


**AUSTRALIAN
CUSTOMS SERVICE**

1999 APR 19 9:52

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 available from: the Customs On-line Method of Producing from Invoices Lodgeable Entries (COMPILE); the Tariff and Precedents Information Network (TAPIN); and the Schedule of Concessional Instruments (SCI). The most up-to-date source of information is COMPILE. A TCO can be used by any importer.
- (b) An application will be date stamped on the day it is first received in Canberra by an officer of Customs. Receipt of an application will be acknowledged. Any resultant TCO will operate from the date of receipt. Instructions on how to lodge this form are provided at the end of this form.
- (c) Where an application is accepted as being a valid application, the identity of the applicant and of the importer for whom the applicant is acting will be published in the *Gazette*.
- (d) Section 269F of the *Customs Act 1901* requires that a TCO application to be in writing, be in an "approved form", contain such information as the form requires, and be signed in the manner indicated in the form. **This is the approved form for the purposes of that section.**
- (e) Section 269FA of the *Customs Act 1901* states "It is the responsibility of an applicant for a TCO to establish, to the satisfaction of the Chief Executive Officer (CEO), that, on the basis of:
- (i) all information that the applicant has, or can reasonably be expected to have; and
 - (ii) all inquiries that the applicant has made, or can reasonably be expected to make;
- there are reasonable grounds for asserting that the application meets the core criteria". The application is taken to meet the core criteria if, on the day of lodgement of the application, no substitutable goods were produced in Australia in the ordinary course of business.
- (f) **Every question on the form must be answered.** Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) Where the form provides insufficient space to answer a question, an answer may be provided in an attachment. The attachment should clearly identify the question to which it relates.
- (h) All information about inquiries into the production of substitutable goods must relate to the date the application is lodged with Customs.
- (i) Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- (j) Further information on the Tariff Concession System is available in Part XVA of the *Customs Act 1901*, in the foreword to the SCI, in the administrative guidelines in Volume 13 of the Australian Customs Service (ACS) Manual, in Australian Customs Notice No. 98/19, or by phoning (02) 6275 6666.

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

Applicant's Name ARLEC AUSTRALIA LIMITED		Australian Company Number (A.C.N.) 003118787
Postal Address PO BOX 181 LILYDALE VICTORIA 3140		
Applicant's Reference TORCHES	Owner Code (if applicable) 15890725 J	
Company Contact s47F	Position Held s47F	
Telephone Number s47F	Facsimile Number 03 9727 2272	

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")		A.C.N.
Postal Address		
Importer's Reference	Owner Code	
Company Contact	Position Held	
Telephone Number	Facsimile Number	

AGENT/BROKER DETAILS (if applicable)

Agent's Name CONSIDINES CUSTOMS BROKERS		A.C.N. 005 055 292
Postal Address PO BOX 488, PORT MELBOURNE VICTORIA 3207		
Agent's Reference TORCHES	Agency Contact §47F	
Telephone Number §47F	Facsimile Number 03 9644 7250	

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

TORCHES, hand held, battery operated, imported with or without batteries,
but not including underwater or scuba divers torches.

ILLUSTRATIVE MATERIAL

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

TARIFF CLASSIFICATION

- 3 Identify the tariff classification (to 8 figure subheading level)** 8 5 1 3 1 0 0 0
- Identify the General Duty rate 5 %
- If a Tariff Advice for the goods has been sought or obtained, please provide the TA No.
 or attach a copy.

USES OF THE IMPORTED GOODS

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

portable light source

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 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 correspondence to, and replies from, local manufacturers. The application will be rejected if it fails to provide all information as to the inquiries made.

NOTE: The Australian Customs Service suggests that 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.

The following potential Australian manufacturers have been contacted;

GBC Lighting & Electric Wholesale

Auburn NSW 2144

Philips Electronics Australia Ltd

North Sydney NSW 2060

No response was received from the contacted local manufacturers.

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

There are no Australian manufacturers of substitutable goods.

Some years ago there was a local manufacturer of scuba divers torches however these are excluded from the TCO.

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.

FOR USE OF
PRESCRIBED
ORGANISATION ONLY

▶ Prescribed Organisation's Name

▶ Prescribed Organisation's Reference

▶ Prescribed Organisation's Advice:

ADDITIONAL INFORMATION

8 Provide any additional information in support of your application.

DECLARATION

1	s47F	Position Held	s47F
Company (if applicable) CONSIDINES CUSTOMS BROKERS			
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.		
Signature of Applicant/Agent/Broker		s47F	Date 15.4.20

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 (02) 6275 6376.

