

DEPT. OF INDUSTRY & COMMERCE

FILE No.

C

84 39973

SUBJECT

MODULAR COMPONENTS for WATER

PURIFICATION SYSTEM

FORMER PAPERS

BL 84-30084

LATER PAPERS

ARCHIVAL CATEGORY

FORM B407 (9/78)

C.B.R.

8421.21

54 15

(1) Folio No.	(2) Referred to	(3) Date	(4) Clearing Officer's Initials	(1) Folio No.	(2) Referred to	(3) Date	(4) Clearing Officer's Initials	(1) Folio No.	(2) Referred to	(3) Date	(4) Clearing Officer's Initials
		22(1)(a)(ii)									
96	CBR (3)	2/6		111	CTC(R2)	12/9					
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101	ADTC (B3)	2/10		114	EXAMINED						
101	PA				ADTC (B2)	20/12					
101	CBR 3				EXAMINED						
101	EXAMINED				ADTC (B2)						
102	PA	22/1			EXAMINED						
102	CTC (R5)				SITO (1)	18/12					
102	PA	10/9			CITD	19/4					
103	CTC (C10)	13/9		115	CITR (C)	20/9					
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103	EXAMINED	5/11			TAKIFF Q	14/5					
106	ADTC (B3)				SITO (2)	22/5					
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110	EXAMINED										

ARCHIVAL CATEGORY

T
CRA
2736
1979-1992

INDEXING INSTRUCTIONS

TO REVIEW
3050

C84/39973



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**AUSTRALIAN
CUSTOMS SERVICE**

137

File No.
C84/39973

**MINUTE PAPER
CENTRAL OFFICE**

SITA(2)
SYDNEY NSW

APPEAL - s. 47(1)(b) REVERSE OSMOSIS FILTRATION SYSTEM

Your file N91/6996 refers. Your request is at folio 88.

We carried out some fairly substantial research in this office on the eligibility of the above goods for TC 8439973. We agree with your decision that the goods cannot benefit from the TCO.

A copy of my letter to s. 47F(1) is included on this file at folio 100. I have tried not to repeat the earlier responses given to him but saw no point in going into a lot of detail over a matter which seems self-evident.

22(1)(a)(ii)

A/g CITO

22 May 1992

s. 47F(1)

*I understand you wanted
see our reply to broken (ff) 136
Folio 128 refers*

s. 47F(1)

s. 47F(1)

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AUSTRALIAN CUSTOMS SERVICE

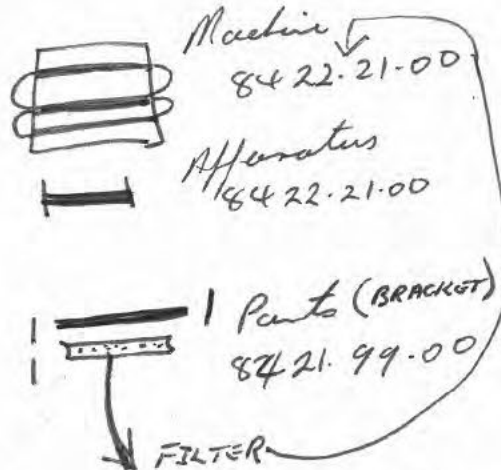
Reply to the Comptroller-General

Quote C84/39973

CUSTOMS HOUSE
5-11 Constitution Avenue
ANBERRA ACT 2601
phone (06) 275 6666

12 May 1992

s. 47F(1)



Dear s. 47F(1)

Your letter to s. 47F(1)
Australian Customs :

se of the
for review.

You have described the goods as a s. 47(1)(b) Reverse Osmosis Water Purification System and as such we have no dispute over the classification of the goods to sub-heading 8421.21.00 of the Australian Customs Tariff. The question to be resolved is the eligibility of these goods for a Tariff Concession Order.

Within sub-heading 8421.21 the TCO that you consider applies is numbered TC 8439973. Our position is that the TCO may only relate to membrane cartridges or membrane modules. The final four words of the TCO merely limit the types of membrane apparatus to that used in a reverse osmosis filtration system.

If it was intended that the TCO cover complete systems it would have been sufficient to say just that. There are any number of precedents in the construction of TCOs supporting such limitations. As a random example, at Chapter 84/73, ref. 5, the description of TC 8437520 is CLEANERS, paper pulp. It could never be suggested that paper pulp enter under this TCO. The same would apply if the goods falling after the comma were also classified to the same sub-heading as in the case of the filtration system.

Consequently, I support the decision of the ACS to disallow use of the TCO in regard to a complete reverse osmosis filtration system.

Yours sincerely

s. 47F(1)

for Director
Tariff Uniformity

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AUSTRALIAN CUSTOMS SERVICE

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Reply to the Comptroller-General

Quote C84/39973

CUSTOMS HOUSE
5-11 Constitution Avenue
CANBERRA ACT 2601
Phone (06) 275 6666

22 May 1992

s. 47F(1)

Dear s. 47F(1)

Your letter to s. 47F(1) in the Sydney office of the Australian Customs Service has been passed to me for review.

You have described the goods as a s. 47(1)(b) Reverse Osmosis Water Purification System and as such we have no dispute over the classification of the goods to sub-heading 8421.21.00 of the Australian Customs Tariff. The question to be resolved is the eligibility of these goods for a Tariff Concession Order.

Within sub-heading 8421.21 the TCO that you consider applies is numbered TC 8439973. Our position is that the TCO may only relate to membrane cartridges or membrane modules. The final four words of the TCO merely limit the types of membrane apparatus to that used in a reverse osmosis filtration system.

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Yours sincerely

s. 47F(1)

for Director
Tariff Uniformity

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AUSTRALIAN CUSTOMS SERVICE

File No.

N91/6996

MINUTE PAPER CENTRAL OFFICE

CITO

APPEAL - REVERSE OSMOSIS SYSTEM - ELIGIBILITY FOR TC 8439973

BACKGROUND

This appeal has been lodged by 22(1)(a)(ii) [redacted]

and concerns the eligibility for Tariff Concession of a reverse osmosis water system. 22(1)(a) on 13 May 1992 requested our urgent action (see folio 93). (The small delay has been caused by waiting for a file to be sent back to us from Brisbane.)

The problem is not one of tariff classification, but whether these goods are eligible for entry under TC 8439973, which states:

8421.21 **MEMBRANE CARTRIDGES OR MEMBRANE MODULES, reverse osmosis filtration system.**

NOTE: In the first instance, the importer requested admission under tariff heading 8421.29.00 and TC 9002055, but as the goods are for purifying water, the correct heading is 8421.21.00 and the TCO would have to be TC 8439973.

RESEARCH

In March of this year, 22(1)(a)(ii) [redacted] (SITO(2) and I, did a lot of research and work on another problem to do with this particular Tariff Concession Order. See file C84/39973 attached (the original Tariff Concession file) and folios 94-7 of this file. At that time, we determined that the original intention of the TCO was to cover only membrane cartridges and membrane modules (which are made up of the membrane cartridge plus housing). The original wording of the then by-law was, membrane cartridges or membrane modules, designed to be used in reverse osmosis filtration systems (the underlining is mine). The wording was changed when the CBR was converted to a Tariff Concession Order. No reason was given for the change.

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In his reply to the Investigation Officer in Fremantle (see para 4, folio 97) 22(1)(a)(ii) commented that the dropping of the words "designed for use in" was unnecessary. He said that as the wording of the TCO stands now, it "seems to infer the membrane cartridges or modules constitute the filtration system" (see para 4, folio 97).

Based on the research already done, I have no doubts that TC 8439973 and TC 9002055 were both meant only to cover membrane cartridges and membrane modules, and was never meant to cover whole filtration systems. See 22(1)(a)(ii) comment, para 4, folio 13, file C84/39973.

The applicant is very definitely wrong when on folio 45 he says that "It would appear that by the changes made to various headings and ... TCOs 8439973 and 9002055 are intended to refer to complete goods", and on folios 81-2 where he also suggests that the TCO could equally be worded "Reverse osmosis filtration system, using membrane cartridges or membrane modules". As Inspector, Import Audit states on folio 54, if the concession was meant to cover complete systems, then the words "membrane cartridge or membrane module are entirely superfluous.

As far as the actual tariff classification of these goods are concerned, 22(1)(a)(ii) has stated in his minute of 5 March 1992, that he believes the cartridges are more correctly classified to 8421.99 as parts for modules. However, I can only agree with SITA(2), Sydney on folio 88 that membrane cartridges and modules both correctly fall to heading 8421.21 as filtering apparatus in their own right. To my mind, it is the cartridge which is the essential element of the system and thus is identified as filtering or purifying apparatus. Terms of heading. Tariff advices from other States also seem to agree with this way of thinking. See printouts attached to file cover.

Be that as it may, this particular case is only concerned with Tariff Concession eligibility, and the goods the subject of this appeal are, in my opinion, definitely not admissible under TC 8433973. I do believe, however, that Tariff Concessions should be approached to amend the wording of this TCO to avoid similar confusion in the future.

Submitted for your consideration.

22(1)(a)(ii)

A/g SITO(2)
Tariff Operations

15 May 1992

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82.133

s. 47F(1)



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88 131

s. 47F(1)

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80 131

s. 47F(1)

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29 130

s. 47F(1)

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12

128 129

s. 47F(1)



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FILE EXAMINED

FILE No.

MINUTE PAPER

CENTRAL OFFICE

C84/39973

(06) 275 6540

22(1)(a)(ii)

Investigation Officer
Fremantle

Eligibility for TC 8439973 - Housings for Membrane Filter Elements
Your Minute of 30 January refers

Though the membrane module referred to in the original bylaw application seems to have consisted of only two components - the cartridge and housing - this fact was not carried through into the goods description and consequently the concession should be interpreted in its broadest sense. Thus any type of membrane module, irrespective of its component parts, classified to 8421.21 and which is for use in a reverse osmosis filtration system is, to my mind, entitled to concessional entry under TC 84339973.

It follows that any component identified as a part of that module qualifies for duty free entry under parts concession TC 8734172.

However, I have problems with the classification of the goods referred to in this concession. While the module itself would seem to be correctly classified to 8421.21 I believe the cartridge, as part of the module, should fall to 8421.99. I will take up with Tariff Concessions the question of either dropping the reference to cartridges (being parts TC 8734172 will take care of them) or introducing a new tariff concession, keyed to 8421.99, which refers to membrane cartridges/elements for modules designed for use in reverse osmosis filtration systems.

I am not sure why the phrase 'designed for use in' as in "designed for use in reverse osmosis filtration systems" was dropped when the existing tariff concession replaced the previous bylaw. It was I believe a bit of unnecessary editing - as it now stands the current goods description for TC 8439973 seems to infer the membrane cartridges or modules constitute the filtration system.

One minor query: both you and the Senior Inspector, Tariff Advice refer to TC 8734173 (Part 2/1), should it be TC 8734172 (Part 2/31)? If you have questions on any of the above don't hesitate to ring me.

22(1)(a)(ii)

Senior Inspector, Tariff Operations TO (2)
5 March 1992

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TARIFF ADVISE NUMBER : 4646400

DATE LODGED : 18/04/91

STATE : 4 PORT : A TYPE : 7 BAY : T

IDM : Y SAMPLES : N

CONFIDENTIAL : NO

DESCRIPTION OF GOODS :

REVERSE OSMOSIS MODULE UNIT MODEL UAT 3000, UAT 18 FLOTEC, STC -
VALVES, FILTERS, HOUSINGS, MEMBRANES, TUBING, PRESSURE VESSEL
(TANK), FLOCON INJECTION SYSTEM ORIGIN = USA

CLAIMED HEADING : 8421.21.00 INST NO : 8439973 QUOTA : QIN :

REASON FOR CLAIMED ADVISE :
ESSENTIALLY A REVERSE OSMOSIS MODULE ACCEPT 842121 - TC8429973 -
TERMS OF ITEMS, AS DIRECTED BY APPLICANT.

PREVIOUS ADVISE NUMBER ISSUED FOR THESE GOODS : NONE

OWNER CODE
SUPPLIER CODE

22(1)(a)(i)

BROKER
COMPANY

22(1)(a)(ii)

BOX NO : 22(1)(a)(i)

GIVEN HEADING : 8421.21.00 INST NO :

QUOTA : QIN :

MULTIPLE OR SPLIT CLASSIFICATION : N

REASON FOR ADVISE :
GOODS ARE COMPLETE REVERSE OSMOSIS WATER FILTRATION SYSTEMS,
TO NOT APPLICABLE AS IT REFERS ONLY TO MEMBRANE CARTRIDGES AND
MODULES FOR SYSTEMS. FILE 591/01990 REFERS.

ADVISE STATUS : F DATE : 23/05/91
CHANGED STATUS : DATE : CODE :

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SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART II - Instruments NOT keyed to an item in Schedule 3 to the Customs Tariff (ie. miscellaneous references) but for which tariff classification of the goods concerned must be determined and shown on the entry for home consumption.

