



## Application for Tariff Concession Order (TCO)

Please open this form using Adobe Acrobat Reader.

Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS. Tick where applicable ☒

**IMPORTANT:** Please read the information below carefully before completing this form. A reference to a Part, section or subsection in this form is a reference to a provision of Part XVA of the *Customs Act 1901*, unless otherwise specified.

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

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

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

- (b) Before lodging this application for a TCO, the applicant should determine whether a suitable TCO already exists. Information on existing TCOs is available on the Internet at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)

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

- (c) Section 269FA states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Comptroller-General of Customs, that, on the basis of:

- (a) all information that the applicant has, or can reasonably be expected to have; and
- (b) all enquiries that the applicant has made, or can reasonably be expected to make;

there are reasonable grounds for asserting that the application meets the core criteria".

The application is taken to meet the core criteria if, on the day of lodgement of the application, **no substitutable goods** were produced in Australia in the ordinary course of business.

### Completing the application

- (d) Subsection 269F requires that a TCO application be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form.

**This is the approved form for the purposes of that section.**

- (e) Subsection 269F(3) states that a TCO application must contain:

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

### Questions 1 to 8 must be answered

- (f) Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) The Comptroller-General of Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form. The Comptroller-General of Customs may also undertake its own enquiries as allowed under section 269M.
- (h) Receipt of your application will be acknowledged. Any resultant TCO will operate from the date of receipt.
- (i) Where an application is accepted as being a valid application, the identity of the applicant and of the importer for whom the applicant is acting will be published in the Commonwealth of Australia Tariff Concessions Gazette (the Gazette).
- (j) Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, in the *Domestic manufacturers: importers* page on the Internet at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers) or by emailing [tarcon@homeaffairs.gov.au](mailto:tarcon@homeaffairs.gov.au)
- (k) Attached to this form are extracts from relevant legislation. Also please refer to 'Applicant's Obligations' at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders) containing advice as to what the Comptroller-General of Customs considers to be 'reasonable enquiries', advice on conducting searches on national and international search engines and a suggested format letter that you might choose to use when contacting potential local manufacturers to determine if they produce substitutable goods.

**Applicant details**

Applicant's name: Beckman Coulter Australia Pty Ltd	Australian Business Number (ABN): 81002011672
Postal address: s. 47F(1)	
Applicant's reference: DxA 5000 Rack Builder Module	Company contact: s. 47F(1)
Telephone number: s. 47F(1)	Position held: Consultant
Mobile number: s. 47F(1)	Email address:
Fax number:	

If the applicant (as named above) is not an importer intending to use the TCO to import the goods the subject of the application, please complete the Importer details section below (refer to paragraph s.269F(3)(c)).

**Importer details**

Importer's name (if same as applicant, write "as above"): "as above"	Australian Business Number (ABN):
Postal address:	
Importer's reference:	Company contact:
Telephone number:	Position held:
Mobile number:	Email address:
Fax number:	

**Agent / broker details (if applicable)**

Agent's name: s. 47F(1)	Australian Business Number (ABN):
Postal address: s. 47F(1)	
Agent's reference: BECO0004_TCO (7)	Agency contact: s. 47F(1)
Telephone number: s. 47F(1)	Position held: Consultant
Mobile number: s. 47F(1)	Email address:
Fax number:	

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### 1. Description of goods

- (a) The description of the goods in the application may be used as the description of the goods in the TCO (if made).
- (b) The application must provide a full description of the goods, including the physical features of the various components of the goods. It must not describe the goods in terms of what they do.
- (c) In accordance with section 269SJ, the Comptroller-General of Customs 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 extend.
- Goods will be taken to be described in terms other than in generic terms if, for example, their description, either directly or by implication, indicates that they are goods of a particular brand or model, or that a particular part number applies to the goods.
- (d) Guidance on the drafting of the description of goods is contained in relevant Practice Statements on the internet at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au). Failure to comply with the Comptroller-General of Customs' requirements may result in rejection of the application.

### Provide a full description of the goods to which the application relates

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

### 2. Illustrative descriptive material

**Attach technical and illustrative descriptive material (IDM).** If an industry standard is referred to in the description of the goods, attach extracts from the relevant industry standard, details of the relevant industry organization that has approved the standard, the standards reference number and date of publication. If appropriate include a sample or, alternatively, detailed coloured photos to enable full and accurate identification of the goods the subject of the application. This application will be rejected if insufficient or inadequate IDM is provided.

Please note, simply providing a reference to a website is not acceptable and may result in the application being rejected.

### 3. Tariff classification

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

### 4. Uses of the imported goods

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

For the transfer of sample tubes from tube carriers to tube racks in laboratory automation systems



**5. Information that the applicant and importer has, regarding Australian manufacturers of substitutable goods or potentially substitutable goods**

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

**5A. Applicant**

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

☐ YES

☒ NO

If YES, please provide the names of these Australian manufacturers or producers.

**5B. Importer**

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

☐ YES

☒ NO

If YES, please provide the names of these Australian manufacturers or producers.

**5C. Please provide details of other information that the applicant and/or importer may have to assist in locating any local manufacturers**

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

☐ YES

☒ NO

If YES, what is the name of the association(s):

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

☐ YES

☒ NO

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

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

☐ YES

☒ NO

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



**6. Enquiries that the applicant and/or importer has made regarding local manufacturers of substitutable goods, or of potentially substitutable goods**

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

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

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

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

**6B. Searches of three different databases contained in trade directories, public search engines or websites listing Australian products**

If you have not obtained a report from a prescribed organisation, you must make enquiries in at least three databases to locate the possible existence of Australian manufacturers or producers of goods that may be substitutable for the goods the subject of the TCO application. Examples of these databases may include trade directories such as **Australian B2B**, search engines such as **Google**, and websites listing Australian products such as **Australian Made**. Please refer to the *Domestic manufacturers: importers* page on the Internet at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers) for guidance as to what the Department considers to be a reasonable search. Includes links to external Internet sites.

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

**1. Name of database:**

Search terms used in database: Yellow Pages  
laboratory racking sample tube handling units

**2. Name of database:**

Search terms used in database: Australian B2B (Kompass)  
laboratory racking sample tube handling units

**3. Name of database:**

Search terms used in database: Australian Made  
laboratory racking sample tube handling units

**6C. Industry associations**

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

- ☐ YES Please attach a copy of the terms of the request and any response received.
- ☒ NO Please explain why you have not made enquiries.

No Australian manufacturers of substitutable goods identified.

## 7. Notification of potential Australian manufacturers

If any of the answers to questions 5 or 6 identified any potential local manufacturers of substitutable goods, please provide details of the enquiries that you undertook to notify those local manufacturers of your application and to seek advice whether they believe they manufacture any substitutable goods. Please refer to the *Domestic manufacturers: importers* page on the Internet at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers) for a suggested format of a letter to a potential local manufacturer of substitutable goods.

