


**AUSTRALIAN
CUSTOMS SERVICE**

APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

(APPROVED FORM - SECTION 269F, CUSTOMS ACT 1901)

Please read the Guidance Notes carefully before completing.

APPLICANT (IMPORTER) DETAILS

Applicant's Name PACKTRON PACKAGING Pty Ltd	
Business address 20 TEPKO RD TERRY HILLS 2084	
Postal address (if the same as business address write "as above") ABOVE	
Applicant's Reference 93 P-3	Owner Code 616995 F
Company Contact <small>S47F</small> [REDACTED]	Position held <small>S47F</small> [REDACTED]
Phone Number <small>S47F</small> [REDACTED]	Fax Number 02 450 2314

AGENT DETAILS (IF APPLICABLE)

ACN 000220511	Name of Agent PERSONAL CUSTOMS SERVICES
Business address (47) VICTORIA ST. BEACONSFIELD 2015	
Postal address (if the same as business address write "as above") PO BOX 202 BEACONSFIELD 2015	
Agent's Reference 93 P-3	
Phone Number <small>S47F</small> [REDACTED]	Fax Number 02 6983704
Company Contact <small>S47F</small> [REDACTED]	Position held <small>S47F</small> [REDACTED]

DESCRIPTION OF GOODS

1. A full description of the goods for which a TCO is being sought (the goods) BAGS, MULTILAYERED PLASTIC COATED, HAVING A RECLOSABLE PULL APART SEAL, OR A RECLOSABLE ZIP FASTENER	
2. Tariff Classification (to subheading level - ie. 8 figures)	39232900
3. Technical, illustrative descriptive matter or sample of the goods attached (If "NO" provide reasons why material is not available)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4. Use(s) of the goods (including design use(s)) 1) PACKAGING OF MERCHANDISE 2) 3)	

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Freedom of Information Act 1982

SUBSTITUTABLE GOODS

5. Are there any substitutable goods produced in Australia?

YES ☐NO ☐

Go to question 6

Go to question 16

Note: If submissions are received from local manufacturers in respect of substitutable goods, Customs will consider these in relation to the applicant's case. Customs is not required to seek further evidence from the applicant.

6. Describe the substitutable goods

7. Provide the names and addresses of the manufacturers of those goods

MARKET INFORMATION

8. Identify and describe the market(s) in which the goods are or are to be sold in Australia

9. Indicate the size of the total market described in question 8

GROSS SALES REVENUE

UNITS SOLD

10. What percentage of the total market do the locally produced substitutable goods currently occupy in terms of gross sales revenue per annum?

%

11. What is the likely percentage reduction in the market share of the locally produced substitutable goods if a TCO is granted?

%

12. Average unit selling price of the goods as described in question 1

\$

13. Average unit selling price of the locally produced substitutable goods

\$

14. At what level of the market were the answers to questions 12 and 13 assessed?

☐

wholesale

☐

retail

☐

other

15. Indicate the source on which you have based the market information and specify details

☐

based on experience

☐

official government publications

☐

trade and industry associations/publications

☐

other sources (specify)

16. Provide any comments you wish to make in support of your application

CLIENT ADVISES RESEALABLE BAGS
ARE NOT MANUFACTURED LOCALLY

s47F

Position Held

s47F

Company

PERSONAL CUSTOMS SERVICES

I declare that:

1. To the best of my knowledge and belief the information contained in this submission is correct.
2. I have the authority to act on behalf of the company.
3. I understand that admission of goods under a Tariff Concession Order does not absolve me from the obligation to comply with any other law or regulation relating to the importation of goods.

Signature of Applicant/Agent

s47F

21/12/1999

NOTE: Section 234 of the Customs Act 1901 provides that it is an offence to make a statement to an officer that is false and misleading in a material particular.

