

**F5500038909252**

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ADF2016/57435

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**TRADE AND TRAVELLER CLEARANCE MANAGEMENT\* - Tariff Concessions  
Orders\* - Auto Storage System Bins - 3923.10.00 - Bastian Australia Pty Ltd**

[illegible]

**UNCLASSIFIED**

**A D F 2 0 1 6 / 5 7 4 3 5**

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under the Freedom of Information Act 1982

**THIS FILE RELATES TO A TCO THAT  
HAS BEEN REVOKED AND REISSUED  
ON FILE:**

ADF 2018/56482.....

**DO NOT SENTENCE WITHOUT CONTACTING  
TARIFF CONCESSIONS ADMINISTRATION AT:  
TARCON@BORDER.GOV.AU**

TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(3) of the Customs Act 1901, I 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 1657435 made on 20.02.17, in respect of the goods described in TABLE A below. This Revocation has effect from 17.05.18; 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. The Order shall have effect from the date notified in paragraph (a) above as the date of effect for the Revocation.

TABLE A

Description of Goods including the Customs Tariff Classification	COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
3923.10.00	<p>BINS, polypropylene, stackable, being ALL of the following:</p> <p>(a) bin height NOT less than 220 mm and NOT greater than 330 mm;</p> <p>(b) maximum stackable weight NOT greater than 825 kg;</p> <p>(c) bin load carrying capacity NOT greater than 30 kg</p> <p>Op. 06.10.16</p>	<p>50 31/12/16</p>

- TC 1657435

This is page 1 of 2 Pages of the instrument.

Dated 17 May 2018

22(1)(a)(ii) Delegate of the Comptroller-General of Customs

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TABLE B

Description of Goods including the Customs Tariff Classification	COLUMN 1	COLUMN 2 Schedule 4 Item Number Last date of effect
3923.10.90	<p>BINS, polypropylene, stackable, being ALL of the following:</p> <p>(a) bin height NOT less than 220 mm and NOT greater than 330 mm;</p> <p>(b) maximum stackable weight NOT greater than 825 kg;</p> <p>(c) bin load carrying capacity NOT greater than 30 kg</p> <p>Op. 01.01.17</p>	<p>50</p> <p>- TC 1856482</p>

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22(1)(a)(ii)

This is page 2 of 2 Pages of the instrument.

Dated 17 May 2018

.....  
Delegate of the Comptroller-General of Customs



## TARCON

**From:** Tariff  
**Sent:** Friday, 27 April 2018 1:26 PM  
**To:** TARCON  
**Subject:** RE: Requesting Information Regarding TCO Numbers Mapped on Reference Number [SEC=UNCLASSIFIED]  
**Categories:** Actioned by 22(1)(a)(ii)

UNCLASSIFIED

Hi  
47F(1)

Based on the wording I can offer the following classifications.

Old Reference Number	TCO Number	Description	New 2017 classification
3705.90	8732536	HOLOGRAMS, STEREOGRAMS OR DIFFRACTION PATTERNS, having a pressure sensitive backing AND/OR hot stamping foil, in rolls or sheets	3705.00.91 (I found this on my HS TCO excel spreadsheet maybe we couldn't get the file because it was so old)
3824.90.90	9605959	POLYPROPYLENE GLYCOL 2 MYRISTYL ETHER PROPIONATE, ester of propionic acid and the polypropylene glycol ether of myristyl alcohol	3824.99.90 (I found this on my HS TCO excel spreadsheet maybe we couldn't get the file because it was so old)
3824.90.90	1300271	SORGHUM SEED SAFENER, having a basis of oxabetrinil	3824.99.90 (I found this on my HS TCO excel spreadsheet maybe we couldn't get the file)
3824.90.90	9019065	METHACRYLIC ACID AND ESTERS OF METHACRYLIC ACID, mixed, whether or not containing water	3824.99.90 (I found this on my HS TCO excel

under the Free Trade Information Act 1982

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TRIM

C1996/05959-01

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2013/000271-01

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2009/019065-01

3923.10.00	1657435	BINS, polypropylene, stackable, being ALL of the following: (a) bin height NOT less than 220 mm and NOT greater than 330 mm; (b) maximum stackable weight NOT greater than 825-kg; (c) bin load carrying capacity NOT greater than 30 kg	spreadsheet maybe we couldn't get the file)
8421.39.00	1668649	FILTERS, GAS SUSPENDED DROPLET EXTRACTION, GAS TREATMENT PLANT	3923.10.90
8543.30.00	1659778	ANODES, IMPRESSED CURRENT CATHODIC PROTECTION, including BOTH of the following: (a) ceramic anode body incorporating an imbedded titanium wire; (b) internal gas vents	8421.39.90
			8543.30.90

P17312

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Regards

22(1)(a)  
(ii)

22(1)(a)(ii)

*Nomenclature & Classification*  
*Trade Policy*  
*Customs and Border Revenue Branch*  
*Department of Home Affairs*  
Ph 22(1)(a)(ii)

UNCLASSIFIED

From: TARCON  
Sent: Friday, 27 April 2018 9:29 AM  
To: Tariff <tariff@homeaffairs.gov.au>  
Subject: FW: Requesting Information Regarding TCO Numbers Mapped on Reference Number [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good morning team,

Released by Department of Home Affairs  
As discussed with 27 April 2018  
Freedom of Information Act 1982

Could you please advise the relevant tariff classifications (post EITA and/or HS2017) for the TCOs/CTCO listed in the email below?

Regards

22(1)(a)(ii)  
Assistant Director | Tariff Concessions Administration  
Trusted Trader and Trade Services Branch  
Trade and Customs Division  
Infrastructure, Transport Security and Customs Group  
Department of Home Affairs  
Ph 22(1)(a)(ii)  
22(1)(a)(ii)

UNCLASSIFIED

From: [REDACTED]  
Sent: Thursday, 26 April 2018 9:31 PM  
To: TARCON <tarcon@abf.gov.au>  
Subject: Requesting Information Regarding TCO Numbers Mapped on Reference Number

Greetings,

Thank you for your assistance earlier.

I am writing this mail to know the Reference Number and their Statistical Code for below given TCO Numbers.

Reference Number	TCO Number	Description	Date
3705.90	8732536	HOLOGRAMS, STEREOGRAMS OR DIFFRACTION PATTERNS, having a pressure sensitive backing AND/OR not stamping for identification	17/02/1987

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3824.90.90	9605959	POLYPROPYLENE GLYCOL 2 MYRISTATE ETHER PROPIONATE, ester of propionic acid and the polypropylene glycol ether of myristyl alcohol	01/07/1996
3824.90.90	1300271	SORGHUM SEED SAFENER, having a basis of oxabetrinil	04/01/2013
3824.90.90	0919065	METHACRYLIC-ACID-AND-ESTERS-OF-METHACRYLIC-ACID, mixed, whether or not containing water	05/06/2009
3923.10.00	1657435	BINS, polypropylene, stackable, being ALL of the following: (a) bin height NOT less than 220 mm and NOT greater than 330 mm; (b) maximum stackable weight NOT greater than 825 kg; (c) bin load carrying capacity NOT greater than 30 kg	06/10/2016
8421.39.00	1668649	FILTERS, GAS SUSPENDED DROPLET EXTRACTION, GAS TREATMENT PLANT	11/11/2016
8543.30.00	1659778	ANODES, IMPRESSED CURRENT CATHODIC PROTECTION, including BOTH of the following: (a) ceramic anode body incorporating an imbedded titanium wire; (b) internal gas vents	14/10/2016

There is no exact match of the Reference Numbers given in the above table. For some, the Reference numbers are not there in Schedule 3 (For Ex. 3705.90).

Kindly let me know on which Reference number these TCO Numbers can be mapped.