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

**1. Name and address of business:**

Please provide a copy of your request to each business. Is the copy attached? ☐ YES ☐ NO

Please provide a copy of the response provided, if any. Is their response attached? ☐ YES ☐ NO

**2. Name and address of business:**

Please provide a copy of your request to each business. Is the copy attached? ☐ YES ☐ NO

Please provide a copy of the response provided, if any. Is their response attached? ☐ YES ☐ NO

**3. Name and address of business:**

Please provide a copy of your request to each business. Is the copy attached? ☐ YES ☐ NO

Please provide a copy of the response provided, if any. Is their response attached? ☐ YES ☐ NO

**4. Name and address of business:**

Please provide a copy of your request to each business. Is the copy attached? ☐ YES ☐ NO

Please provide a copy of the response provided, if any. Is their response attached? ☐ YES ☐ NO

## 8. Justification for application

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

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

[illegible]

## Privacy statement

Information provided on this form may be disclosed to a number of agencies including the Department of Infrastructure and Regional Development, the Australian Federal Police, the Australian Criminal Intelligence Commission, the Attorney-General's Department and the Department of Foreign Affairs and Trade. Any false or misleading statements may result in penalty action under Section 243T or 243U of the *Customs Act 1901*. Personal information is collected, used, stored and disclosed by the Department of Home Affairs (the Department) in accordance with the Australian Privacy Principles in schedule 1 of the *Privacy Act 1988*. Further information regarding how the Department collects, stores, uses and discloses personal information may be found in form 1442i *Privacy notice*. More information about how the Department handles personal information can be found in the Department's Privacy policy at [www.homeaffairs.gov.au/about/access-accountability/privacy](http://www.homeaffairs.gov.au/about/access-accountability/privacy)

## Applicant's declaration

1. s. 47F(1)	Position held: Consultant
Company (if applicable): s. 47F(1)	
declare that: 1. I have the authority to act on behalf of the company/applicant; 2. To the best of my knowledge and belief the information contained in this form including any attachments is correct <b>and that no relevant information has been omitted</b> ; 3. I have ensured that questions 1 to 8 are completed and supporting documents are provided; and 4. I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of subsection 14(1) of the <i>Electronic Transactions Act 1999</i> , this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail to <a href="mailto:tarcon@homeaffairs.gov.au">tarcon@homeaffairs.gov.au</a> when it is first accessed by an officer of Customs as specified in subsection 269F(4). 5. I have read I have read the information about <i>Applicant's Obligations when applying for a Tariff Concession Order (TCO)</i> at <a href="http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders">www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders</a> and the definitions attached to this form and understand that it is my responsibility to establish to the satisfaction of the Comptroller-General of Customs that there are reasonable grounds for asserting that the application meets the core criteria for the grant of a TCO. 6. I acknowledge that I understand that under section 269M(6) that at any time during the period of 150 days from the gazettal day, the Comptroller-General of Customs may, for the purpose of dealing with a TCO application, and despite part 6 of the <i>Australian Border Force Act 2015</i> , give a copy of all, or of a part, of the application to a prescribed organisation with a view to obtaining the advice of the organisation in relation to the question whether there are any producers in Australia of substitutable goods.	
Signature of applicant / agent / broker: s. 47F(1)	Date: 28 Nov 2019

**NOTE: Section 234 of the *Customs Act 1901* provides that it is an offence to make a statement (or omission) to an officer that is false or misleading in a material particular or to omit or cause to be omitted from a statement any matter or thing reckless as to the fact that without the matter or thing the statement is misleading in a material particular.**

## Checklist

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

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> IDM / samples          | <input checked="" type="checkbox"/> Local manufacturer search results  | <input checked="" type="checkbox"/> Application signed and dated |
| <input checked="" type="checkbox"/> Questions 1-8 answered | <input checked="" type="checkbox"/> All enquiries requested undertaken |  |

## WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH THE COMPTROLLER-GENERAL OF CUSTOMS BY:

- emailing it to [tarcon@homeaffairs.gov.au](mailto:tarcon@homeaffairs.gov.au) (preferred)  
or
- posting it by prepaid post to:  
Manager  
Tariff Concessions Administration  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2617



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

### 269B – Interpretation

#### Subsection 269B(1)

**Capital equipment** means goods, which if imported into Australia, would be goods to which Chapters 84, 85, 86, 87, 89 or 90 of Schedule 3 to the *Customs Tariff Act 1995* would apply.

**Substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, means goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put.

#### Subsection 269B(3)

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

### 269C – Core criteria

For the purposes of this Part, a TCO application is taken to meet the core criteria if, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

### 269D – Goods produced in Australia

- (1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if the goods are wholly or partly manufactured in Australia.
- (2) For the purposes of this Part, goods are taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.
- (3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:
  - (a) operations to preserve goods during transportation or storage;
  - (b) operations to improve the packing or labelling or marketable quality of goods;
  - (c) operations to prepare goods for shipment;
  - (d) simple assembly operations;
  - (e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

### 269E – The ordinary course of business

- (1) For the purposes of this Part, other than section 269Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:
  - (a) they have been produced in Australia in the 2 years before the application was lodged; or
  - (b) they have been produced, and are held in stock, in Australia; or
  - (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;and a producer in Australia is prepared to accept an order to supply them.
- (2) For the purposes of this Part, substitutable goods, in respect of goods the subject of a TCO application, are taken to be produced in Australia in the ordinary course of business if:
  - (a) a producer in Australia could produce substitutable goods, in respect of goods the subject of the TCO application, with existing facilities; and
  - (b) the substitutable goods the producer could produce would be made-to-order capital equipment; and
  - (c) in the 5 years before the application was lodged, the producer has made goods requiring the same labour skills, technology and design expertise as the substitutable goods the producer could produce; and
  - (d) the producer is prepared to accept an order to supply substitutable goods in respect of goods the subject of the TCO application.
- (3) In this section:

**made-to-order capital equipment** means a particular item of capital equipment:

  - (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
  - (b) that is not produced in quantities indicative of a production run.

**From:** s. 47F(1)  
**To:** [TARCON](#)  
**Subject:** TCO Application - Beckman Coulter Australia - Rack Builder Module - Ref: BECO0004\_TCO (7) CRM:0056549  
**Date:** Thursday, 28 November 2019 4:45:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[BECO0004\\_TCO \(7\).zip](#)

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Dear Sir/Madam,

Please accept the attached documents as lodgement of a Tariff Concession Order application.

- Supporting Statement
- IDM
- Local Manufacturer Search
- Signed Application

s. 47F(1)

*a Trusted Trader with the Australian Border Force.*

If you have any questions or enquiries regarding this matter, please do not hesitate to contact me.

n.b. Please ensure to address all correspondence in relation to this submission to :

s. 47F(1)

# Search results for...

*"laboratory racking sample tube handling unit"*

(/licensees/fabian-woodworks/spice-rack---wooden---closed-top---4-tiers---stainless-steel-tube---72-spice-jars)



(/licensees/fabian-woodworks/spice-rack---wooden---closed-top---4-tiers---stainless-steel-tube---72-spice-jars)

Spice Rack - Wooden - Closed... (/licensees/fabian-woodworks/spice-rack---wooden---closed-top---4-tiers---stainless-steel-tube---72-spice-jars)

*View Product*

FABIAN WOODWORKS (/LICENSEES/FABIAN-WOODWORKS)

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(/licensees/fabian-woodworks/spice-rack---wooden---closed-top---2-tiers---stainless-steel-tube---36-spice-jars)



(/licensees/fabian-woodworks/spice-rack---wooden---closed-top---2-tiers---stainless-steel-tube---36-spice-jars)

Spice Rack - Wooden - Closed... (/licensees/fabian-woodworks/spice-rack---wooden---closed-top---2-tiers---stainless-steel-tube---36-spice-jars)

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(/licensees/fabian-woodworks/spice-rack---wooden---closed-top---1-tier---stainless-steel-tube---18-spice-jars)

Spice Rack - Wooden - Closed... (/licensees/fabian-woodworks/spice-rack---wooden---closed-top---1-tier---stainless-steel-tube---18-spice-jars)

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Spice Rack - Wooden - Closed... (/licensees/fabian-woodworks/spice-rack--wooden--closed-top--3-tiers--stainless-steel-tube--54-spice-jars)

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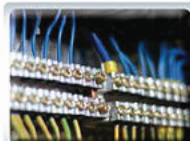


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Laboratory racking sample tub

all states



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Legal ID: Laboratory &amp; scientific services

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28 November 2019

Tariff Concessions Administration

Australian Border Force

Department of Home Affairs  
Allara House, 48 Allara Street,  
Canberra City, ACT 2601  
[sent by email to [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au)]

Re: TCO Application – s. 47F(1) \_TCO (7) Rack Builder Module

---

Dear Sir / Madam,

With respect to the application for Tariff Concession Order (TCO), our reference “s. 47F(1) \_TCO (7) – Rack Builder Module”, submitted by email to the Department of Home Affairs on 28<sup>th</sup> November 2019, please find below our justification for the claimed classification.

