

# CUSTOMS TARIFF SCHEDULE 3

Section 16  
Chapter 84/20

Reference Number	Statistical Code/Unit	Goods	Rate #
8414.40		- Air compressors mounted on a wheeled chassis for towing:	
8414.40.10	35 No	--- Reciprocating or rotary, having a capacity not exceeding 3 m <sup>3</sup> of free air delivered per minute	5%
8414.40.20	36 No	--- Reciprocating or rotary, having a capacity exceeding 3 m <sup>3</sup> but not exceeding 25 m <sup>3</sup> of free air delivered per minute	5% DCS:4% DCT:5%
8414.40.90		--- Other	Free
	51 No	High pressure cleaners, for domestic use	
	53 No	Other	
8414.5		- Fans:	
8414.51.00	01 No	-- Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125 W	5%
8414.59		-- Other:	
8414.59.10	51 No	--- Of a kind used as components in passenger motor vehicles	10% DC:5%
		From 1 January 2010	5%
8414.59.90	52 No	--- Other	5% DCS:4% DCT:5%
8414.60.00	03 No	- Hoods having a maximum horizontal side not exceeding 120 cm	5%
8414.80		- Other:	
8414.80.1		--- Reciprocating or rotary air compressors or pumps, having a capacity not exceeding 3 m <sup>3</sup> of free air delivered per minute:	
8414.80.11	49 No	---- Aquarium aerators	Free
8414.80.19	50 No	---- Other	5%
8414.80.20	62 No	--- Reciprocating or rotary air compressors or pumps, having a capacity exceeding 3 m <sup>3</sup> but not exceeding 25 m <sup>3</sup> of free air delivered per minute	5% DCS:4% DCT:5%
8414.80.30		--- Electro-mechanical tools for working in the hand, with self-contained electric motor, NSA	5%
	54 No	Air compressors, on wheels, not for towing	
	56 No	High pressure cleaners, for domestic use	
	57 No	Other	
8414.80.90	63 No	--- Other	Free

# Unless otherwise indicated NZ, PG, FI, DC, LDC and SG rates are Free.

Unless otherwise indicated general rate applies for CA.

Unless indicated in Schedule 5, rates for US originating goods are Free.

Unless indicated in Schedule 6, rates for TH originating goods are Free.

DCS denotes the rate for countries and places listed in Part 4 of Schedule 1 to this Act.

DCT denotes the rate for HK, KR, SG and TW.

If no DCT rate shown, DCS rate applies. If no DCT or DCS rate shown, general rate applies.

1/7/05

**RETAIN AS TOP FOLIO ON FILE**

Note: If a Date entry field is populated and is not required blank out with a space  
Please don't enter information in any field labeled as "Automatic Field"

**TCO Number**      **0839784**

**Date Checked**  
**06-Feb-09**

Application Acceptance			DECISION	
Date Application Lodged	+ 24 Days Class Rev to return file	+28 Days Deemed Accepted 269H(2)	Enter Date of Decision to Accept Application	Days to Process
13-Nov-08	07-Dec-08	11-Dec-08	11-Dec-08	28
Days Remaining	-57			

TCO Processing				DECISION		
Gazettal Date Below 269K(1)	+ 50 Days Objection Deadline 269K(1)(c)	+64 Days Advise Applicant Re Obj 269L(1)	+ 150 Days Deemed Refused 269P(2)	Enter Decision Date	Enter Gazettal Date of Decision 269R(1)(b)	Days to Process
17-Dec-08	05-Feb-09	19-Feb-09	16-May-09	06-Feb-09	11-Feb-09	51
Days Remaining	-1	13	99			

Application for Revocation		DECISION		
Enter Application Lodged Date Below	+60 Days [Lodged Date] Decision Due 269SC(1)	Enter Decision Date	Enter Date Decision Gazetted Below 269SE(1)(b)	Days to Process
Days Remaining				

Internal Review				DECISION		
Enter Original Decision Gazettal Date Below	+ 28 Days Deadline to Request Internal Review	+ 60 Days Decision on Revocation 269SH(5)	+ 90 Days Decision on Application 269SH(4)	Enter Decision Date	Enter Gazettal Date of Decision 269SH(10)	Days to Process
Days Remaining						



## EXPLANATORY STATEMENT

### Tariff Concession Instrument No. 0839784

#### *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.

Gaf Control (Sales) Pty Ltd applied for a TCO in respect of certain ceiling exhaust fans 50W on 13 November 2008.