R.2

Part 2/31

Description of Goods	Prescribed Item and Validity Date												
<p>1. This by-law may be cited as Customs By-law No. 9140094.</p> <p>2. This by-law shall take effect on and from 1 July 1989.</p> <p>3. Item 47 in Part III of Schedule 4 to the Customs Tariff Act 1987 applies to radio broadcast reception equipment being units of a kind used in motor vehicles as audio entertainment equipment, but not including transceivers.</p> <p>4. For the purposes of this by-law, the "Customs Tariff Act 1987" means the Customs Tariff Act 1987, as amended or proposed to be altered.</p> <p>Op. 1.7.89</p> <p style="text-align: right;">- BL 9140094</p>	47												
<p>GOODS, as follows:</p> <p>(a) chemicals, where the total customs value of any one shipment does NOT exceed A\$ 1 000 AND the customs value of ANY ONE chemical does NOT exceed A\$ 250;</p> <p>(b) goods, other than chemicals, where the total customs value of ANY ONE shipment does NOT exceed A\$ 1 000 AND the customs value of ANY ONE good does NOT exceed A\$ 500; or</p> <p>(c) goods which would attract duty at a rate of 2% or less in Column 3 (General Rate) in Schedule 3 to the Customs Tariff, being goods that:</p> <p>(i) at the time of entry for home consumption are OWNED by a university, college, school or other educational institution; AND</p> <p>(ii) are for use for instructional purposes in the university, college, school or educational institution;</p> <p>but NOT including goods:</p> <p>(a) subject to import licensing or quantitative (Quota) restrictions; or</p> <p>(b) excluded by operation of Customs Regulation 185 and Schedule 2 of the Customs Regulations</p> <p>Op. 21.10.83 - Dec. date 25.6.85</p> <p>NOTE: Entry Information</p> <p>This Order has been made to facilitate entry for home consumption of the goods specified, under Item 33 in Part 2 of Schedule 4 to the Customs Tariff. Nominal Tariff Classification 9999.40.33 need only be shown on the entry for home consumption</p> <p style="text-align: right;">- TC 8333532</p>	50												
<p>PARTS FOR COMPLETE GOODS TO WHICH, if imported, Item 50 in Schedule 4 to the Customs Tariff would apply by virtue of a Commercial Tariff Concession Order made under Part XVA of the Customs Act where:</p> <p>(a) the parts:</p> <p>(i) are classified under the same heading as the complete goods for which they form a part; or</p> <p>(ii) are parts classified under ANY of the headings listed in THE TABLE below, NOT being parts excluded from a Commercial Tariff Concession Order made under Part XVA of the Customs Act for the purposes of ANY of those headings; and</p> <p>(b) the parts are NOT excluded from the Commercial Tariff Concession Order for the complete goods for which they form a part</p> <p style="text-align: center;">THE TABLE</p> <table><tr><td>8409</td><td>8503</td><td>8548</td></tr><tr><td>8431</td><td>8522</td><td>9114</td></tr><tr><td>8466</td><td>8529</td><td>9209</td></tr><tr><td>8473</td><td>8538</td><td>9305</td></tr></table> <p>Op. 1.1.88</p> <p style="text-align: right;">- TC 8734172</p>	8409	8503	8548	8431	8522	9114	8466	8529	9209	8473	8538	9305	50
8409	8503	8548											
8431	8522	9114											
8466	8529	9209											
8473	8538	9305											

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SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART II — Instruments NOT keyed to an item in Schedule 3 to the Customs Tariff [ie, miscellaneous references] but for which tariff classification of the goods concerned must be determined and shown on the entry for home consumption.

R.2

Part 2/1

Description of Goods	Prescribed Item and Validity Date
<p>PARTS FOR COMPLETE GOODS to which, if imported, Item 10 in Schedule 4 to the Customs Tariff would apply by virtue of a Commercial Tariff Concession Order made under Part XVA of the Customs Act, where:</p> <p>(a) the parts:</p> <p>(i) are classified under the same heading as the complete goods for which they form a part; or</p> <p>(ii) are parts classified under ANY of the headings listed in THE TABLE below, NOT being parts excluded from a Commercial Tariff Order made under Part XVA of the Customs Act for the purposes of ANY of those headings; and</p> <p>(b) the parts are NOT excluded from the Commercial Tariff Concession Order for the complete goods for which they form a part</p>	10
THE TABLE	
8409 8431 8466 8473	8503 8522 8529 8539
8548 9114 9209 9305	

Op. 1.1.88

- TC 8734173

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SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART 1 - TARIFF CONCESSION ORDERS

Chapter 24/72

Description of the particular goods including the applicable subheading of the Customs Tariff	Prescribed Item Last day of effect
8421.21 MEMBRANE CARTRIDGES OR MEMBRANE MODULES , reverse osmosis filtration system Op. 1.1.88 - TC 8439973	50
8421.21 MEMBRANE MODULES OR MEMBRANE STACKS , designed for use in electrodialysis reversal desalination equipment Op. 1.1.88 - TC 8437869	50
> 8421.21 PURIFICATION SYSTEMS , ozone, for swimming pools which incorporate an ozone generator with ozone production of 1.2 g/h for automatically controlling the rate of chemical addition necessary for purification Op. 1.1.88 - Dec. date 21.3.91 - TC 8734206	50 1.4.88
8421.21 SKIMMERS , protein, designed for removal of protein particles from and introduction of an ozone/air mixture to aquariums Op. 1.1.88 - TC 8437575	50
8421.21 SUB ASSEMBLIES , hub and shaft, designed for use in the construction of water filtration plants, comprising ALL of the following: (a) cast iron hubs; (b) high tensile steel shafts; (c) cast iron rack segments and seals, which include ALL of the following: (i) simulated hub for trial assembly; (ii) erection aids and templates; (iii) stainless steel fixings; (iv) mesh panels Op. 26.1.90 - Dec. date 18.9.91 - TC 9001904	50
8421.22 FILTERS , coffee, metal, micromesh Op. 1.1.88 - TC 8531142	50
8421.22 FILTERS , milk, four stage or five stage, nylon mesh Op. 1.1.88 - TC 8433420	50
8421.23 FILTER/SEPARATORS , diesel fuel, comprised of BOTH housing and cartridge, designed for the removal of both solid and liquid contaminants from the fuel, having ALL of the following characteristics: (a) at the primary stage, the separation of liquid from solid contaminants using centrifugal action; (b) at the secondary stage, the coalescence of liquid particles; (c) at the final stage, the removal of the remaining solids using a filter cartridge, but NOT including cartridges when imported separately Op. 1.1.88 - TC 8632362	50
8421.23 FILTERS , centrifuge, bypass type, internal combustion engine lubricating oil, capable of BOTH of the following: (a) centrifugal action to deposit dirt particles; (b) expelling the clean oil through jets, thus spinning the centrifuge Op. 1.1.88 - TC 8635043	50
8421.23 FILTERS , lubrication or hydraulic oil, full-flow (non-bypass) spin-on type, having a length of 22.8 cm or greater For the purposes of TC 8736044 "full-flow" filters incorporating a bypass valve are taken to be "full-flow" (non-bypass) types Op. 1.1.88 - TC 8736044	50
8421.23 FILTERS , petrol, designed for the separation of water from petrol in internal combustion engine fuel systems Op. 1.1.88 - Dec. date 12.8.88 - TC 8733938	50
8421.29 APPARATUS , specially designed to dialyse and concentrate protein and other macromolecular solutions to volumetric microl quantities Op. 1.1.88 - TC 8433961	50

> Last day of effect of this Order is 1.4.88 - in transit provisions
DO NOT apply. 'Production commencement day' - 2.4.88

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eligible for concessional treatment if at present there are still no local manufacturers for these goods. Either under TC 8439973 if imported as part of a module or under TC 8734173 if imported separately. ✓

Finally, to return to the immediate case in hand, that of 22(1)(a)(ii) I believe that the goods they are importing from 22(1)(a)(ii) in the USA, consisting of membrane elements and housings (or as 22(1)(a)(ii) call them "pressure tubes") are eligible for duty free admission. ✓

RECOMMENDATION

If you agree, I recommend we advise the Senior Inspector, Investigation accordingly.

Submitted for your consideration.

22(1)(a)(ii)

FTO(2)
Tariff Operations

24/2/92

FTO(2)

I agree with the above recommendation, but have a couple of queries (see folio 127).

22(1)(a)(ii)

FTO(2)
5.3.92

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Senior Inspector, Investigation, in Fremantle has requested the Senior Inspector, Tariff Advice to examine the eligibility of goods for TC 8439973. His report is on folio 118.

The Senior Investigation Officer, ^{22(1)(a)(ii)} however, does not agree with the opinions expressed in this report and has asked us to re-examine the matter.

RESEARCH

Like the Senior Inspector, Tariff Advice, I have read through this complete TC file (several times) and having done so I can only concur with what he has said.

I believe that at the time the original Ministerial Determination and CBR were issued, the intention was to cover the whole reverse osmosis module, ie both cartridge and housing. ✓

On folio 13 paragraph 4, ^{s. 47F(1)} states that a MD is appropriate for the modules only (the other items, eg pump/motor assembly, control valves etc to be the subject of separate by-law applications) and I have no reason to believe that by this he meant just the cartridges. This is borne out by the fact that when the CBR was issued the wording actually made mention of both modules and cartridges. From this I believe that the By-Law was meant to cover cartridges (or membranes - this word appears to be synonymous with "cartridge", again see ^{s. 47F(1)}'s minute on folio 13, paragraph 1) and/or modules which are made up of a cartridge or membrane and a housing. The intention being that the By-Law would apply to whole modules, or cartridges only if imported separately. ✓

I also believe that this argument is strengthened by the correspondence between Central Office and Port Adelaide (see folios 40-5) which agreed that an unassembled reverse osmosis membrane set, consisting of a number of parts which when put together would make up a complete filter module, was eligible for admission under the CBR.

Research into TAPIN on these sorts of goods has revealed that Sydney, Brisbane, Adelaide and Fremantle (see TA 4646400) agree with this way of thinking. *folio 126*

I agree with the Senior Inspector, Investigation that the original By-Law application was not meant to cover the reverse osmosis system in its entirety. However, I cannot agree to his contention on folio 119 that the By-Law was meant to cover **ELEMENTS/CARTRIDGES** only. The original By-Law is clear in its intention to cover the **whole** module - both cartridge and housing. ✓

Therefore, I must agree with the Senior Inspector, Tariff Advice and would uphold his opinion that housings are

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SITO(2)

MODULES FOR REVERSE OSMOSIS WATER PURIFI

This is another problem which has nothing classification as such, but concerns the c behind a Tariff Concession Order.

BACKGROUND

Back in December 1979, an application was on behalf of 22(1)(a)(ii) to cover mo for a reverse osmosis water purification s components consisted of the following:

1. Pump/Motor Assembly.
2. Electronic Control box.
3. Control valves.
4. RO Modules comprising cartridges and housings.

As a result of this application, a ministerial determination was issued to cover only the reverse osmosis modules and a reference was placed in the Consolidated By-Laws which read:

84.18 *membrane cartridges or membrane modules, designed to be used in reverse osmosis filtration systems.*

The other items were to be considered only on receipt of separate by-law applications for each different four figure tariff classification. (See folio 13).

When the CBR was converted to a Tariff Concession Order (TC 8439973), the wording changed slightly to read:

Membrane cartridges or membrane modules, reverse osmosis filtration systems.

and at Harmonization, the goods were classified (correctly in my opinion) to heading 8421.21.

The problem which exists now is outlined in folios 116-9.

22(1)(a)(ii) has apparently been importing "membrane cartridges" and "pressure vessels" (which house the cartridges) and claiming TC 8439973 on some importations and the parts TCO (TC 8734173) on others. The

8734173?

Explanation
of
TCO 1

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SITO(2)

MODULES FOR REVERSE OSMOSIS WATER PURIFICATION SYSTEMS

This is another problem which has nothing to do with tariff classification as such, but concerns the original intention behind a Tariff Concession Order.

BACKGROUND

Back in December 1979, an application was lodged for By-Law on behalf of 22(1)(a)(ii) to cover modular components for a reverse osmosis water purification system. The components consisted of the following:

1. Pump/Motor Assembly.
2. Electronic Control box.
3. Control valves.
4. RO Modules comprising cartridges and housings.

As a result of this application, a ministerial determination was issued to cover only the reverse osmosis modules and a reference was placed in the Consolidated By-Laws which read:

84.18 *membrane cartridges or membrane modules, designed to be used in reverse osmosis filtration systems.*

The other items were to be considered only on receipt of separate by-law applications for each different four figure tariff classification. (See folio 13).

When the CBR was converted to a Tariff Concession Order (TC 8439973), the wording changed slightly to read:

Membrane cartridges or membrane modules, reverse osmosis filtration systems.

and at Harmonization, the goods were classified (correctly in my opinion) to heading 8421.21.

The problem which exists now is outlined in folios 116-9.

22(1)(a)(ii) 22(1)(a)(ii) has apparently been importing "membrane cartridges" and "pressure vessels" (which house the cartridges) and claiming TC 8439973 on some importations and the parts TCO (TC 8734173) on others. The

2724173?

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119 B

Folio 119 refer
(para. 1)

AUSTRALIAN CUSTOMS SERVICE
CANBERRA, A.C.T. 2600

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PAGES : TWO DATE : 19 NOVEMBER, 1991

TO

22(1)(a)(ii)

619-738 3000

COMPANY :

22(1)(a)(ii)

FAX :

AUTODIAL

FROM :

22(1)(a)(ii)

FAXED

Please Note our new
Fax & Phone Numbers!

FAX MESSAGE

Dear

22(1)(a)(ii)

IN COMMERCIAL CONFIDENCE

We have been summoned by the Australian Customs Investigators to front up tomorrow and substantiate a duty by-law we use for the import of your RO modules. This reduces duty payable from about 18% to nil.

Substantiating the description of 22(1)(a)(ii) goods as "Reverse Osmosis Modules" is vital to us in that if we are unsuccessful, not only will 22(1)(a)(ii) goods carry a duty of 18% but back duty over 4 years plus penalty will be levied. Obviously this would be a disaster for 22(1)(a)(ii) "Reverse Osmosis Membrane" is separately described.

A letter from the manufacturer of the goods is going to be vital to establish the use / purpose / application of your products.

Can you please assist by forwarding to us by fax today, a letter similar to the guide which follows, I believe it contains the necessary elements for the successful arguing of our case. Obviously we trust that you fully agree with all the statements made in this letter before putting them in print. This issue is vital to us.

LETTER ON 22(1)(a)(ii)

LETTERHEAD

Dear

22(1)(a)(ii)

We received today your fax requesting that we confirm the purpose application and markets of our products. We understand your intention to present this letter to the Australian Customs Federal Department.

All products sold to 22(1)(a)(ii) have been pressure tubes (plus spares and adaptors), otherwise known as RO modules or vessels.

There are various types of RO modules and 22(1)(a)(ii) only manufacture modules suitable for spiral wound membrane elements. As all spiral wound elements are cylindrical in shape all of our modules are in the form of "pressure tubes" or "modules". The pressure tubes are supplied in various lengths so as to accommodate up to 6 RO membrane elements. It is to this module that the feed, product and reject streams are connected. The module is the essential component of a RO plant. Many modules are connected in the forms of arrays to form a full size system. For RO process to operate the salty stream must be applied under pressure, the degree of pressure is largely dependent on the salt concentration. A range of design pressure

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ratings is offered by 22(1)(a)(ii) to suit different intended applications, ie 600 psi for brackish water RO, 1000 psi for Seawater RO.

In the USA our products are known as pressure tubes. Our products are exclusively designed for the Reverse Osmosis market. The term Reverse Osmosis Modules for our products is also correct.