## GOODS DESCRIPTION

The Rack Builder Module (“the Goods”) is an integral component of the s. 47F(1) Automation System which is a customisable, high throughput total automation laboratory sample tube handling system that automatically handles chemistry, immunoassay, hematology and coagulation sample tubes.

Given the large size of the s. 47F(1) system, it may not be logistically possible to ship all modules that comprise the complete system under one aircraft movement and therefore we are writing a TCO application specific to the Rack Builder Module.

To briefly explain the background of sample tubes, when samples of blood (as well as other fluids) are taken from patients by a Doctor for laboratory analysis (e.g. to test cholesterol, gout, sugar, HIV levels etc), the blood/fluid sample the Doctor takes is placed into a sample tube that looks like a test tube.

The Goods function is to transfer sample tubes contained in tube carriers used by the s. 47F(1) system, into racks specifically designed for use by Analytical equipment. The reason for this transfer is that the tube carriers used by the Dx A 5000 to transport the sample tubes throughout its system, cannot be used by the Analysers.

To enable this transfer to take place, a rack builder tube robot incorporated in the Goods (under instruction from the system software) is used to remove the sample tubes from the s. 47F(1) tube carriers and place them in the Analyser specific tube racks. Once the transfer has been conducted by the rack builder tube robot, the sample tubes (now contained in Analyser specific racks) are moved to Buffer Racks located in the Goods where they will await collection by the Analyser.

The Analysers, which do not form part of the imported goods, then conduct their testing of the samples and once complete return the sample tubes back to the rack buffer lane of the Goods.

The reverse process can also be conducted by the Goods, whereby the sample tubes are transferred from the Analyser specific racks back to the tube carriers used by the s. 47F(1) transport system.

In situations where a single sample tube requires a re-run or reflex testing the rack builder tube robot has the capability to pick that particular sample tube from a processed rack and place it in a rack destined for the Analyser.

The Goods allow faster processing time, minimise errors, optimise workflow, and minimise biohazard exposure to human personnel by automatically performing routine sample tube handling operations in laboratory and clinical applications.

In their imported condition the Goods do not include Sample tubes,, Transport system or any analytical equipment.

Illustrative Descriptive Material provided with this application:

- Rack Builder Module – System location diagram.pdf
- Rack Builder Module.pdf
- s. 47F(1) Brochure (Complete System).pdf

## IDENTIFICATION

The Goods are identified as a module designed for laboratory tube handling of sample tubes, for use in conjunction with separately imported analysers in laboratory and clinical applications.

## HEADINGS CONSIDERED AND REASONS WHY

**9018:** Instruments and appliances used in medical sciences. Rejected. Regard had to Chapter 90 Note 1 (g). The Goods are a machine with the clearly defined function of handling sample tubes in automated laboratory and clinical applications. The Goods are therefore considered correctly classified with other handling machinery of heading 8428 and are accordingly excluded from Chapter 90 vide Chapter 90 Note 1 (g).

**9032:** Automatic controlling apparatus. Rejected. Regard had to Chapter 90 Note 7, in addition to Notes 1 (g). In addition to being excluded from Chapter 90 vide the application of Chapter 90 Notes 1 (g), Chapter 90 Note 7 further states that heading 9032 only applies to:

*“instruments and apparatus for automatically controlling the flow, level, pressure or other variables of liquids or gases, or for automatically controlling temperature, whether or not their operation depends on an electrical phenomenon which varies according to the factor to be automatically controlled, which are designed to bring this factor to, and maintain it at, a desired value, stabilised against disturbances, by constantly or periodically measuring its actual value...”*

The Goods are not provided for by the inclusionary description provided by the note and they do not therefore meet the terms of heading 9032. Accordingly, the Goods are excluded from heading 9032.

**8428:** Other handling machinery. Accepted. IR1.

The Goods are identified as a laboratory tube handling machine with a clearly defined function covered by heading 8428.

## SUB HEADINGS CONSIDERED AND REASONS WHY

**8428.39:** Other continuous-action elevators and conveyors for goods or materials. Rejected. The Goods are do not operate with a continuous action and are not a conveyor.

**8428.90:** Other machinery. Accepted. As the function of the Goods is not specifically provided for by preceding subheadings comparable at the same level, classification of the Goods accordingly falls with other machinery of 8428.90. IR1, IR6, ToSH

## INSTRUMENTS CONSIDERED AND REASONS WHY

The Goods are not considered to accurately and exhaustively fit the description of any existing instruments possibly considered to apply to the Goods at the given sub-heading.

## CLAIMED CLASSIFICATION

8428.90.00



## PROPOSED TCO WORDING

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following:

- a) rack buffer;
- b) rack transfer unit;
- c) rack builder tube robot;
- d) rack builder console;
- e) input AND/OR output lanes;
- f) camera AND/OR bar-code reader

Stated Use: For the transfer of sample tubes from tube carriers to tube racks in laboratory automation systems.

We trust the above claimed reasoning and tariff classification, together with the supplied Illustrative Descriptive Material will sufficiently aid the Tariff Officer on duty to form an opinion upon the classification of the goods to which the TCO application for the subject goods relates.

If you have any further questions or queries, please contact the undersigned.

Yours Sincerely,

s. 47F(1)





## Application for Tariff Concession Order (TCO)

Please open this form using Adobe Acrobat Reader.

Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS. Tick where applicable ☒

**IMPORTANT:** Please read the information below carefully before completing this form. A reference to a Part, section or subsection in this form is a reference to a provision of Part XVA of the *Customs Act 1901*, unless otherwise specified.

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

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

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

- (b) Before lodging this application for a TCO, the applicant should determine whether a suitable TCO already exists. Information on existing TCOs is available on the Internet at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)

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

- (c) Section 269FA states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Comptroller-General of Customs, that, on the basis of:

- (a) all information that the applicant has, or can reasonably be expected to have; and
- (b) all enquiries that the applicant has made, or can reasonably be expected to make;

there are reasonable grounds for asserting that the application meets the core criteria".

The application is taken to meet the core criteria if, on the day of lodgement of the application, **no substitutable goods** were produced in Australia in the ordinary course of business.

### Completing the application

- (d) Subsection 269F requires that a TCO application be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form.

