<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Folio No</td>
<td>Referred to</td>
<td>Date Moved</td>
<td>Clearing Officers Initials</td>
</tr>
<tr>
<td>ACT TCS</td>
<td>22(1)(a)(i)</td>
<td>2/13/02</td>
<td>22(1)(a)(i)</td>
</tr>
</tbody>
</table>

NOTE: All papers must be folioed (Instructions on back cover)

Sentence Applied
Please circle or note the appropriate Records Authority

AFDA / CRDA /

DISPOSAL CLASS

REVIEW

DESTROY

DATE RANGE

Industry Schemes & Trade Measures - Tariff Concession Orders - Marine Crew

Related Files:

Legal Services Branch - Legal Services Branch Exec - Tariff Concession Orders - Marine Crew

Automatic Gate Motor Kits - 8428.90.00 - BFT Automation Australia
<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Statistical Code/Unit</th>
<th>Goods</th>
<th>Rate #</th>
</tr>
</thead>
<tbody>
<tr>
<td>8427.20.00</td>
<td>- Other self-propelled trucks</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>01 02 03 04 05 06 07 08</td>
<td>No No No No No No No No</td>
<td>Fork-lift trucks, having at a 600 mm load centre, a lifting capacity of: Less than 1 500 kg, 1 500 kg and over but less than 2 000 kg, 2 000 kg and over but less than 3 000 kg, 3 000 kg and over but less than 4 000 kg, 4 000 kg and over but less than 5 000 kg, 5 000 kg and over but less than 6 000 kg, 6 000 kg and over, Other</td>
<td></td>
</tr>
<tr>
<td>8427.90.00</td>
<td>- Other trucks</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>09 10</td>
<td>No No</td>
<td>Pallet trucks, Other</td>
<td></td>
</tr>
<tr>
<td>8428</td>
<td>OTHER LIFTING, HANDLING, LOADING OR UNLOADING MACHINERY (FOR EXAMPLE, LIFTS, ESCALATORS, CONVEYORS, TELEFERICS):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8428.10.00</td>
<td>11 No</td>
<td>- Lifts and skip hoists</td>
<td>5%</td>
</tr>
<tr>
<td>8428.20.00</td>
<td>12 No</td>
<td>- Pneumatic elevators and conveyors</td>
<td>5%</td>
</tr>
<tr>
<td>8428.3</td>
<td>- Other continuous-action elevators and conveyors, for goods or materials:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8428.31.00</td>
<td>13 No</td>
<td>-- Specially designed for underground use</td>
<td>5%</td>
</tr>
<tr>
<td>8428.32.00</td>
<td>14 No</td>
<td>-- Other, bucket type</td>
<td>5%</td>
</tr>
<tr>
<td>8428.33.00</td>
<td>15 No</td>
<td>-- Other, belt type</td>
<td>5%</td>
</tr>
<tr>
<td>** 8428.39.00</td>
<td>40 No</td>
<td>-- Other</td>
<td>5%</td>
</tr>
<tr>
<td>** 8428.40.00</td>
<td>17 No</td>
<td>- Escalators and moving walkways</td>
<td>5%</td>
</tr>
<tr>
<td>** 8428.60.00</td>
<td>19 No</td>
<td>- Teleferries, chair-lifts, ski-draglines; traction mechanisms for funiculars</td>
<td>5%</td>
</tr>
<tr>
<td>** 8428.90.00</td>
<td>40 No</td>
<td>- Other machinery</td>
<td>5%</td>
</tr>
<tr>
<td>40 49</td>
<td>No No</td>
<td>Mine wagon pushers, locomotive or wagon traversers, wagon tippers and similar railway wagon handling equipment, Other</td>
<td></td>
</tr>
</tbody>
</table>