To our best understanding our tubes are used exclusively for this purpose by 22(1)(a)(ii)

s. 47(1)(b)

You enquired in particular about your last order on our invoice #12051.

s. 47(1)(b)

The adaptor kit is to allow internal connection to the selected style of RO element.

END

Thanks for your help on this one.

Kindest re 22(1)(a)(ii)

22(1)(a)(ii)

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s. 47(1)(b)

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s. 47(1)(b)



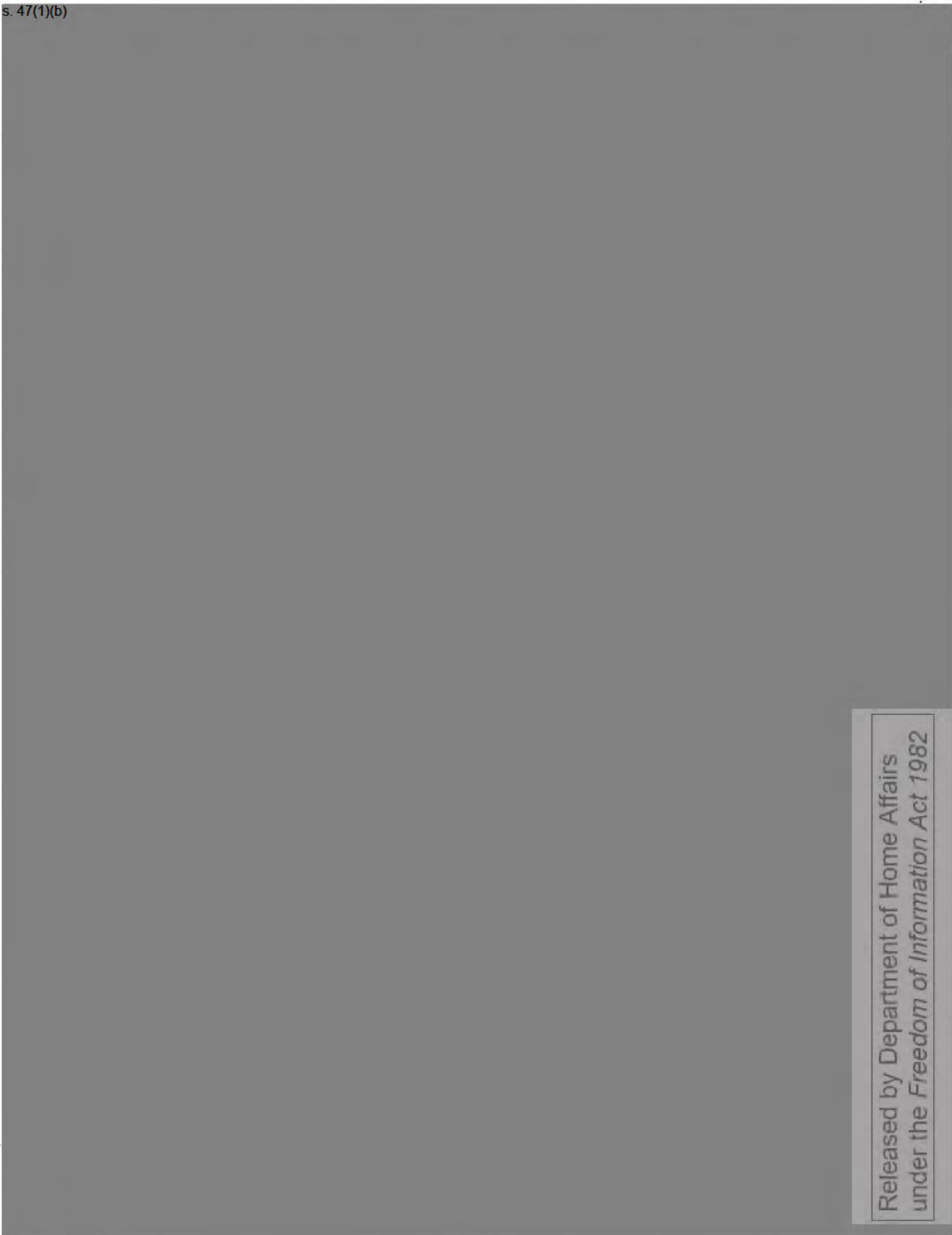
s. 47(1)(b)



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s. 47(1)(b)



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HYDRANAUTICS

APPLICATION REPORT

News for designers, engineers & users.

VOL. XV NO. 1

HYDRANAUTICS LOW PRESSURE RO PLANT AT CAPE CORAL, FLORIDA

Hydranautics Designs and Furnishes On Turnkey Basis World's Largest (9 mgd) Low-Pressure, Reverse Osmosis Desalination Plant

The Gulf Coast of Florida is one of the fastest growing regions in the United States as retirees and businesses continue to migrate to the warm weather and relaxed lifestyles of the Sunbelt States. While many welcome the rapid growth, municipal planners for the City of Cape Coral, like other cities on the Gulf Coast, are struggling to cope with ways to satisfy rapidly increasing demands on potable water supply systems to meet the requirements of growing populations when traditional resources are already depleted or fully committed.

These problems are further compounded by the additional demands required to support the million plus

tourists who visit the region annually. No problem is of greater concern than the availability of sufficient potable water supplies to satisfy present, peak and future demand.

CITY COMMITS TO RO

The City of Cape Coral has traditionally depended on shallow aquifers to satisfy demand. However, overdrafting and unfavorable geology have resulted in seawater intrusion which necessitates desalination treatment of ground water before distribution into the drinking water supply system.

The City installed its first reverse osmosis desalination plant, equipped with hollow-fine fiber (HFF) membranes in

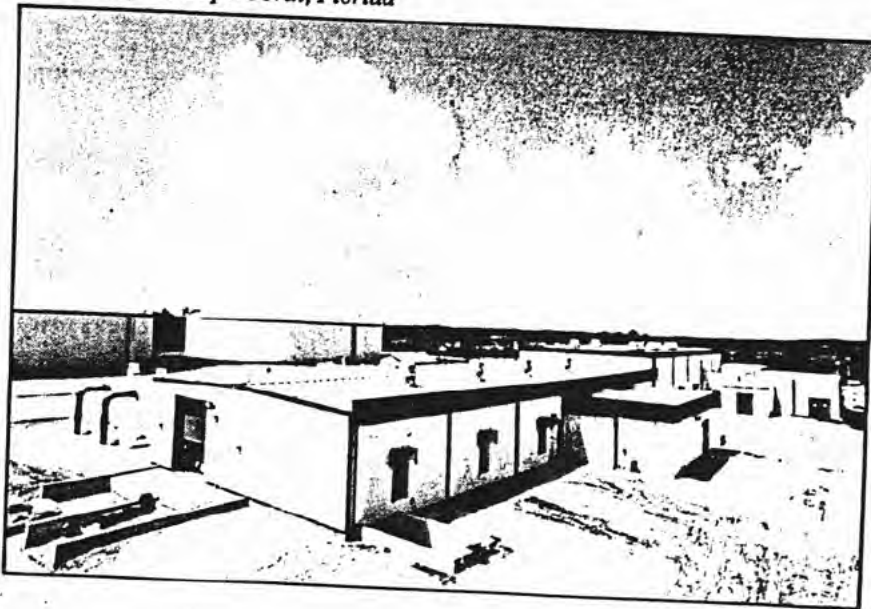
1977. In 1980 the City expanded the plant capacity from 11,000 to 19,000 cubic meters per day (3 to 5 million gallons per day) with hollow-fine fiber membranes.

In 1984 the expanded plant suffered performance decline and under an emergency procurement, was remembraned.

Also, in the summer of 1984 the City decided to augment their facilities by an additional larger size RO plant. Hydranautics was awarded a turn-key contract for provision of a 33,300 cubic meters (8.8 million gallons) per day plant in July of 1984.

The Hydranautics proposal was based on a very low power consumption, which was achievable with Hydranautics low-pressure, spiral-wound, thin-film composite membranes and the highest possible plant recovery. In addition to the supply of RO membrane, equipment and controls, Hydranautics scope included all civil works associated with the facility.

RO Facility At Cape Coral, Florida



Reverse Osmosis Trains



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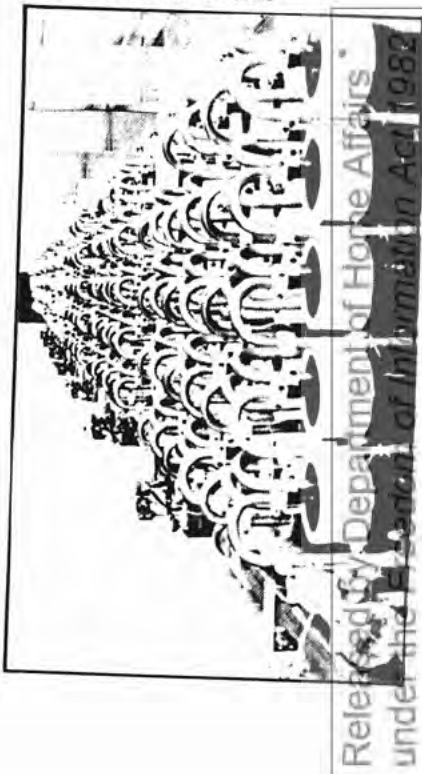
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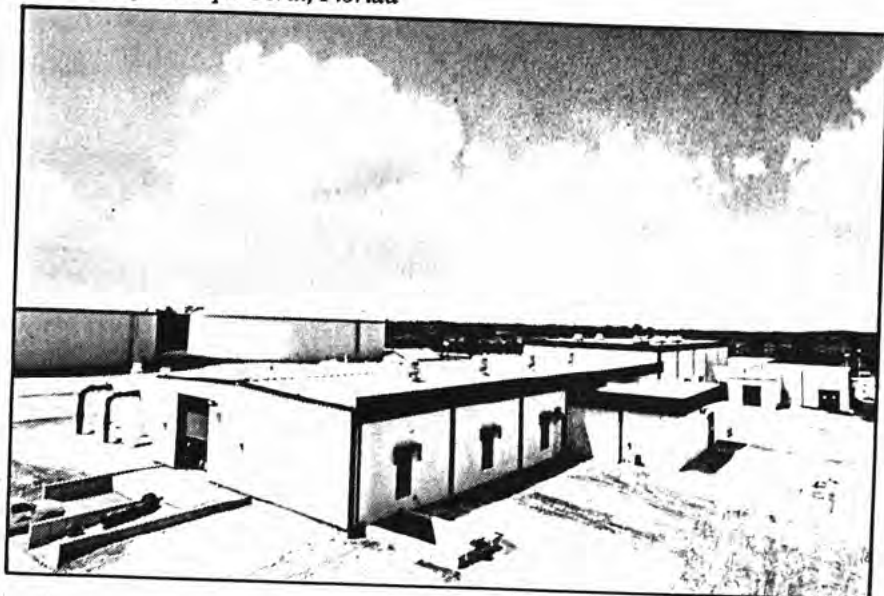
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Reverse Osmosis Trains



RO Facility At Cape Coral, Florida



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TARIFF ADVICE NUMBER : 967300

DATE LODGED : 19/09/89

STATE : 1 PORT : 5 TYPE : 7 BAY :

IDM : N SAMPLES : Y CONFIDENTIAL : NO

DESCRIPTION OF GOODS :
PART NO FTFF01891 STAINLESS STEEL "MODULES" INTO WHICH ARE PLACED
REVERSE OSMOSIS CARTRIDGES IN A REVERSE OSMOSIS FILTER SYSTEM

CLAIMED HEADING : 8421.99.00 INST NO : QUOTA : QIN :
REASON FOR CLAIMED ADVICE :
WE BELIEVE THAT THE TERM "MODULE" FITS THE GOODS TO BE IMPORTED, BUT
REQUIRE CONFIRMATION THAT OUR DEFINITION IS THE SAME AS THAT OF THE
ACS

PREVIOUS ADVICE NUMBER ISSUED FOR THESE GOODS : NONE

OWNER CODE : 22(1)(a)(ii)

SUPPLIER CODE :

BROKER : 22(1)(a)(ii)

COMPANY :

BOX NO :

GIVEN HEADING : 8421.99.00 INST NO : 8439973 QUOTA : QIN :

MULTIPLE OR SPLIT CLASSIFICATION : N

REASON FOR ADVICE :
GOODS IDENT AS HOUSINGS FOR REVERSE OSMOSIS MEMBRANES IE CAN BE
REGARDED AS PART OF A REVERSE OSMOSIS MODULE AS PER TC 8439973

and to 873417x

ADVISE STATUS : F DATE : 30/10/89
CHANGED STATUS : DATE : CODE :

119A

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WESTERN AUSTRALIA

MINUTE PAPER

119

SITO SITO (1)

22(1)(a)(ii)

Refer photos 116-118. [redacted] a company in West Australia have been importing "membrane cartridges" for Reverse Osmosis system for a number of years. They have also been importing "pressure vessels" whilst those the "membrane cartridge" and have been claiming TCO 8439973 on some imports and using parts TCO 8734173 on the rest. ¹¹⁵⁹ should not!

As can be seen from photo 118 our senior Inspector Tariff Advice considers the original TCO was granted according to the application photo 117 and photo 1. However I tend not to agree with his opinion as I believe that there is no evidence showing the original application was granted in its entirety, in fact reading the parts of the Reverse Osmosis System being able to buy many parts in Australia and that only the ELEMENTS / CARTRIDGES were not available and should be granted a TCO.

Having said my bit would you enquire the file determine if there is any conflict in the wording of the original intention and current opinion at photo 115 and Tariff Advice N°. 967300.

photo 119A

22(1)(a)(ii)



INVESTIGATION OFFICER
FRISANTIS
30/1/92

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WESTERN AUSTRALIA

MINUTE PAPER

W91/4730

SI Team 3
Investigation

Eligibility for TC 8439973, of housings for membrane filter elements

As requested, I have examined the above matter and consider that the word **MODULES** in this concession, is intended to cover cartridges + housings therefor (see original application for TC attached). *but room is not defined*

2. The current wording of this concession is such that housings could not be excluded, and any attempt by us to do so would be indefensible before any review body such as the AAT (if the matter were to progress that far, which is extremely doubtful).

3. After perusing the complete TC file, I can find no evidence of any intention subsequent to the original application, to exclude housings, and revise the TC accordingly. On the contrary, the continued use in the TC of the word **MODULE** without any qualification, indicates to me that the applicant's understanding of the term is still accepted.