**This is the approved form for the purposes of that section.**

- (e) Subsection 269F(3) states that a TCO application must contain:

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

### Questions 1 to 8 must be answered

- (f) Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) The Comptroller-General of Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form. The Comptroller-General of Customs may also undertake its own enquiries as allowed under section 269M.
- (h) Receipt of your application will be acknowledged. Any resultant TCO will operate from the date of receipt.
- (i) Where an application is accepted as being a valid application, the identity of the applicant and of the importer for whom the applicant is acting will be published in the Commonwealth of Australia Tariff Concessions Gazette (the Gazette).
- (j) Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, in the *Domestic manufacturers: importers* page on the Internet at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers) or by emailing [tarcon@homeaffairs.gov.au](mailto:tarcon@homeaffairs.gov.au)
- (k) Attached to this form are extracts from relevant legislation. Also please refer to 'Applicant's Obligations' at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders) containing advice as to what the Comptroller-General of Customs considers to be 'reasonable enquiries', advice on conducting searches on national and international search engines and a suggested format letter that you might choose to use when contacting potential local manufacturers to determine if they produce substitutable goods.

**Applicant details**

Applicant's name: Beckman Coulter Australia Pty Ltd	Australian Business Number (ABN): 81002011672
Postal address: s. 47F(1)	
Applicant's reference: DxA 5000 Rack Builder Module	Company contact: s. 47F(1)
Telephone number: s. 47F(1)	Position held: Consultant
Mobile number: s. 47F(1)	Email address:
Fax number:	

If the applicant (as named above) is not an importer intending to use the TCO to import the goods the subject of the application, please complete the Importer details section below (refer to paragraph s.269F(3)(c)).

**Importer details**

Importer's name (if same as applicant, write "as above"): "as above"	Australian Business Number (ABN):
Postal address:	
Importer's reference:	Company contact:
Telephone number:	Position held:
Mobile number:	Email address:
Fax number:	

**Agent / broker details (if applicable)**

Agent's name: s. 47F(1)	Australian Business Number (ABN):
Postal address: s. 47F(1)	
Agent's reference: BECO0004_TCO (7)	Agency contact: s. 47F(1)
Telephone number: s. 47F(1)	Position held: Consultant
Mobile number: s. 47F(1)	Email address:
Fax number:	

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### 1. Description of goods

- (a) The description of the goods in the application may be used as the description of the goods in the TCO (if made).
- (b) The application must provide a full description of the goods, including the physical features of the various components of the goods. It must not describe the goods in terms of what they do.
- (c) In accordance with section 269SJ, the Comptroller-General of Customs 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 extend.
- Goods will be taken to be described in terms other than in generic terms if, for example, their description, either directly or by implication, indicates that they are goods of a particular brand or model, or that a particular part number applies to the goods.
- (d) Guidance on the drafting of the description of goods is contained in relevant Practice Statements on the internet at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au). Failure to comply with the Comptroller-General of Customs' requirements may result in rejection of the application.

### Provide a full description of the goods to which the application relates

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

### 2. Illustrative descriptive material

**Attach technical and illustrative descriptive material (IDM).** If an industry standard is referred to in the description of the goods, attach extracts from the relevant industry standard, details of the relevant industry organization that has approved the standard, the standards reference number and date of publication. If appropriate include a sample or, alternatively, detailed coloured photos to enable full and accurate identification of the goods the subject of the application. This application will be rejected if insufficient or inadequate IDM is provided.

Please note, simply providing a reference to a website is not acceptable and may result in the application being rejected.

### 3. Tariff classification

- (a) Identify the tariff classification (to 8 figure subheading level) 8428.90.00
- (b) Identify the General Duty rate 5 %
- (c) If a Tariff Advice (TA) for the goods has been sought or obtained, please provide the TA No or attach a copy.

### 4. Uses of the imported goods

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

For the transfer of sample tubes from tube carriers to tube racks in laboratory automation systems



**5. Information that the applicant and importer has, regarding Australian manufacturers of substitutable goods or potentially substitutable goods**

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

**5A. Applicant**

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

☐ YES

☒ NO

If YES, please provide the names of these Australian manufacturers or producers.

**5B. Importer**

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

☐ YES

☒ NO

If YES, please provide the names of these Australian manufacturers or producers.

**5C. Please provide details of other information that the applicant and/or importer may have to assist in locating any local manufacturers**

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

☐ YES

☒ NO

If YES, what is the name of the association(s):

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

☐ YES

☒ NO

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

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

☐ YES

☒ NO

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

**6. Enquiries that the applicant and/or importer has made regarding local manufacturers of substitutable goods, or of potentially substitutable goods**

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

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

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

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

**6B. Searches of three different databases contained in trade directories, public search engines or websites listing Australian products**

If you have not obtained a report from a prescribed organisation, you must make enquiries in at least three databases to locate the possible existence of Australian manufacturers or producers of goods that may be substitutable for the goods the subject of the TCO application. Examples of these databases may include trade directories such as **Australian B2B**, search engines such as **Google**, and websites listing Australian products such as **Australian Made**. Please refer to the *Domestic manufacturers: importers* page on the Internet at [www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers](http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers) for guidance as to what the Department considers to be a reasonable search. Includes links to external Internet sites.

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

**1. Name of database:**

Search terms used in database: Yellow Pages  
laboratory racking sample tube handling units

**2. Name of database:**

Search terms used in database: Australian B2B (Kompass)  
laboratory racking sample tube handling units

**3. Name of database:**

Search terms used in database: Australian Made  
laboratory racking sample tube handling units

**6C. Industry associations**

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

- ☐ YES Please attach a copy of the terms of the request and any response received.
- ☒ NO Please explain why you have not made enquiries.

No Australian manufacturers of substitutable goods identified.





## Privacy statement

Information provided on this form may be disclosed to a number of agencies including the Department of Infrastructure and Regional Development, the Australian Federal Police, the Australian Criminal Intelligence Commission, the Attorney-General's Department and the Department of Foreign Affairs and Trade. Any false or misleading statements may result in penalty action under Section 243T or 243U of the *Customs Act 1901*. Personal information is collected, used, stored and disclosed by the Department of Home Affairs (the Department) in accordance with the Australian Privacy Principles in schedule 1 of the *Privacy Act 1988*. Further information regarding how the Department collects, stores, uses and discloses personal information may be found in form 1442i *Privacy notice*. More information about how the Department handles personal information can be found in the Department's Privacy policy at [www.homeaffairs.gov.au/about/access-accountability/privacy](http://www.homeaffairs.gov.au/about/access-accountability/privacy)

## Applicant's declaration

I, s. 47F(1)	Position held: Consultant
Company (if applicable): s. 47F(1)	
declare that: <ol style="list-style-type: none"><li>1. I have the authority to act on behalf of the company/applicant;</li><li>2. To the best of my knowledge and belief the information contained in this form including any attachments is correct <b>and that no relevant information has been omitted</b>;</li><li>3. I have ensured that questions 1 to 8 are completed and supporting documents are provided; and</li><li>4. I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of subsection 14(1) of the <i>Electronic Transactions Act 1999</i>, this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail to <a href="mailto:tarcon@homeaffairs.gov.au">tarcon@homeaffairs.gov.au</a> when it is first accessed by an officer of Customs as specified in subsection 269F(4).</li><li>5. I have read I have read the information about <i>Applicant's Obligations when applying for a Tariff Concession Order (TCO)</i> at <a href="http://www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders">www.homeaffairs.gov.au/busi/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders</a> and the definitions attached to this form and understand that it is my responsibility to establish to the satisfaction of the Comptroller-General of Customs that there are reasonable grounds for asserting that the application meets the core criteria for the grant of a TCO.</li><li>6. I acknowledge that I understand that under section 269M(6) that at any time during the period of 150 days from the gazettal day, the Comptroller-General of Customs may, for the purpose of dealing with a TCO application, and despite part 6 of the <i>Australian Border Force Act 2015</i>, give a copy of all, or of a part, of the application to a prescribed organisation with a view to obtaining the advice of the organisation in relation to the question whether there are any producers in Australia of substitutable goods.</li></ol>	
Signature of applicant / agent / broker: s. 47F(1)	Date: 28 Nov 2019

