

P 3 of 14

4



**AUSTRALIAN
CUSTOMS SERVICE**

98 SEP 10 12:04

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

Please read the form carefully before completing.

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

APPLICANT DETAILS

Applicant's Name KIMBERLY CLARK AUSTRALIA PTY LTD		A.C.N. 000032333
Postal address PRINCES HIGHWAY MILICENT SA 5280		
Applicant's Reference CIRCULAR KNIVES	Owner Code (if applicable) 1221C	
Company Contact §47F	Position Held §47F	
Phone Number §47F	Facsimile Number 08 8723 2254	

IMPORTER DETAILS

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

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

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P4 of 14

3

AGENCY/BROKER DETAILS (if applicable)

Name of Agent s47F TRADE CONSULTANT PTY LTD		
A.C.N. 053 127 772	Agent's Reference MH 730	
Postal address PO BOX 2335 TMDC TUGGERANONG ACT 2901		
Agency Contact s47F	Phone Number s47F	Facsimile Number 62917212

DESCRIPTION OF GOODS

1 Description of the goods.

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

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

Goods are taken NOT to be described in generic terms if their description, either directly or by implication, indicates that they are goods of a particular brand or model, or that a particular part number applies to the goods.

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

etc
KNIVES, CIRCULAR, rotary paper log saw, being alloy steel knives, containing chromium, molybdenum, and vanadium,

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

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

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

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

FOR CUTTING LOGS OF TISSUE OR TOILET PAPER INTO USEABLE SIZE ROLLS.

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P 5 1 1 4

SUBSTITUTABLE GOODS

- (1) Local Manufacturers' goods are substitutable when they are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application can be put (subsection 269B(1) of the Customs Act 1901). Even if not identical, locally made goods may be substitutable goods.
 - (2) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application - it is irrelevant whether or not the goods compete with each other in any market.
 - (3) Applications will be rejected if they fail to provide sufficient information as to inquiries made by the applicant to establish that there are reasonable grounds for believing that no substitutable goods are produced in Australia.
- 5 Provide details of the nature of ALL inquiries you have undertaken in order to establish that substitutable goods are not produced in Australia in the ordinary course of business and the results of those inquiries.

An examination of Kompass show the following potential manufacturers under the headings indicated:

Knives and Cutters, paper converting	4408. 0. 41
✓ Aldus Engineering	West Ryde 2114
DL ✓ Denman Robinson Supercut Industry	South Melb 3205
✓ Forrest Machine Knives Pty Ltd	Waterloo 2017
Knives, circular	3618. 1. 16
Same copy ✓ Chapman H T Pty Ltd	Ryde 2112
See attached ✓ Cooper and Turner Pty Ltd	Fymble 2073
xx King Saw Manufacturers	Ryde 2112
W H Blakeley Knife and Saw Co	Clayton 3168

Formal approaches have been made to these companies (see copy attached) and responses to hand are attached in support of this application.

- 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.

These knives have been under tariff concessions for some years. Recently revoked because of end use terms. (See copies of TC9315285 and TC9402491 attached)

PG 14

PRESCRIBED ORGANISATIONS

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

YES NO If YES attach a copy of advice received.

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

FOR USE OF
PRESCRIBED
ORGANISATION ONLY

▶ Prescribed Organisation's Reference

▶ Prescribed Organisation's Advice:

.....
Please see answers to question 5 and 6
.....
.....
.....

8 Provide any additional information in support of your application.

.....
.....
.....
.....
.....
.....
.....
.....
.....

I, <input type="text"/>	Position Held <input type="text"/>
Company (if applicable) <input type="text"/>	Trade Consultant Pty Ltd
declare that:	
1 To the best of my knowledge and belief the information contained in this submission is correct;	
2 I have the authority to act on behalf of the company/applicant.	
Signature of Applicant/Agent/Broker <input type="text"/>	Date 10/9/98

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

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

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

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Freedom of Information Act 1982

B 114 10

s47F

TRADE CONSULTANTS PTY LTD

s47F

PO BOX 2335 TMDC
TUGGERANONG ACT 2901

Telephone s47F

Fax 02 62917212
AGN 063 1277721 Ahern Place, MONASH
CANBERRA ACT 2904The Manager
W H Blakeley Knife and Saw Company
36 Henderson Road
CLAYTON VIC 316827 August 1998
My Ref: MH 730

Dear Sir,

I have been asked by Kimberly Clark Australia Pty Ltd of Millicent SA to apply for a tariff concession for certain rotary paper log saw circular knives as described below.