Regards

S. 47F(1)

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**RETAIN AS TOP FOLIO ON FILE**

Note: If a Date entry field is populated and is not required blank out with a space  
Please don't enter information in any field labled as "Automatic Field"

**TCO Number** 1657435

**Date Checked**  
20-Feb-17

<b>Application/Action</b>			<b>DECISION</b>	<b>STATS</b>
<b>Date Application Lodged</b>	<b>+ 24 Days Class Rev to return file</b>	<b>+28 Days Deemed Accepted 269H(2)</b>	<b>Enter Date of Decision to Accept Application</b>	<b>Days to Process</b>
6-Oct-16	30-Oct-16	3-Nov-16	28-Oct-16	22
<b>Days Remaining</b>	-109			

<b>TCO Processing</b>				<b>DECISION</b>		<b>STATS</b>
<b>Gazettal Date Below 269K(1)</b>	<b>+ 50 Days Objection Deadline 269K(1)(c)</b>	<b>+64 Days Advise Applicant Re Obj 269L(1)</b>	<b>+ 150 Days Deemed Refused 269P(2)</b>	<b>Enter Decision Date</b>	<b>Enter Gazettal Date of Decision 269R(1)(b)</b>	<b>Days to Process</b>
2-Nov-16	22-Dec-16	5-Jan-17	1-Apr-17	20-Feb-17	22-Feb-17	110
<b>Days Remaining</b>	-60	-46	40			

<b>Application for Revocation</b>		<b>DECISION</b>		<b>STATS</b>
<b>Enter Application Lodged Date Below</b>	<b>+60 Days [Lodged Date] Decision Due 269SC(1)</b>	<b>Enter Decision Date</b>	<b>Enter Date Decision Gazetted Below 269SE(1)(b)</b>	<b>Days to Process</b>
<b>Days Remaining</b>				

<b>Internal Review</b>				<b>DECISION</b>		<b>STATS</b>
<b>Enter Original Decision Gazettal Date Below</b>	<b>+ 28 Days Deadline to Request Internal Review</b>	<b>+ 60 Days Decision on Revocation 269SH(5)</b>	<b>+ 90 Days Decision on Application 269SH(4)</b>	<b>Enter Decision Date</b>	<b>Enter Gazettal Date of Decision 269SH(10)</b>	<b>Days to Process</b>
<b>Days Remaining</b>						

**CUSTOMS TARIFF  
SCHEDULE 3**

46

Section 7  
Chapter 39/19

R.5

Reference Number	Statistical Code/Unit	Goods	Rate #
3923		<b>ARTICLES FOR THE CONVEYANCE OR PACKING OF GOODS, OF PLASTICS; STOPPERS, LIDS, CAPS AND OTHER CLOSURES, OF PLASTICS:</b>	
★★ 3923.10.00		- Boxes, cases, crates and similar articles	5% CA:Free
	59 No	<i>For compact discs:</i> <i>.Complete assemblies (box and tray combined)</i>	
	60 No	<i>.Parts:</i>	
	63 ..	<i>..Boxes (jewel cases) only</i> <i>..Other</i>	
	56 kg	<i>Other:</i> <i>.Of polymers of styrene or of polymers of vinyl chloride</i>	
	57 kg	<i>.Of polymers of ethylene or of propylene</i>	
	58 kg	<i>.Of other plastics</i>	
3923.2		- Sacks and bags (including cones):	
3923.21.00		-- Of polymers of ethylene	5%
	24 kg	<i>Shopping bags not designed for prolonged use:</i> <i>.Of polyethylene:</i> <i>..Low density</i>	
	25 kg	<i>..Other</i>	
	26 kg	<i>.Other</i>	
	27 kg	<i>Other:</i> <i>.Polyethylene:</i> <i>..Low density</i>	
	28 kg	<i>..Other</i>	
	29 kg	<i>.Other</i>	
3923.29.00	30 kg	-- Of other plastics	5%
3923.30.00		- Carboys, bottles, flasks and similar articles	5% CA:Free
	51 kg	<i>Of polymers of styrene or of polymers of vinyl chloride</i>	
	52 kg	<i>Of polymers of ethylene or of propylene</i>	
	53 kg	<i>Of other plastics</i>	
★★ 3923.40.00	55 No	- Spools, cops, bobbins and similar supports	5% CA:Free

# Unless otherwise indicated NZ, PG, FI, DC, LDC and SG rates are Free.

★ Operative 1/7/44

Unless otherwise indicated general rate applies for CA.

Unless indicated in Schedules 5, 6, 7, 8 or 9 rates for US, Thai, Chilean, AANZ and Malaysian originating goods, respectively, 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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**Consideration of an application for a Tariff Concession  
Order lodged under subsection 269F  
of the *Customs Act 1901***

**Making of a Tariff Concession Order**

**Statement of reasons**

**TC 1657435**

I, <sup>22(1)(a)(ii)</sup> [redacted], delegate of the Comptroller General of Customs, have considered, in terms of subsection 269P of the *Customs Act 1901* (the Act), an application for a tariff concession order (TCO) lodged under subsection 269F of the Act.

Having regard to:

- the TCO application;
- all submissions lodged with the Comptroller General before the last day for submissions;
- any information that may have been supplied or produced to the Comptroller General, including in accordance with a notice under subsection 269M(4); and
- any inquiries made by the Comptroller General;

I am satisfied that the application meets the core criteria as defined in section 269 of the Act in that on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

I have also had regard to section 269SJ of the Act which describes certain goods for which a TCO must not be made. I am satisfied that there are no exclusions applicable to the goods the subject of the TCO application.

<sup>22(1)(a)(ii)</sup> [redacted]

Delegate of the Comptroller General Of Customs

20 February 2017



Under Section 269P of the Customs Act 1901, I, 22(1)(a)(ii) a delegate of the Comptroller-General of Customs 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 06.10.16 and continue in force until revoked under sections 269SC or 269SD of the Customs Act 1901, 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
3923.10.00	BINS, polypropylene, stackable, being ALL of the following: (a) bin height NOT less than 220 mm and NOT greater than 330 mm; (b) maximum stackable weight NOT greater than 825 kg; (c) bin load carrying capacity NOT greater than 30 kg  Op. 06.10.16
	50
	- TC 1657435

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

Dated 20 February 2017

22(1)(a)(ii)

..... Delegate of the Comptroller-General of Customs

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**Australian Government**

**Department of Immigration  
and Border Protection**

Reply to Comptroller General of Customs

Quote: TC 1657435

Your Ref: Bins

Department of Immigration &  
Border Protection

PO Box 25

Belconnen ACT 2616

Ph: 22(1)(a)(ii)

Fax:

Email: tarcon@border.gov.au

20 February 2017

s. 47F(1)

Dear s. 47F(1)

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

I refer to your application for Tariff Concession Order (TCO) Number TC 1657435 lodged on 6 October 2016.

As a delegate of Comptroller-General of Customs 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 TC17/11 of 22 February 2017.

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

Yours sincerely,  
22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

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under the Freedom of Information Act 1982

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>3923.10.00 BINS, polypropylene, stackable, being ALL of the following:</p> <ul style="list-style-type: none"><li>(a) bin height NOT less than 220 mm and NOT greater than 330 mm;</li><li>(b) maximum stackable weight NOT greater than 825 kg;</li><li>(c) bin load carrying capacity NOT greater than 30 kg</li></ul> <p>Op. 06.10.16 Dec. date 20.02.17 - TC 1657435</p> <p>NOTE:</p>	50

22(1)(a)(ii)

**From:**  
**Sent:**  
**To:**  
**Subject:**

22(1)(a)(ii)

Wednesday, 1 February 2017 11:29 AM  
s. 47F(1)

RE: Tariff Concession Order Polypropylene Stackable Bins [SEC=UNCLASSIFIED]

Hi s.  
47F(1)

Thank you for taking to the time to consider the matter and forward the material to an appropriate manufacturer.

Regards

22(1)(a)(ii)

Inspector | Tariff Concession Administration  
Customs Compliance Branch  
Border Management Division  
Support Group  
Australian Border Force  
5 Constitution Ave, Canberra  
P: 22(1)(a)(ii)  
E:

**From:** s. 47F(1)

**Sent:** Tuesday, 31 January 2017 6:07 PM

**To:** 22(1)(a)(ii)

**Cc:**

**Subject:** RE: Tariff Concession Order Polypropylene Stackable Bins [SEC=UNCLASSIFIED]

Hi s.  
47F(1)

Thanks for your email. In respect to your requirement, the product that you are seeking clarification is best suited by the manufacturer of such a crate.

I have forwarded your email to s. 47F(1) at s. 47F(1) who understands the manufacturing.

- s. 47F(1) please liaise with s. 47F(1) if you have objections to the tariff review.

Kind Regards,

s. 47F(1)

PLEASE UPDATE YOUR RECORDS ACCORDINGLY

**From:** 22(1)(a)(ii)  
**Sent:** Tuesday, 31 January 2017 3:07 PM  
**To:** s. 47F(1)  
**Subject:** Tariff Concession Order Polypropylene Stackable Bins [SEC=UNCLASSIFIED]

Hello s.  
47F(1)

Thank you for your time this afternoon.

