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

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 effect).

(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/business/domestic-manufacturers-and-importers or by emailing 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/business/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

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### Importer details

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### Agent / broker details (if applicable)

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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)).
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. 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 TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following:
(a) transport lanes;
(b) sample tube carriers;
(c) bar-code reader;
(d) transport operator covers AND/OR transport service covers;
(e) tube locators;
(f) tube clamps

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 automatic handling and transport of sample tubes 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/bisldomestic-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:

2. Name of database:
   Search terms used in database:

3. Name of database:
   Search terms used in database:

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 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'.
**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 1442 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

**Applicant’s declaration**

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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 and that no relevant information has been omitted;
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 *Electronic Transactions Act 1999*, 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 tarcon@homeaffairs.gov.au when it is first accessed by an officer of Customs as specified in subsection 269F(4).

5. I have read and understand the information about Applicant’s Obligations when applying for a Tariff Concession Order (TCO) at www.homeaffairs.gov.au/bus/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders 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 gazetted day, the Comptroller-General of Customs may, for the purpose of dealing with a TCO application, and despite part 6 of the *Australian Border Force Act 2015*, 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:**

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**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

- IDM / samples
- Questions 1-8 answered
- Local manufacturer search results
- Application signed and dated
- 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 (preferred)
- posting it by prepaid post to:
  - Manager:
  - Tariff Concessions Administration
  - Department of Home Affairs
  - PO Box 25
  - BELCONNEN ACT 2817
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 to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:

(a) operations to preserve goods during transportation or storage;
(b) operations to improve the packing or labelling or marketable quality of goods;
(c) operations to prepare goods for shipment;
(d) simple assembly operations;
(e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

269E – The ordinary course of business

(1) For the purposes of this Part, other than section 289Q, 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.
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:
Search results for...

"laboratory sample tube transport system"

Integra Systems

View Company
CareTech Systems (/licensees/caretech-systems)

View Company

Australia First Dental... (/licensees/australia-first-dental-laboratory)

View Company
Brilliant Smile Dental... (/licensees/brilliant-smile-dental-laboratory)
View Company

Doctor Li Laboratories (/licensees/doctor-li-laboratories)
View Company
Polvin Fencing Systems

View Company

Boathoist Loading Systems

View Company
Display Systems Australia

View Company

Marine Control Systems

View Company
Search Again

No results found! Please refine your search criteria and try again.
Science Essentials
Laboratory Equipment & Supplies - West End, QLD 4101

The laboratory Equipment professionals. 'We bring Service to Science!'

Today  8:30am - 5:00pm

Unit 2/ 26 Bailey St, West End QLD 4101

Directions

Asis Scientific
Laboratory Equipment & Supplies - West Hindmarsh, SA 5007

SA Owned & Operated

Today  8:30am - 5:00pm

474 Port Rd, Hindmarsh SA 5007

Directions

Adelab Scientific
Laboratory Equipment & Supplies - Thebarton, SA 5031

Suppliers of High Quality Laboratory Equipment & Consumables.

Today  8:30am - 5:00pm

✔ Professional and expeditious manner
✔ Competitive prices
✔ Large variety of products

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View Our Specials
Contact Us
Legal ID: Since 1986

36 Holland St, Thebarton SA 5031
Directions

**Thermoline Scientific Equipment Pty Ltd**
Laboratory Equipment & Supplies - Wetherill Park, NSW 2164
Higher Standards In Science

**Today** 8:00am - 4:30pm

- Friendly and professional service
- A network of skilled agents
- Laboratory equipment

1 Other locations

10-12 Ross Pl, Wetherill Park NSW 2164
Directions

**Science 2 Medical**
Laboratory Equipment & Supplies - Northgate, QLD 4013

**Today** 6:30am - 3:00pm

- 354 Melton Rd, Northgate QLD 4013
  Directions

**NEW Get the job done faster**
Just give us a few details and we'll put you in touch with local businesses who are best suited to your job and ready to quote.