These goods have been imported under existing tariff concessions allowing entry at 3%. These concessions have recently been revoked as now unacceptable end-use terms were used in their wording. This application is being made to restore the duty position of 3% (in lieu of 5% now applying.).

However, before this application can be processed, I must satisfy the Australian Customs Service that substitutable goods are not available from local production. Your company is listed as a potential local manufacturer of paper cutter knives.

To assist you, substitutable goods are considered to be goods which have a use corresponding to the use of the imported goods, however "substitutability" is being administered from a practical and realistic point of view. That is, is it practical or realistic for the locally produced good to be substituted for the imported good?

If you believe you are producing a substitutable good I would appreciate details, in the form of descriptive literature, specifications etc. of the relevant goods.

If appropriate the proposed replacement wording would be as follows:

"KNIVES, CIRCULAR, rotary paper log saw, being alloy steel knives containing chromium, molydenum and vanadium"

P10-114

-2-

The specifications for the knives is as follows:

Circular knives (log saw blades) having the following dimensions:

- . 18" OD X 2.676" ID X .185" thick
- . 24" OD X 3.25" ID X .187 " thick
- . 24" OD X 3.25" ID X .150" thick, and
manufactured from an AISI D-2 tool steel"

Should you have any queries please contact me.

Your early advice would be appreciated, however if possible, by 10
September 1998.

Yours faithfully
S47F

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Handwritten initials

Handwritten number 8



FORREST MACHINE KNIVES PTY. LTD.

A.C.N. 000 290 844

370-376 GEORGE STREET (P.O. BOX 30) WATERLOO, NSW 2017, AUSTRALIA

Ph: (02)9319-7571, (02)9699-1115, (02)9699-1116 Fax:(02)9698-3908

2nd September, 1998

s47F

s47F

TRADE CONSULTANTS PTY LTD

**PO BOX 2335 TMDC
TUGGERANONG ACT 2901**

Attention: s47F

Dear Sir,

Thank you for your letter dated 27th August, 1998., your reference MH 730, regarding the Kimberly-Clark Australia Pty Ltd application for a tariff concession for certain paper rotary log saw circular knives.

We confirm that we are not able to produce here in Australia a substitutable product, in fact to our knowledge we believe no company within Australia is able to produce such a product. We therefore have no objection to this tariff concession application.

Yours faithfully,

FORREST MACHINE KNIVES PTY LTD

s47F

MANAGING DIRECTOR

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P12/114

7



Telefax

To: s47F TRADE CONSULTANTS

From: s47F

Attention: s47F

Date: Wednesday, 2 September 1998

CC:

Ref: F2032

Telefax Number: s47F

Total Pages Sent: 1

Subject:

**NEW Email Address
aldus@aldus.com.au**

ALDUS ENGINEERING

A Division Of
Heidelberg Graphic
Equipment Limited
ACN 004 995 779

1 Rhodes Street
West Ryde NSW 2114
AUSTRALIA
Ph: 61 2 9808 0383
FAX: 61 2 9808 2723
Email: aldus@aldus.com.au
www.aldus.com.au/~aldus

s47F

Ref Kimberly Clark - Knives

Please be advised that we do not manufacture knives as described, they are too long for our machinery.

Kind Regards

s47F

General Manager

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Freedom of Information Act 1982

P12 of 14 6

COOPER & TURNER PTY LTD

Ref No : 1463 From : s47F
Company : s47F Trade To : s47F
 : Consultants Pty Ltd
cc :
Date : 31 August, 1998 Pages : 1
Subject : TCA for Circular Knives

We refer to your letter dated 27 August.

Unfortunately we must advise that we are not manufacturers but rather we are importers of circular knives.

We are the Australian representative of Autool Ltd - England. Autool manufacture circular knife and straight knife grinding machines plus circular knives.

Sorry that we could not be of assistance.

