



## AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9801041

Customs House  
5 Constitution Avenue  
Canberra ACT 2601

email: information@s.22(1)(a)(ii)  
ph. s.22(1)(a)(ii)

Your Ref: s.47F(1) 4/98

24 APR 98

Dear Sir/Madam,

### TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 04 FEB 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 98/18 of 06 MAY 98.

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

Yours faithfully,

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

Delegate of the Chief Executive Officer

**File Examined**

**3 n APR 1998**

CONTROL ENGINEERING AUST PTY LTD  
Attn: s.47F(1)

PO BOX 398  
BAYSWATER VIC 3153

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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
<p>8501.52.00 ACTUATORS, VALVE OR DAMPER, ELECTRIC MOTOR, multi turn, NOT including actuators with secondary gearboxes having a torque rating of 100 000 Nm or less, having ALL the features listed in TABLE A and ONE OR MORE of the features listed in TABLE B</p> <p style="text-align: center;">TABLE A</p> <p>(a) limit switch to full open and close position;  (b) visual indication of valve or damper position throughout all stages of cycle open/close/open;  (c) over torque switch(es);</p> <p style="text-align: center;">TABLE B</p> <p>(a) having an output torque of LESS than 30 Nm;  (b) two speed motor, giving two speeds of output;  (c) variable speed motor, giving variable output speeds;  (d) having an output power GREATER than 365 W</p> <p>Op. 04.02.98</p> <p style="text-align: right;">- TC 9801041</p>	50

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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 FEBRUARY 4, 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
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8501.52.00	ACTUATORS, VALVE OR DAMPER, ELECTRIC MOTOR, multi turn, NOT including actuators with secondary gearboxes having a torque rating of 100 000 Nm or less, having ALL the features listed in TABLE A and ONE OR MORE of the features listed in TABLE B	50
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TABLE A

- (a) limit switch to full open and close position;
- (b) visual indication of valve or damper position throughout all stages of cycle open/close/open;
- (c) over torque switch(es);

TABLE B

- (a) having an output torque of LESS than 30 Nm;
  - (b) two speed motor, giving two speeds of output;
  - (c) variable speed motor, giving variable output speeds;
  - (d) having an output power GREATER than 365 W
- Op. 04.02.98

- TC 9801041

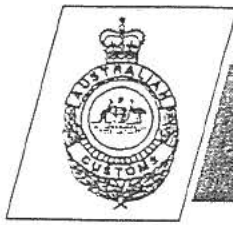
This is page 1 of 1 page(s) of the above Table.

Dated APRIL 24, 1998

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

Delegate of the Chief Executive Officer

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# AUSTRALIAN CUSTOMS SERVICE

## MINUTE PAPER CENTRAL OFFICE

File No. *98/01041*

### DECISION RE TCO APPLICATION

Information available for consideration indicates there are no substitutable goods produced in Australia in the ordinary course of business.

Therefore I am satisfied that the application meets the core criteria in terms of S269C of the Customs Act 1901 and I have decided to accept the TCO application pursuant to S269P(1).

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

Delegate of the CEO

*24 April 1998.*

**HARDMAN  
BROS PTY LTD**

ACN 004 436 711

385-393 LOWER DANDENONG RD, DINGLEY VIC AUSTRALIA 3172  
TELEPHONE: (03) 9551 5566 FACSIMILE: (03) 9551 8060  
EMAIL: hadbro@co.com.au

25th February, 1998.

Limiterque Australia,  
17 Scoresby Road,  
BAYSWATER 3153.ATTENTION: s. 47F(1)

'98 FEB 26 11:13

Dear Sir,

We are in receipt of your letter dated 17th February 1998 regarding the importing of Actuators, Valve or Damper Electric Motors.

We hereby advise that Hardman Bros. Pty. Ltd., have no objection to your Company obtaining a concession to import these products.

Yours faithfully,

s. 47F(1)

HARDMAN BROS. PTY. LTD.

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

ATT

1/3







**ELECTRIC MOTOR POWER Pty. Ltd.**

A.C.N. 065 126 605

Attention :

s. 47F(1)

18/2/98  
Re: T.C. for Actuator/damper E.I

Dear

s. 47F(1)

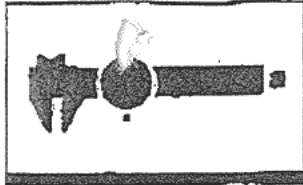
In reference to your letter (ref# 5030)  
I would like to inform you that our company  
does not manufacture the items you described,  
namely "actuators, Valve or Damper Electric  
motors" and therefore we would not have any  
objection to your organisation obtaining a  
concession to import these goods.

yours sincerely

s. 47F(1)

Director.