In my view the cartridge (or filter element) + housing, constitute a complete module; and would be classified as filtering apparatus of 8421.2. Either of these constituent components imported separately would be classified as parts of 8421.9, and the above TC would be available to the goods by means of the PARTS TC 8734173 at Part 2/1.

4. The TA 967300 that you have identified, serves as a precedent which must be followed until over-turned. As explained above, there are in my view no grounds for disputing this decision.

5. If there is something on the TC file which indicates a specific intention to exclude housings, please let me know and the matter will be referred to Tariff Concessions in C.O. as per our discussion. At present however, there is nothing that I can see to indicate that such action is necessary.

6. If ^{22(1)(a)(ii)} [redacted] apply for Tariff Advice, our ruling will be in line with the above opinion, i.e. that the housings are eligible for concessional treatment as outlined in para. 3 above.

22(1)(a)(ii)

Senior Inspector Tariff Advice

16 December 1991

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BY-LAW APPLICATION

AND ADDRESS (for correspondence) 22(1)(a)(ii)		APPLICANT'S NAME AND ADDRESS 22(1)(a)(ii) 74454A	
1. DESCRIPTION OF GOODS PART A MODULAR COMPONENTS FOR 22(1)(a)(ii) HEMO-RO REVERSE OSMOSIS WATER PURIFICATION SYSTEM FOR HEMODIALYSIS MACHINES, AS FOLLOWS: 1. PUMP/MOTOR ASSEMBLY 2. ELECTRONIC CONTROL BOX 3. CONTROL VALVES 4. RO MODULES COMPRISING CARTRIDGES & HOUSINGS		7. PREVIOUS DEPARTMENTAL REFERENCE --	
2. PART B AS ABOVE		8. TARIFF CLASSIFICATION Imported together 84.18 900 Jan(3)	
		9. OFFICIAL TARIFF CLASSIFICATION DECISION No. --	
3. DETAILS OF SPECIFIC END USE 22(1)(a)(ii) MODULAR COMPONENTS WILL BE USED TO PRODUCE LOCALLY A REVERSE OSMOSIS WATER PURIFICATION SY		10. BY-LAW PROVISION SOUGHT 19 First/Second Schedule	
		11. F.O.B. PRICE \$A 1,800	
4. OVERSEAS SUPPLIER OR MANUFACTURER — NAME AND ADDRESS 22(1)(a)(ii)		12. AMOUNT OF DUTY NORMALLY PAYABLE \$A 378	
		13. YOUR ESTIMATED ANNUAL REQUIREMENT 100	
5. AUSTRALIAN/BRITISH MANUFACTURERS CONTACTED NIL- PLEASE REFER TO ATTACHED LETTER		14. GOODS USED OR SECONDHAND YES NO	
		15. COUNTRY OF ORIGIN USA	
6. WHY AUSTRALIAN BRITISH GOODS ARE NOT SUITABLE FOR REQUIRED END USE REFER QUESTION 5		16. ORDER PLACED OVERSEAS YES NO Order No. Date	
		17. ENTERED FOR HOME CONSUMPTION YES NO Warrant No. Date	
		18. EXPECTED DATE OF IMPORTATION Subject to order	
		19. PORT OF ORIGIN OF IMPORTATION SYDNEY	
I, 22(1)(a)(ii) hereby make application for by-law admission of the goods described above and declare that the information herein is correct. 22(1)(a)(ii)		FOR OFFICIAL USE ONLY Released by Department of Home Affairs under the Freedom of Information Act 1982	
28 12 79 Date (Position held)		CUSTOMS AGENT	

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AUSTRALIAN CUSTOMS SERVICE

APPLICATION FOR A TARIFF ADVICE

B102(1/91)

(Instructions for completion of this form and conditions of issue are contained in the Australian Customs Tariff Guide)
Advice to be returned to:

NAME: 22(1)(a)(ii)

ADDRESS:

Telephone No: 22(1)(a)(ii)

Contact: 22(1)(a)(ii) **AREF:**

1. HEADING: 8421 2100	2. ADVICE No: 5786000
3. TCO:	4. SOURCE: 157
5. QUOTA CATEGORY:	7. DATE LODGED: 21/10/91 (DD/MM/YY)
6. QUOTA ITEM No:	

IDM: YES ☒ NO ☐ **SAMPLE:** YES ☐ NO ☒ **CONFIDENTIAL:** YES ☒ NO ☐

8. DESCRIPTION OF GOODS: Goods are identified as: **LIBERATOR I AND II
REVERSE OSMOSIS FILTRATION SYSTEM**

9. CLAIMED HEADING: 8421 * 21 * 00 **TCO No:** 8439973 **QUOTA CAT:** **QIN:**

10. REASON FOR CLAIMED HEADING: I consider that the goods are classified to the above because:
I R ONE - TERMS OF ITEM AND WORDING OF CONCESSION

11. PREVIOUS APPLICANT/S FOR THESE GOODS: NO ☒ YES ☐ No.

12. OWNER CODE: 22(1)(a)(ii) **22(1)(a)(ii)** **FE:** 22(1)(a)(ii)

13. SUPPLIER CODE: 22(1)(a)(ii) **NAME:** 22(1)(a)(ii)

14. BROKER: 22(1)(a)(ii) **COMPANY:** 22(1)(a)(ii) **BOX No:** 22(1)(a)(ii)

Signature of APPLICANT: **Date:** 18/10/91

15. MULTIPLE OR SPLIT CLASSIFICATION: N ☒ S ☐ M ☐ **ADVICE Nos:**

16. REASONS FOR ADVICE (Legal Notes, ENs, etc.): Goods are identified as: **REVERSE OSMOSIS WATER
PURIFICATION APPARATUS.**
and classified as above because: **TERMS OF HEADING/SUBHEADING. TCO 8439973
DOES NOT APPLY. THIS TCO REFERS ONLY TO MEMBRANE CARTRIDGES OR
MEMBRANE MODULES, NOT COMPLETE SYSTEMS.**

FILE NO: 22(1)(a)(ii) **17. ADVICE:** **18. DATE:**

DECISION OF: 22(1)(a)(ii) **WITHDRAWN** ☐ **WHY?** ☐
REJECTED ☐ **WHY?** ☐
FINALIZED ☒ **WHY?** ☐
VOID ☐ **WHY?** ☐

Signature: **Date:** 19/11/91
Inspector (BAY 4): **226554**
Deputy Inspector (BAY 4): **226554**
Telephone:

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**THIS FILE RELATES TO A
TARIFF CONCESSION ORDER (TCO)
THAT HAS BEEN
REVOKED AND REISSUED ON FILE**

ADF 2016/79911

**IT CONTAINS MATERIAL RELATING TO THE
ORIGINAL TCO THAT IS STILL VALID AND
REQUIRED FOR THE NEW TCO.**

**DO NOT SENTENCE THIS FILE
BEFORE CONTACTING
TARIFF CONCESSIONS ADMINISTRATION
TO ASCERTAIN THE STATUS OF THE TCO**

tarcon@homeaffairs.gov.au

TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 9804433 made on 31.07.98, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
8421.29.00 FILTERS, DISPOSABLE, having a membrane filter with a surface area NOT exceeding 650 sq cm Op. 26.05.98	50 31.12.16 - TC 9804433

This is page 1 of 2 Pages of the instrument.

Dated 20 December 2016

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

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22(1)(a)(ii)

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

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FILE NO. 98/04433

APPLICATION SUMMARY

Application received: Date: ____/____/____. Folio ____.
Application accepted as a valid application: Date ____/____/____.
Local manufacturers notified

<u>Name</u>	<u>Folio</u>	<u>B444</u>	<u>Object</u>	<u>Comments</u>

Application notified in Gazette No. ____ of ____/____/____.
General comments; other files/documents/directories considered (note folio).

TC wording, Fol. 19 Computer records updated Yes/No

Information available for consideration indicates there are substitutable goods produced in Australia YES/NO YES If YES

Information available for consideration indicates there would be substantial adverse effect on the market for locally produced goods YES/NO YES

I am satisfied that, from the information summarised above, a prima facie case HAS/HAS NOT been established and that the application should be approved/rejected.

22(1)(a)(ii)

TC (B2)
Delegate of the Comptroller-General

31/7/98

File Examined

- 4 AUG 1998

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9804433

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information@customs.gov.au
Ph. 22(1)(a)(ii)

Your Ref: s.47F(1)

31 JUL 98

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 26 MAY 98.

As a delegate of the Chief Executive Officer, I am satisfied that the application meets the core criteria on the basis of paragraph 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 No. TC 98/32 of 12 AUG 98.

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

Yours faithfully,

22(1)(a)(ii)

Delegate of the Chief Executive Officer

s.47F(1)

TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, [REDACTED] 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 MAY 26, 1998 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date
8421.29.00	FILTERS, DISPOSABLE, having a membrane filter with a surface area NOT exceeding 650 sq cm Op. 26.05.98	50
		- TC 9804433

This is page 1 of 1 page(s) of the above Table.

Dated JULY 29, 1998

.....
Delegate of

ye Officer

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SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART I - TARIFF CONCESSION ORDERS

Description of the particular goods including the applicable subheading of the Customs Tariff	Prescribed Item Last day of effect
<p>8421.29.00 FILTERS, DISPOSABLE, having a membrane filter with a surface area NOT exceeding 650 sq cm Op. 26.05.98</p> <p>- TC 9804433</p>	<p>50</p>

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9804433

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information@customs.gov.au
22(1)(a)(ii)

Your Ref: s. 47F(1)

02 JUN 98

Dear Sir/Madam,

TARIFF CONCESSION - APPLICATION ACCEPTANCE

Your application for a Tariff Concession Order (TCO) has been accepted by Customs as a valid application. The application will be published in Gazette No. TC 98/23 of 10 JUN 98. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise this office 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 faithfully,

22(1)(a)(ii)

Delegate of the Chief Executive Officer

s. 47F(1)

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THE TABLE

16

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
<p>8421.29.00 FILTERS, DISPOSABLE, having a membrane filter with a surface area NOT exceeding 650 sq cm Op. 26.05.98 STATED USE: Used in analytical or research laboratories for single application filtration of samples</p> <p>Applicant: MILLIPORE PTY LTD LANE COVE, NSW, 2066</p>	50

-IC 9804433

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MINUTE PAPER
CENTRAL OFFICE

15

TR(C1)

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

NAME: s. 47F(1) TC(B3)

DATE: 280598

DATE REC'D (in TCs): 260598

APPLICANT: Millipore Pty Ltd

GOODS: Filters, disposable

CLAIMED CLASSIFICATION 84212900

TA No & CLASS'N: _____

INSUFFICIENT INFO. (REASONS): _____

PRECEDENT No & CLASS'N: _____

TARIFF ADVICE No (TAPIN): _____

DECISION: 8421.29.00

COMMENTS: _____

RETURNED 22(1)(a)(ii) CONCESSIONS.

NAME: R(C4)

DATE: 1/6/98

FAX MESSAGE TO ACS CANBERRA

DATE 2805 98

ATTENTION OF s. 47F(1)

TIME 1100

FROM s. 47F(1)

THIS IS PAGE 1 OF 1

FILE REF 9800431, 2, 3

WE AGREE TO THE REMOVAL OF THE
WORD "ASSEMBLIES" FROM THE
PROPOSED WORKINGS OF THE ABOVE
APPLICATIONS

REGARDS

s. 47F(1)

98 MAY 28 10:00

Done, - folio 13
28/5/98

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THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
8421.29.00 FILTERS, DISPOSABLE, having a membrane filter with a surface area NOT exceeding 650 sq cm Op. 26.05.98 STATED USE: Used in analytical or research laboratories for single application filtration of samples Applicant: MILLIPORE PTY LTD LANE COVE, NSW, 2066	50 - TC 9804433

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9804433

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information @ customs.gov.au

22(1)(a)(ii)

Your Ref: s. 47F(1)

27 MAY 98

Dear Sir/Madam,

APPLICATION FOR A TARIFF CONCESSION ORDER

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 26 MAY 98. The TC number shown above has been allocated to your application.

Date Sent : 22 MAY 98
Applicant : 22(1)(a)(ii)
Goods : DISPOSABLE ASSEMBLIES FILTERS
Owner Code : s. 47F(1)

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

Yours faithfully,

22(1)(a)(ii)

for National Manager
Industry

s. 47F(1)

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TC(B2)
F3 for w
88

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601

'98 MAY 26 9:36

Attention Tariff Concessions

May 22, 1998

Dear Sir,

On behalf of our client s. 47(1)(b) we enclose herewith three(3) applications for Tariff Concession for a range of disposable laboratory filters imported by our client.

We have also provided product literature depicting the s. 47(1)(b) range of filters which is our clients largest single line of this type of filter.

Variants of the s. 47(1)(b) are used for filtering water, other liquids and gases so you will note that we have made three applications of identical wordings.

Our client is the world leader in this type of filtration equipment(as well as many other areas of filtration) and are of the opinion that there is no local company engaged in manufacturing these or substitutable articles in Australia.

To substantiate this claim we have approached the s. 47F(1) who, in the attached letter of May 8 establish their bona fides and give their opinion confirming non-availability.

We believe that this confirmation from an independent expert organization is as valid as the opinion of a "prescribed organization" but have not answered Q7 in the affirmative as we do not believe that the s. 47F(1) is actually prescribed.

We would be pleased to contact any potential local manufacturer that you may suggest but request that this application be accepted for registration purposes in the interim.

Should you require any further information please contact the undersigned.

Yours faithfully,

s. 47F(1)

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s. 47F(1)



10

Dear Sir:

I understand that you are to submit an application for a Tariff Concession with the following proposed wording:

“Filters, disposable assemblies, having a membrane filter with a surface area
not exceeding 650 cm sq.”

I advise that we are not aware of an Australian manufacturer that manufactures a similar or substitutable product to the above. This opinion is based on almost 34 years of experience in the scientific and allied products market and having available to us an extensive data base of products manufactured locally. All companies supplying products in the membrane filtration markets are well known to us, with all except one being members of our Association. This exception is an importer only.

I apologize for the delay in responding to your inquiry.