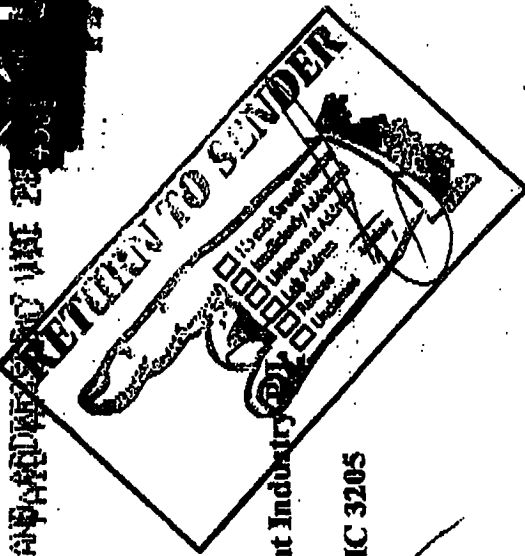
Kindest Regards ,

s47F

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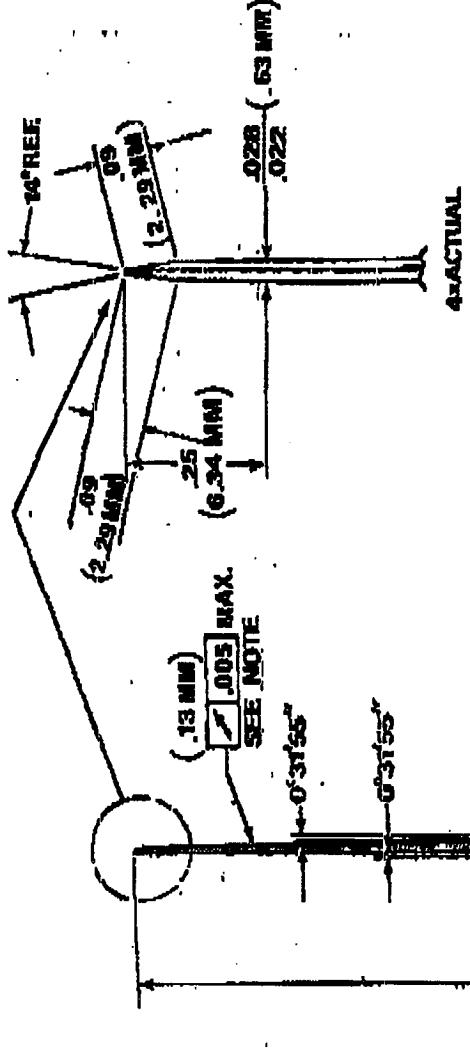
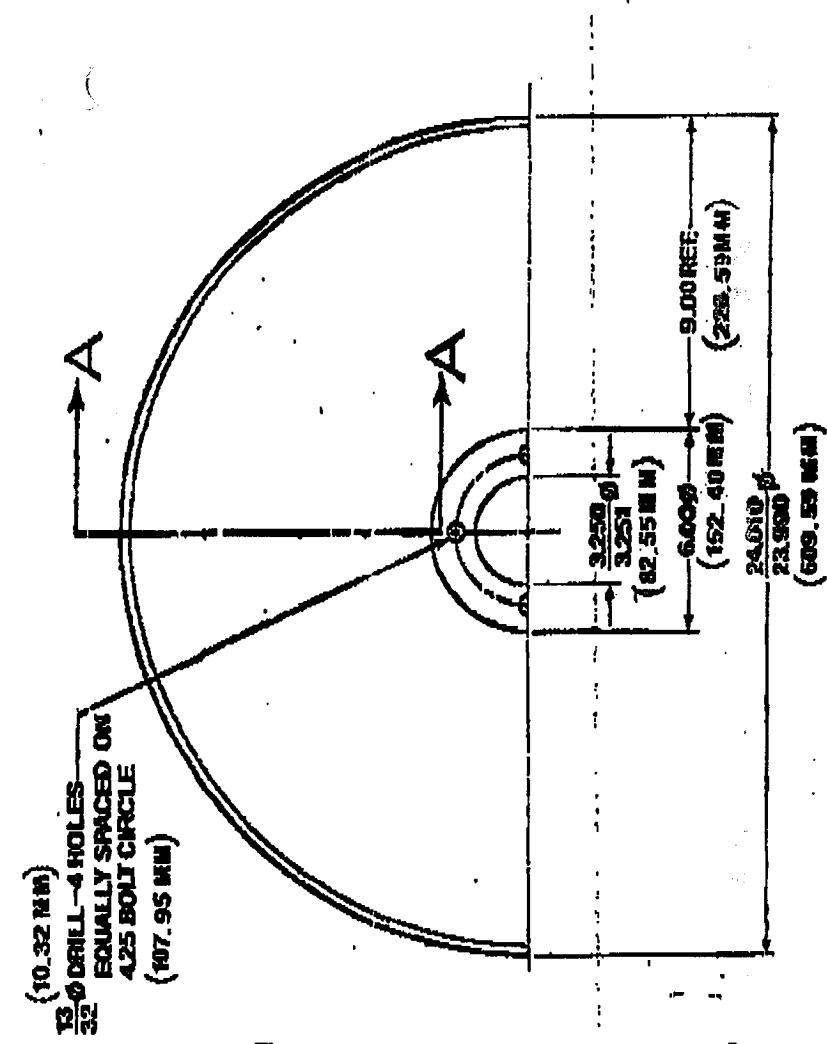
P.14 of 14

