

IN-CONFIDENCE

FILE No.



C05/04276

PREVIOUS
PART

LATER
PART

FORMERLY/RELATED

C05/04276 PART: 1
TARIFF CONCESSIONS - PHOSPHORIC AND
POLYPHOSPHORIC ACIDS 28092090 -
ALBRIGHT AND WILSON

PART:

1[illegible]

NOTE: All papers MUST be folioed

POLYPHOSPHORIC ACIDS 28092090 -
ALBRIGHT AND WILSON

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PART 1
C05/04276
CHARITABLE CONTRIBUTIONS PHOSPHORIC AND
under the Freedom of Information Act 1982

2005

C05/04276



9 7 2 4 0

TARIFF CONCESSION ORDER CHECK LIST

TCO NUMBER

TCOS/04276

ACTION	OFFICER	DATE
LODGEMENT/REGISTRATION OF A TCO APPLICATION		
INITIAL RECEIPT OF TCO APPLICATION	s. 22(1)(a)(ii)	18/4/05
APPLICATION REGISTERED IN TARCON & ACKNOWLEDGEMENT LETTER SENT		
SCREENING TCO APPLICATION		
DESCRIPTION OF GOODS SUPPLIED	s. 22(1)(a)	
SCHEDULE 3 CLASSIFICATION CLAIMED	(ii)	19/4/05
DETAILS OF LOCAL MANUFACTURER INQUIRIES SUPPLIED		
TCO APPLICATION SIGNED BY APPLICANT		
ILLUSTRATIVE DOCUMENTARY MATERIAL (IDM) OR SAMPLES SUPPLIED		
ACCEPTANCE OR REJECTION LETTER SENT & TCO APPLICATION GAZETTED		21/4/05
OBJECTION TO APPLICATION		
TCO OBJECTION LODGED AND OBJECTION RECEIVED LETTER SENT		
SEARCH FOR LOCAL MANUFACTURERS CONDUCTED BY CUSTOMS	s. 22(1)(a)	30/4/05
TCO APPLICANT NOTIFIED BY LETTER OF OBJECTIONS	(ii)	
AMENDING AN APPLICATION		
WRITTEN REQUEST FOR AMENDMENT OF TCO WORDING RECEIVED		
AMENDED WORDING ACCEPTED OR REJECTED		
AMENDED WORDING GAZETTED & OBJECTORS NOTIFIED BY LETTER		
OBJECTIONS TO THE AMENDED WORDING RECEIVED		
OBJECTION WITHDRAWN IN WRITING (NOTE REASON)		
FINALISING A TCO APPLICATION		
TCO MADE, REJECTED OR WITHDRAWN. REGISTRY FILE UPDATED & FOLIOED	s. 22(1)(a)(ii)	24/6/05
MADE, REJECTED OR WITHDRAWN DECISION LETTER SENT TO THE TCO APPLICANT		24/6/05
TCO PUBLISHED IN THE SCHEDULE OF CONCESSIONAL INSTRUMENTS (IF MADE) & GAZETTED (IF MADE, REJECTED OR WITHDRAWN)		24/6/05
REVOCATION OF TCOS		
TCO REVOCATION REQUEST RECEIVED & LODGED		
NOTICE OF INTENT TO REVOKE TCO (CUSTOMS INITIATED) GAZETTED		
TCO REVOCATION APPLICANT NOTIFIED OF ACCEPTANCE OR REJECTION OF REQUEST FOR REVOCATION		
DECISION IS MADE, LETTER SENT TO TCO REVOCATION APPLICANT & DECISION PUBLISHED IN GAZETTE		
LEGISLATIVE INSTRUMENTS		
ELECTRONIC COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT SENT TO ATTORNEY GENERAL'S DEPT	s. 22(1)(a)	
ORIGINAL SENT TO ATTORNEY GENERAL'S DEPT	(ii)	
COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT FILED		

6/01/2005

Document in Microsoft Internet Explorer

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**FRLI**

Federal Register of Legislative Instruments

Tariff Concession Order 0504276
H20050624018
24/06/2005**Federal Register of Legislative Instruments (FRLI) - Hard Copy Lodgment Form****If this is a new Legislative Instrument:**Name of Instrument: **Tariff Concession Order 0504276**Name of Principal: **Customs Act 1901 Section 269P**Is there any additional material being lodged with this instrument? ☐ Yes**If this is a backcapture Legislative Instrument:**Is this part of a multiple backcapture? ☐ Yes If yes, how many related instruments are being lodged? Name of Principal: **If this is a single backcapture lodgment:**Name of Instrument: Is there any additional material being lodged with this instrument? ☐ YesHow many pages are included with this lodgment? **Contact details in relation to this lodgment:**

First Name

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

Last Name

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

Phone Number

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

Fax No.

