPSC 16 CFR 1201.

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Facsimile Cover Sheet

To: Tariff Concessions Branch
Company: Australian Customs Service Canberra
Telephone:
Facsimile: 02 6275 6376
From: ^{s47F} [Redacted]
Company: Toll International Freight
Telephone: ^{s47F} [Redacted]
Facsimile: 07 3385 6507
Date 11/06/07
Pages (incl this): 13

14 Huon Street,
 Narangba,
 Brisbane Qld 4504.
 ABN: 31 082 292 233

Privacy and Confidentiality Notice:

This facsimile contains information which is confidential and privileged. If you are not the intended recipient you must not peruse, use, disseminate, distribute or copy this information. If you have received this facsimile in error, please notify us immediately by facsimile or telephone number (as identified above - we will accept reverse charges) and destroy the original. Thank you.

Dear Sirs,

On behalf of our client The Trustee for the New Life Trading Trust, we submit with this fax two (2) signed applications for Tariff Concession in respect of two different types of glass panels being imported for the construction of a computerized automated glasshouse being built in Tasmania.

The signed applications are supported by the following documents: -

- Copies of Tariff Advices 18662100 and 18662200 currently with Brisbane Customs. If the decisions given by Brisbane in due course differ from the claimed classifications I will advise you immediately.
- A Copy of a letter to the applicant from the ICN in Tasmania confirming that they had been unable to locate any local manufacturer capability in respect of the various components of the glasshouse.
- A page giving the specifications of the glass required.

Please advise the undersigned if you require any further information to process these two (2) applications.



Toll International

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Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0709264
 Your Ref: Temp Glass

Australian Customs Service
 Customs House
 5 Constitution Avenue
 CANBERRA ACT 2601
 Ph: (02) 6275 ^{s22(1)(a)(ii)}
 Fax: (02) 6275 6376
 Email: tarcon@customs.gov.au

20 June 2007

^{s47F}

TOLL INTERNATIONAL PTY LIMITED
 14 HUON STREET
 NARANGBA QLD 4504

Dear ^{s47F}

TARIFF CONCESSION SYSTEM
APPLICATION ACKNOWLEDGEMENT

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 12 June 2007. The TC number TC 0709264 has been allocated to your application.

Date Received:	12 June 2007
Applicant:	THE TRUSTEE FOR THE NEW LIFE INDUSTRIES TRADING TRUST
Goods:	LAMINATED GLASS PANELS
Applicant ABN/CAC	25714516252/001

Yours sincerely

^{s22(1)(a)(ii)}

for National Manager
 Trade Services

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11

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

7007.19.00 PANELS, LAMINATED GLASS, 4 mm thickness, rough milled all sides 50

Op. 12.06.07

- TC 0709264

Stated Use:

For use in the construction of a computerised and automated
glasshouse

Applicant:

THE TRUSTEE FOR THE NEW LIFE INDUSTRIES TRADING TRUST

Qs: F3

~~KOMPASS~~

TA: F6

KN : F7
SGARUN

DM: F8

Working: Please check

s22(1)(a)(ii)



20/6/07

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

TEMPERED

7007.19.00 PANELS, LAMINATED GLASS, ROUGH MILLED, having a thickness NOT less than 4 mm
Op. 12.06.07 - TC 0709264 50

Stated Use:
For use in the construction of computerised glasshouses

Applicant:
The Trustee for the New Life Industries Trading Trust

s22(1)(a)(ii)

s47F

s47F

20/6/07 I spoke to [redacted] he stated that he agreed with the above TCO wording changes.

s22(1)(a)(ii)

*CUSTOMS SUPERVISOR
POS. NO. 472*

File Note

s47F

Rang [redacted] about the word "laminated" in the description of goods because the TCM nominates "tempered".

s47F

[redacted] advised me that wording should be "tempered" NOT laminated.

s22(1)(a)(ii)

21/6/07

Broker Information

Tariff Advice Number : 18662200

Date Lodged : 12/06/2007
 Confidential : N Samples : N IDM : Y
 Description of Goods : 4mm four sides rough milled laminated float glass sheets.
 Claimed Heading : 7007.19.00 Sched 4 Item :
 Inst No :
 Reason : The terms of the item. Excluded from 7006 refer heading note.
 Previous Advice No :
 Importer ABN : 25714516252 Importer CAC : Importer CCID :
 Importer Name : THE TRUSTEE FOR THE NEW LIFE INDUSTRIES TRADING TRUST
 Supplier ABN : s47G
 Supplier Name :
 ABN :
 Owner Code :
 Supplier Code : s47F
 Broker :
 Broker Company : TOLL INTERNATIONAL PTY LIMITED Box No : 025K

Customs Information

Source - State : 3 Port : Type : 2
 Given Heading : 7007.19.00
 Inst No : Sched 4 Item :
 Multiple or Split Classification : N Number of Multiples/Splits :

Reasons for Advice : Detailed description of goods
 4 mm clear tempered glass with all four sides rough milled to allow manual handling. They are cut to size. Width varies between .933 to 2.123 and lengths vary between 0.710 and 1.246 m. Guidance from HSEs indicates that the rough milling on the edges of the glass would have to have been done before the tempering. THE SPECIFICATIONS SHEET DOES NOT GIVE ANY REFERENCE TO LAMINATED GLASS, THEREFORE THIS TARIFF ADVICE ONLY COVERS THE TEMPERED GLASS.

Identification of goods
 Clear tempered glass with rough milled edges.

Headings considered
 7007

Headings rejected and reasons why
 NA

Appropriate heading and reasons why
 7007 TOH IR 1 The item is tempered glass.

Appropriate subheading and reasons why
 7007.19.00 TOSH IR 6 Item does not meet the terms of the prior sub-headings.