**NOTE: Section 234 of the *Customs Act 1901* provides that it is an offence to make a statement (or omission) to an officer that is false or misleading in a material particular or to omit or cause to be omitted from a statement any matter or thing reckless as to the fact that without the matter or thing the statement is misleading in a material particular.**

## Checklist

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

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> IDM / samples          | <input checked="" type="checkbox"/> Local manufacturer search results  | <input checked="" type="checkbox"/> Application signed and dated |
| <input checked="" type="checkbox"/> Questions 1-8 answered | <input checked="" type="checkbox"/> All enquiries requested undertaken |  |

## WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH THE COMPTROLLER-GENERAL OF CUSTOMS BY:

- emailing it to [tarcon@homeaffairs.gov.au](mailto:tarcon@homeaffairs.gov.au) (preferred)  
or
- posting it by prepaid post to:  
Manager  
Tariff Concessions Administration  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2617



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

### 269B – Interpretation

#### Subsection 269B(1)

**Capital equipment** means goods, which if imported into Australia, would be goods to which Chapters 84, 85, 86, 87, 89 or 90 of Schedule 3 to the *Customs Tariff Act 1995* would apply.

**Substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, means goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put.

#### Subsection 269B(3)

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

### 269C – Core criteria

For the purposes of this Part, a TCO application is taken to meet the core criteria if, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

### 269D – Goods produced in Australia

- (1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if the goods are wholly or partly manufactured in Australia.
- (2) For the purposes of this Part, goods are taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.
- (3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:
  - (a) operations to preserve goods during transportation or storage;
  - (b) operations to improve the packing or labelling or marketable quality of goods;
  - (c) operations to prepare goods for shipment;
  - (d) simple assembly operations;
  - (e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

### 269E – The ordinary course of business

- (1) For the purposes of this Part, other than section 269Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:
  - (a) they have been produced in Australia in the 2 years before the application was lodged; or
  - (b) they have been produced, and are held in stock, in Australia; or
  - (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;and a producer in Australia is prepared to accept an order to supply them.
- (2) For the purposes of this Part, substitutable goods, in respect of goods the subject of a TCO application, are taken to be produced in Australia in the ordinary course of business if:
  - (a) a producer in Australia could produce substitutable goods, in respect of goods the subject of the TCO application, with existing facilities; and
  - (b) the substitutable goods the producer could produce would be made-to-order capital equipment; and
  - (c) in the 5 years before the application was lodged, the producer has made goods requiring the same labour skills, technology and design expertise as the substitutable goods the producer could produce; and
  - (d) the producer is prepared to accept an order to supply substitutable goods in respect of goods the subject of the TCO application.
- (3) In this section:

**made-to-order capital equipment** means a particular item of capital equipment:

  - (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
  - (b) that is not produced in quantities indicative of a production run.

**From:** [TARCON](#)  
**To:** s. 47F(1) "  
**Subject:** HPRM: RE: TCO Application - Beckman Coulter Australia - Rack Builder Module - Ref: BECO0004\_TCO (7)  
CRM:0056549 [SEC=UNCLASSIFIED]  
**Date:** Friday, 29 November 2019 11:26:00 AM  
**Attachments:** [image001.png](#)

---

UNCLASSIFIED

Good Morning s. 47F(1)

We have received your 3 TCO Applications on behalf of Beckman Coulter Australia Pty Ltd  
The Receipt date is the 28<sup>th</sup> of November 2019 and the TCO Numbers are

22(1)(a)(ii)

3 Laboratory Racking Sample Tube Handling Units – 19/325624

Regards

22(1)(a)(ii)

Tariff Concessions Officer  
Tariff Concessions Administration  
Customs Group  
Australian Border Force  
6th Floor Customs House  
5 Constitution Ave Canberra City ACT 2601 Ph 22(1)(a)(ii)

UNCLASSIFIED

---

**From:** s. 47F(1)  
**Sent:** Thursday, 28 November 2019 4:42 PM  
**To:** TARCON <tarcon@abf.gov.au>  
**Subject:** TCO Application - Beckman Coulter Australia - Rack Builder Module - Ref: BECO0004\_TCO (7) CRM:0056549

Dear Sir/Madam,

Please accept the attached documents as lodgement of a Tariff Concession Order application.

- Supporting Statement
- IDM
- Local Manufacturer Search
- Signed Application

s. 47F(1)

a Trusted Trader with the Australian Border Force.

If you have any questions or enquiries regarding this matter, please do not hesitate to contact me.

n.b. Please ensure to address all correspondence in relation to this submission to :

s. 47F(1)



**From:** [TARCON](#)  
**To:** [Tariff Classification](#)  
**Subject:** New TCO Application ADF2019/325624 [SEC=UNCLASSIFIED]  
**Date:** Friday, 29 November 2019 1:47:00 PM  
**Attachments:** [Tariff Class Sheet.docx](#)

---

UNCLASSIFIED

Good Afternoon

Please find all TCO Application documents in Trim for ADF2019/325624

Regards

22(1)(a)(ii)

Tariff Concessions Officer  
Tariff Concessions Administration  
Customs Group  
Australian Border Force  
6th Floor Customs House  
5 Constitution Ave Canberra City ACT 2601  
ph 22(1)(a)(ii)

UNCLASSIFIED



<b>TCO Number</b>	ADF2019/325624
<b>Title</b>	Laboratory Racking Sample Tube Handling Units
<b>Centre</b>	NTAC
<b>OP Date</b>	28/11/2019
<b>28 Day Due Date</b>	26/12/2019
<b>Date Sent</b>	29/11/2019
<b>Tariff Class Due Date</b>	09/12/2019
<b>Applicant</b>	Beckman Coulter Australia Pty Ltd
<b>Broker/Agent</b>	s. 47F(1)
<b>Goods</b>	Laboratory Racking Sample Tube Handling Units
<b>Claimed Classification</b>	8428.90.00
<b>Tariff Screening Officer</b>	
<b>IDM Rejection</b>	
<b>Open TA</b>	
<b>Are the Goods Classifiable</b>	
<b>Comments</b>	
<b>Does Applicant's Wording Contradict Proposed Tariff Class</b>	
<b>Tariff Classification</b>	
<b>Is TCO Restricted by Reg. 145 (EGS)</b>	
<b>Comments</b>	
<b>General Duty Rate</b>	
<b>Identification of Goods</b>	
<b>Tariff Advice No(s)</b>	
<b>Headings Considered</b>	
<b>Comments and Chapter Notes</b>	
<b>Query Date</b>	
<b>Tariff Officer</b>	
<b>Finalisation Date</b>	

<b>Version Updates</b>	
<b>Application</b>	
<b>TA Advice</b>	

**8428** OTHER LIFTING, HANDLING, LOADING OR  
UNLOADING MACHINERY (FOR EXAMPLE, LIFTS,  
ESCALATORS, CONVEYORS, TELEFERICS):

**8428.10.00**11No- Lifts and skip hoists

5% [View TCOs for  
8428.10.00](#)

**8428.20.00**12No- Pneumatic elevators and conveyors

5% [View TCOs for  
8428.20.00](#)

**8428.3** - Other continuous-action elevators and conveyors, for  
goods or materials:

**8428.31.00**13No-- Specially designed for underground use

5% [View TCOs for  
8428.31.00](#)

**8428.32.00**14No-- Other, bucket type

5% [View TCOs for  
8428.32.00](#)