# 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.
# TARIFF CONCESSION ORDER CHECK LIST

**TCO NUMBER** | 129727

<table>
<thead>
<tr>
<th>ACTION</th>
<th>OFFICER</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>LODEGEMENT/REGISTRATION OF A TCO APPLICATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INITIAL RECEIPT OF TCO APPLICATION</td>
<td></td>
<td>22(1)(o)(a)</td>
</tr>
<tr>
<td>APPLICATION REGISTERED IN TARCON &amp; ACKNOWLEDGEMENT LETTER SENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCREENING TCO APPLICATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION OF GOODS SUPPLIED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCHEDULE 3 CLASSIFICATION CLAIMED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DETAILS OF LOCAL MANUFACTURER INQUIRIES SUPPLIED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCO APPLICATION SIGNED BY APPLICANT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ILLUSTRATIVE DOCUMENTARY MATERIAL (IDM) OR SAMPLES SUPPLIED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE ACCEPTANCE OR REJECTION LETTER SENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE TCO APPLICATION GAZETTED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**OBJECTION TO APPLICATION**

TCO OBJECTION LODGED AND OBJECTION RECEIVED LETTER SENT

SEARCH FOR LOCAL MANUFACTURERS CONDUCTED BY CUSTOMS

TCO APPLICANT NOTIFIED BY LETTER OF OBJECTIONS

**AMENDING AN APPLICATION**

WRITTEN REQUEST FOR AMENDMENT OF TCO WORDING RECEIVED

AMENDED WORDING ACCEPTED OR REJECTED

AMENDED WORDING GAZETTED & OBJECTORS NOTIFIED BY LETTER

OBJECTIONS TO THE AMENDED WORDING RECEIVED

OBJECTION WITHDRAWN IN WRITING (NOTE REASON)

**FINALISING A TCO APPLICATION**

TCO MADE, REJECTED OR WITHDRAWN, REGISTRY FILE UPDATED & FOLIOED

MADE, REJECTED OR WITHDRAWN DECISION LETTER SENT TO THE TCO APPLICANT

TCO PUBLISHED IN THE SCHEDULE OF CONCESSIONAL INSTRUMENTS (IF MADE) & GAZETTED (IF MADE, REJECTED OR WITHDRAWN)

**REVOCATION OF TCQS**

TCO REVOCATION REQUEST RECEIVED & LODGED

NOTICE OF INTENT TO REVOKE TCO (CUSTOMS INITIATED) GAZETTED

TCO REVOCATION APPLICANT NOTIFIED OF ACCEPTANCE OR REJECTION OF REQUEST FOR REVOCATION

DECISION IS MADE, LETTER SENT TO TCO REVOCATION APPLICANT & DECISION PUBLISHED IN GAZETTE

**LEGISLATIVE INSTRUMENTS**

ELECTRONIC COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT SENT TO ATTORNEY GENERAL'S DEPT.

ORIGINAL SENT TO ATTORNEY GENERAL'S DEPT.

COPY OF LEGAL INSTRUMENT & EXPLANATORY STATEMENT FILED

23/03/2011

H:\TCO Section\40 TCO\40 Applications\TCO Checklist (090511).doc
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”

<table>
<thead>
<tr>
<th>Application Acceptance</th>
<th>DECISION</th>
<th>Days to Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Application Lodged</td>
<td>+24 Days Class Rev to return file</td>
<td>+28 Days Deemed Accepted 269H(2)</td>
</tr>
<tr>
<td>01-Sep-11</td>
<td>25-Sep-11</td>
<td>29-Sep-11</td>
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<tr>
<td>Days Remaining</td>
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<table>
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<tr>
<th>TCO Processing</th>
<th>DECISION</th>
<th>Days to Process</th>
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</thead>
<tbody>
<tr>
<td>Gazette Date Below 269K(1)</td>
<td>+50 Days Objection Deadline 269K(1)(c)</td>
<td>+64 Days Advise Applicant Re Obj 269L(1)</td>
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<tr>
<td>Days Remaining</td>
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<table>
<thead>
<tr>
<th>Application for Revocation</th>
<th>DECISION</th>
<th>Days to Process</th>
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</thead>
<tbody>
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<td>Enter Application Lodged Date Below</td>
<td>+60 Days [Lodged Date] Decision Due 269SC(1)</td>
<td>Enter Decision Date</td>
</tr>
<tr>
<td>Days Remaining</td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Internal Review</th>
<th>DECISION</th>
<th>Days to Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter Original Decision Gazettal Date Below</td>
<td>+28 Days Deadline to Request Internal Review</td>
<td>+60 Days Decision on Revocation 269SH(5)</td>
</tr>
<tr>
<td>Days Remaining</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Hard Copy Lodgment Form

