FOI Document #1
4

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:
(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 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	Australian Business Number (A.B.N.)
SONY AUSTRALIA LIMITED	59001215354
Postal Address	
33-39 TALAVERA ROAD NORTH RYDE NSW 2113	
Applicant's Reference	**Owner Code *(if applicable)***
CRADLE	N/A
Company Contact	**Position Held**
s47F	s47F
Telephone Number	**Facsimile Number**	**E-mail Address**
s47F		s47F @ap.sony.com

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.B.N.
"as above"	
Postal Address	
7 JUN '07 15:24	
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.
DHL GLOBAL FORWARDING (AUSTRALIA) PTY LTD	62002636124
Postal Address	
PO BOX 7091 ALEXANDRIA NSW 2015	
Agent's Reference	**Agency Contact**
CRADLE	s47F [redacted]
Telephone Number	**Facsimile Number** / **E-mail Address**
s47F [redacted]	(02) 9304 6159 / s47F [redacted] @dhl.com

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

BATTERY CHARGERS, cradle type, imported in sets with re-chargeable batteries

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) 8504 4090
Identify the General Duty rate 05 %
If a Tariff Advice for the goods has been sought or obtained, please provide the TA No.
1860 3400 **or attach a copy.**

USES OF THE IMPORTED GOODS

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

Charging batteries

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FOI Document #1
2

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.**

THE KOMPASS BUSINESS DIRECTORY WAS USED TO IDENTIFY LOCAL INDUSTRY CAPABILITY. NIL AUSTRALIAN PRODUCERS OF SUBSTITUTABLE GOODS WERE IDENTIFIED.

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.**

TC 9603454 COVERS CRADLE-TYPE BATTERY CHARGERS - ONLY NOT THOSE IMPORTED WITH BATTERIES IN SETS.

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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.**

N/A

DECLARATION

I s47F [redacted] Position Held s47F [redacted]

Company (if applicable) DHL GLOBAL FORWARDING (AUSTRALIA) PTY LTD

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 s47F [redacted] Date 07/06/07

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 6378
  or
- e-mailing it to tarcon@customs.gov.au.

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CHARGERS

FEATURES SPECS SUITED TO SIMILARS

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BCG34HRMF4
SUPER QUICK REFRESH CHARGER LCD SCREEN
$89.95 AUD Inc. GST

sony style

Or order by phone: **1300 72 0071**

▸ Sony Style Guarantee

SUPER QUICK REFRESH CHARGER LCD SCREEN BCG34HRMF4

Sony's NEW 2700 mAh Super Quick Charger is the highest capacity battery charger in today's market - A truly remarkable technology from Sony. It also features a LCD Battery Status Indicator so, **Checking Your Battery Life is Easy!**

Locate a dealer
Product support
Print

Know instantly the residual power in your batteries. Simply slot your rechargeable batteries into a Sony LCD Indicator Battery Charger and you'll see the level of power remaining in each battery. The LCD Indicator shows the various battery power levels when refreshing and charging.

The charger's Refresh Function help discharge the memory effect before actual charging begins, enabling the batteries to be charged to the maximum capacity for optimal performance.

As a safety precaution, the charger is also equipped with Automatic Cut-Off to prevent overheating during the charging process. What's more, with Worldwide Voltage Compatibility, you'll never have to worry about fading battery life ruining your enjoyment wherever you are!