#### The Goods

BINS, polypropylene, stackable, being ALL of the following:  
(a) bin height NOT less than 220 mm and NOT greater than 330 mm;  
(b) maximum stackable weight NOT greater than 825 kg;  
(c) bin load carrying capacity NOT greater than 30 kg

#### Stated Use

For the storage of goods within multi layered grid compartments where robots pick up and replace these bins

#### Objection Application

22(1)(a)(ii)

As discussed the legislative test for use is corresponding use which is interpreted in a broad manner. Price, quality, performance and how the goods achieve end use are irrelevant considerations.

Australian made means that at least 25% of the total cost to make is Australian content made up of Australian Labour, Australian Materials or Australian factory overhead.

Finally the goods need to be produced in the two years before the TCO application which in this instance is 6 October 2016. (or five years if manufactured on an intermittent basis).

My decision period has a legislated timeframe; accordingly I kindly ask that your response is submitted to me by 14 February 2016.

Should you have any queries, please don't hesitate to contact me.

Regards

22(1)(a)(ii)

Inspector | Tariff Concession Administration  
Customs Compliance Branch  
Border Management Division



Support Group  
Australian Border Force  
5 Constitution Ave, Canberra

P: 22(1)(a)(ii)

E:

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22(1)(a)(ii)

**From:** 22(1)(a)(ii)  
**Sent:** Tuesday, 31 January 2017 3:07 PM  
**To:** s. 47F(1)  
**Subject:** Tariff Concession Order Polypropylene Stackable Bins [SEC=UNCLASSIFIED]

Hello s. 47F(1)

Thank you for your time this afternoon.

### The Goods

BINS, polypropylene, stackable, being ALL of the following:  
(a) bin height NOT less than 220 mm and NOT greater than 330 mm;  
(b) maximum stackable weight NOT greater than 825 kg;  
(c) bin load carrying capacity NOT greater than 30 kg

### Stated Use

For the storage of goods within multi layered grid compartments where robots pick up and replace these bins

### Objection Application

22(1)(a)(ii)

As discussed the legislative test for use is corresponding use which is interpreted in a broad manner. Price, quality, performance and how the goods achieve end use are irrelevant considerations.

Australian made means that at least 25% of the total cost to make is Australian content made up of Australian Labour, Australian Materials or Australian factory overhead.

Finally the goods need to be produced in the two years before the TCO application which in this instance is 6 October 2016. (or five years if manufactured on an intermittent basis).

My decision period has a legislated timeframe; accordingly I kindly ask that your response is submitted to me by 14 February 2016.

Should you have any queries, please don't hesitate to contact me.

Regards

22(1)(a)(ii)

Inspector | Tariff Concession Administration  
Customs Compliance Branch  
Border Management Division  
Support Group  
Australian Border Force  
5 Constitution Ave, Canberra  
P: 22(1)(a)(ii)  
E: [REDACTED]

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under the Freedom of Information Act 1982



Australian Government  
Department of Immigration  
and Border Protection

28 October 2016

Manager

s. 47F(1)

Dear Sir/Madam,

**TARIFF CONCESSION SYSTEM**

**NOTIFICATION OF APPLICATION**

An application has been made for a Tariff Concession Order (TCO) as described in the attachment.

The Tariff Concession System allows for a concessional rate of Customs duty where it can be established that on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

To allow for comments by local manufacturers, all applications for Tariff Concession Orders are published in the Commonwealth Gazette. In this instance, the Department of Immigration and Border Protection (DIBP) is bringing to your attention Gazette No. TC 16/42 on 2 November 2016, in which a description of the goods in the attachment will be published.

In accordance with section 269M of the *Customs Act 1901* you are invited to lodge a submission objecting to the making of this TCO if you consider that you have any reasons to oppose the making of the TCO.

Objections to Tariff Concession Orders by local manufacturers must be submitted on an approved form. As required by legislation, your submission must be lodged with DIBP in accordance with the methods of lodgement specified on the approved form no later than 20 December 2016.

If you have any enquiries please contact me on telephone number 22(1)(a)(ii)

Yours sincerely

22(1)(a)(ii)

Delegate of the Comptroller-General of Customs



**Consideration of an application for a  
Tariff Concession Order lodged under subsection 269F of  
the *Customs Act 1901***

**Acceptance as a valid application**

**Statement of reasons**

TC 1657435

22(1)(a)(ii)

I, [redacted] delegate of the Comptroller General of Customs, have considered, in terms of section 269H of the *Customs Act 1901* (the Act), an application for a tariff concession order (TCO) lodged under section 269F of the Act.

I am satisfied that:

- the application complies with section 269F of the Act; and
- having regard to the information disclosed in the application and to the particulars of the inquiries made by the applicant, there are reasonable grounds for believing that the applicant has discharged the responsibility referred to in section 269FA of the Act.

I therefore accept the application as a valid application.

Dated this 28th day of October 2016.

22(1)(a)(ii)

Delegate of the Comptroller General of Customs





**Australian Government**  
**Department of Immigration**  
**and Border Protection**

Quote: TC 1657435  
Your Ref: Bins

Department of Immigration &  
Border Protection  
PO Box 25  
Belconnen ACT 2616  
Ph: 22(1)(a)(ii)  
Fax: [REDACTED]  
Email: tarcon@border.gov.au

28 October 2016

s. 47F(1)  
[REDACTED]

Dear s. 47F(1)

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

Your application for Tariff Concession Order (TCO) Number TC 1657435 has been accepted by the Department of Immigration and Border Protection as a valid application. The application will be published in Gazette Number TC16/42 of 2 November 2016. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise the Comptroller-General of 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,

22(1)(a)(ii)  
[REDACTED]

Delegate of the Comptroller-General of Customs

Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

3923.10.00

BINS, polypropylene, stackable, being ALL of the following:

50

(a) bin height NOT less than 220 mm and NOT greater than  
330 mm;

(b) maximum stackable weight NOT greater than 825 kg;

(c) bin load carrying capacity NOT greater than 30 kg

Op. 06.10.16

- TC 1657435

Stated Use:

For the storage of goods within multi layered grid compartments  
where robots pick up and replace these bins

Applicant:

BASTIAN AUSTRALIA PTY LIMITED

Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

3923.10.00

BINS, polypropylene, stackable, being ALL of the following:

50

(a) bin height NOT less than 220 mm and NOT greater than 330 mm;

(b) maximum stackable weight NOT greater than 825 kg;

(c) bin load carrying capacity NOT greater than 30 kg

Op. 06.10.16

- TC 1657435

Stated Use:

For the storage of goods within multi layered grid compartments where robots pick up and replace these bins

Applicant:

BASTIAN AUSTRALIA PTY LIMITED

s. 47F(1)

27/10/16 I spoke to

● he agreed with the above TCO wording changes.

22(1)(a)(ii)

22(1)(a)(ii)

22(1)(a)(ii)

**From:** s. 47F(1)  
**Sent:** Thursday, 27 October 2016 5:06 PM  
**To:** 22(1)(a)(ii)  
**Subject:** RE: TCO 1657435 [SEC=UNCLASSIFIED]

Hi 22(1)(a)(ii)

Agree with wording but would like to keep PP in description and making it ALL of the following instead of ANY with  
d) Bar Coded added

Thanks

Best Regards  
s. 47F(1)

---

**From:** 22(1)(a)(ii)  
**Sent:** Thursday, 27 October 2016 11:53 AM  
**To:** s. 47F(1)  
**Subject:** TCO 1657435 [SEC=UNCLASSIFIED]

I refer to regarding your Tariff Concession Order (TCO) application 1657435. Please find below the proposed Tariff Concession Order (TCO) wording changes as follows:

BINS, plastic, stackable, being ANY of the following:

- (a) bin height NOT less than 220 mm and NOT greater than 330 mm;
- (b) maximum stackable weight NOT greater than 825 kg;
- (c) bin load carrying capacity NOT greater than 30 kg

Op. 06.10.16 - TC 1657435

Stated Use:

For the storage of goods within multi layered grid compartments  
where robots pick up and replace these bins

Could you please let me know if you agree or disagree with the above proposed TCO wording changes.