Trade Consultant Pty Ltd
PO Box 2335 TMDC TUGGERANONG ACT 2901



~~The Manager
Denman Robinson Superent Industry
206-212 Clarendon Street
SOUTH MELBOURNE VIC 3205~~

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NOTE:
 FINISH TO BE MEASURED WHEN
 MOUNTED ON 5.25 (133.35 MM) DIA. HUB.

MATERIAL:
 AISI-D2
 HIGH CARBON-HIGH CHROME TOOL STEEL

AA
 ACTUAL

DIMENSIONS ARE IN INCHES (MILLIMETERS)

QUARTER	TR-ORBITAL SAW CO. INC. GREENDALE, WISCONSIN
TOLERANCES UNLESS OTHERWISE SPECIFIED	±.02
ORBITAL SAW 2400 O.D. X 3.25 I.D. X .187 TH. PAPER CONVERTING MACHINE CO. #344200-002	
DATE	10/12/83
DWG NO	312013

REV. 1, 18 JUNE 84, ADDED METRIC DIMENSIONS

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3174
 12

P. 1/14

14

s47F

TRADE CONSULTANTS PTY LTD

s47F

Telephone s47F

Fax 02 6291 7212 ACN 053 127 772

PO Box 2335 TMDC TUGGERANONG ACT 2901
 1 Ahern Place Monash ACT 2904
 CANBERRA ACT

10 September 1998**My Reference 730**

**The Manager
 Tariff Concession Branch
 Australian Customs Service
 CANBERRA ACT 2601**

**Tariff concession application - Paper log saw circular knives
 Tariff classification - 8208.90.00**

198 SEP 10 12:04

Dear Sir,

I have been asked by Kimberley Clark Australia Pty Ltd to apply for a tariff concession for the above goods

An examination of Kompas show the following potential manufacturers under the headings indicated:

Knives and Cutters, paper converting	4408. 0. 41
— Aldus Engineering	West Ryde 2114
— Denman Robinson Supercut Industry	South Melb 3205
— Forrest Machine Knives Pty Ltd	Waterloo 2017
Knives, circular	3618. 1. 16
✓ Chapman H T Pty Ltd	Ryde 2112
— Cooper and Turner Pty Ltd	Pymble 2073 —
✓ King Saw Manufacturers	Ryde 2112
✓ W H Blakeley Knife and Saw Co	Clayton 3168

Formal approaches have been made to these companies (see copy attached) and responses to hand are attached in support of this application.

Copies of reponses from Cooper & Turner Pty Ltd, AldusEngineering and Forrest Machine Knives Pty Ltd are attsched. A letter to Denman Robinson Supercut Industry Ltd has been returned from the dead letter office (see copy of envelope attached. No response has been received from Chapman H T Pty Ltd, King Saw Manufacturers (both the same Company) or W H Blakely Knife and Saw CO.

P 20 / 14

13

-2-

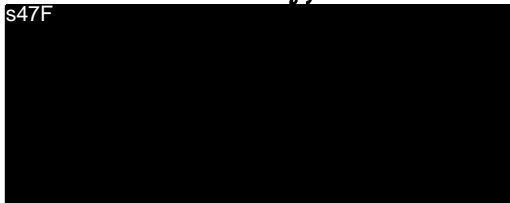
I have attached illustrative descriptive matter of the goods together with a completed tariff concession application.

. I would appreciate the Service accepting this application for processing.

Should you have any queries please contact me.