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

e-mail Address

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

Agency

Australian Customs Service**FRLI**

Federal Register of Legislative Instruments

Hard Copy Lodgment Receipt

ComLaw incorporating the Federal Register of Legislative Instrn
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Phone: FRLI - (02) 6250 6222
Fax: (02) 6250 5995
Email: FRLI - frli@ag.gov.au

Tariff Concession Order 0504276
H20050624018
24/06/2005Released by Department of Home Affairs
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TARIFF CONCESSION ORDER

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Under Section 269P of the Customs Act 1901, I s. 22(1)(a) a delegate of the Chief Executive Officer declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995 specified in Column 2 of THE TABLE applies. This Order shall have effect from APRIL 13, 2005 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date	
2809.20.90	PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS Op. 13.04.05	- TC 0504276	50

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

Dated JUNE 24, 2005

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

Delegate of the Chief Executive Officer

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EXPLANATORY STATEMENT

Tariff Concession Instrument No. 0504276

Customs Act 1901

Background

Part XVA of the *Customs Act 1901* (the Act) sets out a scheme under which Tariff Concession Orders (TCOs) may be made by the Chief Executive Officer of Customs (the CEO). A lower rate of customs duty applies to goods that are the subject of a TCO.

Under section 269F of the Act, a person may apply to the CEO for a TCO in respect of goods. If the CEO is satisfied that the application is not in respect of goods specified in section 269SJ of the Act, which sets out those goods that cannot be subject to a TCO, the CEO must decide whether the application meets the core criteria.

Section 269C of the Act provides that a TCO application meets the core criteria if, on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business. Section 269B of the Act provides that 'goods produced in Australia' has the meaning given by section 269D, 'ordinary course of business' has the meaning given by section 269E and 'substitutable goods' in respect of goods the subject of a TCO application, means goods produced in Australia that are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application can be put.

Subsection 269P(3) of the Act provides that if the CEO is satisfied that a TCO application meets the core criteria, the CEO must make a written order (a TCO) declaring that the goods the subject of the TCO application are goods to which a prescribed item of Schedule 4 to the *Customs Tariff Act 1995* (the Tariff) specified in the order applies.

Albright & Wilson (Australia) Limited applied for a TCO in respect of certain phosphoric and polyphosphoric acids on 13 April 2005.

Instrument

TCO No 0504276 was made on 24 June 2005. It declares that those certain phosphoric and polyphosphoric acids are goods to which item 50 of Schedule 4 to the Tariff applies since the CEO was satisfied that no substitutable goods were produced in Australia. The general rate of duty on these goods is 5%. The rate of duty for the goods subject to the TCO is free.

Consultation

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

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Commencement

Subsection 269S(1) relevantly provides that a TCO is to be taken to have come into force on the day on which the application for the TCO was lodged. TCO No. 0504276 is taken to have come into force on 13 April 2005.

The TCO does not affect the rights of a person (other than the Commonwealth) as at the date of registration so as to disadvantage that person or impose liabilities on a person (other than the Commonwealth) in respect of anything done or omitted to be done before the date of registration. The rights of importers will be beneficially affected. Under paragraph 126(1)(r) of the Regulations, importers of such goods will be able to apply for a refund of duty on goods imported since the day on which the TCO is taken to have come into force. The TCO does not impose any liabilities on any person.

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Australian Government
Australian Customs Service

Customs House
5 Constitution Avenue
Canberra ACT 2601

Quote:

TC 0504276

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

Your Ref:RT/PA

24 JUN 05

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 13 APR 05.

As a delegate of the Chief Executive Officer, I am satisfied that the application meets the core criteria on the basis of paragraph 269C of the Customs Act 1901 and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette No. TC 05/27 of 06 JUL 05.

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

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

Delegate of the Chief Executive Officer

ALBRIGHT & WILSON (AUSTRALIA) LIMITED
Attn s. 47F(1)

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YARRAVILLE VIC 3013

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TARIFF CONCESSION ORDER

Under Section 269F of the Customs Act 1901, I, s. 22(1)(a) a delegate of the Chief Executive Officer declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995 specified in Column 2 of THE TABLE applies. This Order shall have effect from APRIL 13, 2005 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
2809.20.90 PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS Op. 13.04.05	50 - TC 0504276

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

Dated JUNE 24, 2005

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

Delegate of the Chief Executive Officer

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SCHEDULE OF CONCESSIONAL INSTRUMENTS

PART I - TARIFF CONCESSION ORDERS

Description of the particular goods including the applicable subheading of the Customs Tariff		Prescribed Item Last day of effect
2809.20.90	PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS Op. 13.04.05	50
- TC 0504276		

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Australian Government
Australian Customs Service

21
Customs House
5 Constitution Avenue
Canberra ACT 2601

Quote:

TC 0504276

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

Your Ref: RT/PA

29 APR 05

Dear Sir/Madam,

TARIFF CONCESSION - APPLICATION ACCEPTANCE

Your application for a Tariff Concession Order (TCO) has been accepted by Customs as a valid application. The application will be published in Gazette No. TC 05/18 of 04 MAY 05. Details of the gazette notice are shown in the attachment.