Key features

- LCD Battery Indicator
- Refresher Function
- High Capacity 2700 mAh Charger!
- Ideal for Digital Products
- Suitable AA or AAA NiMH Batteries
- 3 Safety Features
- 4 Charging LED Indicator & 1 Refresh LED
- Worldwide Voltage (AC 100V - 240V)
- Slim & Lightweight
- Supplied with 4pcs of 2700mAh AA rechargeable batteries

BCG34H
2100mA
CHARGI
BATTER
$29.95

BCG34H
2500MA
CHARGI
ADAPTC
$59.95

BCG34H
SUPER
CHARGI
$89.95

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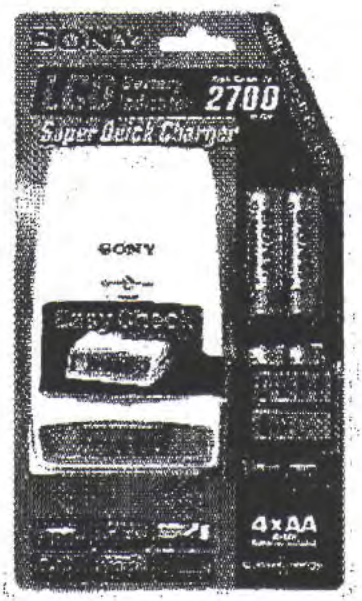
IPOI Document #2

SUPER QUICK REFRESH CHARGER LCD SCREEN **BCG34HRMF4**

- Outlet Input Voltage: AC 100V-240V
- Input Frequency: 50/60 Hz
- Charging Output: DC1.2V 1050 mA (AA) X 2 / 525 (AA) X 4 / 640mA (AAA) X 2 / 320mA (AAA) X 4
- Operating Temperature: 0 - 35 Degrees
- Size: 65 X 105 X 30.5mm (W/L/H)
- Weight: 120g (Batteries not included)



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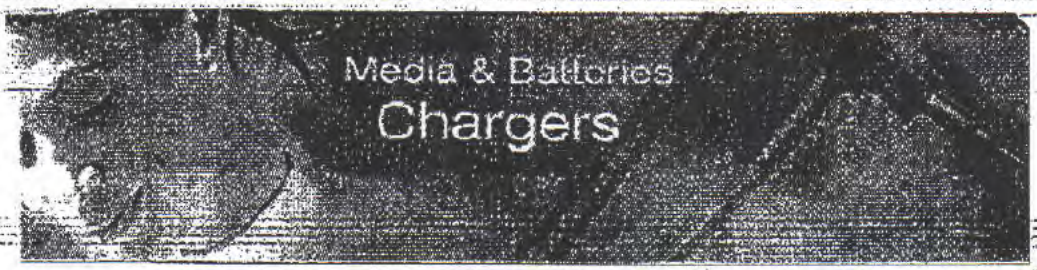

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Media | Batteries |

CHARGERS

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BCG34HLD4
2100mAh POWER CHARGER W 4 AA BATTERIES
$29.95 AUD Inc. GST

sony style

Or order by phone: **1300 72 0071**

- Sony Style Guarantee

FEATURES SPECS COMPARE

2100mAh POWER CHARGER W 4 AA BATTERIES BCG34HLD4

Save the environment and save your money with more power from Sony rechargeable Batteries.

Locate a dealer
Product support
Print

With the NEW Sony Power Charger, you can now bring your batteries to life in no time!!! This Power Charger is slim & Lightweight - weighing only 110g and is supplied with 4 pieces of 2100mAh NI-MH rechargeable batteries.

Reduce and re-use, with one Sony Rechargeable battery can be re-used up to 500 times, imagine how much money and batteries you can save. The environment will thank you for it.

Key features

- Ideal for Digital Products such as PDAs, Digital Cameras etc...
- Supplied with 4pcs of 2100mAh NI-MH AA rechargeable batteries
- Suitable for AA or AAA Ni-MH batteries
- Safety Timer
- Worldwide Voltage (AC 100v - 240v)
- Slim & Lightweight

BCG34H
2100mA
CHARGE
BATTER
$29.95

BCG34H
2500MA
CHARGI
ADAPTC
$59.95

BCG34H
SUPER
CHARGE
$89.95

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FOI Document #2

2100mAh POWER CHARGER W 4 AA BATTERIES **BCG34HLD4**

- Mains Input Voltage: AC 100-240v
- Input Frequency: 50/60 Hz
- Charging Output: DC 1.4 v, 1050 mA (AA) x2 / 525 mA (AA) x 4 / 640 mA (AAA) x 2
- Operating Temperature: 0 - 35 degrees
- Size (W/L/H): 65 x 105 x 29 mm
- Weight: 110g (without batteries)