Yours sincerely,

s. 47F(1)



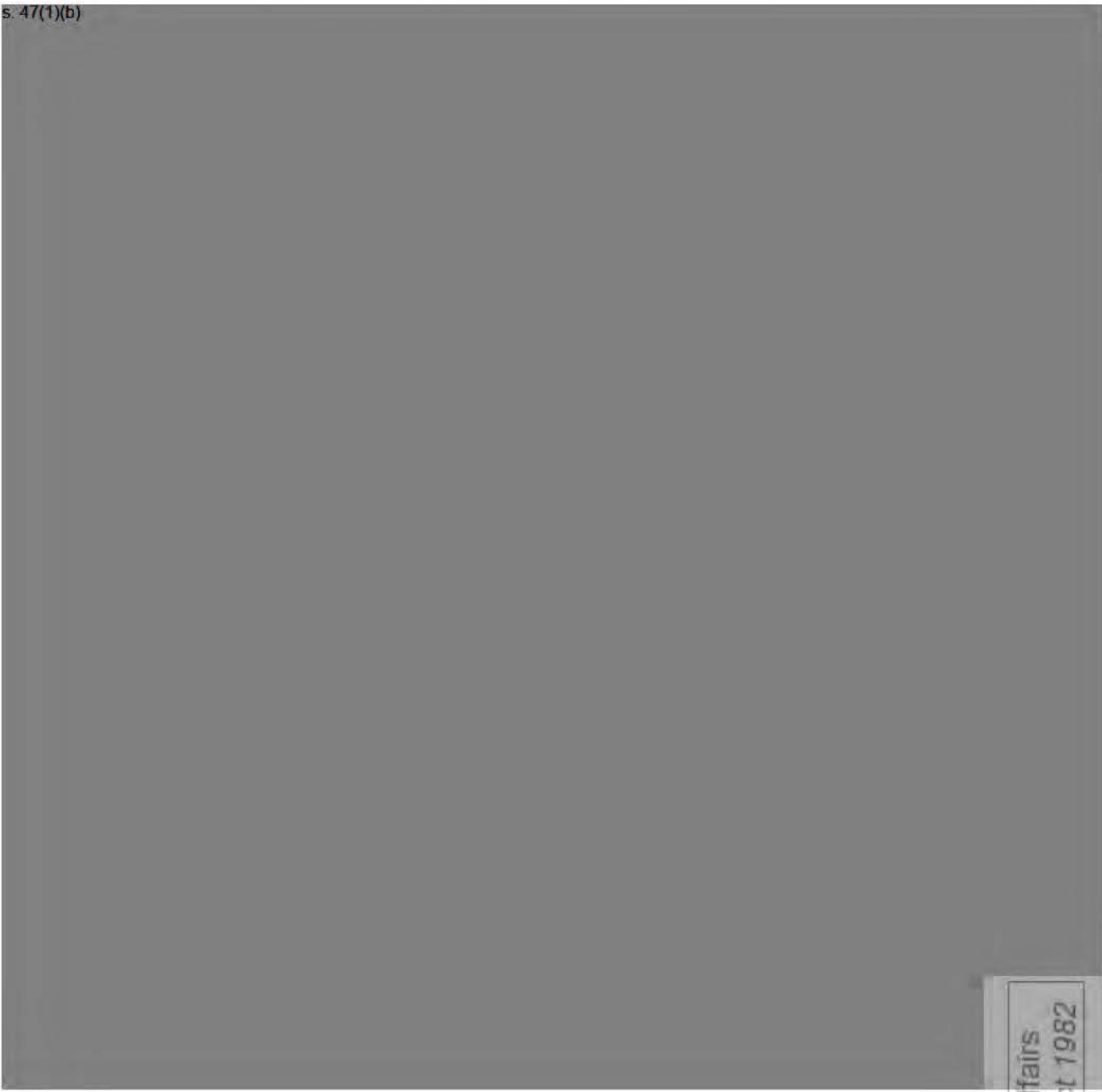
s. 47F(1)



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s. 47(1)(b)

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s. 47(1)(b)



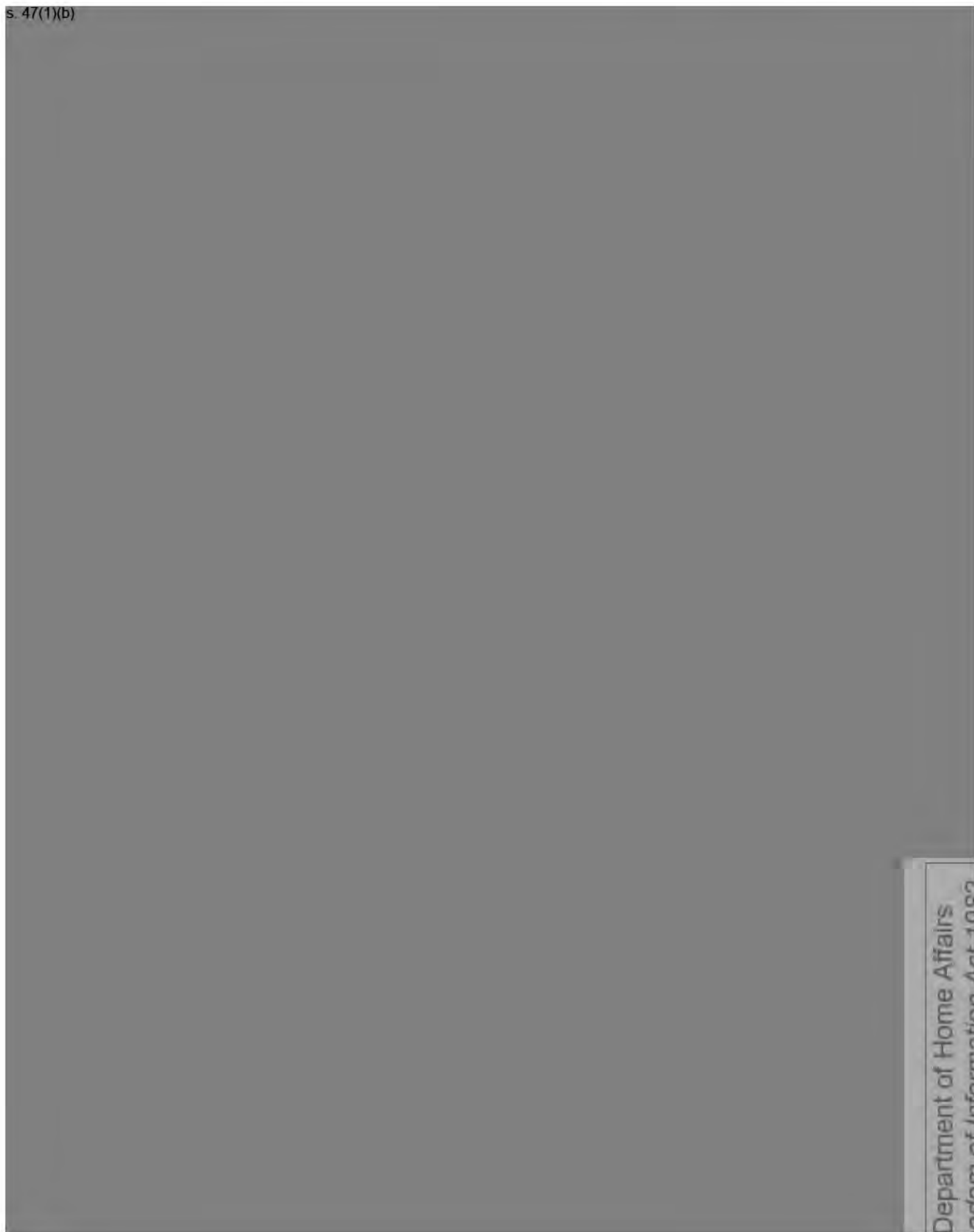
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s. 47(1)(b)



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s. 47(1)(b)



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AUSTRALIAN CUSTOMS SERVICE

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

198 MAY 26 9:36

Please read the form carefully before completing.

- 1 Section 269F of the *Customs Act 1901* requires a TCO application to 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. EVERY QUESTION MUST BE ANSWERED.**
- 2 **Applicant's obligation** - Section 269FA of the *Customs Act 1901* sets out the responsibility of an applicant for a TCO to establish to the satisfaction of the Chief Executive Officer (CEO), that on the basis of:
(a) all information that the applicant has, or can be reasonably expected to have; and
(b) 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.
- 3 Failure to supply the information required by this form will result in rejection of the application and consequential loss of operative date.
- 4 Where there is insufficient space, answers may be provided by attachment, which should clearly identify the question to which the attachment relates.
- 5 The identity of the applicant and of the importer for whom the applicant is acting will be published in the Gazette.
- 6 An application will be date stamped on the day it is first received in Canberra by an officer of Customs in accordance with the instructions specified at the end of this form. Any resultant TCO comes into force **ON THAT DAY.**
- 7 All information about inquiries into the production of substitutable goods must relate to the date this application is lodged with Customs.
- 8 Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, the foreword to the Schedule of Concessional Instruments (SCI), the administrative guidelines in Volume 13 of the Australian Customs Service (ACS) Manual, or by phoning (06) 275 6666.
- 9 Customs may require an applicant to substantiate with documentary evidence any information provided on the application form.
- 10 TCOs are available for use by any importer and are published in the SCI and in TAPIN. Before lodging a TCO application, check to ensure an existing TCO does not already cover the goods.

APPLICANT DETAILS

Applicant's Name s. 47F(1)	A.C.N. s. 47F(1)
Postal s. 47F(1)	
Applicant's Reference s. 47F(1)	Owner Code (if applicable) s. 47F(1)
Company Contact s. 47F(1)	Position Held MANAGER TECHNICAL SUPPORT ANALYTICAL
Phone Number s. 47F(1)	Fs. 47F(1)

IMPORTER DETAILS

If you are not proposing to make use of the TCO to import the goods to which the application relates into Australia on your own behalf - the identity of the importer for whom you are acting must be provided (paragraph 269F(1)(c) of the *Customs Act 1901*).

Name of Importer (If same as Applicant, state "As above") AS ABOVE		
A.C.N.	Owner Code	Importer's Reference
Postal address		
Company Contact	Phone Number	Facsimile Number

AGENT/BROKER DETAILS (if applicable)

Name of Agent s. 47F(1)		
s. 47F(1)	Agent's Reference s. 47F(1)	
Postal address s. 47F(1)		
Agency Contact s. 47F(1)	Phone Number s. 47F(1)	Facsimile Number s. 47F(1)

DESCRIPTION OF GOODS

1 Description of the goods

This description will be used as the description of goods in a TCO, and, in accordance with section 269SJ of the Customs Act 1901, must NOT:

- describe the goods in terms other than generic terms; or
- describe the goods in terms of their intended end use; or
- describe goods declared by the regulations to be goods to which a TCO should not extend.

Goods are taken NOT to be described in generic terms if 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.

Guidance for the drafting of TCO descriptions is contained in Volume 13, Appendix H, of the ACS Manual.

FILTERS, DISPOSABLE ASSEMBLIES, HAVING A MEMBRANE FILTER WITH A SURFACE AREA NOT EXCEEDING 650 SQ CM.

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

3 Tariff Classification (to 8 figure subheading level) 84212900 General Duty rate 5%

If a Tariff Advice for the goods has been sought or obtained, please provide TA No. or attach a copy.

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

GOODS ARE USED IN ANALYTICAL OR RESEARCH LABORATORIES FOR SINGLE APPLICATION FILTRATION OF SAMPLES

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2

SUBSTITUTABLE GOODS

- (1) Local Manufacturers' 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 goods.
- (2) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application - it is irrelevant whether or not the goods compete with each other in any market.
- (3) Applications will be rejected if they fail to provide sufficient information as to inquiries made by the applicant to establish that there are reasonable grounds for believing that no substitutable goods are produced in Australia.

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

SUBSTITUTABLE GOODS ARE NOT MANUFACTURED IN AUSTRALIA.
THIS APPLICATION IS INTENDED TO REPLACE TC9304841 WHICH HAS BEEN
CURRENT FOR OVER 5 YEARS WITHOUT INCURRING ANY OBJECTION FROM
POTENTIAL LM's.

REFER LETTER FROM THE s.47F(1)
ATTACHED HERETO.

- 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.
- SEE ABOVE

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

If YES attach a copy of 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.

**FOR USE OF
PRESCRIBED
ORGANISATION ONLY**

► Prescribed Organisation's Reference

► Prescribed Organisation's Advice:

8 Provide any additional information in support of your application.

SEE LETTER FROM s. 47F(1)

s. 47F(1) IN SUPPORT OF OUR APPLICATION.

I, 22(1)(a)(ii) Position Held
MANAGING DIRECTOR

Company (if applicable)
22(1)(a)(ii)

declare that:

- 1 To the best of my knowledge and belief the information contained in this submission is correct;
- 2 I have the authority to act on behalf of the company/applicant.

Signature of Applicant/Agent/Broker

22(1)(a)(ii)

Date

22/08/02

NOTE: SECTION 234 OF THE CUSTOMS ACT 1901 PROVIDES THAT IT IS AN OFFENCE TO MAKE A STATEMENT TO AN OFFICER THAT IS FALSE OR MISLEADING IN A MATERIAL PARTICULAR.

WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH CUSTOMS BY:

- posting it by prepaid post to the National Manager, Industry Branch, Australian Customs Service, Customs House, 5 Constitution Avenue, CANBERRA ACT 2601; or
- leaving it in the box provided in the foyer of Customs House, Canberra; or
- sending it by facsimile to (06) 275 6376.