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

Yours faithfully,

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

Delegate of the Chief Executive Officer

ALBRIGHT & WILSON (AUSTRALIA) LIMITED
Attn s. 47F(1)

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THE TABLE

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COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date	
2809.20.90	PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS Op. 13.04.05 STATED USE: Used in a variety of food, technical and industrial applications	- TC 0504276	50
Applicant: ALBRIGHT & WILSON (AUSTRALIA) LIMITED YARRAVILLE, VIC, 3013			

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MINUTE PAPER
CENTRAL OFFICE

TR5

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

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

DATE: 18 April 2005

DATE REC'D (in TCs): 13 April 2005

APPLICANT: Albright & Wilson (Australia) Limited

GOODS: PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS

CLAIMED CLASSIFICATION: 2809.20.90

TA No. & CLASS'N:

INSUFFICIENT INFO. (REASONS): —

PRECEDENT No & CLASS'N: —

TARIFF ADVICE No (TAPIN): —

CLASSIFICATION DECISION: 2809. 20.90

COMMENTS: 1R! +6

RETURNED TO TARIFF CONCESSIONS.

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

DATE: 19/4/05

19 APR 2005

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

10 10 81

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SCHEDULE OF CONCESSIONAL INSTRUMENTS
PART I - TARIFF CONCESSION ORDERS

Description of the particular goods including the applicable subheading of the Customs Tariff		Prescribed Item Last day of effect
2809.20.90	PHOSPHORIC ACID AND POLYPHOSPHORIC ACIDS Op. 13.04.05	50
- TC 0504276		

File Note

Applicant 10/9/82 advised that above
wording acceptable

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

2/14/05

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THE TABLE

s. 22(1)

(a)(ii)

18/4

COLUMN 1
Description of Goods including the
Customs Tariff Classification

COLUMN 2
Prescribed Item No.
Date

2809.20.90

PHOSPHORIC AND POLY PHOSPHORIC ACIDS, other than phosphoric acid
containing by weight:

- (a) 0.45% OR more in a combined amount of iron aluminium and magnesium;
- (b) 0.5% OR more of sulphuric acid, based on an acid containing by weight 75% orthophosphoric acid

Op. 13.04.05

STATED USE:

Used in a variety of food, technical and industrial applications

Applicant: ALBRIGHT & WILSON (AUSTRALIA) LIMITED
YARRAVILLE, VIC, 3013

50

Free under 2809.20.10

- TC 0504276

Q5 : F3

Karpposs : NO

- Have supplied sufficient information to satisfy Q5

IDM: F-6-14

s.

22(1)

(a)(ii)

18/4/05

Wording: PLEASE CHECK + STATUS USE

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

18/4/05

File Note.

s. 47F(1)

Rang. [redacted] about wording. He is away until 26.4.05. The excluded goods in the wording are classified to 2809.20.10 and are "Free" in their own right.

Wording should read "Phosphoric Acid and Polyphosphoric acids"

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

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

18/4/05

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Australian Government
Australian Customs Service

Customs House
5 Constitution Avenue
Canberra ACT 2601

Quote:

TC 0504276

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

Your Ref:RT/PA

18 APR 05

Dear Sir/Madam,

APPLICATION FOR A TARIFF CONCESSION ORDER

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 13 APR 05. The TC number shown above has been allocated to your application.

Date Sent : 12 APR 05
Applicant : ALBRIGHT & WILSON (AUSTRALIA) LIMITED
Goods : PHOSPHORIC AND POLYPHOSPORIC ACIDS
Owner Code : s.47F(1)

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

Yours faithfully,

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

Delegate of the Chief Executive Officer

ALBRIGHT & WILSON (AUSTRALIA) LIMITED
Attn s.47F(1)

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YARRAVILLE VIC 3013

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fax message**Date:** April 12th, 2005**From:**

s. 47F(1)

To:**National Manager
Tariff Branch
Australian Customs Service****Fax:**

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

**ALBRIGHT
& WILSON****Albright & Wilson (Australia) Limited**
ACN 004 234 137
295 Whitehall Street
(PO Box 20)
Yarraville, 3013
Victoria, Australia

s. 47F(1)

Subject : APPLICATION FOR TCO FOR
PHOSPHORIC ACID**Please find attached our application for a TCO for Phosphoric Acid, tariff code 2809.20.90.****Please do not hesitate to contact me if you require any further information.****Regards**

s. 47F(1)

Manager, Special Projects

15 APR 16 7 08

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**ALBRIGHT
& WILSON**

ALBRITE® PHOSPHORIC ACID 14
75%, 81%, 85% and 95% strengths
(Food Grade)

CONFORMS TO FOOD CHEMICALS CODEX SPECIFICATIONS,
 4TH EDITION, 1st SUPPLEMENT 1997
 AND FOOD STANDARDS CODE ISSUED BY AUSTRALIA NEW ZEALAND
 FOOD AUTHORITY

Foodgrade ALBRITE Phosphoric Acids are manufactured as food and beverage acidulants. They may also be used as a component of acid cleaners and metal finishing preparations. The 75% strength acid is recommended for use as a pet food acidulant, whilst the 95% strength is used as an acid catalyst or where pure, high strength acid is needed