If this is a NEW Legislative Instrument:
Name of Instrument: **Tariff Concession Order 1129727**
Is there any additional material being lodged with this instrument? □ Yes □ No
Has a copy of this instrument already been faxed to Register staff? □ Yes □ No

**Please note:** Charges apply for registration of all new Legislative Instruments.

How many pages are included with this lodgment? □

<table>
<thead>
<tr>
<th>Contact details in relation to this lodgment:</th>
</tr>
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<tbody>
<tr>
<td>First Name: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □</td>
</tr>
<tr>
<td>(22(1)(a)(a))</td>
</tr>
<tr>
<td>Last Name: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □</td>
</tr>
<tr>
<td>Phone Number: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □</td>
</tr>
<tr>
<td>(22(1)(a)(a))</td>
</tr>
<tr>
<td>Fax Number: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □</td>
</tr>
<tr>
<td>(22(1)(a)(a))</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Agency</td>
</tr>
<tr>
<td>Customs</td>
</tr>
</tbody>
</table>

**ComLaw incorporating the Federal Register of Legislative Instruments (FRLI)**

**Phone:** (02) 6282 7348 **Fax:** (02) 6282 7349 **Email:** FRLI - frli@ag.gov.au

**Lodging the hardcopy**

Hardcopies of instruments (together with the hardcopy lodgment form) can be lodged:

- **by hand** - the counter is located on the first floor of 63 Denison Street, Deakin. The counter is open between the hours of 9.00am-12.30pm and 1.30pm-4.30pm Monday to Friday (public holidays excepted). Items may be placed in the FRLI lodgment box between 7.30am and 6.00pm if the counter is closed. The FRLI lodgment box is also located on the first floor.
- **by mail** - addressed to the Federal Register of Legislative Instruments, Attorney-General's Department, Robert Garran Offices, BARTON ACT 2600.
Note: Express Post delivery is highly recommended to allow tracking if items are lost or delayed. Please allow 2-3 working days for parcels to be delivered to the FRLI.

Where same day registration is required a copy of the signed instrument together with the hardcopy lodgment form can be faxed to (02) 6282 7349. The original signed instrument must still be lodged with OLDP as soon as possible after registration has occurred.
EXPLANATORY STATEMENT

Tariff Concession Instrument No. 1129727

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.

BFT Automation Australia applied for a TCO in respect of certain gate automation kits on 01 September 2011.

Instrument

TCO No 1129727 was made on 21 November 2011. It declares that those certain gate automation kits 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. 1129727 is taken to have come into force on 01 September 2011.

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.
Dear 5.47F(1),

**TARIFF CONCESSION SYSTEM APPLICATION SUCCESSFUL**

I refer to your application for Tariff Concession Order (TCO) Number TC 1129727 lodged on 1 September 2011.

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 TC11/47 of 23 November 2011.

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

Delegate of the Chief Executive Officer
<table>
<thead>
<tr>
<th>Description of the Particular goods including the applicable subheading of the Customs Tariff</th>
<th>Schedule 4 Item</th>
<th>Last day of effect</th>
</tr>
</thead>
</table>
| 8428.90.00 GATE AUTOMATION KITS, including NOT less than ANY 3 of the following:  
(a) geared motors;  
(b) transmitters;  
(c) rolling code receivers;  
(d) control boards | 50 |  
Op. 01.09.11  
Dec. date 21.11.11  
- TC 1129727 |
TARIFF CONCESSION ORDER