#### **Instrument**

TCO No 0839784 was made on 06 February 2009. It declares that those certain ceiling exhaust fans 50W 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.

### *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. 0839784 is taken to have come into force on 13 November 2008.

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.



Australian Government  
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0839784  
Your Ref: B9182

Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601  
Ph: s. 22(1)(a)(ii)  
Fax: s. 22(1)(a)(ii)  
Email: tarcon@customs.gov.au

06 February 2009

s. 47F(1)

CLEMENGER INTERNATIONAL FREIGHT PTY. LTD.  
PO BOX 5084  
GARDEN CITY VIC 3207

Dear s. 47F(1)

**TARIFF CONCESSION SYSTEM**  
**APPLICATION SUCCESSFUL**

I refer to your application for Tariff Concession Order (TCO) Number TC 0839784 lodged on 13 November 2008.

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 TC09/06 of 11 February 2009.

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

Yours sincerely,

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

Delegate of the Chief Executive Officer

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Freedom of Information Act 1982

## Description of the Particular goods including the applicable subheading of the Customs Tariff

Schedule 4 Item  
Last day of effect

8414.51.00 EXHAUST FANS, ceiling, having a motor output of NOT less than  
50 W and NOT greater than 125 W  
Op. 13.11.08 Dec. date 06.02.09 - TC 0839784

50

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Freedom of Information Act 1982

(06.02.09)

TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, **s. 22(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 13.11.08 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		Schedule 4 Item Number Last date of effect
8414.51.00	EXHAUST FANS, ceiling, having a motor output of NOT less than 50 W and NOT greater than 125 W	50
	Op. 13.11.08	- TC 0839784

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

Dated 06 February 2009

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

.....  
Delegate of the Chief Executive Officer

Released by DIBP under the  
Freedom of Information Act 1982





Australian Government  
Australian Customs Service

Reply to the Chief Executive Officer

Quote: TC 0839784  
Your Ref: B9182

Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601  
Ph: s. 22(1)(a)(ii)  
Fax: s. 22(1)(a)(ii)  
Email: tarcon@customs.gov.au

11 December 2008

s. 47F(1)

CLEMENGER INTERNATIONAL FREIGHT PTY. LTD.  
PO BOX 5084  
GARDEN CITY VIC 3207

Dear s. 47F(1)

**TARIFF CONCESSION SYSTEM**  
**APPLICATION ACCEPTANCE**

Your application for Tariff Concession Order (TCO) Number TC 0839784 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC08/50 of 17 December 2008. 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,

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

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

Delegate of the Chief Executive Officer

Released by DIBP under the  
Freedom of Information Act 1982



Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
<p>8414.51.00 EXHAUST FANS, ceiling, having a motor output of NOT less than 50 W and NOT greater than 125 W Op. 13.11.08</p> <p>Stated Use: For ventilation in bathrooms</p> <p>Applicant: GAF CONTROL SALES</p>	<p>50</p> <p>- TC 0839784</p>

Released by DIBP under the  
Freedom of Information Act 1982

Description of Goods including the Coms Tariff Classification	Schedule 4 Item Number
8414.51.00 EXHAUST FANS, ceiling, having a motor output of NOT less than 50 W and NOT greater than 125 W Op. 13.11.08	50
Stated Use: For ventilation in bathrooms  Applicant: GAF CONTROL SALES	

- TC 0839784

*Working OK*  
s. 22(1)(a)(ii)  
[Redacted]  
9/12/08

CHECKED  
*Agreed*  
1 DEC 2008  
s. 22(1)(a)(ii)  
[Redacted]  
Tariff Legislation

*NA could combine this TC with  
TC 08/39785*

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Freedom of Information Act 1982

MINUTE PAPER  
CENTRAL OFFICE

17

TR5

TC Number 0839784

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

TC Officer: s. 22(1)(a)(ii)

OP Date: 13-Nov-08

APPLICANT: Gaf Control

GOODS: Ceiling Exhaust Fans 50W

Level 4 Officer: \_\_\_\_\_ Date: \_\_\_\_\_

CLAIMED CLASSIFICATION: 8414.51.00

Date to Classification Section: 25/11/08

Required Return Date: Date to Class plus 3 \_\_\_\_\_

TA No. & CLASSIFICATION: \_\_\_\_\_

CLASSIFICATION DECISION:

8414	51	00
------	----	----

IS TCO RESTRICTED BY REG. 185? No GENERAL DUTY RATE:

56
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IDENTIFICATION OF GOODS: Ceiling exhaust fans as per second part of table on folio 9.