Description	Phosphoric acid manufactured from thermal acid				CAS Number	7664-38-2
Formula	H ₃ PO ₄ (orthophosphoric acid)				UN Number	1805
Appearance	Clear, slightly viscous liquid				Hazchem	2R
Formula Wt	98.00				Packaging Group	III
Specification	Code	YPA75F.03	YPA81F.04	YPA85F.04	YPA95F.04	
	Revised	20/02/98	20/02/98	20/02/98	20/02/98	
	Strength	75%	81%	85%	95%	
	H ₃ PO ₄ (% m/m)	75.0-75.8	81.0-81.8	85.0-85.8	95.0-95.8	
	Iron (max as Fe)	30 mg/kg	30 mg/kg	30 mg/kg	30 mg/kg	
	Arsenic (max as As)	3 mg/kg	3 mg/kg	3 mg/kg	3 mg/kg	
	Fluoride (max as F)	10 mg/kg	10 mg/kg	10 mg/kg	10 mg/kg	
	Heavy Metals (max as Pb)	10 mg/kg	10 mg/kg	10 mg/kg	10 mg/kg	
	Lead (max as Pb)	3 mg/kg	3 mg/kg	3 mg/kg	3 mg/kg	
	Chloride (max as Cl)	20 mg/kg	20 mg/kg	20 mg/kg	20 mg/kg	
Typical Properties	Density @ 20°C	1.58 g/mL	1.65 g/mL	1.69 g/mL	1.81 g/mL	
	P ₂ O ₅	54.5% m/m	58.8% m/m	61.7% m/m	69.0% m/m	
	Freezing Point	-18°C	8°C	23°C	30°C	
Packaging	PE-lined steel drums	305kg	320kg	330kg	90kg	
	Reconditioned plastic drum	305kg	320kg	330kg		
	Bulk (75% and 81% only)	1000L containers & road tankers				
Storage and Handling	ALBRITE Phosphoric Acid is a strong mineral acid and will cause irritation to the skin, mucous membranes and eyes. For this reason, adequate care must be taken when using or handling this product. Protective clothing, PVC or rubber gloves and close-fitting goggles or a face shield should be worn.					
CORROSIVE CLASS 8	Product is liquid when packed and will normally remain as a supercooled liquid at temperatures appreciably below the stated freezing points. Whilst the 81% may freeze, the 85% and 95% are likely to freeze in cold weather, so they should be stored in a warm area, preferably indoors. If freezing does occur, the acid should be remelted slowly by storing in a warm place or by loosening the bung and standing the drum in hot water. Further information is available from the MSDS entitled ALBRITE Phosphoric Acid					
Halal Approved	Certificate issued by the ^{s. 47F(1)}					

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PRODUCT DATA SHEET FOOD GRADE

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**24-HOUR EMERGENCY TELEPHONE
AUSTRALIA - 1800 033 111
NEW ZEALAND - 0800 73 4607****Albright & Wilson (Australia) Limited**

ACN 004 234 137

Phosphates Business**295 Whitehall Street, Yarraville 3013 Victoria, Australia**

**For Application Information,
please contact our National Customer Service Centre
Freecall: 1800 814 730 or Freefax: 1800 814 740**

AUSTRALASIAN SALES OFFICES

Region	Telephone	Facsimile
New South Wales, Victoria, Tasmania and South Australia	1800 814 730	1800 814 740
Queensland	1300 732 100	1300 732 101
Western Australia	(08) 9356 2277	(08) 9356 2278
New Zealand	(09) 520 5915	(09) 520 6301

ALBRIGHT & WILSON IN AUSTRALASIA

Albright & Wilson (Australia) Limited has manufacturing operations at two sites. The Phosphates Business is located at Yarraville (Victoria) and the Surfactants Business at Wetherill Park (New South Wales). The Company is a major producer of phosphoric acid, food phosphates, polyphosphates, surfactants and emulsifiers. Industries served include detergents, food processing, toiletries, textile, paper, metal finishing, construction, mining and mineral processing, pharmaceuticals and water treatment.

Albright & Wilson New Zealand Limited operates as a trading office from Auckland, providing sales, marketing and warehousing facilities for New Zealand.

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**ALBRIGHT
& WILSON**

ALBRITE® PHOSPHORIC ACID
75%, 81% and 85% strengths (Technical)

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ALBRITE Phosphoric Acid has a wide range of applications in metal finishing where it is used in the preparation of phosphating solutions, metal cleaning and derusting, chemical and electrolytic polishing and metal pickling. It is also a very effective catalyst for a number of organic reactions with industrial importance, and is used as a bonding agent in the manufacture of refractory products.