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FOR OFFICIAL USE ONLY

☐ Tick box if electronic documents have been created.[illegible]

FOR OFFICIAL USE ONLY

UNCLASSIFIED

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TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, I 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 0701722 made on 30.04.07, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect	
8421.99.00	MEMBRANES, FILTER	50	31.12.16
Op. 01.02.07		- TC 0701722	

This is page 1 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 23 December 2016

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

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TABLE B

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number	Last date of effect
8421.99.90	MEMBRANES, FILTER		50
	Op. 01.01.17	- TC 1681030	

This is page 2 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 23 December 2016

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

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TARIFF CONCESSION ORDER CHECK LIST

TCO NUMBER

TC 07/01722

ACTION	OFFICER	DATE
LODGEMENT/REGISTRATION OF A TCO APPLICATION	22(1)(a)(ii)	
INITIAL RECEIPT OF TCO APPLICATION		2/26/
APPLICATION REGISTERED IN TARCON & ACKNOWLEDGEMENT LETTER SENT		
SCREENING TCO APPLICATION		
DESCRIPTION OF GOODS SUPPLIED		
SCHEDULE 3 CLASSIFICATION CLAIMED		1/31/
DETAILS OF LOCAL MANUFACTURER INQUIRIES SUPPLIED		2/6/
TCO APPLICATION SIGNED BY APPLICANT		
ILLUSTRATIVE DOCUMENTARY MATERIAL (IDM) OR SAMPLES SUPPLIED		
DATE ACCEPTANCE OR REJECTION LETTER SENT		
DATE TCO APPLICATION GAZETTED		
OBJECTION TO APPLICATION		
TCO OBJECTION LODGED AND OBJECTION RECEIVED LETTER SENT		
SEARCH FOR LOCAL MANUFACTURERS CONDUCTED BY CUSTOMS		
TCO APPLICANT NOTIFIED BY LETTER OF OBJECTIONS		
AMENDING AN APPLICATION		
WRITTEN REQUEST FOR AMENDMENT OF TCO WORDING RECEIVED		
AMENDED WORDING ACCEPTED OR REJECTED		
AMENDED WORDING GAZETTED & OBJECTORS NOTIFIED BY LETTER		
OBJECTIONS TO THE AMENDED WORDING RECEIVED		
OBJECTION WITHDRAWN IN WRITING (NOTE REASON)		
FINALISING A TCO APPLICATION	22(1)(a)(ii)	
TCO MADE, REJECTED OR WITHDRAWN. REGISTRY FILE UPDATED & FOLIOED		
MADE, REJECTED OR WITHDRAWN DECISION LETTER SENT TO THE TCO APPLICANT		
TCO PUBLISHED IN THE SCHEDULE OF CONCESSIONAL INSTRUMENTS (IF MADE) & GAZETTED (IF MADE, REJECTED OR WITHDRAWN)		
REVOCATION OF TCOS		
TCO REVOCATION REQUEST RECEIVED & LODGED		
NOTICE OF INTENT TO REVOKE TCO (CUSTOMS INITIATED) GAZETTED		
TCO REVOCATION APPLICANT NOTIFIED OF ACCEPTANCE OR REJECTION OF REQUEST FOR REVOCATION		
DECISION IS MADE, LETTER SENT TO TCO REVOCATION APPLICANT & DECISION PUBLISHED IN GAZETTE		
LEGISLATIVE INSTRUMENTS	22(1)(a)(ii)	
ELECTRONIC COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT SENT TO ATTORNEY GENERAL'S DEPT		
ORIGINAL SENT TO ATTORNEY GENERAL'S DEPT		
COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT FILED		

29/11/2005

M:\COMMERCL\tariff\Proforma\TCO Proforma\D- TCO Checklist.doc

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

ADF 2016 / 81030
.....

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

TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, I 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 0701722 made on 30.04.07, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect	
8421.99.00	MEMBRANES, FILTER	50	31.12.16
	Op. 01.02.07	- TC 0701722	

This is page 1 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 23 December 2016

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

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TABLE B

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number	Last date of effect
8421.99.90	MEMBRANES, FILTER		50
	Op. 01.01.17	- TC 1681030	

This is page 2 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 23 December 2016

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

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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 labeled as "Automatic Field"

TCO Number 0701722

Date Checked
13-Feb-07

Application Acceptance			DECISION	STATS
Date Application Lodged	+ 24 Days Class Rev to return file	+28 Days Deemed Accepted 269H(2)	Enter Date of Decision to Accept Application	Days to Process
1-Feb-07	25-Feb-07	1-Mar-07	28/2/07	27
Days Remaining	15			

TCO Processing				DECISION		STATS
Gazettal Date Below 269K(1)	+ 50 Days Objection Deadline 269K(1)(c)	+64 Days Advise Applicant Re Obj 269L(1)	+ 150 Days Deemed Refused 269P(2)	Enter Decision Date	Enter Gazettal Date of Decision 269R(1)(b)	Days to Process
7/3/07	26/4/07	10/5/07	4/8/07	30/4/07	9/5/07	54
Days Remaining	—	9	95			

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

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

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EXPLANATORY STATEMENT

Tariff Concession Instrument No. 0701722

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.

s. 47F(1) applied for a TCO in respect of certain filter membranes on 1 February 2007.

Instrument

TCO No 0701722 was made on 30 April 2007. It declares that those certain filter membranes 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 10%. 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.

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. 0701722 is taken to have come into force on 1 February 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.



Australian Government
Australian Customs Service

32

Reply to the Chief Executive Officer

Quote: TC 0701722
Your Ref: 3000155069

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(a)(ii)
Fax: [REDACTED]
Email: tarcon@customs.gov.au

30 April 2007

s. 47F(1)

Dear s. 47F(1)

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 0701722 lodged on 1 February 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 TC07/19 of 9 May 2007.

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)

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
<div>8421.99.00</div> <div>MEMBRANES, FILTER</div> <div>Op. 01.02.07</div> <div>Dec. date 30.04.07</div> <div>- TC 0701722</div>	50

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TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, 22(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 01.02.07 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
8421.99.00 MEMBRANES, FILTER Op. 01.02.07	50 - TC 0701722

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

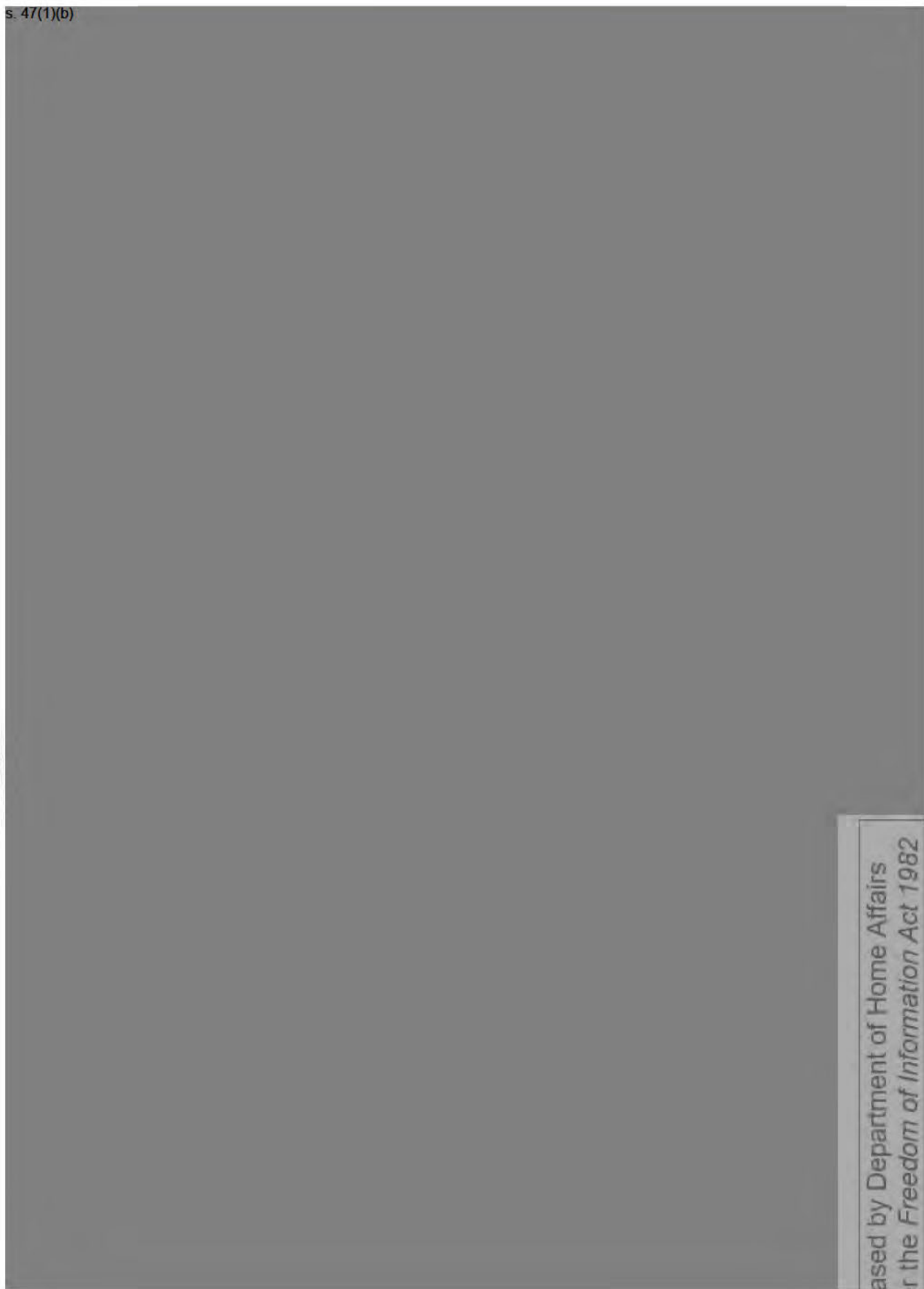
Dated 30 April 2007

22(1)(a)(ii)

.....
Chief Executive Officer

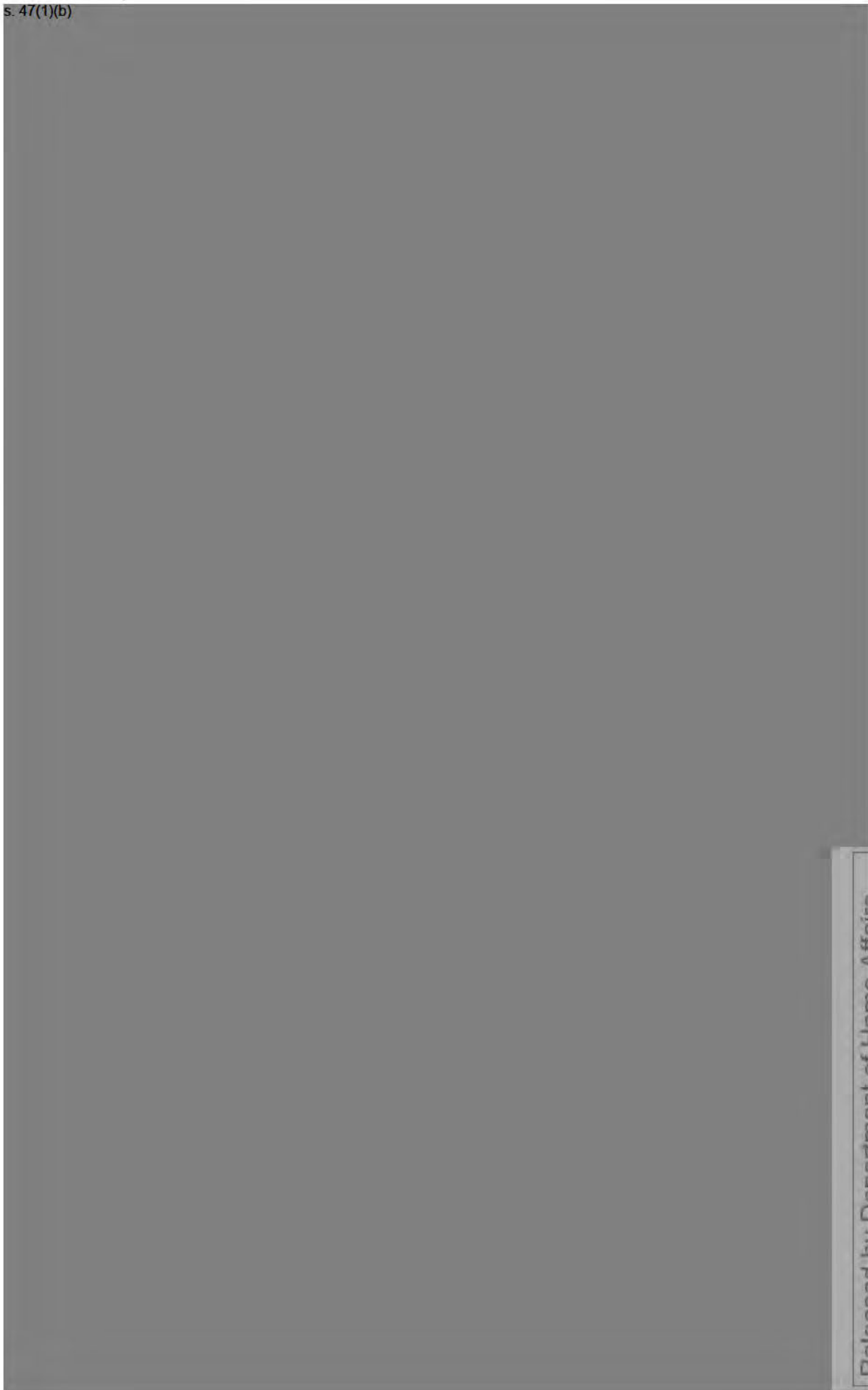
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s. 47(1)(b)



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s. 47(1)(b)