If you have any enquiries please contact me on telephone number 22(1)(a)(ii)

Kind regards,

22(1)(a)(ii)

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TCO Number	ADF2016/57435
Title	Auto Storage System Bins
Centre	NTAC
OP Date	06/10/2016
28 Day Due Date	03/11/2016
Date Sent	06/10/2016
Date Due	13/10/2016
Applicant	s. 47F(1)
Broker/Agent	s. 47F(1)
Goods	Auto Storage System Bins
Claimed Classification	3923.10.00
Tariff Screening Officer	
IDM Rejection	
Open TA	
Are the Goods Classifiable	
Comments	Yes. Goods are plastic storage bins made up of HDPE (High density polyethylene) and PP-ESD (Electrostatic Sensitive Devices- Polypropylene) which are plastics contained in chapters 3901 and 3902 respectively).
Does Wording Reflect Tariff Class	Yes. Goods meet terms A,B C and D of the proposed TCO.
Tariff Classification	3923.10
Is TCO Restricted by Reg. 145 (EGS)	No
Comments	
General Duty Rate	5%
Identification of Goods	Plastic storage bins used in a storage system controlled by robots.
Tariff Advice No(s)	Not applicable
Headings Considered	3923
Comments and Chapter Notes	Chapter 39, Note1. HSEN 39.23 paragraph 1(a).
Query Date	

Tariff Officer 22(1)(a)(ii)

Finalisation Date 07/10/2016

Version Updates

Application

TA Advice

Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

3923.10.00

BINS, AUTO STORAGE SYSTEM, PP, STACKABLE, BEING ANY OF THE  
FOLLOWING:

50

5

- (a) HEIGHT NOT LESS THAN 220MM AND NOT GREATER THAN 330MM;
- (b) ABLE TO SUPPORT STACKABLE WEIGHT NOT GREATER THAN 825KGS;
- (c) WEIGHT CAPACITY NOT GREATER THAN 30KGS;
- (d) BAR CODED

Op. 06.10.16

- TC 1657435

Stated Use:

For storage of goods within a multi layered grid which has robot  
controlled pick and pack modules to pick up and replace these  
bins

Applicant: S. 47F(1)

Notes

TCOs existing

NO

Tariff Advice

NO

Q5&6

F

536

IM Searches

F

10-21

IDM

F

22-23

Please check words and use

KG



0.7

PRE SCREENING CHECKLIST – 1657435

**Application Form**

- Applicant – s. 47F(1)
- Broker – s. 47F(1)

**1 – Description**

- Auto Storage System Bins

**2 - Illustrative Descriptive Material (IDM)**

- Sufficient

**3 – Tariff Classification**

- Sufficient
- 3923.10.00 has been 0 similar successful revocations or objections against this classification

**4- Stated use of Goods Supplied**

- Sufficient

**5 – Searches and Results of Searches**

- Google
- Australian Made
- Australian Manufacturers

22(1)(a)(ii)

10/10/2016

22(1)(a)(ii)

**From:** TARCON  
**Sent:** Thursday, 6 October 2016 11:48 AM  
**To:** s. 47F(1)  
**Subject:** RE: Bin Application [SEC=UNCLASSIFIED]

Good Morning s. 47F(1)

We have received your TCO Applications on behalf of s. 47F(1) The receipt date is the 6th of October 2016 and the TCO Number is 16/57435

Regards

22(1)(a)(ii)

Senior Border Force Officer

Tariff Concessions Administration Border Management Group Australian Border Force 3rd Floor Allara House

Constitution Ave Canberra City ACT 2601 Ph 22(1)(a)(ii)

Email: 22(1)(a)(ii)

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

From: s. 47F(1)

Sent: Thursday, 6 October 2016 11:24 AM

To: TARCON

Subject: Bin Application

Good Morning

Please find attached TCO Application for bar coded Stackable Storage Bins

Thanks

Best Regards

s. 47F(1)

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22(1)(a)(ii)

**From:** s. 47F(1)  
**Sent:** Thursday, 6 October 2016 11:24 AM  
**To:** TARCON  
**Subject:** Bin Appliaction  
**Attachments:** DOC061016.pdf

Good Morning

Please find attached TCO Application for bar coded Stackable Storage Bins

Thanks

ADF 2016/57435

Best Regards

s. 47F(1)

-----  
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6 OCT '16 11:24 AM

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Cush, Laurie

From: s. 47F(1)  
Sent: Monday, 5 September 2016 12:28 PM  
To: s. 47F(1)  
Cc:  
Subject: s. 47F(1) TCO - s. 47F(1)

Hello s. 47F(1)

We have two bin sizes, 220mm high and 330mm high, can you please add these details to our tariff application?

1. AS-12522 Bins 220mm high (max load per bin 30kg, 24+1 max number of stacked bins) Total max weight up to 750kg net (30kg x 25 stacked bins), total max weight up to 825kg gross (33kg x 25 stacked bins) 2. AS-12523 Bins 330mm high (max load per bin 30kg, 16+1 max number of stacked bins) Total max weight up to 510 kg net (305g x 17 stacked bins), total max weight up to 561kg gross (33kg x 17 stacked bins)

Each bin will hold up to 30kgs of product and the bin on its own weighs 2-3kg. Gross bin weight is 32-33kg, net bin weight is 30kgs.

Here is the drop box link for you to retrieve copies of the below manuals and datasheet.  
[https://www.dropbox.com/sh/oirbt7b3zogcigl/AABP9\\_bSbTBFNWSI2ZOdem9a?dl=0](https://www.dropbox.com/sh/oirbt7b3zogcigl/AABP9_bSbTBFNWSI2ZOdem9a?dl=0)

Manuals:

1. AS-50017 - 433 Robot User Manual
2. AS-50033 Grid 5.0 Manual
3. AS-50038 Port Carousel 2.0 Manual
4. AS-50072 Port Carousel 2.1 Manual
5. AS-50029 Controller Manual
6. AS-50051 Robot Charger 2.0 Manual
7. AS-50067 Console 2.1 Manual
8. AS-50025 Safety Concepts Manual
9. AS-50070 Service Vehicle Unit Manual 10. AS-50041 Software Manual

Datasheets:

1. Bin Lift 1.0
2. Controller 2.0 230V
3. Port Carousel 2.0
4. Port Carousel 2.1
5. Port Controller 3.0
6. Robot 5.0 433 MHz
7. Robot Charger 2.0 230V
8. Robot Radio 2.0 433 MHz
9. ASIO 2.0
10. AS-12522 Bins 220mm high (max load per bin 30kg, 24+1 max number of stacked bins) Total max weight up to 740kg 11. AS-12523 Bins 330mm high (max load per bin 30kg, 16+1 max number of stacked bins) Total max weight up to 512 kg

Regards

s. 47F(1) Project Manager

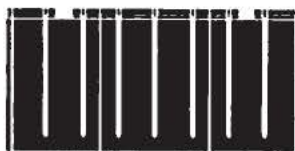


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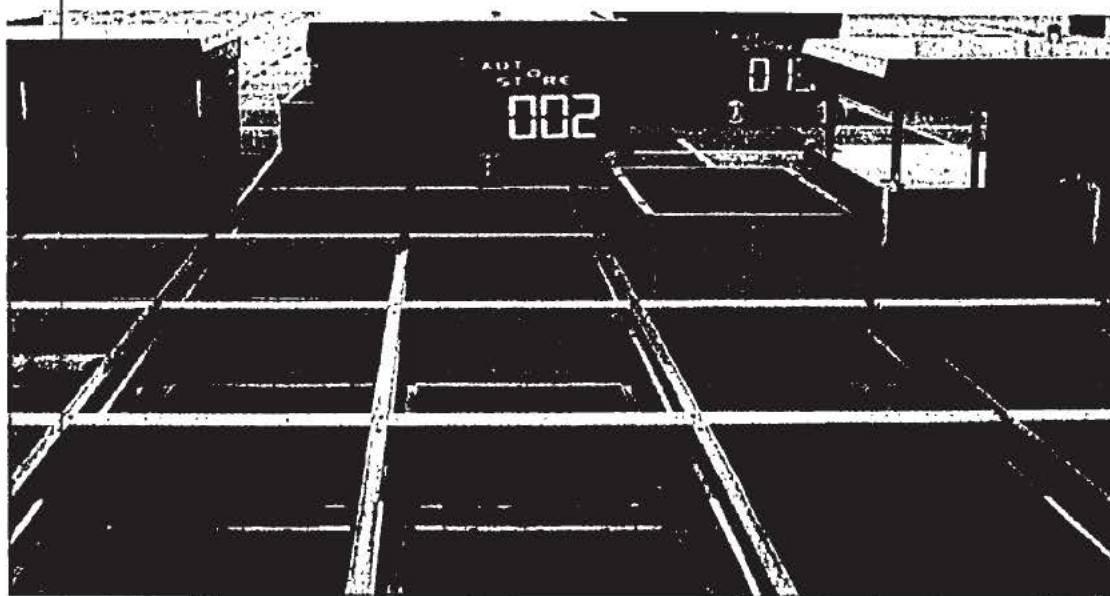
## Bin

The bins used for the AutoStore are currently sourced out of Europe. The design of the bin is fully proprietary and customized for the AutoStore system. The bins were developed over hundreds of hours of design and FEA (finite element analysis) in order to result in the finished product. The bins required a strict tolerance for many factors. The first being that the robot must find a bin in the same exact position every time. If there is warping of the bin structure, the robot will not be able to grip and lift the bin, resulting in a malfunction. The second being load capacity and stacking. Each bin is designed to carry a 30kg payload and be able to stack up to 24 stacks high, without any support other than the walls of the bin itself. The means that a bin at the bottom of a stack will be carrying the weight of the 23 bins above it, which at full capacity would be a total of 756.7kg. Hence the actual design of the bin and the molding to create it is a result of extremely precise manufacturing methods and specialized equipment.