Formula	Phosphoric acid manufactured from thermal acid	CAS Number	7664-38-2
Appearance	H ₃ PO ₄ (orthophosphoric acid)	UN Number	1805
Formula Wt	Clear, slightly viscous liquid	Hazchem	2R
	98.00	Packaging Group	III

Specification	Code Revised	YPA75T.02 27/01/00	YPA81T.03 27/01/00	YPA85T.03 27/01/00
	Strength	75%	81%	85%
	H ₃ PO ₄ (% m/m)	75.0-75.8	81.0-81.8	85.0-85.8
	Iron (max as Fe)	50 mg/kg	50 mg/kg	50 mg/kg
	Fluoride (max as F)	20 mg/kg	20 mg/kg	20 mg/kg
	Chloride (max as Cl)	50 mg/kg	50 mg/kg	50 mg/kg
Typical Properties	Density @ 20°C	1.58 g/mL	1.65 g/mL	1.69 g/mL
	P ₂ O ₅	54.5% m/m	58.8% m/m	61.7% m/m
	Freezing Point	-18°C	8°C	23°C
Packaging	PE-lined steel drums	305kg	320kg	330kg
	Reconditioned plastic drum	305kg	320kg	330kg
	Bulk (75% and 81% only)	1000L containers and road tankers		

Storage and Handling ALBRITE Phosphoric Acid is a strong mineral acid and will cause irritation to the skin, mucous membranes and eyes. For this reason, adequate care must be taken when using or handling this product. Protective clothing, PVC or rubber gloves and close-fitting goggles or a face shield should be worn.

CORROSIVE CLASS 8 Product is liquid when packed and will normally remain as a supercooled liquid at temperatures appreciably below the stated freezing points. Whilst the 81% may freeze, the 85% is likely to freeze in cold weather, so they should be stored in a warm area, preferably indoors. If freezing does occur, the acid should be remelted slowly by storing in a warm place or by loosening the bung and standing the drum in hot water.

Further information is available from the MSDS entitled ALBRITE Phosphoric Acid

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YPATech-9802

PRODUCT DATA SHEET

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Albright & Wilson (Australia) Limited

ABN 36 004 234 137

Phosphates Business

295 Whitehall Street, Yarraville 3013 Victoria, Australia

**For Application Information,
please contact our National Customer Service Centre
Freecall: 1800 814 730 or Freefax: 1800 814 740**

AUSTRALASIAN SALES OFFICES

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New South Wales, Victoria, Tasmania and South Australia	1800 814 730	1800 814 740
Queensland	1300 732 100	1300 732 101
Western Australia	(08) 9356 2277	(08) 9356 2278
New Zealand	(09) 520 5915	(09) 520 6301

ALBRIGHT & WILSON IN AUSTRALASIA

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Albright & Wilson New Zealand Limited operates as a trading office from Auckland, providing sales, marketing and warehousing facilities for New Zealand.

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Section 1 - IDENTIFICATION OF THE SUBSTANCE/MIXTURE AND SUPPLIER	
Classified as hazardous according to Worksafe Australia criteria. CORROSIVE	
ALBRITE [®] phosphoric acid PA75F, PA75P, PA75T, PA76T, PA81F, PA81P, PA81T, PA85P, PA85F, PA85T, PA90T and PA95F	ALBRIGHT & WILSON Albright & Wilson (Australia) Limited ABN 36 004 234 137 285 Whitehall Street (PO Box 20) Yarraville, 3013 Victoria Australia 24-Hour Telephone Emergency Response Service Australia 1800 033 111 New Zealand 0800 73 4607
Orthophosphoric acid, Thermal acid, Purified Wet Process (PWA) acid, Troy acid Phosphoric Acid 75% Phosphoric Acid 76% Phosphoric Acid 81% Phosphoric Acid 85% Phosphoric Acid 90% Phosphoric Acid 95%	
Use: Metal Finishing Catalyst Manufacture Refractories Food products (Food Additive Code No 338)	

Section 2 - HAZARDS IDENTIFIED	
Flammability:	0
Toxicity:	2
Body Contact:	3
Reactivity:	1
Chronic:	2
Risk Phrases	R34 - Causes burns. R41 - Risk of serious damage to eyes.
Safety Phrases	S26 - In case of contact with eyes, rinse immediately with plenty of water and contact a doctor or Poisons Information Centre.

Section 3 - COMPOSITION/INFORMATION ON INGREDIENTS		
Ingredients	CAS Number	Proportion (% m/m)
Phosphoric Acid	7664-38-2	75-95%
Water	7732-18-5	balance

Section 4 - FIRST AID MEASURES	
Acute Health Effects	
Swallowed	Considered an unlikely route of entry in commercial/industrial environments. Acid of suitable purity is a permitted food additive. Can cause severe internal irritation and damage.
Eye:	Strong mineral acid, will severely irritate eyes and can cause permanent damage.
Skin:	Strong mineral acid, corrosive to skin. Can cause burns.
Inhaled:	This acid has low vapour pressure at ambient temperature. Hence under normal conditions, the concentration in the air will be insufficient to cause irritation to the nose or respiratory system. However, mists or fine droplet dispersions of acid are irritant and can cause damage to nasal passages and teeth. This would also occur when the acid is vaporised by contact with a very hot surface.
Chronic Health Effects	
	Prolonged exposure to mists can cause throat irritation. Repeated ingestion of some phosphates (120-240mg/kg/day) has been shown to cause increased calcium excretion and soft tissue calcification in man.