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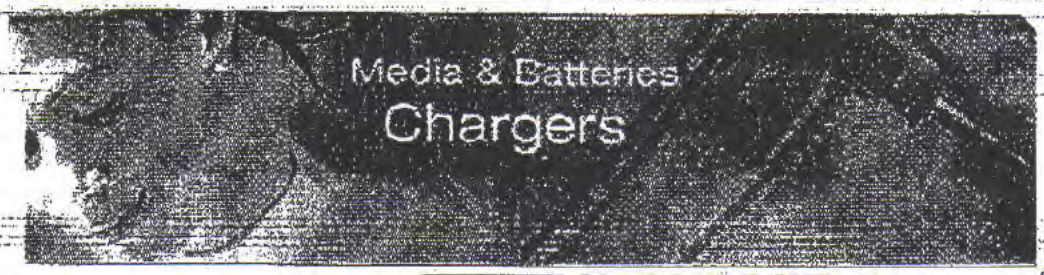

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CHARGERS

ENLARGE

BCG34HVE4
2500MAH QUICK CHARGER W CAR ADAPTOR
$59.95 AUD inc GST

sony style

Or order by phone: **1300 72 0071**

- Sony Style Guarantee

FEATURES SPECS COMPARE

2500MAH QUICK CHARGER W CAR ADAPTOR BCG34HVE4

Need Power in a FLASH?

With Sony Super Quick Charger you can now bring your batteries to life in no time, anytime and anywhere!!! Equipped with an In-Car adaptor, you can charge your batteries when travelling.

Locate a dealer
Product support
Print

The Super Quick Charger is also slim & Lightweight - weighing only 110g and is supplied with 4 pieces of 2500mAh rechargeable batteries.

Key features

- Ideal for Digital Products
- Supplied with 4pcs of 2500mAh AA rechargeable batteries
- Recharge both AA or AAA Ni-MH batteries
- 3 Safety Features
- In Car Adaptor
- Slim & Lightweight

BCG34H
2100mA
CHARGE
BATTER
$29.95

BCG34H
2500MA
CHARGE
ADAPTC
$59.95

BCG34H
SUPER
CHARGE
$89.95

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FOI Document #2

2500MAH QUICK CHARGER W CAR ADAPTOR **BCG34HVE4**

- Mains Input Voltage: AC 220-240v
- Input Frequency: 50/60 Hz
- Charging Output: DC 1.4 v, 1050 mA (AA) x2 / 525 mA (AA) x 4 / 640 mA (AAA) x 2
- Operating Temperature: 0 - 35 degrees
- Size (W/L/H): 65 x 105 x 29 mm
- Weight: 110g (without batteries)

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FOI Document #4

kompass.com - battery chargers - Microsoft Internet Explorer provided by DHL GDS

File Edit View Favorites Tools Help

Back Search Favorites

Address http://www.kompass.com/livl/static/index_kise.php?login=no&_Version=&_Lange=en&_Choix=PSB_Keyword=battery+chargers&_Zone=AUS&_Kchersab=UTF-8&search-type=prodcats_txtconel=AUS_txtkeyword=battery+c Go Links

KOMPASS
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Members Sign in | Join ! | Credit units

Search for: Products/Services Companies Australia
cradle type battery chargers Search
More search criteria
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Guided search

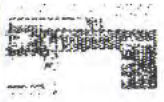
The text *CRADLE TYPE BATTERY CHARGERS* was not found in the Kompass Product & Services categories, nor in any company profiles. The companies below do however include this text in their online catalogues or web sites.