In addition to the specialized design of the bin, the material utilized for its construction is a result of many hours of development in order to find the best material for long term durability for holding shape, wear, temperature resistant properties and fire retardation.



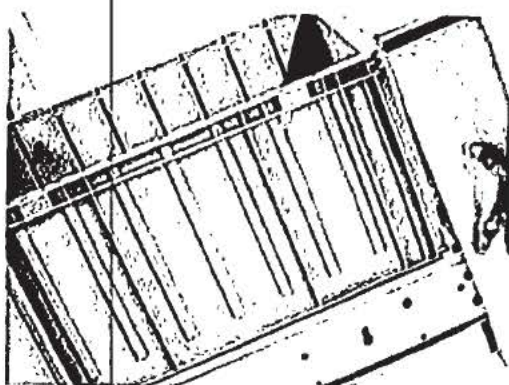
Footprint inside:	603 mm x 403 mm
Footprint outside:	649 mm x 449 mm
Height inside:	202 mm / 312 mm
Height outside:	220 mm / 330 mm
Weight:	2.7 - 2.9 / 4.1 - 4.4 Kg
Volume:	48 / 75 liter
Max Load:	30 kg (product weight)
Material:	HDPE or Antistatic/ESD (PP)



JAKOB HATTELAND COMPUTER AS  
N-5578 Nedre Vats, NORWAY. Phone +47 52 76 35 00 org. 974 533 014 hatteland.com

## Storage

All bins can be produced in HDPE and PP-ESD materials.



### **330 BIN**

Capacity: 75 liter / 30 kg

Outside dimensions:

W:449 mm / L:649 mm / H:330 mm

Inside dimensions:

W:400 mm / L:600 mm / H:310 mm

### **220 BIN**

Capacity: 48 liter / 30 kg

Outside dimensions:

W:449 mm / L:649 mm / H:220 mm

Inside dimensions:

W:400 mm / L:600 mm / H:200 mm

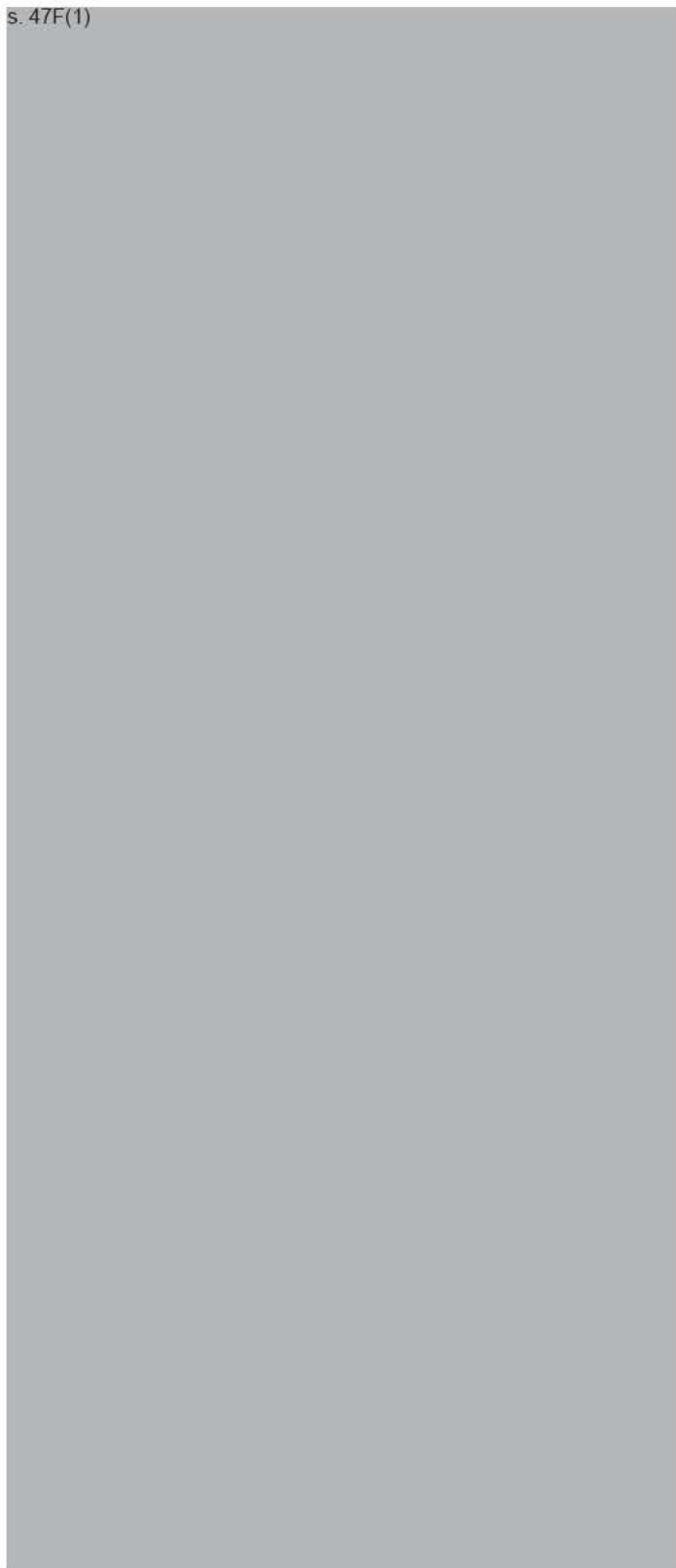
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s. 47F(1)



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Weatherproof Colour: Grey G  
S. 47F(1)



s. 47F(1)

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s. 47F(1)



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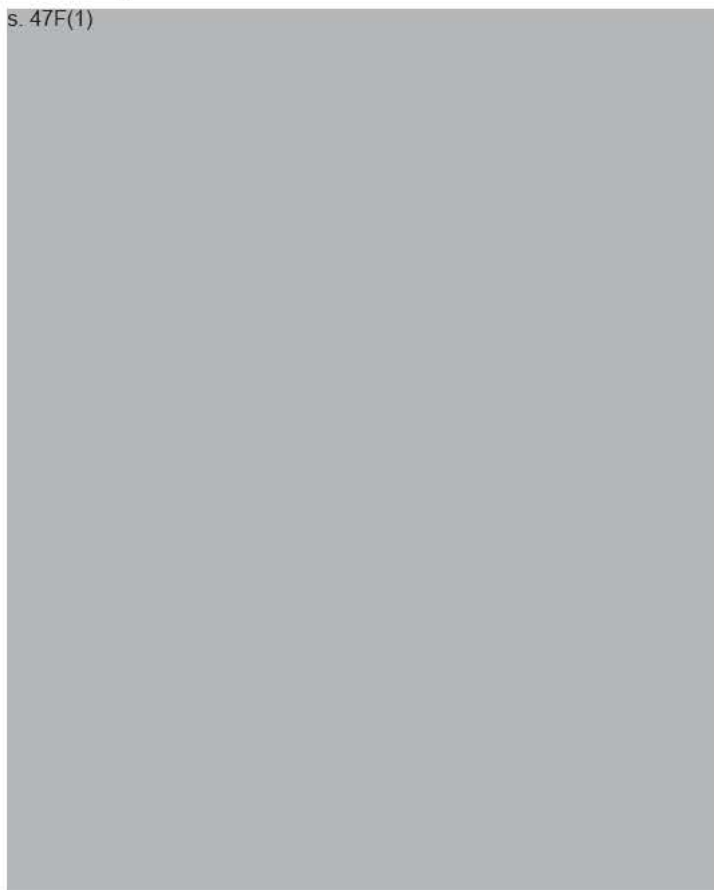


S. 47F(1)

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Plastics and Storage are wholesalers of a wide range of plastic containers of Australian made and owned heavy duty tubs and bins for home and industry uses

s. 47F(1)