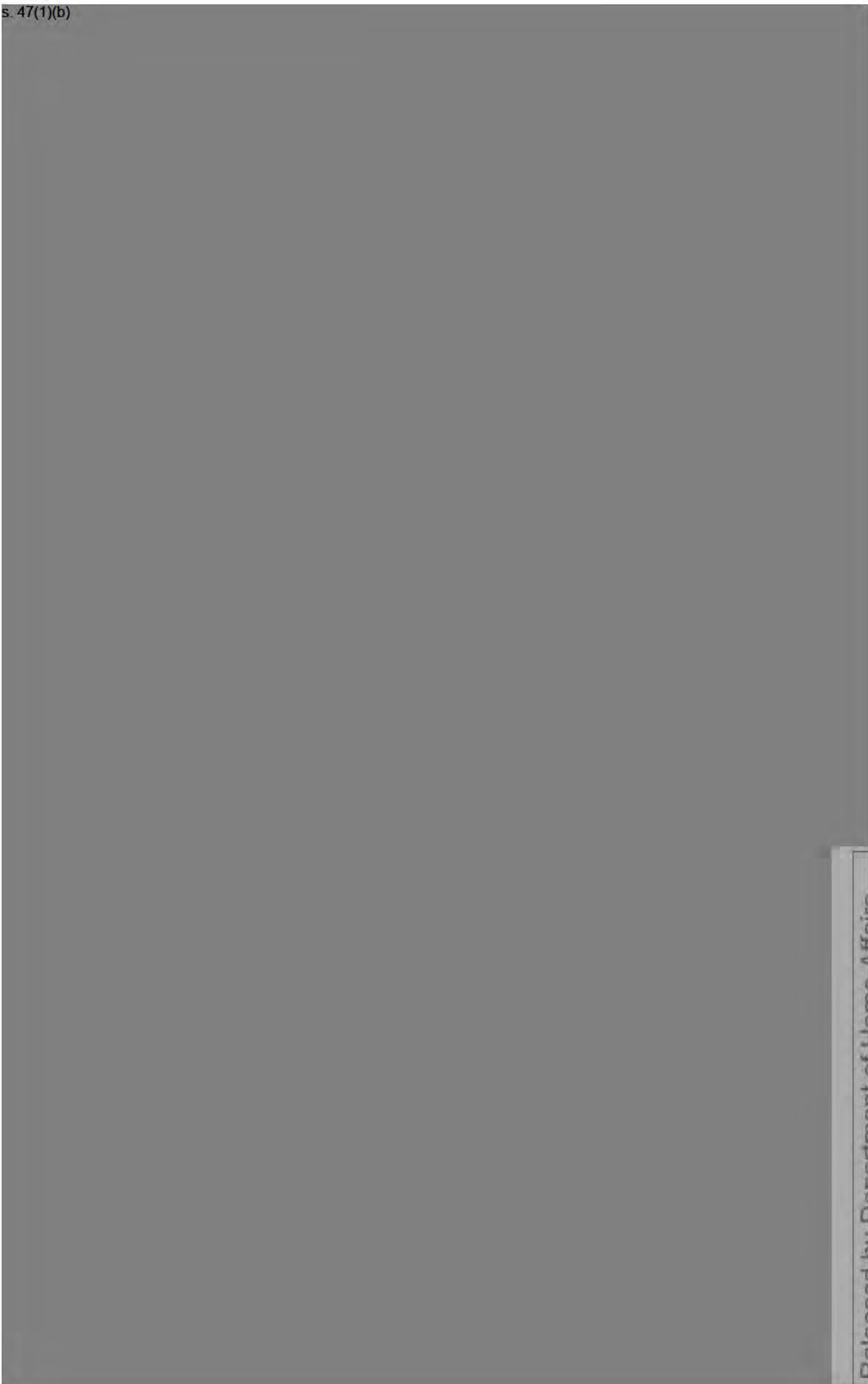
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s. 47(1)(b)



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s. 47(1)(b)



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s. 47(1)(b)

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S. 47(1)(b)

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s. 47(1)(b)





**AUSTRALIAN
CUSTOMS SERVICE**



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 s. 47F(1)		Australian Business Number (A.B.N.)	
Postal Address s. 47F(1)			
Applicant's Reference 3000155069		Owner Code (if applicable) s. 47F(1)	
Company Contact s. 47F(1)		Position Held CUSTOMS & TARIFF SPECIALIST	
Telephone Number s. 47F(1)	Facsimile Number	E-mail Address	

If you do not intend to use the TCO to import into Australia the goods the subject of the application, you must provide, in the section below, the identity of the importer for whom you are acting (refer to paragraph 269F(3)(c) of the *Customs Act 1901*).

IMPORTER DETAILS

Importer's Name (If same as applicant, write "as above") AS ABOVE		A.B.N.	
Postal Address			
Importer's Reference		Owner Code	
Company Contact		Position Held	
Telephone Number		Facsimile Number	

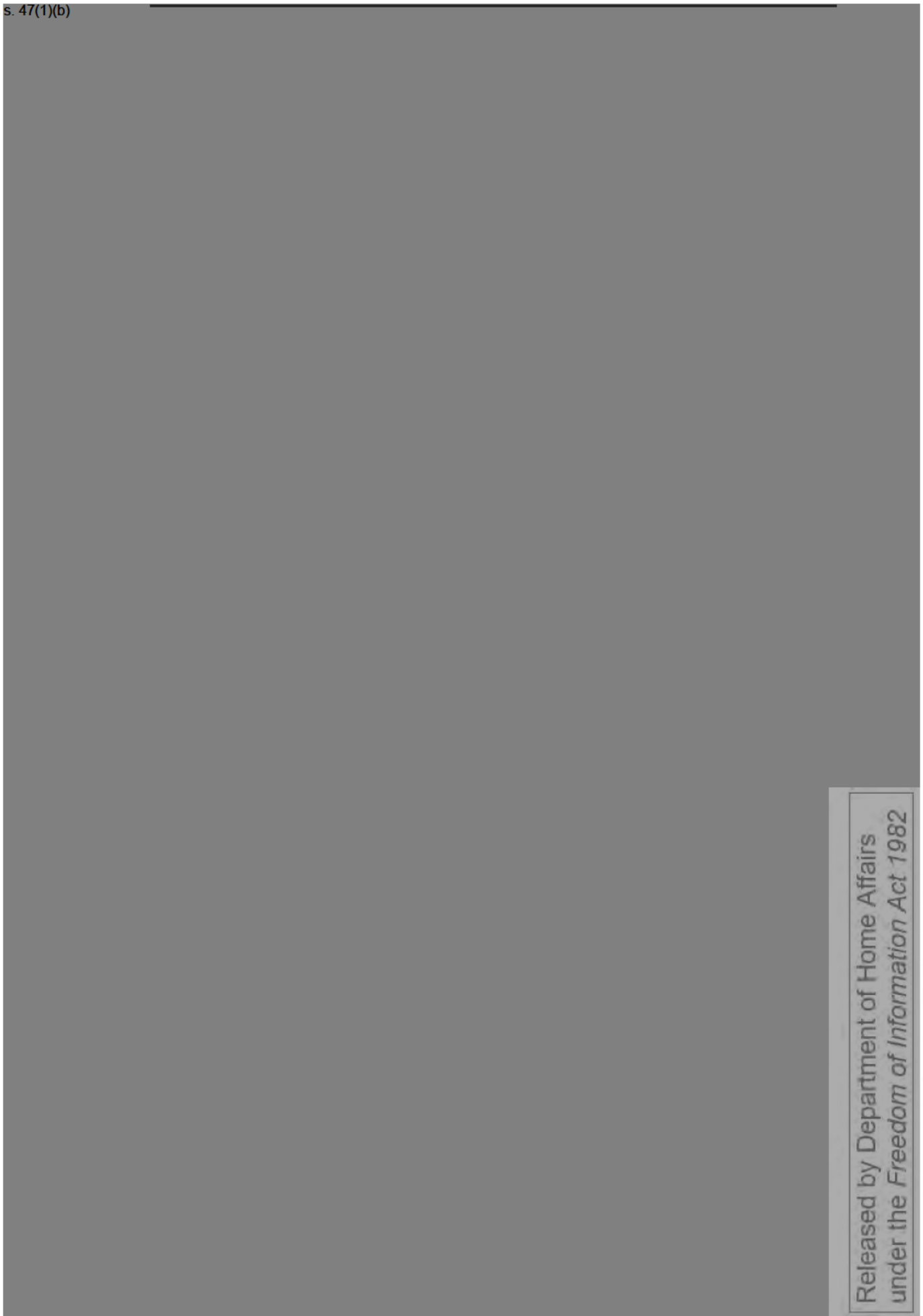
20

- 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.

Search of KOMPASS Trade Catalogue (copies attached) did not locate any Australian manufacturers.

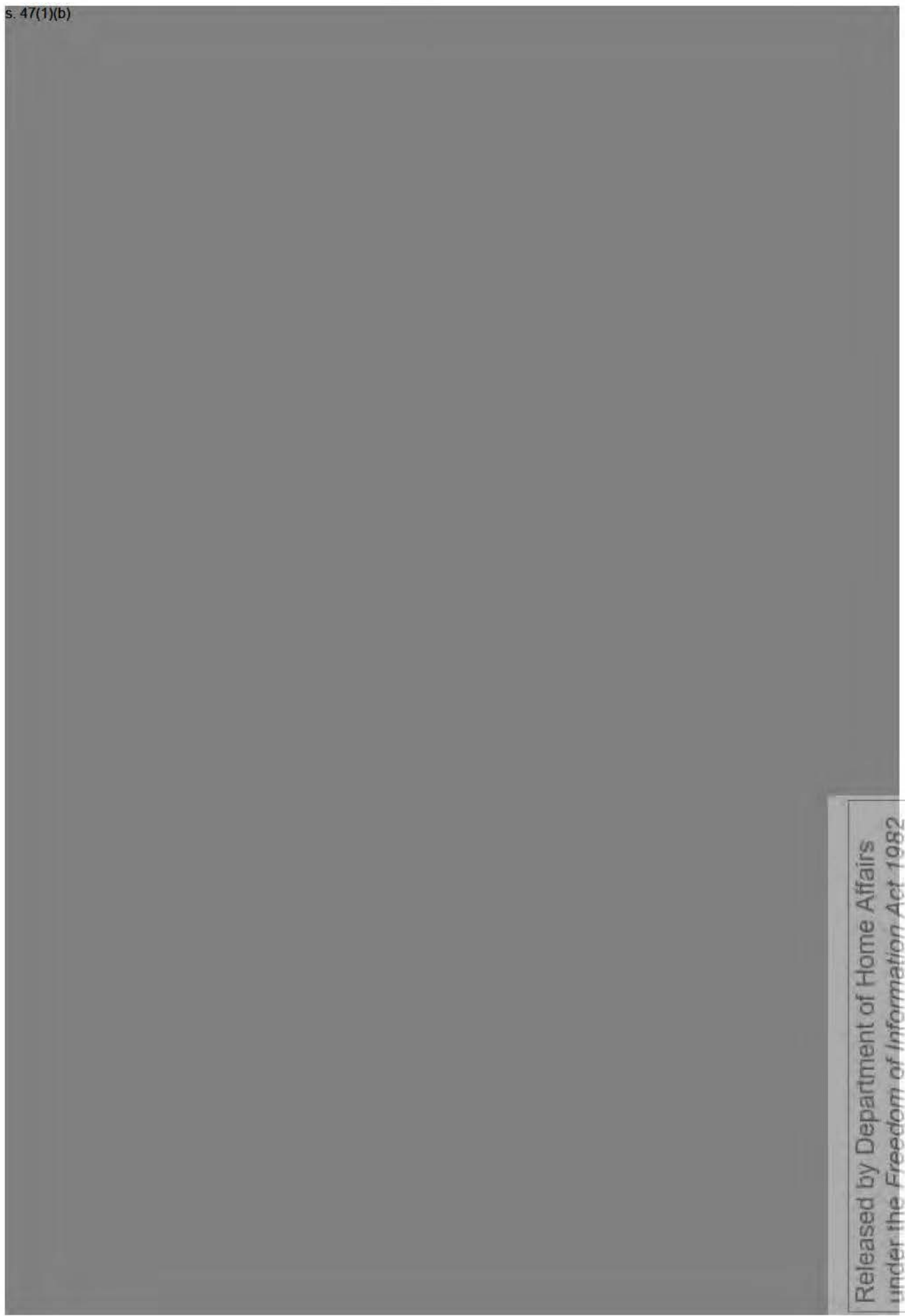
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s. 47(1)(b)



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s. 47(1)(b)



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6

Kompass Australia

File Help

☒ Company ☐ All Text

Search

☒ Enable Saved Searches

Address Postcode State

Print/Download Clear Exit

Turnover\$m Export\$m

Staff Year Est.

ACN/ABN Ref No.

Bank Brand

Products

MEMBRANES, FILTER

Products ☐ and ☐ or

☐ Exporter ☐ Importer

Job Title / Person Name

Job Code ☐ and ☐ or

Export Areas ☐ and ☐ or

Activity Group ☐ and ☐ or

Sort By: ☒ Advertiser ☐ Alphabetically

No Companies Found!

Search Results | Company Details

start

Search Desktop

4:00 PM

16

**CUSTOMS TARIFF
SCHEDULE 3**

Section 16
Chapter 84/26

Reference Number	Statistical Code/Unit	Goods	Rate #
8420		CALENDERING OR OTHER ROLLING MACHINES, OTHER THAN FOR METALS OR GLASS, AND CYLINDERS THEREFOR:	
8420.10.00	01 ..	- Calendering or other rolling machines	Free
8420.9		- Parts:	
8420.91.00	02 ..	-- Cylinders	5% DCS:4% DCT:5%
8420.99.00	03 ..	-- Other	Free
8421		CENTRIFUGES, INCLUDING CENTRIFUGAL DRYERS; FILTERING OR PURIFYING MACHINERY AND APPARATUS FOR LIQUIDS OR GASES:	
8421.1		- Centrifuges, including centrifugal dryers:	
8421.11.00	04 No	-- Cream separators	Free
8421.12.00	05 No	-- Clothes-dryers	5%
★ 8421.19.00	20 No	-- Other	5%
8421.2		- Filtering or purifying machinery and apparatus for liquids:	
8421.21		-- For filtering or purifying water:	
8421.21.10	36 ..	--- Filtering machinery and apparatus for use with swimming pools	5%
8421.21.90	37 ..	--- 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.

★ Operative 1/1/07

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Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0701722
Your Ref: 3000155069

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(a)(ii)
Fax:
Email: tarcon@customs.gov.au

26 February 2007

s. 47F(1)

Dear s. 47F(1)

TARIFF CONCESSION SYSTEM
APPLICATION ACCEPTANCE

Your application for Tariff Concession Order (TCO) Number TC 0701722 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC07/10 of 7 March 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,

s. 22(1)(a)(ii)

for National Manager
Trade Services

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Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

8421.99.00 MEMBRANES, FILTER
Op. 01.02.07

50
- TC 0701722

Stated Use:
For fluids with high viscosity and/or suspended solids

Applicant: s. 47F(1)

MINUTE PAPER
CENTRAL OFFICE

TR5

TC Number 0701722

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

TC Officer: 22(1)(a)(ii)

OP Date: 1-Feb-07

APPLICANT: 22(1)(a)(ii)

GOODS: Membranes

CLAIMED CLASSIFICATION: 8421.21.90

Date to Classification Section: 23-Feb-07

Required Return Date: 24-Feb-07

TA No. & CLASSIFICATION: _____

INSUFFICIENT INFO. (REASONS): _____

PRECEDENT No & CLASS'N: _____

TARIFF ADVICE No (TAPIN): _____

CLASSIFICATION DECISION:

8421	99	00
------	----	----

ARE THESE GOODS EGS? No GENERAL DUTY RATE:

10%

COMMENTS: Filter elements - excluded from 39 by (S)
Are parts of other filter elements (the modules) which are
filtering apparatus in their own right. Precedent 4962

CFD ☒ SS ☒

RETURNED TO TARIFF CONCESSIONS BY:

NAME: 22(1)(a)(ii)

DATE: 26/2/07.