**8428.33.00**15No-- Other, belt type

5% [View TCOs for  
8428.33.00](#)

**8428.39.00**40No-- Other

5% [View TCOs for  
8428.39.00](#)

**8428.40.00**17No- Escalators and moving walkways

5% [View TCOs for  
8428.40.00](#)

**8428.60.00**19No- Teleferics, chair-lifts, ski-draglines; traction mechanisms  
for funiculars

5% [View TCOs for  
8438.60.00](#)

**8428.90.00**46No- Other machinery

5% [View TCOs for  
8428.90.00](#)

8428.90.00

50

50

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable  
logic controlled, whether OR not assembled, including ALL of the  
following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

Op. 28.11.19

- TC 19325624

Stated Use:

For the transfer of sample tubes from tube carriers to tube  
racks in laboratory automation systems

Applicant: Beckman Coulter Australia Pty Ltd

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Notes

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TCOs existing	NO
Tariff Advice	NO

Q5&6	F	4/5
------	---	-----

---

---

Please check words and use 22(1)

---



**From:** [Tariff Classification](#)  
**To:** [TARCON](#)  
**Subject:** RE: New TCO Application ADF2019/325624 [SEC=UNCLASSIFIED]  
**Date:** Thursday, 5 December 2019 2:33:54 PM  
**Attachments:** [Tariff Class Sheet 19325624.docx](#)

---

UNCLASSIFIED

Hello TARCON,  
Please find a classification check for TCO 19325624.  
regards

22(1)(a)(ii)

[Senior Trade Advice Officer](#)  
[National Trade Advice Centre](#)  
[Customs Group](#)  
[Australian Border Force](#)  
[Phone: 1800053016](#)

UNCLASSIFIED

---

**From:** TARCON  
**Sent:** Friday, 29 November 2019 1:48 PM  
**To:** Tariff Classification  
**Subject:** New TCO Application ADF2019/325624 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good Afternoon  
Please find all TCO Application documents in Trim for ADF2019/325624  
Regards

22(1)(a)(ii)

Tariff Concessions Officer  
Tariff Concessions Administration  
Customs Group  
Australian Border Force  
6th Floor Customs House  
5 Constitution Ave Canberra City ACT 2601  
Ph 22(1)(a)(ii)

UNCLASSIFIED

<b>TCO Number</b>	ADF2019/325624
<b>Title</b>	Laboratory Racking Sample Tube Handling Units
<b>Centre</b>	NTAC
<b>OP Date</b>	28/11/2019
<b>28 Day Due Date</b>	26/12/2019
<b>Date Sent</b>	29/11/2019
<b>Tariff Class Due Date</b>	09/12/2019
<b>Applicant</b>	Beckman Coulter Australia Pty Ltd
<b>Broker/Agent</b>	s. 47F(1)
<b>Goods</b>	Laboratory Racking Sample Tube Handling Units
<b>Claimed Classification</b>	8428.90.00
<b>Tariff Screening Officer</b>	
<b>IDM Rejection</b>	
<b>Open TA</b>	No
<b>Are the Goods Classifiable</b>	Yes
<b>Comments</b>	
<b>Does Applicant's Wording Contradict Proposed Tariff Class</b>	No
<b>Tariff Classification</b>	8428.90.00
<b>Is TCO Restricted by Reg. 145 (EGS)</b>	No
<b>Comments</b>	
<b>General Duty Rate</b>	5%
<b>Identification of Goods</b>	<p>s. 47F(1) Rack Builder Module</p> <p>The goods are a tube transfer system as a component of an automated laboratory analytical line. The goods function is to transfer sample tubes contained in tube carriers used by the s. 47(1)(b) system, into racks specifically designed for use by analytical equipment. a rack builder tube robot incorporated in the Goods (under instruction from the system software) is used to remove the sample tubes from the s. 47(1)(b) tube carriers and place them in the Analyser specific tube racks. Once the transfer has been conducted by the rack builder tube robot, the sample tubes (now contained in Analyser specific racks) are moved to Buffer Racks located in the Goods where they will await collection by the Analyser.</p>
<b>Tariff Advice No(s)</b>	


<b>Headings Considered</b>	8428, 9027
<b>Comments and Chapter Notes</b>	9027 – Excluded as the goods do not analyse material 8428 – IR1 TOH 8428.90.00 – IR6 TOSH NESOI
<b>Query Date</b>	
<b>Tariff Officer</b>	22(1)(a)(ii)
<b>Finalisation Date</b>	05/12/2019
<b>Version Updates</b>	
<b>Application</b>	
<b>TA Advice</b>	

**From:** s. 47F(1)  
**To:** 22(1)(a)(ii)  
**Subject:** RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560  
**Date:** Thursday, 12 December 2019 11:00:36 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[IDM - Racking Robot - Storage Module - s. 47F\(1\) TCO\(5\).pdf](#)

---

Hi 22(1)(a)(ii),

22(1)(a)(ii)


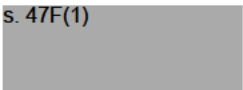


Re: 19325624 – all ok.

Please feel free to call me if you have any questions.

Regards

s. 47F(1)





s. 47F(1)



---

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

**Sent:** Tuesday, December 10, 2019 4:17 PM

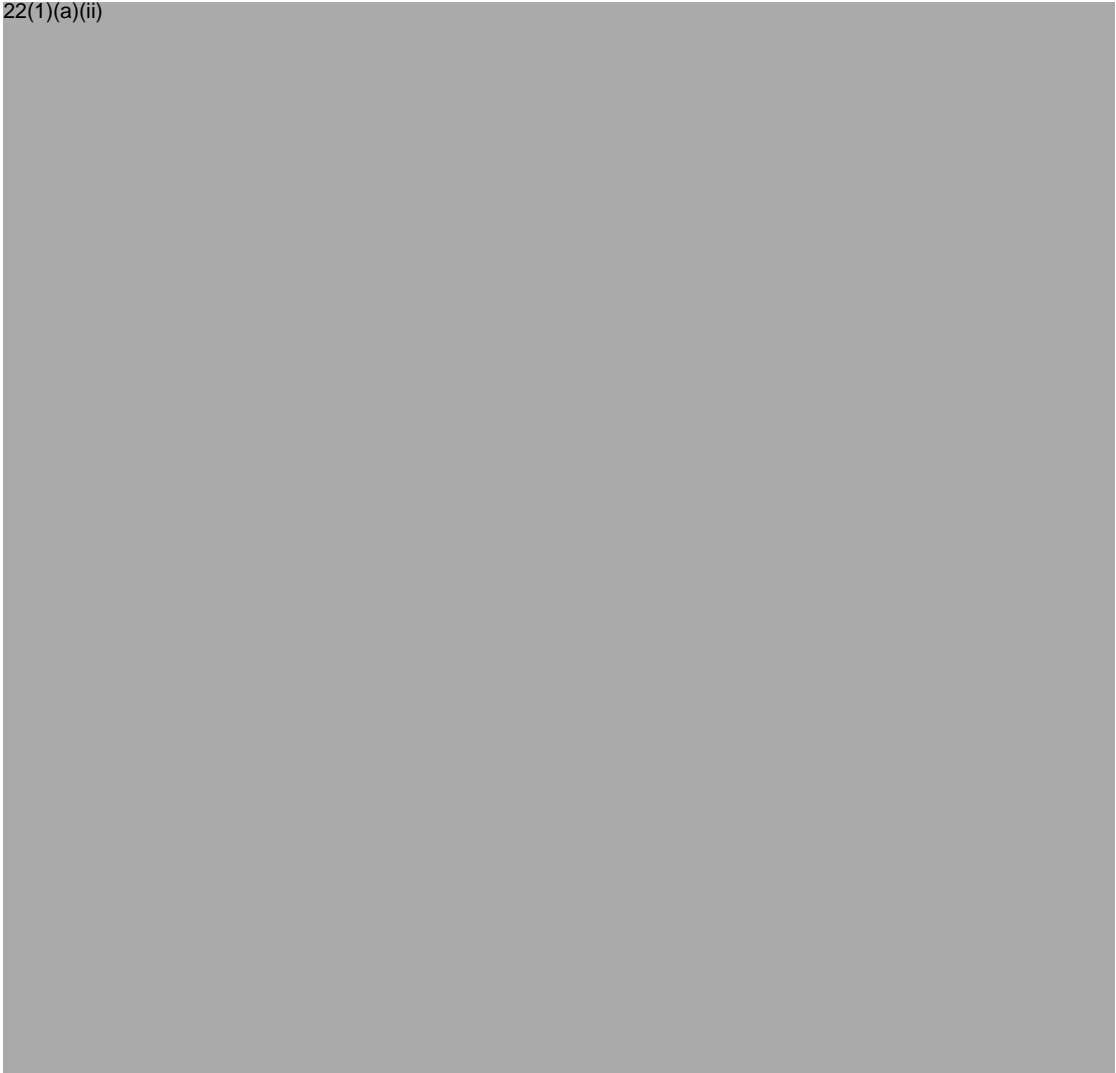
**To:** s. 47F(1)