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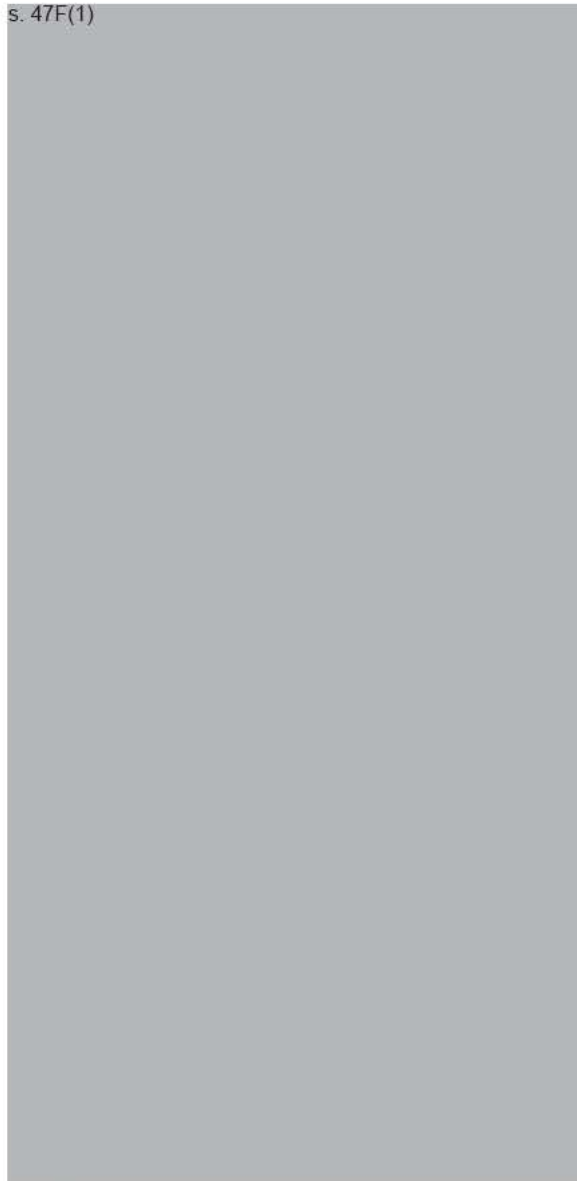
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s. 47F(1)

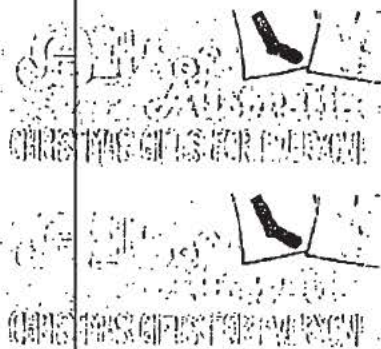
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s. 47F(1)

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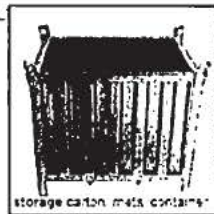
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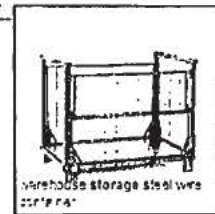
Small Orders Accepted

s. 47F(1)



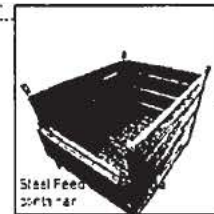
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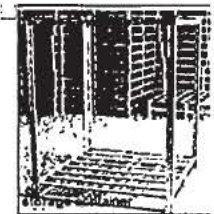
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s. 47F(1)



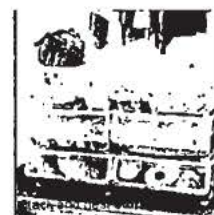
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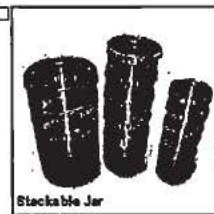
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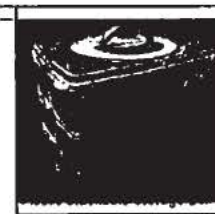
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s. 47F(1)

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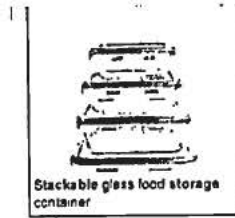
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## Household Products



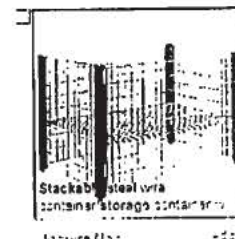
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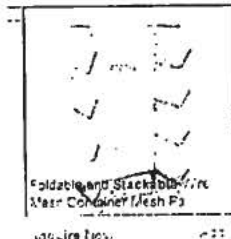
s. 47F(1)

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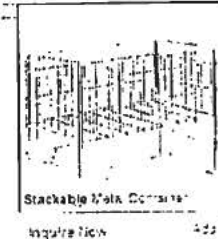
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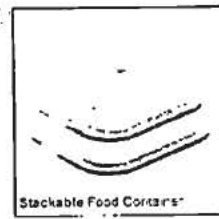
Matching products (25) | Full product catalog (1508)

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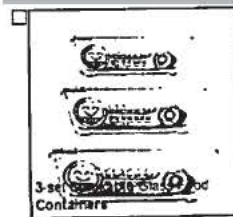
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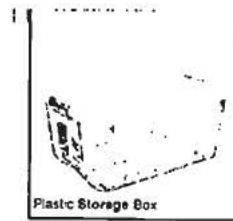
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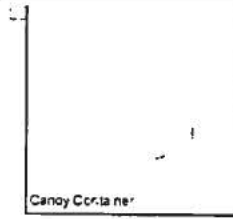
Plastic Storage Box

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Plastic Stacking Drawers

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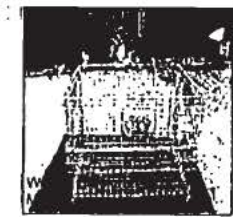
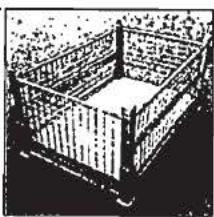
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Candy Container

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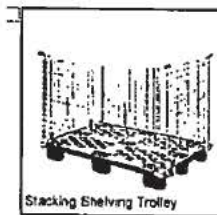
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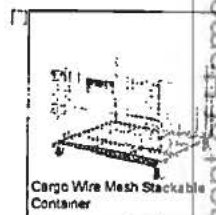
S. 47F(1)

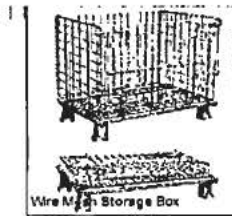
[Follow Me](#)[Compare](#)Stacking Shelving Trolley  
Storage Cage wire mesh c[Inquire Now](#)[Add](#)Stacking Shelving Trolley  
Storage Cage wire mesh c[Inquire Now](#)[Add](#)[Full product catalog \(200\)](#)

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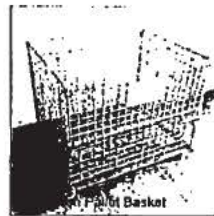
Stacking Shelving Trolley

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Container[Inquire Now](#)[Add](#)Released by Department of Home Affairs  
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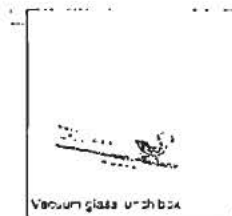
Full product catalog (599)

s. 47F(1)

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Full product catalog (109)

s. 47F(1)

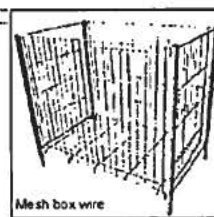
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W



Steel Wire Mesh Container

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Full product catalog (518)

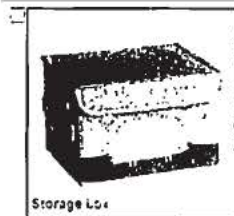
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s. 47F(1)

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Australian Government

Department of Immigration  
and Border Protection

## APPLICATION FOR TARIFF CONCESSION ORDER (TCO)

**IMPORTANT:** Please read the information below carefully before completing this form.

### Are you aware that substitutable goods are produced in Australia in the ordinary course of business?

- (a) If you are aware, based on information and your enquiries that substitutable goods are being produced in Australia in the ordinary course of business, then you should not lodge an application for a TCO.

### Do you need to apply for a new TCO?

- (b) Before lodging this 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), which is available on the Internet at [www.border.gov.au](http://www.border.gov.au).

### Have you verified that there are no substitutable goods produced in Australia (refer to questions 5, 6 and 7 of the form)?