Schedule 4 Item/Tariff Concession Order/By-law eligibility or otherwise and reasons why.
 None applicable.

Advice Status : F Date : 14/06/2007
 Changed Status : Date : Code :
 Decision Officer : s22(1)(a)(ii) Phone : s22(1)(a)(ii)
 File Number : Precedent :

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MINUTE PAPER
CENTRAL OFFICE

TR5

TC Number 0709264

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

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

OP Date: 12-Jun-07

APPLICANT: New Life Industries

GOODS: PANELS, ^{TEMPERED}LAMINATED GLASS, ROUGH MILLED

CLAIMED CLASSIFICATION: 7007.19.00

Date to Classification Section: 21-Jun-07

Required Return Date: 5-Jul-07

TA No. & CLASSIFICATION: 18662200 (Folio 13 & 14)

INSUFFICIENT INFO. (REASONS): _____

PRECEDENT No & CLASS'N: _____

TARIFF ADVICE No (TAPIN): 18662200 7007.19.00

CLASSIFICATION DECISION:

7007	19	00
------	----	----

ARE THESE GOODS EGS? NO GENERAL DUTY RATE:

58

COMMENTS: TOLH, TOSH, IR 126. ^{3/P} TA 18662200

CFD SS

RETURNED TO TARIFF CONCESSIONS BY:

NAME: s22(1)(a)(ii)

DATE: 21/6/2007

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**CUSTOMS TARIFF
SCHEDULE 3**

R.6

Reference Number	Statistical Code/Unit	Goods	Rate #
7007		SAFETY GLASS, CONSISTING OF TOUGHENED (TEMPERED) OR LAMINATED GLASS:	
7007.1		- Toughened (tempered) safety glass:	
7007.11		-- Of size and shape suitable for incorporation in vehicles, aircraft, spacecraft or vessels:	
7007.11.1		--- For motor vehicles:	
7007.11.11		---- Of a kind used as components in passenger motor vehicles	10% DC:5% CA:2.5%
		From 1 January 2010	5% CA:Free
	38 No	<i>Windscreens</i>	
	39 No	<i>Other</i>	
7007.11.19		---- Other	5% CA:Free
	54 No	<i>Windscreens</i>	
	55 No	<i>Other</i>	
7007.11.90	12 sm	--- Other	5% DCS:4% DCT:5%
7007.19.00		-- Other	5% DCS:4% DCT:5%
	13 sm	<i>Not exceeding 5 mm in thickness</i>	
	14 sm	<i>Exceeding 5 mm in thickness</i>	
7007.2		- Laminated safety glass:	
7007.21		-- Of size and shape suitable for incorporation in vehicles, aircraft, spacecraft or vessels:	
7007.21.1		--- For motor vehicles:	
7007.21.11	57 No	---- Of a kind used as components in passenger motor vehicles	10% DC:5% CA:2.5%
		From 1 January 2010	5% CA:Free
7007.21.19	58 No	---- Other	5% CA:Free
7007.21.90	17 sm	--- Other	5% DCS:4% DCT:5%

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

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Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0709264
 Your Ref: Tempered Glass

Australian Customs Service
 Customs House
 5 Constitution Avenue
 CANBERRA ACT 2601
 Ph: (02) 6275 ^{s22(1)(a)(ii)}
 Fax: (02) 6275 6376
 Email: tarcon@customs.gov.au

26 June 2007

^{s47F}

TOLL INTERNATIONAL PTY LIMITED
 14 HUON ST
 NARANGBA BRIS QLD 4504

Dear ^{s47F}

TARIFF CONCESSION SYSTEM
APPLICATION ACCEPTANCE

Your application for Tariff Concession Order (TCO) Number TC 0709264 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC07/26 of 27 June 2007. 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 Services

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Description Goods including the
Customs Tariff Classification

Schedule 4 Item Number

7007.19.00 PANELS, TEMPERED GLASS, ROUGH MILLED, having a thickness NOT
less than 4 mm
Op. 12.06.07

50

- TC 0709264

Stated Use:
For use in the construction of computerised glasshouses

Applicant:
New Life Industries

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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 12.06.07 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

	COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
7007.19.00	PANELS, TEMPERED GLASS, ROUGH MILLED, having a thickness NOT less than 4 mm Op. 12.06.07	50 - TC 0709264

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

Dated 17 August 2007

.....
Delegate of the Chief Executive Officer

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Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0709264
 Your Ref: Temp Glass

Australian Customs Service
 Customs House
 5 Constitution Avenue
 CANBERRA ACT 2601
 Ph: (02) 6275 ^{s22(1)(a)(ii)}
 Fax: (02) 6275 6376
 Email: tarcon@customs.gov.au

17 August 2007

^{s47F}

TOLL INTERNATIONAL PTY LIMITED
 14 HUON ST
 NARANGBA BRISBANE QLD 4504

Dear ^{s47F}

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 0709264 lodged on 12 June 2007.

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 TC07/34 of 22 August 2007.

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 Services

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Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
7007.19.00 PANELS, TEMPERED GLASS, ROUGH MILLED, having a thickness NOT less than 4 mm Op. 12.06.07 Dec. date 17.08.07 - TC 0709264	50

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EXPLANATORY STATEMENT

Tariff Concession Instrument No. 0709264

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.

New Life Industries applied for a TCO in respect of certain tempered glass panels on 12 June 2007.

Instrument

TCO No 0709264 was made on 17 August 2007. It declares that those certain tempered glass panels are goods to which item 50 of Schedule 4 to the Tariff applies since the CEO was satisfied that no substitutable goods were produced in Australia. The general rate of duty on these goods is 5%. The rate of duty for the goods subject to the TCO is 0%.

Consultation

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

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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. 0709264 is taken to have come into force on 12 June 2007.

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.