**Met-App Pty Ltd Surgical & Laboratory**
Laboratory Equipment & Supplies - Huntingdale, VIC 3166

(03) 9562 6589
Get Quotes

https://www.yellowpages.com.au/search/listings?clue=laboratory+sample+tube+transport...
Scientific & Surgical Instruments: Manufacturer, Importer & Exporter.

Today 9:00am - 4:30pm

29 Stafford St, Huntingdale VIC 3166

Directions

Banksia Scientific Company
Laboratory Equipment & Supplies - Morningside, QLD 4170
Helping You Do Better Science Since 1980

Today 8:00am - 4:30pm

3/160 Lytton Rd, Bulimba QLD 4171

Directions

Elisa Systems Pty Ltd
Laboratory Equipment & Supplies - Windsor, QLD 4030

Today 8:30am - 5:00pm

8 Cox Rd, Windsor QLD 4030

Directions

Labglass Pty Ltd
Laboratory Equipment & Supplies - Stafford, QLD 4053
Craftsmen In Glass.

Today 7:30am - 2:45pm

Unit 1 24 Windorah St, Stafford QLD 4053

Directions
Southern Cross Science
Laboratory Equipment & Supplies - Edwardstown, SA 5039
No Opening Hours Provided

13 Tooronga Ave, Edwardstown SA 5039
Directions

Aim Scientific
Laboratory Equipment & Supplies - Prospect, SA 5082

Today  8:30am - 5:00pm

110 Prospect Rd, Prospect SA 5082
Directions

Gallay Medical & Scientific
Laboratory Equipment & Supplies - Rydalmere, NSW 2116

Today  9:00am - 5:00pm

1  Other locations

15 Euston St, Rydalmere NSW 2116
Directions

SGF Laboratories Pty. Ltd.
Laboratory Equipment & Supplies - Albion, QLD 4010

Today  8:00am - 5:00pm

20 Pedder St, Albion QLD 4010
Directions
D & A Laboratory Services
Laboratory Equipment & Supplies - Baulkham Hills, NSW 2153

No Opening Hours Provided

27 Hambledon Ave, Baulkham Hills NSW 2153
Directions

Electro Medical Group Pty Ltd
Laboratory Equipment & Supplies - Wingfield, SA 5013

Today 9:00am - 5:00pm

Legal ID: Laboratory & scientific services

Warehouse 3 513 Grand Junction Rd, Wingfield SA 5013
Directions

Mettler Toledo
Laboratory Equipment & Supplies - Port Melbourne, VIC 3207

Today Open by appointment

220 Turner St, Port Melbourne VIC 3207
Directions

Perth Scientific Pty Ltd
Laboratory Equipment & Supplies - Malaga, WA 6090

Today Open 24 hours

Unit 2/ 11 Narloo St, Malaga WA 6090
Directions
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]

Re: TCO Application – TCO (6) Transport System

Dear Sir / Madam,

With respect to the application for Tariff Concession Order (TCO), our reference “TCO (6) – Transport System”, submitted by email to the Department of Home Affairs on 28th November 2019, please find below our justification for the claimed classification.

GOODS DESCRIPTION

The Transport System (“the Goods”) is an integral component of the 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 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 Transport System.

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 transport the sample tubes throughout the various Modules that comprise an automation system, and also to analysers located either side of the track. The Goods contain specially designed transport lanes (tracks) that allow sample carriers holding the sample tubes to move safely and efficiently throughout the system. The Goods read bar-code labels located on the sample carrier and under instruction from the software system move the sample tube carriers to the required location.
The Goods include transport operator covers that protect the transport system from contamination and physical interference during operation, and service covers that provide protection and can be removed for access during maintenance.

Tube locators and tube clamps located in the Goods ensure the safe handling of the sample tubes as they are transported to and from the various modules.

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 or perform any analytical functions.