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Freedom of Information Act 1982

CONSIDINES

11 March, 1999

GEC Lighting & Electric Wholesale
Cnr Perry & Boorea Streets
AUBURN NSW 2144

Dear Sir/Madam,

Re: Application for Tariff Concession Order

We are making an application for a Tariff Concession Order (TCO) and in accordance with Section 269 FA of the Customs Act we are contacting you to determine whether or not there are reasonable grounds for asserting that our application meets the core criteria to enable a TCO to be made.

The proposed wording for the TCO is as follows:

Torches, hand held, battery operated, imported with or without batteries, but not including underwater or divers torches.

I would appreciate your advice as to whether or not you are a producer of substitutable goods to those the subject of the TCO application.

Yours sincerely

s47F



*Considines
Customs Brokers*

*264 Bay Street
PO Box 488
Port Melbourne
Victoria
Australia 3207
Tel (03) 9646 6888
Fax (03) 9646 6999*

*Suite 132
AFCAB Complex
Tullamarine Vic 3045
PO Box 32
Tullamarine Victoria
Australia 3043
Tel (03) 9338 7555
Fax (03) 9330 1889*

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*A J Considine Pty Ltd
A.C.N. 005 055 292
A member of Customs
Brokers International*

*Considines
Customs Brokers*

*264 Bay Street
PO Box 488
Port Melbourne
Victoria
Australia 3207
Tel (03) 9646 6888
Fax (03) 9646 6999*

*Suite 1.32
AFCAB Complex
Tullamarine Vic 3045
PO Box 32
Tullamarine Victoria
Australia 3043
Tel (03) 9338 7555
Fax (03) 9330 1889*

CONSIDINES

11 March, 1999

Philips Electronics Australia Ltd
'Philips House'
Level 16, 15 Blue Street
NORTH SYDNEY NSW 2060

Dear Sir/Madam,

Re: Application for Tariff Concession Order

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Yours sincerely

s47F

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*A J Considine Pty Ltd
A.C.N. 005 055 292
A member of Customs
Brokers International*

Arlec Rechargeable Torches.

Rechargeable Smart Lite RT007

APN 93 11644 000655

Features:

- Rechargeable from a regular household power point (240 Volt).
- Built-in charger unit.
- Available in 4 bright fluorescent colours (blue, pink, yellow, & green).
- Brilliant Krypton beam.
- Strong magnet for storage or hands-free use.
- Quality woven wrist strap.
- Spare globe supplied.
- Indicator lamp glows when charging.
- Lightweight and compact.
- Strong plastic case.
- 12 Month guarantee.



Rechargeable Ready-Light RT790

APN 93 11644 000112

Features:

- Rechargeable through a regular household power point (240 Volt).
- Powered by built-in rechargeable batteries.
- Extra brightness Krypton globe.
- Indicator lamp glows when charging.
- Integral magnet clamps torch to steel objects.
- Loop strap for carrying or suspending torch.
- Wall mounting bracket.
- Rugged plastic case.
- 12 Month guarantee.

ARLEC
QUALITY PRODUCTS

VICTORIA: (03) 9727 8777
 NEW SOUTH WALES: (02) 9793 8355
 QUEENSLAND: (07) 3865 5222
 SOUTH AUSTRALIA: (08) 8297 0766
 WESTERN AUSTRALIA: (09) 445 3611
 AUCKLAND (NZ): (09) 622 3500

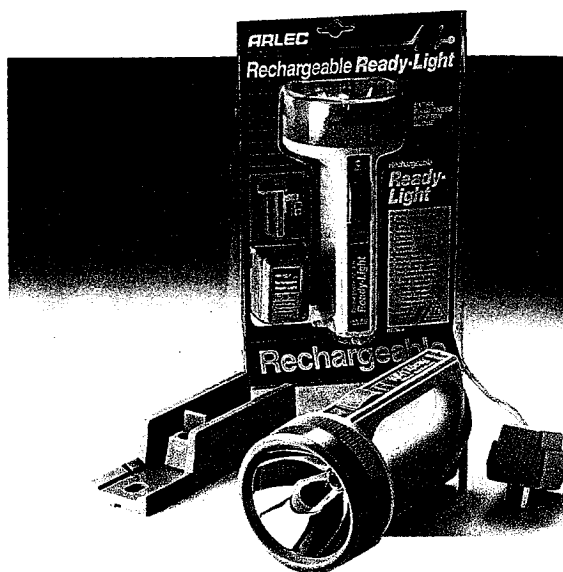


Rechargeable Super Torch RT800

APN 93 11644 000105

Features:

- Rechargeable through a regular household power point (240 Volt) or the cigarette lighter in your car, 4WD, truck or boat (12 Volt).
- Powered by large capacity, built-in rechargeable batteries.
- Wall mounting bracket.
- Reflector head swivels through 90° for "hands-free" use.
- Wire hanger loop.
- Optional "DIM" or full "ON" settings.
- Indicator lamp glows when charging.
- Rugged plastic case.
- 12 Month guarantee.