WHEN THIS SECTION OF THE FORM HAS BEEN COMPLETED, LODGE IT WITH CUSTOMS BY:

- posting it by prepaid post to the Manager, Tariff, Australian Customs Service, Customs House, CANBERRA ACT 2601; or
- leaving it at a place that has been allocated for lodgement of TCO applications at Customs House Canberra; or
- sending it by facsimile to (06) 2756376

GUIDANCE NOTES FOR THE COMPLETION OF A TCO APPLICATION

(PLEASE READ CAREFULLY BEFORE COMPLETING THE FORM)

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.
2. Failure to supply the information required by this form may result in rejection of the application and consequential loss of operative date.
3. Where there is insufficient space, answers may be provided by attachment, which should clearly identify the question to which the attachment relates.
4. Unless otherwise specified all information provided should be based on the situation 28 days prior to lodgement of the application.
5. An application will be date stamped on the day it is first received by an officer of Customs. Any resultant TCO comes into force 28 days before that day.
6. Further information on the Tariff Concession System (TCS) is available in Part XVA of the Customs Act 1901, the foreword to the Schedule of Concessional Instruments, the administrative guidelines in Volume 13 of the Customs Manual, the Tariff Concession System pamphlet and Fact Sheets, or by phoning (06) 2756666.
7. Customs may require an applicant to substantiate with documentary evidence any information provided on the application form.

NOTES ON TCO APPLICATION QUESTIONS

Question 1 - Description of Goods

As the description of goods is designed to be used in the making of a TCO, which is of general application, it must not include brand names, trade names, model numbers or ambiguous terminology.

A description that is excessively detailed or specific may result in non-compliance of the goods when imported.

Guidelines used by the ACS on the drafting of TCOs are to be found in Volume 13 of the Australian Customs Service Manual.

Question 2 - Tariff Classification

As well as the description of goods, the applicant must advise the 8 figure tariff classification that in his/her opinion applies to the goods.

If a Tariff Advice for the goods has been obtained please attach.

Question 3 - Technical descriptive matter

Please provide sufficient technical matter, illustrative descriptive matter and/or samples to enable an accurate understanding of the identity of the goods being imported.

Question 4 - Use(s) of the goods

The applicant should state all uses (including design uses) to which the goods have been or can be put.

Question 5 - Substitutable goods

Provide details of any goods produced in Australia which are substitutable for the goods the subject of this application.

"Substitutable goods" are defined in the Customs Act 1901 as:

"goods produced in Australia that are put to a use that corresponds with a use (including a design use) to which the goods the subject of the application or of the TCO can be put".

Question 7 - Details of local manufacturers

Ensure the details of all local manufacturers of whom you are aware are shown in respect of all goods shown at question 6. You may wish to consult appropriate trade directories. The ACS may also use such sources to identify possible manufacturers.

Question 9 - Market size

The size of the market is to be taken as evidenced by total gross sales revenue and/or the unit sales of the locally produced substitutable goods and any imported goods in the last financial year for which figures are available.

The size of this total market should, wherever possible, be based on published trade figures.

Question 10 - Market share

Market share refers to the proportion of the total market in question 9 that the locally produced substitutable goods currently occupy. (For definition of substitutable goods refer to notes on question 5.) The balance of that market will be taken to be that occupied by the imported goods. Source of the information should be based on that provided in answer to question 9.

If the locally produced goods are new to the market an estimate should be made of percentage of market share which will most likely be achieved in the first year.

Question 11 - Impact on the market if a TCO is made

Provide a realistic assessment of the likely effect on the market for the substitutable goods (question 10) if a TCO was granted for the imported goods and if the price of the locally produced goods and other known factors remained the same.

Questions 12 and 13 - Selling price of goods

Specify the average selling price if possible, or alternatively provide any details available to reflect the price structure of the imported and local products, and their selling price ranges.

Question 15 - Information Sources

Customs may require that information submitted in response to this question be substantiated.

**AUSTRALIAN
CUSTOMS SERVICE**

Reply to the Comptroller-General

TC 9312795

Quote

Your Ref:93 P-3

CUSTOMS HOUSE

5-11 Constitution Avenue

CANBERRA ACT 2601

Phone (06) 275 6666

Fax. 06 2756376

13 DEC 93

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 09 DEC 93. The TC number shown above has been allocated to your application.

Date Sent : 03 DEC 93
Applicant : PACKTRON PACKAGING PTY LTD
Goods : BAGS, MULTILAYERED

Yours faithfully,

s22(1)(a)(ii)

for Manager
Tariff

PERSONAL CUSTOMS SERVICES

Attn: s47F

PO BOX 202
BEACONSFIELD NSW 2015

TR(C1)

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

s22(1)(a)(ii)

13/12/93

DATE REC 13/12/93.

APPLICANT PACKTRON PACKAGING PTY LTD.

GOODS BAGS, MULTI-LAYERED.