Yours faithfully,

s47F



MINUTE PAPER
CENTRAL OFFICE

16

TR(C1)

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

NAME: s22(1)(a)(ii) **TC(B3)**

DATE: 140998

DATE REC'D (in TCs): 100998

APPLICANT: Kimberly-Clark Australia Pty ltd

GOODS: Circular knives

CLAIMED CLASSIFICATION 82089000

TA No & CLASS'N: _____

INSUFFICIENT INFO. (REASONS): _____

PRECEDENT No & CLASS'N: _____

TARIFF ADVICE No (TAPIN): _____

DECISION: 8209.90.00

COMMENTS: Refers old TCO.

RETURNED TO TARIFF CONCESSIONS.

NAME: s22(1)(a)(ii)

DATE: 16/9/98

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9808058

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information@s22(1)(a)(ii)

Ph. [REDACTED]
Fax. 02 62756376

Your Ref:MH 730

18 SEP 98

Dear Sir/Madam,

TARIFF CONCESSION - APPLICATION ACCEPTANCE

Your application for a Tariff Concession Order (TCO) has been accepted by Customs as a valid application. The application will be published in Gazette No. TC 98/39 of 30 SEP 98. Details of the gazette notice are shown in the attachment.

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

Yours faithfully,

[REDACTED] s22(1)(a)(ii)

Delegate of the Chief Executive Officer

[REDACTED] s47F TRADE CONSULTANT PTY LTD
Att: [REDACTED] s47F

PO BOX 2335
TMDC TUGGERANONG ACT 2901

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17

THE TABLE

	COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
8208.90.00	KNIVES, CIRCULAR, ROTARY PAPER LOG SAW, being alloy steel containing chromium, molybdenum and vanadium Op. 10.09.98 STATED USE: For cutting logs of tissue or toilet paper into useable sized rolls Applicant: KIMBERLY-CLARK AUSTRALIA PTY LTD MILSONS POINT, NSW, 2061	50 - TC 9808058

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s47F **TRADE CONSULTANTS PTY LTD**

s47F
PO BOX 2335 TMDC
TUGGERANONG ACT 2901

Telephone s47F Fax 02 82917212
1 Ahern Place MONASH ACT 2904
ACN 053 127 772

To: s22(1)(a)(ii)

Fax No: 6275 6376

From: s47F

Date: 21 September 1998

Subject: TCO Application - Circular Knives
Your Ref TC 9808058

No of pages: 2

Dear s22(1)(a)(ii)

Please find attached an advice received from W H Blakeley Industrial Knives Pty Ltd advising their inability to supply the knives the subject of our application.

Kind regards,

s47F

'98 SEP 22 9:34

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Freedom of Information Act 1982

19

-2-

The specifications for the knives is as follows:

Circular knives (log saw blades) having the following dimensions:
.18" OD X 2.676" ID X .185" thick
.24" OD X 3.25" ID X .187 " thick
.24" OD X 3.25" ID X .150" thick, and
manufactured from an AISI D-2 tool steel"

Should you have any queries please contact me.

Your early advice would be appreciated, however if possible, by 10
September 1998.

Yours faithfully

s47F

*We cannot supply
W.H. Blakely Industrial
Knives 205 Ltd.*

s47F

10/9/98

TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, s22(1)(a)(ii) a delegate of the Chief Executive Officer declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995 specified in Column 2 of THE TABLE applies. This Order shall have effect from SEPTEMBER 10, 1998 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
8208.90.00 KNIVES, CIRCULAR, ROTARY PAPER LOG SAW, being alloy steel containing chromium, molybdenum and vanadium Op. 10.09.98	50

- TC 9808058

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

Dated NOVEMBER 23, 1998

..... s22(1)(a)(ii) Delegate of the Chief Executive Officer s22(1)(a)(ii)

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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
8208.90.00 KNIVES, CIRCULAR, ROTARY PAPER LOG SAW, being alloy steel containing chromium, molybdenum and vanadium Op. 10.09.98 - TC 9808058	50

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9808058

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information@ [REDACTED]
Ph. [REDACTED]

Your Ref:MH 730

23 NOV 98

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 10 SEP 98.

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

The decision to make a TCO will be published in Gazette No. TC 98/48 of 02 DEC 98.

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

Yours faithfully,

[REDACTED]
s22(1)(a)(ii)

Delegate of the Chief Executive Officer

[REDACTED] s47F TRADE CONSULTANT PTY LTD
Attn:MR [REDACTED] s47F

PO BOX 2335
TMDC TUGGERANONG ACT 2901

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