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First Aid	
Swallowed:	DO NOT INDUCE VOMITING. Immediately give plenty of water or milk and seek medical attention.
Eye:	Immediately hold eyes open and flush with water continuously for at least fifteen (15) minutes. Seek medical attention.
Skin:	Remove all contaminated clothing and wash affected area with plenty of soap and water. Treat burns with cold water and seek medical attention.
Inhaled:	Remove from further exposure. Seek medical attention if effects persist.
Advice to Doctor	Treat symptomatically.

Section 5 - FIRE FIGHTING MEASURES	
Flammability	Phosphoric acid will not burn, however, it can react with metals to liberate hydrogen, a flammable, potentially explosive gas.
Fire/Explosion Hazard	On heating may produce phosphorus oxides (PO _x).
	Keep containers cool by spraying with water to prevent pressure build-up and drums bursting.
	Wear self-contained breathing apparatus.

Section 6 - ACCIDENTAL RELEASE MEASURES	
Spills	<p>Wear protective clothing, rubber boots, PVC or rubber gloves and close fitting goggles or face shield.</p> <p>Contain spilt material with sand or earth. Prevent contamination of drains and waterways.</p> <p>Isolate any leaking containers and transfer contents to alternative suitable containers,* and label clearly.</p> <p>Where practical, transfer spilt material and contaminated sand or earth to suitable containers* for disposal at a licensed site.</p> <p>Neutralise residual acid and small spills with a mild alkali, such as soda ash† and wash area thoroughly with water. (For minor spills, washing with water only would be adequate).</p> <p>* Suitable containers include polyethylene, polyethylene lined mild steel, or stainless steel.</p> <p>† Ensure adequate ventilation in confined spaces.</p>

Section 7 - HANDLING AND STORAGE	
Storage	Store in a bunded area, well away from heat, alkalis, flammable goods, foodstuffs and empty foodstuff receptacles and oxidising agents (such as chlorates, nitrates).
	Store in accordance with regulations for Class 8 (CORROSIVE) Dangerous Goods Packaging Group III.
	Do NOT pressurise vessels to remove contents.
	Remove drum bungs slowly to release any internal pressure.
Suitable Packaging	<p>The acid should be stored in plastic or polyethylene-lined mild-steel containers, or stainless-steel (18/8/316 type Mo stabilised or 316L) passivated before use by rinsing with nitric acid.</p> <p>If other metal objects are dropped into stainless-steel containers of phosphoric acid, or other than similar stainless-steel dip sticks or couplings used, de-passivation of the surface with rapid corrosion will occur, hydrogen will be liberated and the acid will turn green. If this occurs, the offending article should be removed and the container emptied, washed out and re-passivated.</p>

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	Phosphoric acid is classed as a Schedule 5 poison under some conditions (eg. in containers smaller than 10 litres) and should be treated according to State Poisons Regulations.
Engineering Controls	Phosphoric acid is corrosive to many metals and should not be allowed to come into contact with mild steel, cast iron, aluminium, aluminium alloys, brasses, tinned or galvanised materials. Use in well ventilated area

Section 8 - EXPOSURE CONTROLS/PERSONAL PROTECTION	
Exposure Standards	An Exposure Standard of 1mg/m^3 (8hr-time Weighted Average, TWA) has been assigned by the National Occupational Health and Safety Commission (WorkSafe Australia) Short Term Exposure Limit (STEL) 3mg/m^3 .
Personal Protection	Contact should be avoided. Protective clothing, PVC or rubber gloves and close fitting goggles or face shield should be worn. If mists are generated, a respirator suitable for aerosols should be worn.

Section 9 - PHYSICAL AND CHEMICAL PROPERTIES	
Appearance	Colourless liquid
Odour	Nil
Vapour Pressure (kPa)	0.75 (for 75% @20°C)
Vapour Density (Air =1)	3.4
Boiling Point (°C)	213 (for 95%) 187 (for 90%) 157 (for 85%) 147 (for 81%) 135 (for 75%)
Melting Point (°C)	30 (for 95%) 29 (for 90%) 23 (for 85%) 8 (for 81%) -18 (for 75%)
Flash Point (Closed Cup °C)	Will not burn
Solubility in water (@25°C) (g/L)	Miscible in all proportions
Specific Gravity (@15.5°C) (g/mL)	1.81 (for 95%) 1.75 (for 90%) 1.70 (for 85%) 1.65 (for 81%) 1.58 (for 75%)
pH (1% solution in water)	1.0

Section 10 - STABILITY AND REACTIVITY	
Hazards	Reacts vigorously with alkalis (eg. caustic soda) with the evolution of heat. Hazardous polymerisation will not occur. All listed concentrations of phosphoric acid will normally remain as supercooled liquids at temperatures below the true freezing points, however, acid may crystallise in cold weather. Hence, acids in drums should be stored in a warm preferably indoor area. When crystallisation does occur, it is usually due to seeding by dust particles or local cooling. Solidification of the acid does not break the container. The acid should be remelted slowly at temperatures which will not damage the plastic drum liner. If the crystallised acid is in a tank, it should not be heated above a temperature at which corrosive attack occurs on the tank or the heating elements. Care must be taken to ensure that all the crystals are melted; otherwise re-crystallisation will rapidly occur on subsequent cooling.