- (c) 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 Comptroller-General of Customs, that, on the basis of:

- (i) all information that the applicant has, or can reasonably be expected to have; and
- (ii) all enquiries 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.

16/57435

### Completing the application

- (d) Section 269F of the *Customs Act 1901* requires that a TCO application 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 269F(3) states that a TCO application must contain:

- (a) a full description of the goods to which the application relates; and
- (b) a statement of the tariff classification that, in the opinion of the applicant, applies to the goods; and
- (c) if the applicant is not proposing to make use of the TCO to import the goods to which the application relates into Australia on the applicant's own behalf – the identity of the importer for whom the applicant is acting; and
- (d) particulars of all enquiries made by the applicant (including enquiries made of prescribed organisations) to assist in establishing that there were reasonable grounds for believing that on the day on which the application was lodged, there were no producers in Australia of substitutable goods.

6 OCT '16 11:38

### Questions 1 to 8 must be answered

- (f) Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date.)
- (g) The Department may require an applicant to substantiate, with documentary evidence, any information provided in the application form. The Department may also undertake its own enquiries as allowed under section 269M.
- (h) Receipt of your application will be acknowledged. Any resultant TCO will operate from the date of receipt.
- (i) 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 *Commonwealth of Australia Tariff Concessions Gazette* (the *Gazette*).
- (j) Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, in relevant Australian Customs Notices, Practice Statements, on the internet at [www.border.gov.au](http://www.border.gov.au), by emailing [tarcon@border.gov.au](mailto:tarcon@border.gov.au) or telephoning (02) 6198 7289.
- (k) Attached to this form are extracts from relevant legislation. Also please refer to Australian Customs Notice 2010/03 containing advice as to what Customs considers to be 'reasonable enquiries', advice on conducting searches on national and international search engines and a suggested format letter that you might choose to use when contacting potential local manufacturers to determine if it produces substitutable goods.

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**APPLICANT DETAILS**

Applicant's Name: s. 47F(1)	Australian Business Number (A.B.N): s. 47F(1)
Postal Address: s. 47F(1)	
Applicant's Reference: BINS	Company Contact: s. 47F(1)
Telephone Number: s. 47F(1)	Position Held: PROJECT MANAGER
Mobile Telephone Number: s. 47F(1)	Email Address: s. 47F(1)
Facsimile Number:	

*If the applicant (as named above) does 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 s.269F(3)(c) of the Customs Act 1901.*

**IMPORTER DETAILS**

If same as applicant write "as above"	Australian Business Number (A.B.N):
Importer's Name: AS ABOVE	
Postal Address:	
Importer's Reference:	Company Contact:
Telephone Number:	Position Held:
Mobile Telephone Number:	Email Address:
Facsimile Number:	

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

Agent's Name: s. 47F(1)	Australian Business Number (A.B.N):
Postal Address: s. 47F(1)	
Agent's Reference: BINS	Agency Contact: s. 47F(1)
Telephone Number: s. 47F(1)	Position Held: CUSTOMS MANAGER
Mobile Telephone Number: s. 47F(1)	Email Address: s. 47F(1)
Facsimile Number:	

Is this application intended to support an application for a concession under the Enhanced Project By-law Scheme?

☐ YES

☒ NO



### 1. DESCRIPTION OF GOODS

- (a) The description of the goods in the application may be used as the description of the goods in the TCO (if made).
- (b) The application must provide a full description of the goods, including the physical features of the various components of the goods. It must not describe the goods in terms of what they do.
- (c) In accordance with section 269SJ of the *Customs Act 1901*, the Comptroller-General 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 relevant Practice Statements on the Internet at [www.border.gov.au](http://www.border.gov.au). Failure to comply with Departmental requirements may result in rejection of the application.

**Describe the goods as you would propose the wording to appear if the Tariff Concession Order is granted**

BINS, AUTO STORAGE SYSTEM, PP, STACKABLE, BEING ANY OF FOLLOWING:  
 A) HEIGHT NOT LESS THAN 220MM AND NOT GREATER THAN 330MM  
 B) ABLE TO SUPPORT STACKABLE WEIGHT NOT GREATER THAN 825KGS  
 C) WEIGHT CAPACITY NOT GREATER THAN 30KGS  
 D) BAR CODED

### 2. ILLUSTRATIVE MATERIAL

**Attach technical and illustrative descriptive material (IDM) as well as any extracts from the relevant industry standard (if referred to in the description of the goods) and/or a sample to enable full and accurate identification of the goods the subject of the application. This application will be rejected if insufficient or inadequate IDM is provided.**

*Please note that simply supplying a reference to a website is not acceptable.*

### 3. TARIFF CLASSIFICATION

- (a) Identify the tariff classification (to 8 figure subheading level)
- (b) Identify the General Duty rate 5 %
- (c) If a Tariff Advice for the goods has been sought or obtained, please provide the TA No or attach a copy.

### 4. USES OF THE IMPORTED GOODS

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

FOR STORAGE OF GOODS WITHIN A MULTI LAYERED GRID WHICH HAS ROBOT CONTROLLED PICK AND PACK MODULES TO PICK UP AND REPLACE THESE BINS

6

**5. INFORMATION THAT THE APPLICANT AND IMPORTER HAS REGARDING AUSTRALIAN MANUFACTURERS OF SUBSTITUTABLE GOODS OR POTENTIALLY SUBSTITUTABLE GOODS**

The following questions require the applicant and the importer (if a different party to the applicant) to provide details of all information they have with regard to the presence of Australian manufacturers of substitutable goods or potentially substitutable goods.

**5A. APPLICANT**

In considering the goods which are the subject of this TCO application, is the applicant aware of any Australian manufacturers or producers of substitutable goods, or of potentially substitutable goods?

☐ YES ☒ NO If YES, please provide the names of these Australian manufacturers or producers.

**5B. IMPORTER**

In considering the goods which are the subject of this TCO application, is the importer (as listed on page 2) aware of any Australian manufacturers or producers of substitutable goods or potentially substitutable goods?

☐ YES ☒ NO If YES, please provide the names of these Australian manufacturers or producers.

**5C. PLEASE PROVIDE DETAILS OF OTHER INFORMATION THAT THE APPLICANT AND/OR IMPORTER MAY HAVE TO ASSIST IN LOCATING ANY LOCAL MANUFACTURERS**

(i) Is the applicant and/or importer a member of a relevant industry association and, if so, what is the name of the association?

☐ YES ☒ NO

If YES, what is the name of association/s:

(ii) Has the applicant and/or importer attended, in the past year, any trade fairs or industry events where Australian manufacturers and producers of goods that may be substitutable have been exhibitors?

☐ YES ☒ NO

If YES, what is/are the name/s of relevant Australian manufacturers of potentially substitutable goods that may have exhibited?

(iii) In the past two years has the applicant and/or importer participated in government and/or trade procurement processes (for example, tenders for made-to-order capital equipment) which might indicate the existence of Australian manufacturers or producers of goods that are substitutable, or potentially substitutable, for the goods that are the subject of this TCO application?

☐ YES ☒ NO

If YES, describe each procurement process, and type of goods, including made-to-order capital goods, that were the subject of each procurement process and any Australian manufacturers or producers known to have participated in each procurement process?



# 6. ENQUIRIES THAT THE APPLICANT AND/OR IMPORTER HAS MADE REGARDING LOCAL MANUFACTURERS OF SUBSTITUTABLE GOODS, OR OF POTENTIALLY SUBSTITUTABLE GOODS

The following questions require you to provide details of all enquiries that the applicant and/or importer have made to assist the Comptroller-General in establishing that there are reasonable grounds for believing that, on the day on which the application was lodged, there were no producers or manufacturers in Australia of substitutable goods, or potentially substitutable goods.

## 6A. PRESCRIBED ORGANISATIONS - Prescribed organisations, such as the Industry Capability Network, are listed in Regulation 144 of *Customs Regulation 2015*

Have you asked a prescribed organisation to obtain advice about whether there are manufacturers or producers in Australia of substitutable goods, or of potentially substitutable goods?

- ☐ YES Please attach a copy of the terms of the request and all advice received. If you have obtained a report from a prescribed organisation, you are not required to answer 6B.
- ☒ NO If you have not obtained a report from a prescribed organisation you are required to answer 6B.

## 6B. SEARCHES OF THREE DIFFERENT DATABASES CONTAINED IN TRADE DIRECTORIES, PUBLIC SEARCH ENGINES OR WEBSITES LISTING AUSTRALIAN PRODUCTS

If you have not obtained a report from a prescribed organisation, you must make enquiries in at least three databases to locate the possible existence of Australian manufacturers or producers of goods that may be substitutable for the goods the subject of the TCO application. Examples of these databases may include trade directories such as **Australian B2B**, search engines such as **Google**, and websites listing Australian products such as **Australian Made**. Please refer to ACN 2010/03 for guidance as to what the Department considers to be a reasonable search.