CLAIMED CLASSIFICATION 3923.29.00

TA No. & CLASS

INSUFFICIENT INFORMATION (REASONS)

PRECEDENT No. & CLASS

TAPIN No's & CLASS

RESEARCH (Dictionary/Previous Files/CCC Docs)

It is bags for the packing of goods.

DECISION 3923 29 00

REASONS

PRECEDENT No.

NOTED FOR AUDIT

s22(1)(a)(ii)

RETURNED TO TARIFF CONCESSION

TRC3

15.12.93

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**AUSTRALIAN
CUSTOMS SERVICE**

Reply to the Comptroller-General

TC 9312795

Quote

CUSTOMS HOUSE

5-11 Constitution Avenue

CANBERRA ACT 2601

Phone (06) 275 6666

Ph. 06 [redacted] s22(1)(a)(ii)

Fax. 06 2756376

Your Ref:93 P-3

16 DEC 93

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 94/ 1 of 12 JAN 94. 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.

Yours faithfully,

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

for Manager
Tariff

PERSONAL CUSTOMS SERVICES

Attn: [redacted] s47F

PO BOX 202
BEACONSFIELD NSW 2015

THE TABLE

COLUMN 1		COLUMN 2	
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date	
3923.29.00	BAGS, multilayered, plastic coated, having a recloseable pull apart seal, or a recloseable zip fastener Op. 11.11.93 STATED USE: Packaging of merchandise	- TC 9312795	50



**AUSTRALIAN
CUSTOMS SERVICE**

Reply to the Comptroller-General

TC 9312795

Quote

CUSTOMS HOUSE

5-11 Constitution Avenue

CANBERRA ACT 2601

Phone (06) 275 6226

PH. 06 [REDACTED]

Fax. 06 2756376

Your Ref:93 P-3

04 MAR 94

Dear Sir/Madam,

TARIFF CONCESSION SYSTEM - APPLICATION SUCCESSFUL

I refer to your application for a Tariff Concession Order (TCO) lodged on 09 DEC 93.

As a delegate of the Comptroller-General I am satisfied that the application meets the core criteria and have accordingly made a written Tariff Concession Order.

The decision to make a TCO will be published in Gazette No. TC 94/10 of 16 MAR 94.

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)

for Manager
Tariff

PERSONAL CUSTOMS SERVICES

Attn: s47F [REDACTED]

PO BOX 202

BEACONSFIELD NSW 2015

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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>3923.29.00 BAGS, multilayered, plastic coated, having a recloseable pull apart seal, or a recloseable zip fastener Op. 11.11.93</p> <p>- TC 9312795</p>	50

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TARIFF CONCESSION ORDER

Under Section 359P of the Customs Act 1901, I s22(1)(a)(ii) a delegate of the Comptroller, 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 1987 specified in Column 2 of THE TABLE applies. This Order shall have effect from NOVEMBER 11, 1993 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		Prescribed Item No. Date
3923.29.00	BAGS, multilayered, plastic coated, having a recloseable pull apart seal, or a recloseable zip fastener Op. 11.11.93	50 - TC 9312795

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

Dated MARCH 4, 1994

s22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

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APPLICATION SUMMARYApplication received Date 9/12/93 Folio 2/3Application accepted as valid application Date 13/12/93

Local manufacturers notified

Name	Folio	B444	Object?	Comments
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
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File Examined
08 MAR 1994Application notified in Gazette No. 94/1 of 12/1/94General comments; other files/documents/directories considered
(identify relevant folio)

(IC wording Folio 2Computer records updated Yes/No ☒ YesInformation available for consideration indicates there are
substitutible goods produced in Australia YES/NO IF YESInformation available for consideration indicates there would be
substantial adverse effect on the market for locally produced goods
YES/NO ☒ YesI am satisfied that, from the information summarised above, a prima
facie case has/~~has~~ not been established and that the application should
be approved/~~rejected~~.

s22(1)(a)(ii)

_____
()
Delegate of the Comptroller-General4/3/94

THE TABLE

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Prescribed Item No. Date
3923.29.00	BAGS, multilayered, plastic coated, having a recloseable pull apart seal, or a recloseable zip fastener Op. 11.11.93 STATED USE: Packaging of merchandise Applicant: PACKTRON PACKAGING PTY LTD TERREY HILLS, NSW, 2084	50 - TC 9312795