HEADINGS CONSIDERED: 8414

COMMENTS AND CHAPTER NOTES: Terms of heading 8414.  
Output listed on table folio 9 less than 125W.

RETURNED TO TARIFF CONCESSIONS BY:

NAME & DATE: s. 22(1)(a)(ii) 26/11/2008

Description of Goods including the Customs Classification	Schedule 4 Item Number
---	------------------------

8414.51.00 EXHAUST FANS, ceiling, having a motor output of NOT less than 50 W Op. 13.11.08	50 - TC 0839784
---	--------------------

Stated Use:  
Designed for ventilation in bathrooms

Applicant:  
GAF CONTROL SALES

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

Notes		
TCOs existing		NO
Tariff Advice		NO
Q5	F 2	
LM Research	F 5-8	
LM Letters	F 9	
IDM	F 11-13	

Please check words and use





Australian Government  
Australian Customs Service

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Reply to the Chief Executive Officer

Quote: TC 0839784  
Your Ref: B9182

Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601  
Ph: s. 22(1)(a)(ii)  
Fax: s. 22(1)(a)(ii)  
Email: tarcon@customs.gov.au

17 November 2008

s. 47F(1)

CLEMENGER INTERNATIONAL FREIGHT PTY.LTD.  
PO BOX 5084  
GARDEN CITY VIC 3207

Dear s. 47F(1),

**TARIFF CONCESSION SYSTEM**  
**APPLICATION ACKNOWLEDGEMENT**

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 13 November 2008. The TC number TC 0839784 has been allocated to your application.

Date Received:	13 November 2008
Applicant:	GAF CONTROL SALES
Goods:	CEILING EXHAUST FANS 50W
Applicant ABN/CAC	87115044288/001

Yours sincerely,

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

Senior Customs Officer  
Tariff Concessions Section  
Trade Services Branch

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Freedom of Information Act 1982

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

08/39784 Encl 15

From: s. 22(1)(a)(ii)  
Sent: Thursday, 13 November 2008 15:43  
To: s. 47F(1)  
Subject: RE: NEW TCO APPLICATION FOR CEILING EXHAUST FANS [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Hello s. 47F(1)

We have received your 2 TCO Application on behalf of Gaf Control

The receipt date is the 13th of November 2008

A acknowledgement will follow via the post at a later date

Regards

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

Senior Customs Officer  
Tariff Concessions Section  
Trade Services Branch  
Australian Customs Service  
Canberra ACT

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

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

-----Original Message-----

From: s. 47F(1) [mailto:s. 47F(1)]  
Sent: Thursday, 13 November 2008 14:46  
To: TARCON  
Subject: NEW TCO APPLICATION FOR CEILING EXHAUST FANS

Attention Tarcon,

Please see attached a new application for CEILING EXHAUST FANS

Best regards,

s. 47F(1) - Consultancy & Advisory Services Manager Clemenger International  
Freight P/L Automating and Simplifying Freight Management

Unit G63, 63-85 Turner St  
Port Melbourne, 3207, Australia

Direct: + 61 (0) 3 s. 47F(1)  
Office: + 61 (0) 3 9205 9100  
Fax: + 61 (0) 3 9681 9338  
Mobile: + 61 s. 47F(1)  
Email: s. 47F(1)  
Web: www.cif.com.au

-----Original Message-----

From: info@cif.com.au [mailto:info@cif.com.au]  
Sent: Thursday, 13 November 2008 2:37 PM  
To: s. 47F(1)  
Subject: Scanned image from AR-M236

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

14

**From:** s. 47F(1)  
**Sent:** Thursday, 13 November 2008 14:52  
**To:** TARCON  
**Subject:** NEW TCO APPLICATION FOR CEILING EXHAUST FANS  
**Attachments:** AR-M236\_20081113\_144329.tif



AR-M236\_20081113\_144329.tif (1...