1 - Name of database: GOOGLE

Search terms used in database: PP STORAGE BINS - AUSTRALIA

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

2 - Name of database: AUSTRALIANMADE.COM

Search terms used in database: PP STORAGE BINS

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

3 - Name of database: AUSSTRALIAN MANUFACTURERS

Search terms used in database: PP STORAGE BINS

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

## 6C. INDUSTRY ASSOCIATIONS

Has the applicant and/or importer made enquiries of industry associations in Australia representing suppliers, manufacturers of the goods that may be substitutable to those the subject of the TCO?

- ☐ YES Please attach a copy of the terms of the request and any response received.
- ☒ NO Please explain why you have not made enquiries.  
NONE IDENTIFIED

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## 7. NOTIFICATION OF POTENTIAL AUSTRALIAN MANUFACTURERS

If any of the answers to questions 5 or 6 identified any potential local manufacturers of substitutable goods, please provide details of the enquiries that you undertook to notify those local manufacturers of your application and to seek advice whether they believe they manufacture any substitutable goods. Please refer to Australian Customs Notice 2010/03 for a suggested format of a letter to a potential local manufacturer of substitutable goods.

*Please provide a copy of your request to each business. Please provide the business names, details of the contact that you made and all responses received at the time of lodging this application.*

### 1 - Name and address of business:

Please provide a copy of your request to each business. Is the copy attached?

☐ YES

☐ NO

Please provide a copy of the response provided, if any. Is their response attached?

☐ YES

☐ NO

### 2 - Name and address of business:

Please provide a copy of your request to each business. Is the copy attached?

☐ YES

☐ NO

Please provide a copy of the response provided, if any. Is their response attached?

☐ YES

☐ NO

### 3 - Name and address of business:

Please provide a copy of your request to each business. Is the copy attached?

☐ YES

☐ NO

Please provide a copy of the response provided, if any. Is their response attached?

☐ YES

☐ NO

### 4 - Name and address of business:

Please provide a copy of your request to each business. Is the copy attached?

☐ YES

☐ NO

Please provide a copy of the response provided, if any. Is their response attached?

☐ YES

☐ NO

## 8. JUSTIFICATION FOR APPLICATION

Where potential Australian producers or manufacturers have been identified in questions 5, 6 or 7, please provide details why you believe that they do not produce substitutable goods in Australia in the ordinary course of business.

*Please refer to the attached definitions for the legislative definitions of 'core criteria', 'substitutable goods', 'goods produced in Australia' and 'the ordinary course of business'.*

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# **APPLICANT'S DECLARATION**

I, <b>s. 47F(1)</b>	Position Held <b>CUSTOMS MANAGER</b>
Company: (if applicable) <b>s. 47F(1)</b>	
declare that: 1. I have the authority to act on behalf of the company/applicant; 2. To the best of my knowledge and belief the information contained in this form including any attachments is correct; 3. I have ensured that questions 1 to 8 are completed and supporting documents are provided; and 4. I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of Sub-section 14(1) of the <i>Electronic Transactions Act 1999</i> , this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail to <b>tarcon@border.gov.au</b> , when it is first accessed by an officer of Customs as specified in Sub-Section 269F(4) of the <i>Customs Act 1901</i> . 5. I have read the relevant Australian Customs Notice headed Applicant's Obligations when applying for a TCO and the definitions attached to this form and understand my obligations under Section 269FA of the <i>Customs Act 1901</i> with regard to the making and processing of Tariff Concession Order applications. 6. I acknowledge that I understand that under Section 269M(6) of the <i>Customs Act 1901</i> that at any time during the period of 150 days from the gazettal day, the Comptroller-General may, for the purpose of dealing with a TCO application, and despite part 6 of the <i>Australian Border Force Act 2015</i> , give a copy of all, or of a part, of the application to a prescribed organisation with a view to obtaining the advice of the organisation in relation to the question whether there are any producers in Australia of substitutable goods.	
Signature of Applicant/Agent/Broker <b>s. 47F(1)</b>	Date: <b>6/10/16</b>

## **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.**

**Before lodging your form please ensure that you have attached the following:**

- ☒ Attached IDM/Samples?
- ☒ Attached Local Manufacturer search results?
- ☒ Application signed & dated?
- ☒ Questions 1-8 answered?
- ☒ All enquiries requested undertaken?

**When this form has been completed please lodge it with the Department by:**

• posting it by prepaid post to:  
 Director,  
 Industry Assistance,  
 Trade Branch  
 Department of Immigration and  
 Border Protection,  
 5 Chan Street  
 BELCONNEN ACT 2617

OR

- delivering it to the ACT Regional Office located at  
 Customs House, Canberra  
 OR  
 • sending it by facsimile to: (02) 6198 7203  
 OR  
 • e-mailing it to: **tarcon@border.gov.au**



2

**FOR OFFICE USE ONLY - DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION STAFF**

**269(H) Screening the Application**

- |                                                                                                           |                              |                             |
|-----------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Is the C-G satisfied that the application complies with Section 269F?                                     | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Is the C-G satisfied that the applicant has discharged all responsibilities referred to in section 269FA? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Is the C-G aware of any producer in Australia of substitutable goods?                                     | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Are the goods on the Excluded Goods Schedule (Regulation 145)?                                            | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Does a TCO already exist for these goods?                                                                 | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

**Information for applicants - some useful definitions from the Customs Act 1901**

**269B Interpretation**

**substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, 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 or of the TCO can be put.

- (4) In determining whether goods produced in Australia are put, or are capable of being put, to a use corresponding to a use to which goods the subject of a TCO, or of an application for a TCO, can be put, it is irrelevant whether or not the first mentioned goods compete with the second mentioned goods in any market.

**269C Interpretation - core criteria**

For the purposes of this Part, a TCO application is taken to meet 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.

**269D Interpretation - goods produced in Australia**

- (1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if:
- (a) the goods are wholly or partly manufactured in Australia; and
  - (b) not less than  $\frac{1}{4}$  of the factory or works costs of the goods is represented by the sum of:
    - (i) the value of Australian labour; and
    - (ii) the value of Australian materials; and
    - (iii) the factory overhead expenses incurred in Australia in respect of the goods.
- (2) For the purposes of this Part, goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.
- (3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:
- (a) operations to preserve goods during transportation or storage;
  - (b) operations to improve the packing or labelling or marketable quality of goods;
  - (c) operations to prepare goods for shipment;
  - (d) simple assembly operations;
  - (e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.
- (4) For the purposes of this section, the Comptroller-General may, by instrument in writing published in the *Gazette*:
- (a) direct that the factory or works cost of goods is to be determined in a specified manner; and
  - (b) direct that the value of Australian labour, the value of Australian materials or the factory overhead expenses incurred in Australia in respect of goods is to be determined in a specified manner;
- and those directions have effect accordingly
- (5) The provisions of sections 48 (other than paragraphs (1)(a) and (b) and subsection (2)), 48A, 48B, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to directions given under subsection (4) as if:
- (a) references in those provisions to regulations were references to directions; and
  - (b) references in those provisions to the repeal of a regulation were references to the revocation of a direction.

#### 269E Interpretation - the ordinary course of business

- (1) For the purposes of this Part, other than section 269Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:
- (a) they have been produced in Australia in the 2 years before the application was lodged; or
  - (b) they have been produced, and are held in stock, in Australia; or
  - (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;  
and
  - (d) a producer in Australia is prepared to accept an order to supply them.
- (2) For the purposes of this Part, goods that:
- (a) are substitutable goods in relation to goods the subject of a TCO application; and
  - (b) are made to order capital equipment;
- are taken to be produced in Australia in the ordinary course of business if:
- (c) a producer in Australia:
    - (i) has made goods requiring the same labour skills, technology and design expertise as the substitutable goods in the 2 years before the application was lodged; and
    - (ii) could produce the substitutable goods with existing facilities; and
  - (d) the producer is prepared to accept an order to supply the substitutable goods.
- (3) In this section:
- made-to-order capital equipment means a particular item of capital equipment:**
- (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
  - (b) that is not produced in quantities indicative of a production run.  
and
- capital equipment means goods, which if imported into Australia, would be goods to which Chapters 84, 85, 86, 87, 89 or 90 of schedule 3 to the *Customs Tariff Act 1995* would apply.**