Illustrative Descriptive Material provided with this application:

- Transport System – System location.pdf (location diagram)
- Transport System.pdf
- 5.15.12 The Sample Carriers.pdf
- 4.3.8.2 The Concept for Installing the Transport Covers.pdf
- Brochure (Complete System).pdf

IDENTIFICATION

The Goods are identified as a handling system designed for transporting sample tubes in laboratory automation systems.

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. Goods are more than just conveyors as they contain equipment specifically designed to handle sample tubes.

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 TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following:

a) transport lanes;
b) sample tube carriers;
c) bar-code reader;
d) transport operator AND/OR transport service covers;
e) tube locators;
f) tube clamps

Stated Use: For the automatic handling of sample tubes 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,
**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:

- all information that the applicant has, or can reasonably be expected to have;
- 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 full description of the goods to which the application relates; and
- a statement of the tariff classification that, in the opinion of the applicant, applies to the goods; and
- 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
- 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).


(k) Attached to this form are extracts from relevant legislation. Also please refer to ‘Applicant’s Obligations’ at [www.homeaffairs.gov.au/bus/d/domestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders](http://www.homeaffairs.gov.au/bus/d/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

<table>
<thead>
<tr>
<th>Applicant's name:</th>
<th>Australian Business Number (ABN):</th>
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<tr>
<td>Beckman Coulter Australia Pty Ltd</td>
<td>81002011672</td>
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<th>Company contact:</th>
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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

<table>
<thead>
<tr>
<th>Importer's name (if same as applicant, write &quot;as above&quot;):</th>
<th>Australian Business Number (ABN):</th>
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### Agent / broker details (if applicable)

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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. 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 TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including all of the following:

(a) transport lanes;
(b) sample tube carriers;
(c) bar-code reader;
(d) transport operator covers AND/OR transport service covers;
(e) tube locators;
(f) tube clamps

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 inadequately 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 automatic handling and transport of sample tubes 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/busl/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 sample tube transport system

2. Name of database:
   Search terms used in database: Australian B2B (Kompass)
   laboratory sample tube transport system

3. Name of database:
   Search terms used in database: Australian Made
   laboratory sample tube transport system

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/busl/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’.
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 1442, 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

Applicant’s declaration

Section 47F(1)

Position held:
Consultant

Company (if applicable):

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 and that no relevant information has been omitted;
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 Electronic Transactions Act 1999, 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 tarcon@homeaffairs.gov.au 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 Applicant’s Obligations when applying for a Tariff Concession Order (TCO) at www.homeaffairs.gov.au/busidomestic-manufacturers-and-importers/application-forms-guidelines-for-tariff-concession-orders 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 gazetted day, the Comptroller-General of Customs may, for the purpose of dealing with a TCO application, and despite part 6 of the Australian Border Force Act 2015, 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: 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

☐ IDM / samples ☑ Local manufacturer search results ☑ Application signed and dated

☑ Questions 1-8 answered ☑ 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 (preferred) or
- posting it by prepaid post to:
  Manager
  Tariff Concessions Administration
  Department of Home Affairs
  PO Box 25
  BELCONNEN ACT 2817

Released by Department of Home Affairs
Under the Freedom of Information Act 1982
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 to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:

(a) operations to preserve goods during transportation or storage;
(b) operations to improve the packing or labelling or marketable quality of goods;
(c) operations to prepare goods for shipment;
(d) simple assembly operations;
(e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

**269E – The ordinary course of business**

(1) For the purposes of this Part, other than section 289O, 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.
Good Morning

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

22(1)(a)(6)
2 Laboratory Sample Tube Transport System – 19/325622
22(1)(e)(6)

Regards

22(1)(a)(6)
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)(d)(6)