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Section 11 - TOXICOLOGICAL INFORMATION

Toxicity	Oral (rat) LD ₅₀ : 1530mg/kg
Irritation	Dermal (rabbit) LD ₅₀ : 2740mg/kg as H ₃ PO ₄ .
Source: Sax & Lewis 7 th Edition	
Inorganic phosphates have not been shown to cause cancer, genetic damage or reproductive or developmental damage in animal tests.	

Section 12 - ECOLOGICAL INFORMATION

Other Information	High concentrations in receiving waters will injure aquatic life due to the effect of low pH. Low concentrations of phosphates may act as a plant nutrient or precipitate heavy metals.
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Section 13 - DISPOSAL CONSIDERATIONS

Disposal	Store waste acids in suitable containers* for disposal through a licensed prescribed waste handling company. Clearly label all containers * Suitable containers include polyethylene, polyethylene lined mild steel, or stainless steel.
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Section 14 - TRANSPORT INFORMATION

Transport	Classified as a Dangerous Good for storage and transport.
UN Number:	1805
UN Proper Shipping Name	PHOSPHORIC ACID
Dangerous Goods Class	8
Subsidiary Risk:	Nil
Hazchem Code:	2R
Packaging Group:	III
EPG/IERG Number	8A1/37
IMO Class	8
IMDG Page	8204

Section 15 - REGULATORY INFORMATION

Poisons Schedule:	Australia	S5
	New Zealand	S3
NIOSH RTECS No:	TB 6300000	

Section 16 - OTHER INFORMATION

PLEASE NOTE there may be uses or applications of products we sell which are protected by patents and customers in their own interest should take necessary steps to avoid infringement of such patents. This MSDS summarises our best knowledge of the health and safety hazard information of the product, and how to safely handle and use the product in the workplace. Each user must review this MSDS in the context of how the product will be handled and used in the workplace. If clarification or further information is needed to ensure that an appropriate risk assessment can be made, the user should contact Albright & Wilson (Australia) Limited. Our responsibility for products sold is subject to our standard terms and conditions, a copy of which appears on all invoices, and is also available upon

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request.

AUSTRALASIAN SALES OFFICES

Region	Telephone	Facsimile
New South Wales, Victoria, Tasmania and South Australia	1800 814 730	1800 814 740
Queensland	(07) 3808 5888	(07) 3808 3500
Western Australia	(08) 9356 2277	(08) 9356 2278
New Zealand	(09) 520 5915	(09) 520 6301
Revision History		
5 March 1998		
15 May 2000		
3 July 2003	New product 76% added	

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MSDS - Phosphoric Acid

® ALBRITE is a trademark used by Albright & Wilson (Australia) Limited.

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If this form was completed by a business with fewer than 20 employees, please provide an estimate of the time taken to complete this form.

Hours Minutes

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

The form should be read carefully before being completed

- (a) Before lodging an application for a TCO, the applicant should determine whether a suitable TCO already exists. Information on existing TCOs is contained in the schedule of Concessional Instruments (SCI), a copy of which is available at each Regional Office of Customs. A TCO can be used by any importer.
- (b) An application will be date stamped on the day it is first received in Canberra by an officer of Customs. Receipt of an application will be acknowledged. Any resultant TCO will operate from the date of receipt. Instructions on how to lodge this form are provided at the end of this form.
- (c) Where an application is accepted as being a valid application, the identity of the applicant and of the importer for whom the applicant is acting will be published in the *Gazette*.
- (d) Section 269F of the *Customs Act 1901* requires that a TCO application to be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form. **This is the approved form for the purposes of that section.**
- (e) Section 269FA of the *Customs Act 1901* states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Chief Executive Officer (CEO), that, on the basis of:
- all information that the applicant has, or can reasonably be expected to have; and
 - all inquiries that the applicant has made, or can reasonably be expected to make;
- there are reasonable grounds for asserting that the application meets the core criteria". The application is taken to meet the core criteria if, on the day of lodgement of the application, no substitutable goods were produced in Australia in the ordinary course of business.
- (f) **Every question on the form must be answered.** Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) Where the form provides insufficient space to answer a question, an answer may be provided in an attachment. The attachment should clearly identify the question to which it relates.
- (h) All information about inquiries into the production of substitutable goods must relate to the date the application is lodged with Customs.
- (i) Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- (j) Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, in the foreword to the Schedule of Concessional Instruments, in the administrative guidelines in Volume 13 of the Australian Customs Service Manual, in Australian Customs Notice No. 98/19, on the internet at www.customs.gov.au, by e-mailing information@customs.gov.au or by phoning the Customs Information Centre 1300 363 263.