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

8421.21.90 MEMBRANES, FILTER

50

Op. 01.02.07

- TC 0701722

Stated Use:

For fluids with high viscosity and/or suspended solids

Applicant:

s. 47F(1)

22(1)(a)(ii)

Q5: F3

Kompress: F6

23/2/07

10m: F7-10

Woray: ok?

L

22(1)(a)(ii)

13/2/07



Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0701722
Your Ref: 3000155069

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(a)(ii)
Fax:
Email: tarcon@customs.gov.au

13 February 2007

s. 47F(1)

Dear s. 47F(1),

TARIFF CONCESSION SYSTEM
APPLICATION ACKNOWLEDGEMENT

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 1 February 2007. The TC number TC 0701722 has been allocated to your application.

Date Received:	1 February 2007
Applicant:	s. 47F(1)
Goods:	FILTER MEMBRANES
Applicant ABN/CAC	s. 47F(1)

Yours sincerely,

22(1)(a)(ii)
for National Manager
Trade Services


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10

s. 47G(1)(a)

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s. 47G(1)(a)




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8

s. 47G(1)(a)

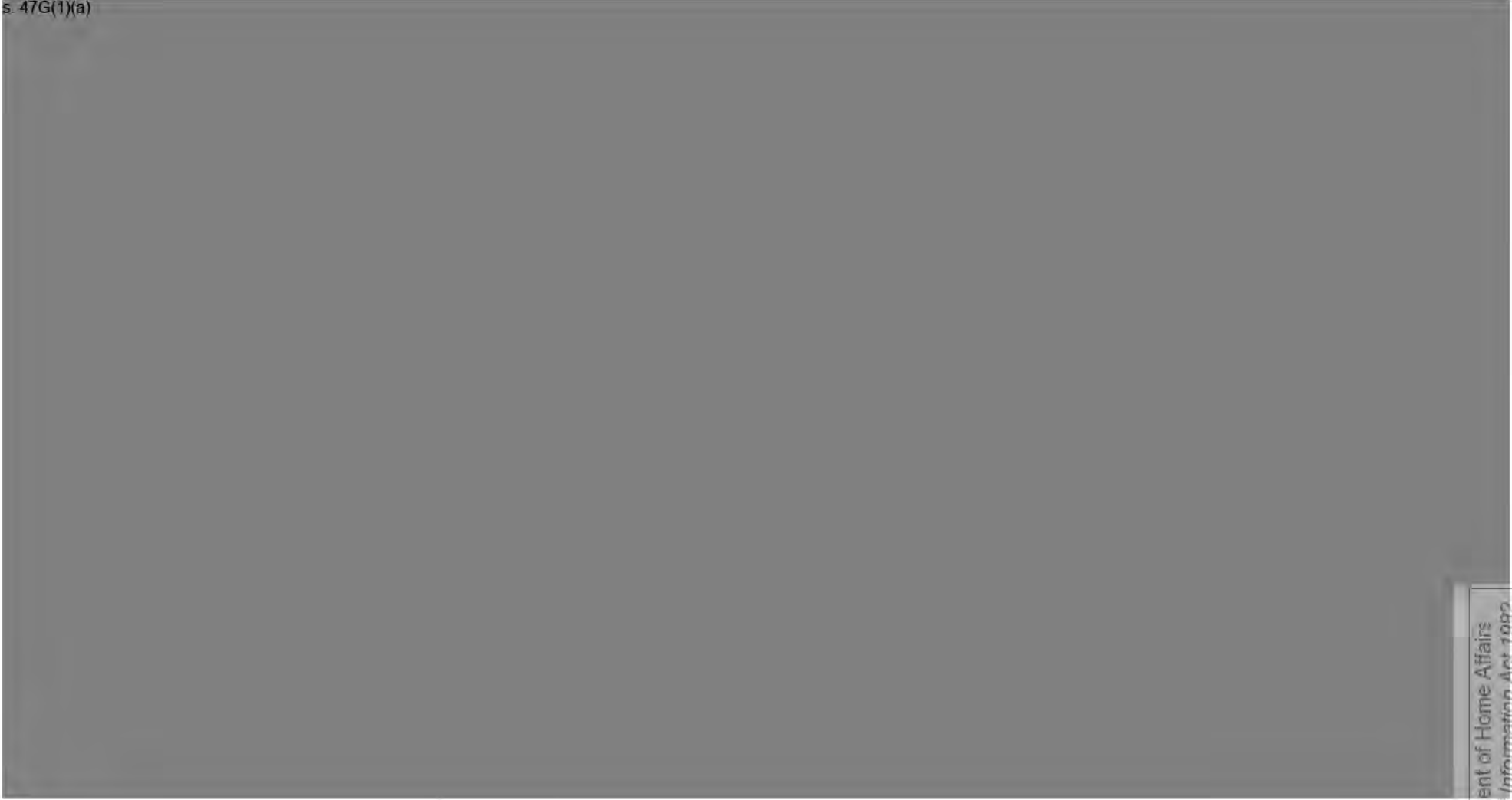


s. 47G(1)(a)



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s. 47G(1)(a)



File	Help	<input type="radio"/> Company <input checked="" type="radio"/> All Text			
Address		Postcode	State	<input type="text"/> Search <input type="button" value="Find Saved Searches"/>	
Turnover \$m		Export \$m	<input type="button" value="Print/Download"/> <input type="button" value="Clear"/> <input type="button" value="Exit"/>		
Self		Year Est.	<input type="checkbox"/> Exporter <input type="checkbox"/> Importer <input type="checkbox"/> Email <input type="checkbox"/> Website <input type="checkbox"/> Qual Rated <input type="checkbox"/> Top 1000		
ACN/VABN		Ref No.	Sort By: <input checked="" type="radio"/> Alphabetically		
Bank		Brand	Search Results Company Details		
Products					
MEMBRANES; FILTER					
Products		and or			
		<input type="checkbox"/> Exporter <input type="checkbox"/> Importer			
Job Title / Person Name					
Job Code		and or			
Export Areas		and or			
Activity Group		and or			

No Companies Found!


**AUSTRALIAN
CUSTOMS SERVICE**


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 s. 47F(1)		Australian Business Number (A.B.N.)	
Postal Address GPO BOX 1698, ADELAIDE SA 5001			
Applicant's Reference 3000155069		Owner Code (if applicable) s. 47F(1)	
Company Contact s. 47F(1)		Position Held CUSTOMS & TARIFF SPECIALIST	
Telephone Number s. 47F(1)	Facsimile Number	E-mail Address	

 If you do not intend to use the TCO to import into Australia the goods the subject of the application, you must provide, in the section below, the identity of the importer for whom you are acting (refer to paragraph 269F(3)(c) of the *Customs Act 1901*).

IMPORTER DETAILS

Importer's Name (If same as applicant, write "as above") AS ABOVE		A.B.N.	
Postal Address			
Importer's Reference		Owner Code 1 FEB '07 16:58	
Company Contact		Position Held	
Telephone Number		Facsimile Number	

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4

AGENT/BROKER DETAILS (if applicable)

Agent's Name		A.B.N.
Postal Address		
Agent's Reference		Agency Contact
Telephone Number	Facsimile Number	E-mail Address

DESCRIPTION OF GOODS

- (a) The description of the goods in the application will be used as the description of the goods in the TCO (if made).
- (b) The application should provide a full description of the goods, including the physical features of the goods or the various components of the goods. It should not describe the goods in terms of what they do.
- (c) In accordance with section 269SJ of the *Customs Act 1901*, the CEO must not make a TCO in respect of goods:
- (i) described in terms other than in generic terms; or
 - (ii) described in terms of their intended end use; or
 - (iii) declared by the regulations to be goods to which a TCO should not be extended.
- Goods will be taken to be described in terms other than in generic terms if, for example, their description, either directly or by implication, indicates that they are goods of a particular brand or model, or that a particular part number applies to the goods.
- (d) Guidance on the drafting of the description of goods is contained in Volume 13 of the ACS Manual and in Australian Customs Notice No. 98/19.

1 Describe the goods

MEMBRANES, FILTER

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)** 8 4 2 1 2 1 9 0
- Identify the General Duty rate 5 %
- If a Tariff Advice for the goods has been sought or obtained, please provide the TA No.
 or attach a copy.

USES OF THE IMPORTED GOODS

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

For fluids with high viscosity an/or suspended solids

SUBSTITUTABILITY OF LOCALLY PRODUCED GOODS

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.

Search of KOMPASS Trade Catalogue (copies attached) did not locate any Australian manufacturers.

- 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.

2

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

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.

CLASSIFICATION INFORMATION

Considered to be parts of a filter for liquids.

DECLARATION

I, s. 47F(1)	Position Held Customs & Tariff Specialist
Company (if applicable)	
declare that:	
1 To the best of my knowledge and belief the information contained in this form is correct; and	
2 I have the authority to act on behalf of the company/applicant; and	
3 I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of Sub-Section 14(3) of the <i>Electronic Transactions Act</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, when it is first accessed by an officer of Customs, as specified in Sub-Section 269F(4) of the <i>Customs Act</i> .	
Signature of Applicant/Agent/Broker	Date 1 February 2007

NOTE: SECTION 234 OF THE CUSTOMS ACT 1901 PROVIDES THAT IT IS AN OFFENCE TO MAKE A STATEMENT TO AN OFFICER THAT IS FALSE OR MISLEADING IN A MATERIAL PARTICULAR.

WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH CUSTOMS BY:

- posting it by prepaid post to the
National Manager, Tariff Branch
Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
- or
- delivering it to the ACT Regional Office located at
Customs House, Canberra
- or
- sending it by facsimile to (02) 6275 6376
- or
- e-mailing it to tarcon@connect.net.au.

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DATE: 02/02/2007
FILES - FILE IDENTIFICATION LOCATION AND EXAMINATION SYSTEM OPCNM2
CREATE NEW FILE

FILE NUMBER: C07/01722 PART: 1 CLASSIFICATION: IC

TITLE : TRADE - TARIFF CONCESSIONS - FILTER MEMBRANES - 84212190 -
s. 47F(1) - *ISTM_TCO*

KEYWORDS: s. 47F(1) 84212190

COMMENTS:

ORIGINATOR: TCA1 WORK GROUP : (? For Help)

PREVIOUS FILES:

RELATED FILES:

.....
ACTION: Y (O OK & SAVE Y CREATE S SAVE D DELETE I REQ OFFI INFO)
K KEYWORDS, C COMMENTS, R RELATED, E END, X EXIT, OR MENU OPTION: _

TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, I 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 0701722 made on 30.04.07, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect	
8421.99.00	MEMBRANES, FILTER	50	31.12.16
	Op. 01.02.07	- TC 0701722	

This is page 1 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 23 December 2016

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

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TABLE B

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
8421.99.90	MEMBRANES, FILTER	50
	Op. 01.01.17	- TC 1681030

This is page 2 of 2 Pages of the instrument.

22(1)(a)(i)

Dated 23 December 2016

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

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Please check **TRIM** for any electronic records on the Client or Subject



Australian Government
Department of Immigration

Tick box if electronic documents have been created.

ADMINISTRATION FILE (ADF)		ADF2016/79839
Date Registered 19/12/2016	PART NO.	
TRADE AND TRAVELLER CLEARANCE MANAGEMENT* - Tariff Concessions Orders* - MEMBRANE CARTRIDGES OR MEMBRANE MODULES - 8421.29.90		

FOLIO No.	REFERRED TO AND CLEARING OFFICER'S INITIALS AND DATE
	22(1)(a)(ii)
	NAB K - 8/12/9

FOLIO No.	REFERRED TO AND CLEARING OFFICER'S INITIALS AND DATE

FOLIO No.	REFERRED TO AND CLEARING OFFICER'S INITIALS AND DATE

PREVIOUS FILE	NEXT FILE	RETENTION SCHEDULE AND ACTION
/	/	Eutawgo.

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TABLE B

2

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
8421.29.90	MEMBRANE CARTRIDGES OR MEMBRANE MODULES, reverse osmosis filtration system Op. 01.01.17	50 - TC 1679839

This is page 2 of 2 Pages of the instrument.

Dated 20 December 2016

22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

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TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, I **22(1)(a)(ii)** a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 9002055 made on 04.10.90, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
8421.29	MEMBRANE CARTRIDGES OR MEMBRANE MODULES, reverse osmosis filtration system	50 31.12.16
Op. 31.01.90		- TC 9002055

This is page 1 of 2 Pages of the instrument.

Dated 20 December 2016

22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

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File Barcode Only



1001

F5500043719015

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Department of Immigration

9

Tick box if electronic documents have been created.

ADF2016/79900

Date Registered 19/12/2016

PART NO.

**TRADE AND TRAVELLER CLEARANCE MANAGEMENT* - Tariff Concessions
Orders* - REVERSE OSMOSIS NANO FILTRATION MEMBRANE FILTERS -
8421.29.90**

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C1995 / 08971-01

/

20/12/2016 - 29/03/2017
21302 D2022

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TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(2) of the Customs Act 1901, I 22(1)(a)(ii) a delegate of the Comptroller-General of Customs

(a) revoke Tariff Concession Order Number 9508971 made on 03.11.95, in respect of the goods described in TABLE A below. This Revocation has effect from 01.01.17; 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

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number	Last date of effect
8421.29.00	REVERSE OSMOSIS NANO FILTRATION MEMBRANE FILTERS, ULTRA FILTRATION PERMEATE CONCENTRATION AND PARTIAL DEMINERALISATION	50	31.12.16
Op. 14.07.95		- TC 9508971	

This is page 1 of 2 Pages of the instrument.

22(1)(a)(ii)

Dated 20 December 2016

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

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TABLE B

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
8421.29.90	REVERSE OSMOSIS NANO FILTRATION MEMBRANE FILTERS, ULTRA FILTRATION PERMEATE CONCENTRATION AND PARTIAL DEMINERALISATION	50
Op. 01.01.17		- TC 1679900

This is page 2 of 2 Pages of the instrument.

Dated 20 December 2016

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

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