UNCLASSIFIED

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)
Good Afternoon

Please find all TCO Application documents in Trim for ADF2019/325622

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)
<table>
<thead>
<tr>
<th><strong>TCO Number</strong></th>
<th>ADF2019/325622</th>
</tr>
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<tbody>
<tr>
<td><strong>Title</strong></td>
<td>Laboratory Sample Tube Transport System</td>
</tr>
<tr>
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</tr>
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<td><strong>OP Date</strong></td>
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</tr>
<tr>
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</tr>
<tr>
<td><strong>Date Sent</strong></td>
<td>29/11/2019</td>
</tr>
<tr>
<td><strong>Tariff Class Due Date</strong></td>
<td>09/12/2019</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Beckman Coulter Australia Pty Ltd</td>
</tr>
<tr>
<td><strong>Broker/Agent</strong></td>
<td>5.47F(1)</td>
</tr>
<tr>
<td><strong>Goods</strong></td>
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</tr>
<tr>
<td><strong>Claimed Classification</strong></td>
<td>8428.90.00</td>
</tr>
<tr>
<td><strong>Tariff Screening Officer</strong></td>
<td></td>
</tr>
<tr>
<td><strong>IDM Rejection</strong></td>
<td></td>
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<tr>
<td><strong>Open TA</strong></td>
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<tr>
<td><strong>Are the Goods Classifiable</strong></td>
<td>Comments</td>
</tr>
<tr>
<td><strong>Does Applicant's Wording Contradict Proposed Tariff Class</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Comments</strong></td>
<td></td>
</tr>
<tr>
<td><strong>General Duty Rate</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Identification of Goods</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tariff Advice No(s)</strong></td>
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</tr>
<tr>
<td><strong>Headings Considered</strong></td>
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</tr>
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<td><strong>Comments and Chapter Notes</strong></td>
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</tr>
<tr>
<td><strong>Finalisation Date</strong></td>
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</tr>
<tr>
<td>Version Updates</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td></td>
</tr>
<tr>
<td>Application</td>
<td></td>
</tr>
<tr>
<td>TA Advice</td>
<td></td>
</tr>
</tbody>
</table>

Released by Department of Home Affairs under the Freedom of Information Act 1982
8428 OTHER LIFTING, HANDLING, LOADING OR UNLOADING MACHINERY (FOR EXAMPLE, LIFTS, ESCALATORS, CONVEYORS, TELEFERICS):

8428.10.00 11 No- Lifts and skip hoists

8428.20.00 12 No- Pneumatic elevators and conveyors

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

8428.31.00 13 No-- Specially designed for underground use

8428.32.00 14 No-- Other, bucket type

8428.33.00 15 No-- Other, belt type

8428.39.00 40 No-- Other

8428.40.00 17 No- Escalators and moving walkways

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

8428.90.00 46 No- Other machinery
**Description of Goods including the Customs Tariff Classification**

<table>
<thead>
<tr>
<th>Schedule 4 Item Number</th>
<th>Description</th>
</tr>
</thead>
</table>
| 8428.90.00            | SAMPLE TUBE TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following:  
- (a) transport lanes;  
- (b) sample tube carriers;  
- (c) bar-code reader;  
- (d) transport operator covers AND/OR transport service covers;  
- (e) tube locators;  
- (f) tube clamps  

Op. 28.11.19 - TC 19325622  
Stated Use:  
For the automatic handling and transport of sample tubes in laboratory automation systems  
Applicant: Beckman Coulter Australia Pty Ltd  

<table>
<thead>
<tr>
<th>Notes</th>
</tr>
</thead>
</table>
| TCOs existing | NO  
| Tariff Advice | NO  

Q5&6 | F | 4/5  

Please check words and use \[22(1)\]
Hello TARCON,

Please find a classification check for TCO 19325622.

regards

Senior Trade Advice Officer
National Trade Advice Centre
Customs Group
Australian Border Force
Phone: 1800053016

---

Good Afternoon

Please find all TCO Application documents in Trim for ADF2019/325622

Regards

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)
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<td>Comments</td>
<td>5%</td>
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</tbody>
</table>

### Identification of Goods

The goods are a transport system as a component of an automated laboratory analytical line. The goods function is to transport the sample tubes throughout the various modules that comprise the automation system, and also to analysers located either side of the track. The goods contain transport lanes (tracks) that allow sample carriers holding the sample tubes to move safely throughout the system. The goods read bar code labels located on the sample carrier and under instruction from the software system move the sample tube carriers to the required location.