26 documents for : CRADLE TYPE BATTERY CHARGERS

There are no results for your search in your country *Australia*.
This search criteria has been ignored

1000KJ.pdf
... ground. To avoid excessive voltage drop, it is recommended not to propagate power between OM-3000 cradles when used as battery chargers but to supply each cradle individually. The total number of devices which can be connected to a single power supply depends on the power supply ... cradles can communicate to multiple DragonTM M131 readers, you might find it useful to employ one or more C-3000 battery chargers in addition to the OM-30X0 ...
www.idsystems.ch/idsystems-website/uploadfiles/1000KJ.pdf
Company profile: ID-Systems AG

CODIPACK GROUP - Data Handling Product Overview/ CK 30, codipack.com
... Codabar, Codablock, MSI, Plessey, UPC, EAN/EAN128, ISBT128, Code 11, RSS, Telepen, PDF417, Micro-PDF417, Macro-PDF417, Maxicode, Datamatrix Power Battery Type/Supply: Lithium-Ion 2200 mAh, 7.2V with 10 minutes backup Battery Life: 8-12 hours, application dependent Recharging Time: 3-4 hours Environment Operating Temp: -10° to 50° C (14° to ... sets for English/W. European, Chinese (Traditional, Simplified), Japanese, Korean and Thai Accessories Communications and charging dock: Single bay communications cradle with serial/USB/Ethernet. 4-slot communications dock with serial/Ethernet. Mobile ...
www.codipack.com/frf/datasheet/ck30.aspx
Company profile: Codipack NV



Mobile & Vehicle Mount Computers: Handheld Computers: CK30: Intermec
... Overview Product Specs Related Products Print | Email CK30 Mobile Computer Download PDF » Accessories Communications and charging dock: Single bay communications cradle with serial/USB. 4-slot communications dock with serial. Mobile cradle: Vehicle mount(non-powered) Chargers: 4-slot battery re-charger; 4-slot terminal charge-only dock. Cables: 9-pin serial adapter User Accessories: Pistol grip handle; holster; hand ... 3.5 in.) Height: 50 mm (1.97 in.) Weight: 483-569 grams (17-20 oz.) depending on options Power Battery ...
www.intermec.com/products/cmptrck30/specs.aspx
Company profile: Intermec Printer AB

TetraAccessories.pdf
... LiIon6Multi-Unit charger 6 way Radio pocket US Line cordNNTN6904ALiIon6Multi-Unit charger 6 way Battery pocket Euro Line cord ChargersNNTN6908ALiIon6Multi-Unit charger 6 way Battery pocket UK Line cordNNTN6907ALiIon6Multi-Unit charger 6 way Battery pocket Korea Line cordNNTN6906ALiIon6Multi-Unit charger 6 way Battery pocket Australia Line cordNNTN6909ALiIon6Multi-Unit charger 6 way Battery pocket Argentina Line cordNNTN6910ALiIon6 ...
www.koningenhartman.com/RR/rdonly/ss/47698874-DE78-418D-8690...
Company profile: Koning & Hartman

Intermec_CK30.pdf

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http://www.kompass.com/en Internet

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7 Jun. 2007 15:59 EXEL No. 9316 P. 6 12

FOI Document #5

(18)

Description of Goods including the Customs Tariff Classification		s22(1)(a)(ii)	Schedule 4 Item Number
8504.40.90	CHARGERS, BATTERY, cradle type, ~~having~~ including re-chargeable batteries Op. 07.06.07 Stated Use: Charging batteries Applicant: DHL GLOBAL	- TC 0708726	50

Done OK

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FOI Document #5

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
8504.40.90 BATTERY CHARGERS, cradle type, ~~imported in sets~~ having with re-chargeable batteries Op. 07.06.07 - TC 0708726	50

Stated Use:
Charging batteries

Applicant: DHL GLOBAL FOWARDING(AUSTRALIA) PTY LTD

No existing TCO's
No T.A 18603400.