Attention Tarcon,

Please see attached a new application for CEILING EXHAUST FANS

Best regards,

**s. 47F(1)** - Consultancy & Advisory Services Manager Clemenger International  
Freight P/L Automating and Simplifying Freight Management

Unit G63, 63-85 Turner St  
Port Melbourne, 3207, Australia

Direct: + 61 (0) 3 **s. 47F(1)**  
Office: + 61 (0) 3 9205 9100  
Fax: + 61 (0) 3 9681 9338  
Mobile: + 61 **s. 47F(1)**  
Email: **s. 47F(1)**  
Web: [www.cif.com.au](http://www.cif.com.au)

-----Original Message-----

From: [info@cif.com.au](mailto:info@cif.com.au) [mailto:[info@cif.com.au](mailto:info@cif.com.au)]  
Sent: Thursday, 13 November 2008 2:43 PM  
To: **s. 47F(1)**  
Subject: Scanned image from AR-M236

13 NOV 08 15:21

DEVICE NAME:  
DEVICE MODEL: SHARP AR-M236  
LOCATION: Upstairs

FILE FORMAT: TIFF G4  
RESOLUTION: 300dpi

Attached file is scanned image in TIFF format.

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Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.  
<http://www.mailguard.com.au/mg>

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Freedom of Information Act 1982

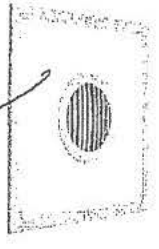

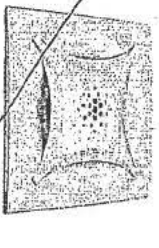
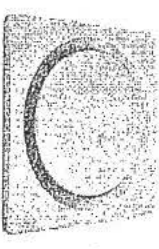
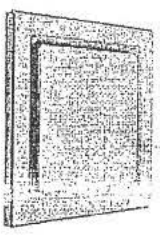
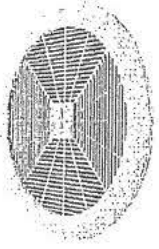
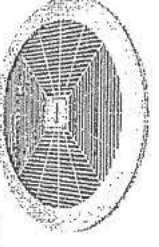
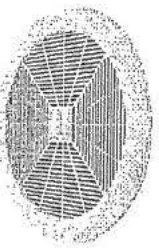
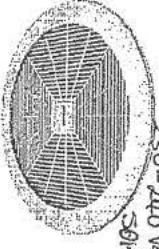







# Exhaust Fans

2861 Act Information for Freedom of Information Act 1982  
Released under the Privacy Act 1982

 <p>HEFL10SS - 2 in 1 Silver Exhaust Fan &amp; Light</p> <p>* Energy saving globe, up to 6000 hrs * Exhaust and light function * Frosted glass * Silver finish * Includes side duct * APN: 9312737 012364 * Ctn Qty 4</p>	 <p>HEFL10SW - 2 in 1 White Exhaust Fan &amp; Light</p> <p>* Energy saving globe, up to 6000 hrs * Exhaust and light function * Frosted glass * White finish * Includes side duct * APN: 9312737 012365 * Ctn Qty 4</p>	 <p>HEFM250PS - 250mm Ducted Exhaust Fan</p> <p>* Quiet operation * Excellent air flow * Includes duct outlet * Long life ball bearing motor * Removable grille for easy cleaning * Cut out template included * Turbo fan blade * APN: 9312737 026163 * Ctn Qty 4</p>	 <p>HEFM200SSRD - 200mm Ducted Exhaust Fan</p> <p>* Stainless steel grille insert * Quiet operation * Excellent air flow * Duct outlet included * Long life ball bearing motor * Removable grille for easy cleaning * Cut out template included * APN: 9312737 026149 * Ctn Qty 4 5/15 4/15</p>	 <p>HEFM200SSQ - 200mm Ducted Exhaust Fan</p> <p>* Stainless steel grille insert * Quiet operation * Excellent air flow * Duct outlet included * Long life ball bearing motor * Removable grille for easy cleaning * Cut out template included * APN: 9312737 026125 * Ctn Qty 4</p>
 <p>HEFM200 - 200mm White Ceiling Exhaust Fan</p> <p>* Slimline design * White in colour * Easy to install * Low noise * APN: 9312737 012616 * Ctn Qty 6 Ball Bearings 230-240V 50Hz</p>	 <p>HEFM200S - 200mm Silver Ceiling Exhaust Fan</p> <p>* Slimline design * Silver in colour * Compliments stainless steel fittings * Easy to install * APN: 9312737 012630 * Ctn Qty 6</p>	 <p>HEFM250 - 250mm White Ceiling Exhaust Fan</p> <p>* Slimline design * White in colour * Easy to install * Low noise * APN: 9312737 012609 * Ctn Qty 6</p>	 <p>HEFM250S - 250mm Silver Ceiling Exhaust Fan</p> <p>* Slimline design * Silver in colour * Compliments stainless steel fittings * Easy to install * Low noise * APN: 9312737 012647 * Ctn Qty 6</p>	 <p>HEFM250EXAD - 250mm Exhaust Fan</p> <p>* Removable grille and blade for easy cleaning * Superior blade design for maximum air extraction - 650m3/h * Ball bearing motor * High velocity performance * APN: 9312737026156 * Ctn Qty 6</p>