Agents
 HOBART: (03) 6234 2233
 LAUNCESTON: (03) 6331 6533
 TOWNVILLE: (077) 79 4288
 DARWIN: (08) 8947 0870

Available from:

JANUARY 1997

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MINUTE PAPER
CENTRAL OFFICE

TR(C1)

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

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

DATE: 210499

DATE REC'D (in TCs): 190499

APPLICANT: Arlec Australia Pty Ltd

GOODS: Hand held torches

CLAIMED CLASSIFICATION 85131000

TA No & CLASS'N:

INSUFFICIENT INFO. (REASONS):

PRECEDENT No & CLASS'N:

TARIFF ADVICE No (TAPIN):

DECISION: 8513. 10. 00

COMMENTS:

RETURNED TO

NAME:

DATE: 3/5/99

s22(1)(a)(ii)

8

9902711 TC 85131000 50 1 990419
TORCHES, hand held, battery operated, imported with or without
batteries, but NOT including underwater OR scuba divers torches

..... END REPORT

Q'S OK

IDm OK

Wording

TORCHES, hand held,
battery operated

Agreed

s22(1)(a)(ii)

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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9902711

Customs House
5 Constitution Avenue
Canberra ACT 2601

email: information s22(1)(a)(ii)
PH. [REDACTED]

Fax. 02 6275 6376

Your Ref: TORCHES

07 MAY 99

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 99/20 of 19 MAY 99. 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,

s22(1)(a)(ii)

Delegate of the Chief Executive Officer

CONSIDINES CUSTOMS BROKERS
Attn: s47F [REDACTED]

PO BOX 488
PORT MELBOURNE VIC 3207

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THE TABLE

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date	
8513.10.00	TORCHES, hand held, battery operated, but NOT including underwater OR scuba divers torches Op. 19.04.99 STATED USE: Applicant: ARLEC AUSTRALIA LIMITED LILYDALE, VIC, 3140	- TC 9902711	50

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THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification		COLUMN 2 Prescribed Item No. Date
8513.10.00 TORCHES, hand held, battery operated, but NOT including underwater OR scuba divers torches Op. 19.04.99 STATED USE:		50 - TC 9902711
Applicant: ARLEC AUSTRALIA LIMITED LILYDALE, VIC, 3140		

Note*Check wording agreed to by broker.*

s22(1)(a)(ii)

*5/5/99**Works OK*

s22(1)(a)(ii)

*6/5/99*Released by DIBP under the
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AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9902711

Customs House
5 Constitution Avenue
Canberra ACT 2601

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

Fax. 02 6275 6376

12 MAY 99

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - NOTIFICATION OF APPLICATION

An application has been made for a Tariff Concession Order (TCO) as described in the attachment.

The Tariff Concession System allows for a concessional rate of Customs Duty where it can be established that on the day on which the application was lodged, no substitutable goods were produced in Australia in the ordinary course of business.

To allow for comments by local manufacturers, all applications for Tariff Concession Orders are published in the Commonwealth Gazette. In this instance the ACS is bringing to your attention Gazette No. TC 99/20 of 19 MAY 99, in which a description of the goods in the attachment has been published.

In accordance with Section 269M of the Customs Act, you are invited to lodge a submission objecting to the making of this TCO if you consider that you have any reasons to oppose the making of the TCO.

Objections to Tariff Concession Orders by local manufacturers must be submitted in an approved form. As required by legislation, your submission must be lodged with the Canberra office of the ACS in accordance with the methods of lodgement specified in the approved form no later than 08 JUL 99.

Yours faithfully,

s22(1)(a)(ii)

Delegate of the Chief Executive Officer

EVEREADY
Attn: THE MANAGER
30-40 HARCOURT PARADE
ROSEBERRY NSW 2018

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AUSTRALIAN CUSTOMS SERVICE

TC 9902711

Ph. s22(1)(a)(ii)

Your Ref:TORCHES

09 JUL 99

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 19 APR 99.

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 99/29 of 21 JUL 99.

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

Yours faithfully,

s22(1)(a)(ii)

Delegate of the Chief Executive Officer

FILE EXAMINED
12 JUL 1999

CONSIDINES CUSTOMS BROKERS
Attn: s47F

PO BOX 488
PORT MELBOURNE VIC 3207

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PART I - TARIFF CONCESSION ORDERS

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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 APRIL 19, 1999 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
8513.10.00 TORCHES, hand held, battery operated, but NOT including underwater OR scuba divers torches Op. 19.04.99	50

- TC 9902711

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

Dated JULY 9, 1999

s22(1)(a)(ii)

Delegate of the Chief Executive Officer

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