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toolsharp engineering

3 elsum avenue  
bayswater, victoria 3153  
telephone: (03) 9729-2911 (03) 9729-2939  
facsimile: (03) 9729-5455

**Knife Gate Valves**

DATE: 25th February 1998

TO: CONTROL ENGINEERING AUSTRALIA

ATTENTION: s. 47F(1)

REFERENCE: T.C FOR ACTUATORS/DAMPER

FROM: s. 47F(1)

Dear s. 47F(1),

In reference to your letter (Ref#5030), I would like to Inform you that our Company does not manufacture the items you described, namely "actuators or Valve Damper Electric Motors" and therefore we would not have any objection to your organisation obtaining a concession to import thes goods.

Kindest regards,  
s. 47F(1)

.....  
MANAGING DIRECTOR

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## AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9801041

Customs House  
5 Constitution Avenue  
Canberra ACT 2601

email: information@customs.gov.au  
Ph. s. 22(1)(a)(ii)

Your Ref: s. 47F(1) 4/98

25 FEB 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/ 9 of 04 MAR 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,

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

Delegate of the Chief Executive Officer

CONTROL ENGINEERING AUST PTY LTD  
Attn: s. 47F(1)

PO BOX 398  
BAYSWATER VIC 3153

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THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Prescribed Item No. Date
<p>8501.52.00 ACTUATORS, VALVE OR DAMPER, ELECTRIC MOTOR, multi turn, BUT NOT including actuators with secondary gearboxes having a torque rating of 100 000 Nm or less, having ALL the features listed in TABLE A and ONE OR MORE of the features listed in TABLE B</p> <p style="text-align: center;">TABLE A</p> <p>(a) limit switch to full open and close position; (b) visual indication of valve or damper position throughout all stages of cycle open/close/open; (c) over torque switch(es);</p> <p style="text-align: center;">TABLE B</p> <p>(a) having an output torque of LESS than 30 Nm; (b) two speed motor, giving two speeds of output; (c) variable speed motor, giving variable output speeds; (d) having an output power GREATER than 365 W</p> <p>Op. 04.02.98 STATED USE: Actuation of valves, dampers, screwjacks</p> <p>Applicant: CONTROL ENGINEERING AUST PTY LTD BAYSWATER, VIC, 3153</p>	50

- TC 9801041

**F A X**

# Limitorque Australia

Division of Control Engineering (Aust.) Pty Ltd A.C.N. 004 617 145

FAX No: 5028

Page :1 of 1

## Valve Actuation and Controls

17 Scoresby Road PO Box 398 BAYSWATER 3153

Phone: (03) 9729 0555

Victoria Australia

Fax: (03) 9729 8225

17<sup>th</sup> February 1998

## AUSTRALIAN CUSTOMS SERVICE

Attention: s. 22(1)(a)(ii) and s. 22(1)(a)(ii)

Owner Code: 0030688C

**Tariff Concession Applications: TC9801039, TC9801040,  
TC9801041, TC9801042, TC9801043**

Gentlemen, further to our discussions we confirm:

1. The wording for the concession in each case:  
ACTUATORS, VALVE OR DAMPER, ELECTRIC MOTOR

2. There are no Australian Manufacturers of equivalent product.

We are in the process of going out to:

TOOLSHARP ENGINEERING

Hardman Bros Pty Ltd

Electric Motor Power Pty Ltd

C.M.G. Electric Motors

'98 FEB 17 13:43

3. We have sent to your attention by Courier, Bulletins and Instruction Manuals detailing the actuators we assemble and test here in Australia and the subject of these applications.

4. Referring to Application TC9801013 - if the above are successful we will not need to proceed with this application.

If further information or detail be required please contact us.

s. 47F(1)

Regards

s. 47F(1)

IDM - see TC 9801013

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# AUSTRALIAN CUSTOMS SERVICE

## MINUTE PAPER CENTRAL OFFICE

TR(C1)

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

NAME: s. 22(1)(a)(ii) TC(A3)

DATE: 170298

DATE REC'D (in TCs): 4/2/98

APPLICANT: Control Engineering (Aust) Pty Ltd

GOODS: Actuators

CLAIMED CLASSIFICATION 85015200

TA No & CLASS'N: \_\_\_\_\_

INSUFFICIENT INFO. (REASONS): IDM

PRECEDENT No & CLASS'N: \_\_\_\_\_

TARIFF ADVICE No (TAPIN): \_\_\_\_\_

DECISION: 85015200

COMMENTS: HSEN 1445 (3)

RETURNED TO TARIFF CONCESSIONS.