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CHECK LIST

NUMBER 2451

TC 93/12795

GOODS BARS, MULTILAYERED

TARIFF ITEM 3923-29.00

DUTY RATE
TC RATE

LOCAL MANUFACTURERS

YES

NO

FACSIMILES TO LM'S

YES

RESPONSE

YES

NO

DECISION TO GAZETTE DATE

END USE

YES

NO

EXCLUDED GOODS SCHEDULE

YES

NO

NON GENERIC DESCRIPTION

YES

NO

NOT A FULL DESCRIPTION OF GOODS

YES

NO

INFORMATION REQUESTS SENT

YES

INFORMATION REQUEST RECEIVED

YES

NO

NEW APPLICATION RECEIVED

YES

NO

COMPANY VISIT

YES

NO

TCO REVOKED

YES

NO

NOTES:

s22(1)(a)(ii)

14/2/2000

CUST VAL 12 MONTHS - \$ 279,600

File Note

On 11 May 2016 I formed a belief, in accordance with s.269SD (1AA) that if a particular Tariff Concession Orders (TCO) was not in place today the Comptroller-General of Customs would not have made that TCO. The relevant TCO is:

Description of Goods including the Customs Tariff Classification	Schedule 4 Item Number
<div> <div>3923.29.00</div> <div>BAGS, multilayered, plastic coated, having a reclosable pull apart seal, or a reclosable zip fastener</div> <div>Op. 11.11.93</div> <div>Dec. date 04.03.94</div> <div>- TC 9312795</div> <div>Stated use: Packaging of merchandise</div> </div>	50

I am aware of an Australian manufacturer of goods with a corresponding use to the goods described by TC 9312795, being Andrew Kohn Pty Ltd which successfully lodged an objection on 22 July 2015 to the making of TC 1521053 being:

BAGS, SANDWICH AND/OR SNACK, low density polyethylene (LDPE), resealable closure groove, having BOTH of the following:

- (a) width NOT greater than 180 mm;
- (b) length NOT greater than 170 mm

I am therefore satisfied that the Comptroller-General of Customs would not have made a TCO for goods described by TC 9312795 if an application were to be lodged today.

s22(1)(a)(ii)



Delegate of the Comptroller-General of Customs
11 May 2016

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File Note

On 11 May 2016 I formed a belief, in accordance with s.269SD (1AA) that if a particular Tariff Concession Orders (TCO) was not in place today the Comptroller-General of Customs would not have made that TCO. The relevant TCO is:

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

3923.29.00 BAGS, multilayered, plastic coated, having a reclosable pull apart seal, or a reclosable zip fastener

50

Op. 11.11.93

Dec. date 04.03.94

- TC 9312795

Stated use: Packaging of merchandise

I am aware of an Australian manufacturer of goods with a corresponding use to the goods described by TC 9312795, being Andrew Kohn Pty Ltd which successfully lodged an objection on 22 July 2015 to the making of TC 1521053 being:

BAGS, SANDWICH AND/OR SNACK, low density polyethylene (LDPE), resealable closure groove, having BOTH of the following:

- (a) width NOT greater than 180 mm;
- (b) length NOT greater than 170 mm

I am therefore satisfied that the Comptroller-General of Customs would not have made a TCO for goods described by TC 9312795 if an application were to be lodged today.

I have received no submissions to the intention to revoke as of 9 June 2016, being 28 days from the gazettal of the intention to revoke notice (in accordance with s.269SD(1AA) of the *Customs Act 1901*).

Therefore, after considering all relevant matters I am satisfied that the TCO should be revoked in accordance with s.269SD(1AB) of the *Customs Act 1901* with effect from 11 May 2016.

s22(1)(a)(ii)

Delegate of the Comptroller-General of Customs
9 June 2016

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TARIFF CONCESSION REVOCATION ORDER

Under Section 269SD(1AB) of the Customs Act 1901, I s22(1)(a)(ii) a delegate of the Comptroller-General of Customs revoke Tariff Concession Order Number 9312795 made on 04.03.94, in respect of the goods described in the TABLE below. The Revocation has effect from 11.05.16.

THE TABLE

COLUMN 1 Description of Goods including the Customs Tariff Classification	COLUMN 2 Schedule 4 Item Number Last date of effect
3923.29.00 BAGS, multilayered, plastic coated, having a recloseable pull apart seal, or a recloseable zip fastener Op. 11.11.93	50 10.05.16
- TC 9312795	

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

Dated 09 June 2016

s22(1)(a)(ii)

Delegate of the Comptroller-General of Customs

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