**Subject:** Laboratory Tariff Concession Applications - Wording Agreements

Hi s.  
47F(1)

I have received the above applications and prepared the following wordings for possible agreement

22(1)(a)(ii)




TC19325624

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

## Regards

22(1)(a)(ii)



**Supervisor Tariff Concessions Administration**  
**Trusted Trader and Trade Services Branch**  
**Customs Group**  
**Australian Border Force**

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

F:

E:



**From:** 22(1)(a)(ii)  
**To:** s. 47F(1)  
**Subject:** RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560  
**Date:** Thursday, 12 December 2019 11:17:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi s.  
47F(1),

Thanks for that. I have updated the wording as requested and will now either accept and withdraw all of the applications

**Regards**

22(1)(a)(ii)

**Supervisor Tariff Concessions Administration**  
**Trusted Trader and Trade Services Branch**  
**Customs Group**  
**Australian Border Force**

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

**F:**

**E:**



---

**From:** s. 47F(1)  
**Sent:** Thursday, 12 December 2019 11:00 AM  
**To:** 22(1)(a)(ii)  
**Subject:** RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560

Hi 22(1)(a)  
(ii)


22(1)(a)(ii)



22(1)(a)(ii)



22(1)(a)(ii)




Re: 19325624 – all ok.

Please feel free to call me if you have any questions.

Regards

s. 47F(1)



---

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

**Sent:** Tuesday, December 10, 2019 4:17 PM


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

**Subject:** Laboratory Tariff Concession Applications - Wording Agreements


Hi s.  
47F(1)

I have received the above applications and prepared the following wordings for possible agreement


22(1)(a)(ii)



22(1)(a)(ii)



22(1)(a)(ii)



TC19325624

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the

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under the *Freedom of Information Act 1982*



following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

## Regards

22(1)(a)(ii)

**Supervisor Tariff Concessions Administration  
Trusted Trader and Trade Services Branch  
Customs Group  
Australian Border Force**

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

**F:**

**E:**





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

### Acceptance as a valid application

### Statement of Reasons

**TC 19325624**

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

I am satisfied that:

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

I therefore accept the application as a valid application.

Dated this 12<sup>th</sup> day of December 2019

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


Delegate of the Comptroller General of Customs

**From:** s. 47F(1)  
**To:** 22(1)(a)(ii)  
**Subject:** HPRM: RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560  
**Date:** Thursday, 12 December 2019 11:00:36 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[IDM - Racking Robot - Storage Module - s. 47F\(1\) TCO\(5\).pdf](#)


---

Hi 22(1)(a)(ii),

22(1)(a)(ii)



22(1)(a)(ii)

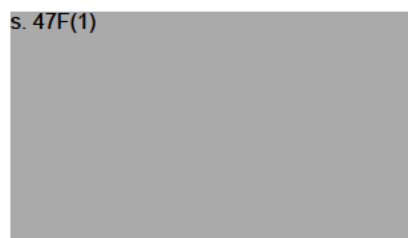


Re: 19325624 – all ok.

Please feel free to call me if you have any questions.

Regards

s. 47F(1)



s. 47F(1)



---

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

**Sent:** Tuesday, December 10, 2019 4:17 PM


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

**Subject:** Laboratory Tariff Concession Applications - Wording Agreements


Hi s.  
47F(1)

I have received the above applications and prepared the following wordings for possible agreement

22(1)(a)(ii)



22(1)(a)(ii)




TC19325624

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

## Regards

22(1)(a)(ii)



**Supervisor Tariff Concessions Administration**  
**Trusted Trader and Trade Services Branch**  
**Customs Group**  
**Australian Border Force**

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

F:

E:





**From:** 22(1)(a)(ii)  
**To:** s. 47F(1)  
**Subject:** HPRM: RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560  
**Date:** Thursday, 12 December 2019 11:17:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi s.  
47F(1),

Thanks for that. I have updated the wording as requested and will now either accept and withdraw all of the applications

**Regards**

22(1)(a)(ii)

**Supervisor Tariff Concessions Administration  
Trusted Trader and Trade Services Branch  
Customs Group  
Australian Border Force**

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

**F:**

**E:**



---


**From:** s. 47F(1)  
**Sent:** Thursday, 12 December 2019 11:00 AM  
**To:** 22(1)(a)(ii)  
**Subject:** RE: Laboratory Tariff Concession Applications - Wording Agreements CRM:0056560

Hi 22(1)(a)  
(ii),

22(1)(a)(ii)



22(1)(a)(ii)



Re: 19325624 – all ok.

Please feel free to call me if you have any questions.

Regards

s. 47F(1)



---

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

**Sent:** Tuesday, December 10, 2019 4:17 PM


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

**Subject:** Laboratory Tariff Concession Applications - Wording Agreements

Hi s.  
47F(1)