HEFL

IGAFI

35 W - 50 HZ

Manufacturer No.	GAF Model No.	Description	Extraction rate (m <sup>3</sup> /hour)
CH-804	HEFM200	200mm Sleeve bearing exhaust fan	338
CH-103	HEFM250	250mm Sleeve bearing exhaust fan	350
CH-804SBS	HEFM200S	200mm Sleeve bearing exhaust fan - silver	345
CH-103SBS	HEFM250S	250mm Sleeve bearing exhaust fan - silver	350
CH-806BB	HRBEF200	200mm exhaust fan w/ball bearing - round	332
CH-1006BB	HRBEF250	250mm exhaust fan w/ball bearing - round	340
CH-808BB	HSBEF200	200mm exhaust fan w/ball bearing - square	332
CH-1008BB	HSBEF250	250mm exhaust fan w/ball bearing - square	340
HEFM200SSQ	HEFM200SSQ	200mm Ducted Exhaust Fan - Silver Plastic with Stainless Steel (Square)	360
HEFM200SSRD	HEFM200SSRD	200mm Ducted Exhaust Fan - Silver Plastic with Stainless Steel (Round)	360
HEFM250SSQ	HEFM250SSQ	250mm Ducted Exhaust Fan - Silver Plastic with Stainless Steel (Square)	430
HEFM250WHSQ	HEFM250WHSQ	250mm Ducted Exhaust Fan - White Plastic (Square)	430
HEFM250SSSR	HEFM250SSSR	250mm Ducted Exhaust Fan - Silver Plastic with Stainless Steel (Square)	430
HEFM250SSSRD	HEFM250SSSRD	250mm Ducted Exhaust Fan - Silver Plastic with Stainless Steel (Round)	430
HEFM250WHRD	HEFM250WHRD	250mm Ducted Exhaust Fan - White Plastic (Round)	430
HEFM250PS	HEFM250PS	250mm Ducted Exhaust Fan - Silver Plastic (Star)	430
HEFM250EXAD	HEFM250EXAD	250mm Extractor Ceiling Exhaust Fan - White	650

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Attachment B

**CLEMENGER INTERNATIONAL FREIGHT**  
Automating and Simplifying Freight Management

**GAF Control - Ceiling Exhaust Fans**

HEFM250EXAD, HEFM250PS, HEFM250SSQ, HEFM250SSR, HEFM250SSRD  
HEFM250WHRD, HEFM250WHSQ

**GOODS DESCRIPTION: Domestic Ceiling Exhaust Fans**

Long life Ball Bearing Motor  
230-240V, 50HZ, 50w (see attached spec sheet)  
Stainless steel & White finish  
varous air extraction rates per model, see attachment with specifications

**CLAIMED TARIFF CLASSIFICATION:** 8414.51.00

**CLAIMED REASONS:**

Inclusions: Goods are identified as ceiling fans with self contained electric motor of an output not exceeding 125W. Interpretative Rule One, Interpretative Rule One, Terms of Chapter and sub-heading  
Goods meet with Section 16 Note 4 "Functional Unit" and Note 5 "machine".

s. 47F(1)

From: s. 47F(1)

Sent: Thursday, 13 November 2008 11:22 AM

To: s. 47F(1)

Cc: s. 47F(1)

Subject: RE: Exhaust fan extraction rate

Hi s. 47F(1)

Thank you for below proposed TC wording.