APPLICANT DETAILS (An agent/broker should provide details on the next page)

Applicant's Name ALBRIGHT + WILSON(AUSTRALIA) LTD		Australian Business Number(A.B.N.) 36 004 234 137
Postal Address P.O. Box 20, YARRAVILLE, VICTORIA 3013		
Applicant's Reference RT/PA	Owner Code (if applicable) -	
Company Contact S. 47F(1) [REDACTED]	Position Held MANAGER SPECIAL PROTECTS	
S. 47F(1) [REDACTED]		

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

IMPORTER DETAILS

Importer's Name (If same as applicant, write "as above") AS ABOVE		A.B.N. 60 474 13 133
Postal Address		
Importer's Reference	Owner Code	
Company Contact	Position Held	
Telephone Number	Facsimile Number	

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AGENT/BROKER DETAILS (if applicable)

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

DESCRIPTION OF GOODS

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

1 Describe the goods

PHOSPHORIC AND POLY PHOSPHORIC ACIDS (OTHER THAN PHOSPHORIC ACID CONTAINING BY WEIGHT (1) 0.4-5% OR MORE IN A COMBINED AMOUNT OF IRON ALUMINIUM AND MAGNESIUM; AND (2) 0.5% OR MORE OF SULPHURIC ACID, BASED ON AN ACID CONTAINING BY WEIGHT 75% ORTHOPHOSPHORIC ACID (CAS NUMBER 7664-38-2)

ILLUSTRATIVE MATERIAL

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

TARIFF CLASSIFICATION

- 3 Identify the tariff classification (to 8 figure subheading level) **28092090**
 Identify the General Duty rate **05** %
 If a Tariff Advice for the goods has been sought or obtained, please provide the TA No. ☐☐☐☐☐☐☐☐ or attach a copy.

USES OF THE IMPORTED GOODS

- 4 Describe ALL uses (including design uses) to which the goods can be put.
 PHOSPHORIC ACID FALLING WITHIN 2809.20.90 IS USED IN A VARIETY OF FOOD, TECHNICAL AND INDUSTRIAL APPLICATIONS. THESE INCLUDE THE MANUFACTURE OF CARBONATED BEVERAGES AND METAL POLISHING SOLUTIONS AND THE PRODUCTION OF ALKALI METAL PHOSPHATES USED IN FOOD PROCESSING APPLICATIONS, DETERGENTS, CLEANERS, MINING AND MINERAL PROCESSING, WATER SOFTENING AND REFRACTORIES.

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SUBSTITUTABILITY OF LOCALLY PRODUCED GOODS

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

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

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

s. 47G(1)(a)



- 6 Provide any additional information in support of discharging your responsibility to establish that there are reasonable grounds for asserting that there are no substitutable goods produced in Australia in the ordinary course of business.**

PHOSPHORIC ACID HAS UNIQUE PROPERTIES
AND APPLICATIONS AND IS NOT ADE-
QUATE TO BE SUBSTITUTED IN ANY OF ITS
MAJOR APPLICATIONS SUCH AS THE
MANUFACTURE OF ORTHO-META- AND
POLYPHOSPHATE SALTS OR IN OTHER
FOOD AND BEVERAGE APPLICATIONS,
OR INDUSTRIAL AND TECHNICAL
APPLICATIONS

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PRESCRIBED ORGANISATIONS

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

☐ YES ☒ NO

IF YES, attach a copy of the advice received.

Note that under subsection 269M(6) of the *Customs Act 1901*, the CEO may, despite section 16 of the *Customs Administration Act 1985*, give a copy of all, or of a part, of the application to a prescribed organisation.

ADDITIONAL INFORMATION

8 Provide any additional information in support of your application.

s. 47G(1)(a)

DECLARATION

I, s. 47F(1)

Position Held

MANAGER SPECIAL PROJECTS

Company (if applicable)

ALBRIGHT & WILSON (AUSTRALIA) LIMITED

declare that:

- 1 To the best of my knowledge and belief the information contained in this form is correct; and
- 2 I have the authority to act on behalf of the company/applicant; and
- 3 I agree, in submitting this form by electronic means (including facsimile) that, for the purposes of Sub-Section 14(3) of the *Electronic Transactions Act*, this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail, when it is first accessed by an officer of Customs, as specified in Sub-Section 269F(4) of the *Customs Act*.

Signature of Applicant/Agent/Broker

s. 47F(1)

Date

12-4-05

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

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

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

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NO ACTIVE FILES FOUND WITH THESE KEYWORDS
FILES - FILE IDENTIFICATION LOCATION AND EXAMINATION SYSTEM
CREATE NEW FILE

DATE: 14/04/2005
OPCNM2

FILE NUMBER: C05/04276

PART: 1

CLASSIFICATION: IC

TITLE : TARIFF CONCESSIONS - PHOSPHORIC AND POLYPHOSPORIC ACIDS
28092090 - ALBRIGHT AND WILSON

KEYWORDS: TARIFF _____ CONCESSIONS _____ PHOSPHORIC _____
POLYPHOSPORIC _____ ACIDS _____ 28092090 _____
ALBRIGHT _____ WILSON _____

COMMENTS: _____

ORIGINATOR: TCA1 _____ WORK GROUP : _ (? For Help)

PREVIOUS FILES:

RELATED FILES: _____

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

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