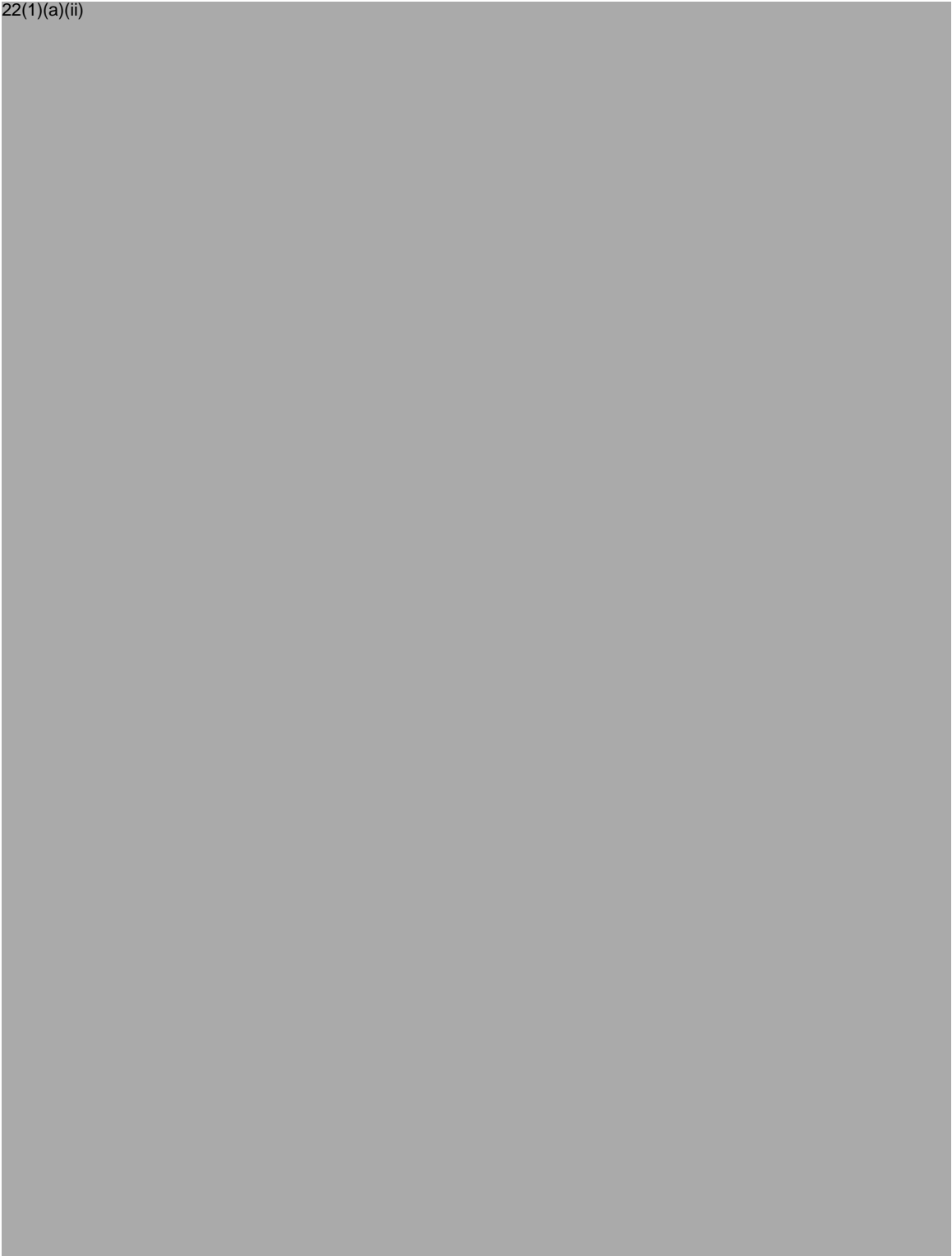
I have received the above applications and prepared the following wordings for possible agreement

22(1)(a)(ii)




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under the *Freedom of Information Act 1982*

22(1)(a)(ii)



22(1)(a)(ii)



TC19325624

SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the

following:

- (a) rack buffer;
- (b) rack transfer unit;
- (c) rack builder tube robot;
- (d) rack builder console;
- (e) input AND/OR output lanes;
- (f) camera AND/OR bar-code reader

## Regards

22(1)(a)(ii)

**Supervisor Tariff Concessions Administration  
Trusted Trader and Trade Services Branch  
Customs Group  
Australian Border Force**

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

**F:**

**E:**





Australian  
**BORDER FORCE**

Quote: TC19325624  
Your Ref:

Australian Border Force  
Tariff Concessions Admin  
5 Constitution Avenue  
Canberra City ACT  
Ph: 22(1)(a)(ii)  
Email: [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au)

12 December 2019

s. 47F(1)

Dear s. 47F(1),

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

Your application for Tariff Concession Order (TCO) Number TC 19325624 has been accepted by the Australian Border Force as a valid application. The application will be published in Gazette Number TC19/49 of 18 December 2019. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise the Comptroller-General of Customs immediately if the wording does not accurately describe the goods for which a TCO has been sought. This is a verification of agreed wording not an opportunity to further amend.

Yours sincerely,

22(1)(a)(ii)

**Delegate of the Comptroller-General of Customs**

Released by Department of Home Affairs  
under the Freedom of Information Act 1982



---

Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

---

8428.90.00      SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable  
logic controlled, whether OR not assembled, including ALL of the  
following:  
    (a) rack buffer;  
    (b) rack transfer unit;  
    (c) rack builder tube robot;  
    (d) rack builder console;  
    (e) input AND/OR output lanes;  
    (f) camera AND/OR bar-code reader  
Op. 28.11.19

50

- TC 19325624

Stated Use:

For the transfer of sample tubes from tube carriers to tube  
racks in laboratory automation systems

Applicant:

BECKMAN COULTER AUSTRALIA PTY LTD



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

### Making of a Tariff Concession Order

#### Statement of Reasons

**TC19325624**

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

Having regard to:

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

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

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

Dated this 20<sup>th</sup> day of February 2020

22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

# TARIFF CONCESSION ORDER

Under Section 269P of the *Customs Act 1901*, I, 22(1)(a)(ii) a delegate of the Comptroller-General of Customs declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the *Customs Tariff Act 1995* specified in Column 2 of THE TABLE applies. This Order shall have effect from 28.11.19 and continue in force until revoked under sections 269SC or 269SD of the *Customs Act 1901*, or the date, if any, specified in Column 2.

## THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
8428.90.00 SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable logic controlled, whether OR not assembled, including ALL of the following: (a) rack buffer; (b) rack transfer unit; (c) rack builder tube robot; (d) rack builder console; (e) input AND/OR output lanes; (f) camera AND/OR bar-code reader	50

Op. 28.11.19

- TC 19325624

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

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

Dated 20 August 2020

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

**From:** 22(1)(a)(ii)  
**To:** s. 47F(1)  
**Subject:** TCO19325624 - Sample Tube Handling Units - TCO successful letter  
**Date:** Friday, 21 February 2020 2:24:00 PM  
**Attachments:** [TCO Successful Letter 1.docx](#)

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Dear s.  
47F(

Please find attached the TCO successful letter for the above TCO.

Kind regards,

22(1)  
(a)(iii)

22(1)(a)(ii)

Origin & Verification  
Trusted Trader and Trade Services Branch  
Trade and Customs Division | Customs Group  
Australian Border Force  
p: 22(1)(a)(ii)  
E:



Australian  
**BORDER FORCE**

Quote: TC19325624  
Your Ref:

Australian Border Force  
Tariff Concessions Admin  
5 Constitution Avenue  
Canberra City ACT  
Ph: 22(1)(a)(ii)  
Email: [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au)

21 February 2020

s. 47F(1)

Dear s. 47F(1),

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

I refer to your application for Tariff Concession Order (TCO) Number TC19325624 lodged on 28 November 2019.

As a delegate of the Comptroller-General of Customs I am satisfied that the application meets the core criteria on the basis of section 269C of the *Customs Act 1901* and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette Number TC20/08 of 26 February 2020.

Yours sincerely,

22(1)(a)(ii)

**Delegate of the Comptroller-General of Customs**



**Description of the Particular goods including the applicable subheading of the Customs Tariff**

**Schedule 4 Item  
Last day of effect**

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8428.90.00      SAMPLE TUBE HANDLING UNITS, LABORATORY RACKING, programmable  
logic controlled, whether OR not assembled, including ALL of the  
following:  
    (a) rack buffer;  
    (b) rack transfer unit;  
    (c) rack builder tube robot;  
    (d) rack builder console;  
    (e) input AND/OR output lanes;  
    (f) camera AND/OR bar-code reader

Op. 28.11.19

TC 19325624