Please proceed with below 2 tariff concession application.

Understand the TC wording can exclude all except for 1 model from HPM's range.

GAF model	wattages	TC wording
HEFM200	30w	Exhaust fans, ceiling, having a motor output of NOT less than 30W and NOT more than 35W
HEFM200S	30w	
HRBEF200	30w	
HSBEF200	30w	
HEFM200SSQ	35w	
HEFM200SSRD	35w	
HEFM250	35w	
HEFM250S	35w	
HRBEF250	35w	
HSBEF250	35w	
HEFM250EXAD	50w	Exhaust fans, ceiling, having a motor output of NOT less than 50W.
HEFM250PS	50w	
HEFM250SSQ	50w	
HEFM250SSR	50w	
HEFM250SSRD	50w	
HEFM250WHRD	50w	
HEFM250WHSQ	50w	

08 39784

Regards,

S.  
47F(1)

From: s. 47F(1)

Sent: Thursday, 13 November 2008 10:53 AM

To: s. 47F(1)

Subject: RE: Exhaust fan extraction rate

Hi s. 47F(1)

Thanks for confirming the Wattage for each of your ceiling exhaust fans. To exclude your competitor's products we will need to submit two TCO applications with the following new proposed wording;

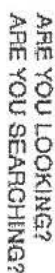
a) Exhaust fans, ceiling, having a motor output of **NOT less** than 30W and **NOT more** than 35W.  
Note *\*this one actually excludes all the Artec products and three of four of the HPM products.*

b) Exhaust fans, ceiling, having a motor output of **NOT less** than 50W.  
Note *\*this one excludes all of your competitors products.*

Please advise how you would like to proceed.

13/11/2008





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State <input checked="" type="checkbox"/> NSW <input checked="" type="checkbox"/> SA <input checked="" type="checkbox"/> VIC <input checked="" type="checkbox"/> WA <input checked="" type="checkbox"/> QLD <input checked="" type="checkbox"/> TAS <input checked="" type="checkbox"/> ACT		<input checked="" type="checkbox"/> Any <input checked="" type="checkbox"/> Producer <input checked="" type="checkbox"/> Manufacturing Select Product Codes [Clear] Product Keywords Tags		Turnover \$ [Between] Export Revenue \$ [Between]		Keywords: [ ] Export Areas: [Expand List] <input checked="" type="checkbox"/> Any <input checked="" type="checkbox"/> Afghanistan <input checked="" type="checkbox"/> Africa	
<input checked="" type="checkbox"/> All States Region: Choose Region Postcode: [ ]		Bank: [Expand List] <input checked="" type="checkbox"/> Any ABN Amino Australia Limited Adelaide Bank Limited		Job Title: [Expand List] <input checked="" type="checkbox"/> Any Account Director Account Executive		Your selection automatically defaults to the company's prime contact if your chosen job title is not available. If you want only your selected titles click here Brand: [ ]	