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

DATE: 23/2/98

F A X

**Limitorque Australia**

Division of Control Engineering (Aust.) Pty Ltd A.C.N. 004 617 145

FAX No: 5000

Page :1 of 1

**Valve Actuation and Controls**

17 Scoresby Road PO Box 398 BAYSWATER 3153

Phone: (03) 9729 0555

Victoria Australia

Fax: (03) 9729 8225

12<sup>th</sup> February 1998**AUSTRALIAN CUSTOMS SERVICE**

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

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

Owner Code: 0030688C

**Tariff Concession Applications TC9801013, TC9801040,  
TC981041, TC9801042, TC9801043, TC9801039**

Terry, further to our discussions with s. 22(1)(a)(ii) I believe we have a golden opportunity to simplify the TC application for both of our organisation and industry.

Back in 1983 I made the application for the current TCO's on behalf of the small specialist industry we are involved in.

It was in close consultation with your departments s. 22(1)(a)(ii) at the time that the current wording was developed and agreed to.

We would be pleased if you would accept our invitation to visit our office/works to discuss an acceptable wording. We will be able to demonstrate to you our industry's products and their considerable differences from plain gear boxes and electric motors.

We have the original 1983 files and details of equivalent products in our office, I am sure these will be valuable in our discussions.

I would be quite happy to come up to Canberra but not able to bring a truck load of bits and files to refer to with me.

I am available at your convenience and quite prepared to pick you up from the airport and return you to the airport if required.

Please could you phone me to discuss.

Yours sincerely

s. 47F(1)

s. 47F(1)

s. 47F(1)

ON 13 FEB '98

FILENOTE: SPOKE TO  
RE THESE CONCESSIONS. HE SAID HE WOULD BROADCAST  
(TC9801013)  
THE WORDING & WITHDRAW ALL OTHER TCO APPLICATIONS  
HE WOULD ALSO COPY THE RELEVANT PAGE FROM  
KOMPASS & CONTACT TWO MFRS OF ELECTRIC/MECHANICAL  
s. 22(1)(a)(ii)

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MEMORY TRANSMISSION REPORT

TIME : FEB 11 '98 14:10  
TEL NUMBER :  
NAME :

6.

NBR	FILE	DATE	TIME	DURATION	PGS	TO	DEPT NBR	MODE	STATUS
974	F.4	FEB.11	14:08	00/28	1	61 3 9729 8225		EC	M OK

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**AUSTRALIAN  
CUSTOMS SERVICE**

## Facsimile Cover Sheet

<b>To:</b>	s. 47F(1)
<b>Company:</b>	CONTROL ENGINEERING
<b>Fax:</b>	03 9729 8225

<b>From:</b>	s. 22(1)(a)(ii)
<b>Company:</b>	Australian Customs Service
<b>Phone:</b>	s. 22(1)(a)(ii)
<b>Fax:</b>	
<b>Date:</b>	11 February, 1998

**YOUR REF: TARIFF CONCESSION APPLICATION TC 9801041**

I refer to your application for the above TCO dated 4 Feb 98.

Please provide IDM illustrative descriptive material eg catalogues, brochures in order to classify the goods

TC description to read as per TC 9801039 and please supply explanation of terminology used.

Please advise your comments on the above TC description not later than 21 Feb.

2. Secondly, in order to satisfy the requirements of Question 5 of the TCO application please provide documentary evidence that the local manufacturer has not produced substitutable goods in the ordinary course of business and would not object to the granting of a TCO for the subject goods.

Applications will be rejected where no such evidence is tendered.

Regards,



## AUSTRALIAN CUSTOMS SERVICE

Reply to the Chief Executive Officer

Quote: TC 9801041

Customs House  
5 Constitution Avenue  
Canberra ACT 2601  
email: information @ customs.gov.au

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

Your Ref: s. 47F(1) 4/98

06 FEB 98

Dear Sir/Madam,

### APPLICATION FOR A TARIFF CONCESSION ORDER

Your application for a Tariff Concession Order, details of which are shown below, was received in this office on 04 FEB 98. The TC number shown above has been allocated to your application.

Date Sent : 02 FEB 98  
Applicant : CONTROL ENGINEERING AUST PTY LTD  
Goods : VALVE OR DAMPER ACTUATORS  
Owner Code : 0030688C

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

Yours faithfully,

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

for National Manager  
Industry

*Q5-NO  
Need IDM  
WARS-Ref TC 9801089*

CONTROL ENGINEERING AUST PTY LTD  
Attn: s. 47F(1)

PO BOX 398  
BAYSWATER VIC 3153

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**AUSTRALIAN  
CUSTOMS SERVICE**

98 FEB 4 9:08

# 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 CONTROL ENGINEERING (AUST) PTY LTD		A.C.N. 004 617 145
Postal address PO BOX 398, BAYSWATER VIC 3153		
Applicant's Reference s. 47F(1) 04/98	Owner Code (if applicable) 30688C	
Company Contact s. 47F(1)	Position Held MANAGING DIRECTOR	
Phone Number 03 9729 0555	Facsimile Number 03 9729 8225	

## 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



## 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.

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.