The goods include transport operator covers that protect the transport system from contamination and physical interference during operation, and service covers that provide protection.

Tube locators and tube clamps located in the Goods ensure the safe handling of the sample tubes as they are transported to and from the various modules.
<table>
<thead>
<tr>
<th>Tariff Advice No(s)</th>
<th>8428, 9027</th>
</tr>
</thead>
</table>
| Headings Considered | 9027 – Excluded as the goods do not analyse material  
                    | 8428 – IR1 TOH  
                    | 8428.90.00 – IR6 TOSH NESOI |
| Comments and Chapter Notes | 22(1)(i)(ii) |
| Query Date | 03/12/2019 |
| Tariff Officer | 22(1)(i)(ii) |
| Finalisation Date | 03/12/2019 |
| Version Updates | |
| Application | |
| TA Advice | |
Hi

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

Regards

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

Hi,

Re: TC 19325622 – all ok.
Please feel free to call me if you have any questions.

Regards

s: 47F(1)

From: 22(1)(a)(i)
Sent: Tuesday, December 10, 2019 4:17 PM
To: 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)(i)
TC1325622
SAMPLE TUBE TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following:
(a) transport lanes;
(b) sample tube carriers;
(c) bar-code reader;
(d) transport operator covers AND/OR transport service covers;
(e) tube locators;
(f) tube clamps
Regards

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

P: 22(1)(a)(ii)
F: 22(1)(a)(ii)
E: 22(1)(a)(ii)
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 19325622

I, , 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 12th day of December 2019

Delegate of the Comptroller General of Customs
Quote: TC19325622
Your Ref: A

Australian Border Force
Tariff Concessions Admin
5 Constitution Avenue
Canberra City ACT
Ph: 221(a)(6)
Email: 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 19325622 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(a)(a)(d)]

Delegate of the Comptroller-General of Customs
| Schedule 4 Item Number | Description of Goods including the
|------------------------|----------------------------------|
| 8428.90.00            | SAMPLE TUBE TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following:

(a) transport lanes;
(b) sample tube carriers;
(c) bar-code reader;
(d) transport operator covers AND/OR transport service covers;
(e) tube locators;
(f) tube clamps

Op. 28.11.19 - TC 19325622

Stated Use:
For the automatic handling and transport of sample tubes 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**

**TC19325622**

I, [22(1)(a)(i)](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 20th day of February 2020

[22(1)(a)(i)](Delegate of the Comptroller-General of Customs)
TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, a delegate of the Comptroller-General of Customs declare that the goods specified in Column 1 of the above 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 | COLUMN 2 |
| Description of Goods including the Customs Tariff Classification | Schedule 4 Item Number | Last date of effect |
| 8428.90.00 | SAMPLE TUBE TRANSPORT SYSTEM, LABORATORY, programmable logic controlled, whether OR not assembled, including ALL of the following: (a) transport lanes; (b) sample tube carriers; (c) bar-code reader; (d) transport operator covers AND/OR transport service covers; (e) tube locators; (f) tube clamps | 50 | Op. 28.11.19 - TC 19325622 |
Quote: TC19325622
Your Ref:

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

21 February 2020

Dear [47T(1)],

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC19325622 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,

[22T(1)(a)(i)]

Delegate of the Comptroller-General of Customs
8428.90.00  SAMPLE TUBE TRANSPORT SYSTEM, LABORATORY, programmable logic
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(c) bar-code reader;
(d) transport operator covers AND/OR transport service covers;
(e) tube locators;
(f) tube clamps

Op. 28.11.19  TC 19325622
Dear [Name],

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

Kind regards,

Origin & Verification
Trusted Trader and Trade Services Branch
Trade and Customs Division | Customs Group
Australian Border Force

P: 22(1)(a)(ii)
E: 22(1)(a)(ii)
s. 47F(1)

22(1)(a)(ii)