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<input type="text" value="Address (incl. Postal Address)"/>		<input type="text" value="Business Category: [Expand List]"/> <input type="checkbox"/> Any <input type="checkbox"/> Producer <input type="checkbox"/> Manufacturing		<input type="text" value="Staff #"/> <input type="text" value="Between"/>		<input type="text" value="Company Name:"/> <input type="text" value="Keywords:"/>	
<input type="checkbox"/> State <input checked="" type="checkbox"/> NSW <input checked="" type="checkbox"/> VIC <input checked="" type="checkbox"/> QLD <input checked="" type="checkbox"/> ACT <input type="checkbox"/> SA <input type="checkbox"/> WA <input type="checkbox"/> TAS <input type="checkbox"/> NT		<input type="text" value="Select Product Codes [Clear]"/> <input type="text" value="Product Keywords"/> <input type="text" value="exhaust fan"/>		<input type="text" value="Turnover \$"/> <input type="text" value="Between"/>		<input type="text" value="Export Areas: [Expand List]"/> <input type="checkbox"/> Any <input type="checkbox"/> Afghanistan <input type="checkbox"/> Africa	
<input checked="" type="checkbox"/> All States <input type="text" value="Region: Choose Region"/>		<input type="text" value="Export Revenue \$"/> <input type="text" value="Between"/>		<input type="text" value="Bank: [Expand List]"/> <input type="checkbox"/> Any <input type="checkbox"/> ABN Armo Australia United <input type="checkbox"/> Adelaide Bank Limited		<input type="text" value="Job Title: [Expand List]"/> <input type="checkbox"/> Any <input type="checkbox"/> Account Director <input type="checkbox"/> Account Executive	
<input type="text" value="Postcode:"/>						<input type="text" value="Your selection automatically defaults to the company's prime contact if your chosen job title is not available. If you want only your selected titles click here"/>	
<input type="text" value="Brand:"/>							
<input type="checkbox"/> Filter By: <input type="checkbox"/> Importer <input type="checkbox"/> Exporter <input type="checkbox"/> Exporter & Importer <input type="checkbox"/> Quality Rated <input type="checkbox"/> Has website <input type="checkbox"/> Top 1000 <input type="checkbox"/> Has Contact Person						<input type="button" value="Clear"/> <input type="button" value="Search"/>	

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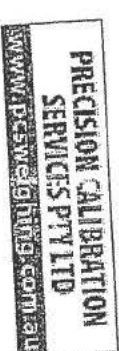
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If this form was completed by a business with fewer than 20 employees, please provide an estimate of the time taken to complete this form.

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:
- (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](http://www.customs.gov.au), by e-mailing [information@customs.gov.au](mailto: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	GAF CONTROL (SALES) PTY LTD	Australian Business Number (A.B.N.)	97 115 044 237
Postal Address	18-28 TARLAS AVENUE		
Applicant's Reference	CEILING EXHAUST FANS (B)	Owner Code (if applicable)	
Company Contact	s. 47F(1)	Position Held	Shipping Manager
Telephone Number	s. 47F(1)	Facsimile Number	8368-2936
		E-mail Address	s. 47F(1)

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")	GAF CONTROL PTY LTD	A.B.N.	
Postal Address	18-28 TARLAS AVENUE		
Importer's Reference	CEILING EXHAUST FANS	Owner Code	N/A
Company Contact	s. 47F(1)	Position Held	SHIPPING MANAGER
Telephone Number	s. 47F(1)	Facsimile Number	8368-2936

B443 (JUN 2001)

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AGENT/BROKER DETAILS (if applicable)

Agent's Name <b>Chemenger International Freight</b>		A.B.N. <b>7300074240627</b>
Postal Address <b>P.O. Box 5084, Garden City, Vic 3207</b>		
Agent's Reference <b>B9182</b>	Agency Contact s. 47F(1) [REDACTED]	
Telephone Number s. 47F(1) [REDACTED]	Facsimile Number <b>9646-8436</b>	E-mail Address s. 47F(1) [REDACTED]

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

**Exhaust fan, ceiling, having a motor output of NOT less than 50W.**

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.

**Attachment (A)**

TARIFF CLASSIFICATION

- 3 Identify the tariff classification (to 8 figure subheading level) **84143100**

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.

**See Attachment (B)**

USES OF THE IMPORTED GOODS

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

**Designed for ventilation in bedrooms.**



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.

29/10/68 Conducted a market research on Exhaust fans. No local manufacturers were found in Kampass.

3/11/68 Conducted a market research on fans and one possible Australian manufacturer was found in Kampass.

PPW came up as a possible Australian manufacturer.  
3/11/68 I contacted PPW Group by telephone and spoke with s. 47F(1) s. 47F(1) advised that PPW manufacture for commercial and Industrial only and they are not substitutable for domestic exhaust fans. s. 47F(1) advised that there were no Australian manufacturers of domestic Exhaust fans.


- 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.

# PREScribed ORGANISATIONS

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.

Kompass searched  
Attachment 

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.

This application meets with section 269 'Core Criteria' and S269B 'substitutable goods' of the Customs Act 1901.

## DECLARATION

I, <b>s. 47F(1)</b>	Position Held <b>Customs Broker</b>
Company (if applicable) <b>Clemenger International Freight Pty Ltd</b>	
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 <b>s. 47F(1)</b>	Date <b>13-11-08</b>

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.