LM Letter: 5-13
QS: f 2
IDM: f 5-9

Please check words and use

s22(1)(a)(ii) [redacted] 4/6/07

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FOI Document #6

(4)

MINUTE PAPER
CENTRAL OFFICE

TR5 TC Number 0708726

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

TC Officer: s22(1)(a)(ii)

OP Date: 7-Jun-07

APPLICANT: DHL Global

GOODS: Chargers

CLAIMED CLASSIFICATION: 8504.40.90

Date to Classification Section: 18-Jun-07

Required Return Date: 30-Jun-07

TA No. & CLASSIFICATION: 18603400 8504.40.90

INSUFFICIENT INFO. (REASONS):

PRECEDENT No & CLASS'N: 14695900 8504.40.90

TARIFF ADVICE No (TAPIN):

CLASSIFICATION DECISION: 8504 | 40 | 90

ARE THESE GOODS EGS? NO

GENERAL DUTY RATE: 5%

COMMENTS: TOH, TOSH. IR 3(b) + 6

CFD ☑ **SS** ☑

RETURNED TO TARIFF CONCESSIONS BY:

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

DATE: 19/6/2007

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FOI Document #7

(24)

Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0708726
Your Ref: CRADLE

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: s22(1)(a)(ii)
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

21 June 2007

s47F
DHL GLOBAL FORWARDING (AUSTRALIA) PTY LTD
PO BOX 7091
ALEXANDRIA NSW 2015

Dear s47F

TARIFF CONCESSION SYSTEM
APPLICATION ACCEPTANCE

Your application for Tariff Concession Order (TCO) Number TC 0708726 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC07/26 of 27 June 2007. Details of the gazette notice are shown in the attachment.

Please examine the wording of the gazette notice and advise 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,
s22(1)(a)(ii)
for National Manager
Trade Services

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FOI Document #7

Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number
8504.40.90	CHARGERS, BATTERY, cradle type, including re-chargeable batteries Op. 07.06.07 - TC 0708726 Stated Use: Charging batteries Applicant: DHL GLOBAL	50

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FOI Document #8

(23)

escription of the Particular goods including the applicable subheading of the Customs Tariff		Schedule 4 Item Last day of effect
8504.40.90	CHARGERS, BATTERY, cradle type, including re-chargeable batteries Op. 07.06.07 Dec. date 17.08.07 - TC 0708726	50

(17.08.07)

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FOI Document #8

22

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 07.06.07 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 Schedule 4 Item Number Last date of effect
8504.40.90	CHARGERS, BATTERY, cradle type, including re-chargeable batteries	50
	Op. 07.06.07 – TC 0708726	

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

Dated 17 August 2007

s22(1)(a)(ii)

.....

Delegate of the Chief Executive Officer

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FOI Document #9

24

Australian Government
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0708726
Your Ref: CRADLE

Australian Customs Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: s22(1)(a)(ii)
Fax: (02) 6275 6376
Email: tarcon@customs.gov.au

17 August 2007

s47F
DHL GLOBAL FORWARDING (AUSTRALIA) PTY LTD
PO BOX 7091
ALEXANDRIA NSW 2015

Dear s47F

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 0708726 lodged on 7 June 2007.

As a delegate of the Chief Executive Officer 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 TC07/34 of 22 August 2007.

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

Yours sincerely
s22(1)(a)(ii)
for National Manager
Trade Services

Released by DIBP under the *Freedom of Information Act 1982*

FOI Document #10

EXPLANATORY STATEMENT

Tariff Concession Instrument No. 0708726

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.

Sony Australia Limited applied for a TCO in respect of certain cradle type battery chargers on 07 June 2007.

Instrument

TCO No 0708726 was made on 17 August 2007. It declares that those certain cradle type battery chargers 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. 0708726 is taken to have come into force on 07 June 2007.

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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