Under section 269P of the Customs Act 1901, I, [22(1)(a)(b)] 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 this TABLE applies. This Order shall have effect from 01.09.11 and continue in force until revoked under sections 268SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Goods including the Customs Tariff Classification</td>
<td>Schedule 4 Item Number</td>
</tr>
<tr>
<td>8428.90.00</td>
<td>GATE AUTOMATION KITS, including NOT less than ANY 3 of the following:</td>
</tr>
<tr>
<td>(a) geared motors;</td>
<td></td>
</tr>
<tr>
<td>(b) transmitters;</td>
<td></td>
</tr>
<tr>
<td>(c) rolling code receivers;</td>
<td></td>
</tr>
<tr>
<td>(d) control boards</td>
<td></td>
</tr>
<tr>
<td>Op. 01.09.11</td>
<td>- TC 1129727</td>
</tr>
</tbody>
</table>
Reply to the Chief Executive Officer

Quote: TC 1129727
Your Ref:  

s. 47F(1)

Dear s. 47F(1),

TARIFF CONCESSION SYSTEM
APPLICATION ACCEPTANCE

Your application for Tariff Concession Order (TCO) Number TC 1129727 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC11/39 of 28 September 2011. 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,

22(1)(a)(b)
for National Manager
Trade Services

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph:  
Fax:  
Email: tarcon@customs.gov.au

20 September 2011
<table>
<thead>
<tr>
<th>Description of Goods including the classification</th>
<th>Schedule 4 Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>GATE AUTOMATION KITS, including not less than ANY 3 of the following:</td>
<td></td>
</tr>
<tr>
<td>(a) geared motors;</td>
<td></td>
</tr>
<tr>
<td>(b) transmitters;</td>
<td></td>
</tr>
<tr>
<td>(c) rolling code receivers;</td>
<td></td>
</tr>
<tr>
<td>(d) control boards</td>
<td></td>
</tr>
<tr>
<td>Op. 01.09.11 - TC 1129727</td>
<td></td>
</tr>
</tbody>
</table>

Stated Use:
For automation of gates

Applicant: 
RPT AUTOMATION AUSTRALIA PTY LTD
Amended wording - TCO 1129727 - Automatic gate motor kits [SEC=UNCLASSIFIED]

From: S.47F(T1)
Sent: Tuesday, 20 September 2011 1:04 PM
To: 22(1)(a)(i)
Cc: S.47F(T1)
Subject: Amended wording - TCO 1129727 - Automatic gate motor kits Our Ref Virgo

Good Afternoon 22(1)(a)

Yes, we agree with this wording

Regards,
S.47F(T1)

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From: 22(1)(a)(i)
Sent: Tuesday, 20 September 2011 12:24 PM
To: S.47F(T1)
Subject: Amended wording - TCO 1129727 - Automatic gate motor kits [SEC=UNCLASSIFIED]
Importance: High

Good Afternoon 22(1)(a)(i)

Please see below amended wording for your approval.

GATE AUTOMATION KITS, including not less than ANY 3 of the following:
(a) geared motors;
(b) transmitters;
(c) rolling code receivers;
(d) control boards
Op. 01.09.11 - TC 1129727

Stated Use:
For automation of gates

Regards,

22(1)(a)(i)

20/09/2011

Released by Department of Home Affairs under the Freedom of Information Act 1982
IMPORTANT:

* This transmission is intended for the use of the addressee only and might contain sensitive or legally privileged information. If you are NOT the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error, please notify the author immediately by telephone and delete all copies of this transmission together with any attachments.

* The Australian Customs and Border Protection Service DOES NOT AUTHORISE the recipient to further disclose this email or its contents without permission of the originator.

* Unsolicited commercial emails MUST NOT be forwarded to the originator of this transmission unless prior consent has been given.
Good Afternoon

Please see below amended wording for your approval.

GATE AUTOMATION KITS, including not less than ANY 3 of the following:
(a) geared motors;
(b) transmitters;
(c) rolling code receivers;
(d) control boards
Op. 01.09.11 - TC 1129727

Stated Use:
For automation of gates

Regards,
<table>
<thead>
<tr>
<th>Description of Goods including the Customs Tariff Classification</th>
<th>Schedule 4 Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>8420. 80. 00 GATE AUTOMATION KIT, including not less than ANY 3 of the following; (a) geared motors; (b) transmitters; (c) rolling code receivers; (d) control boards</td>
<td>50</td>
</tr>
<tr>
<td>Op. 01.05.11 TC 1129727</td>
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<tr>
<td>Stated Use: For automation of gates</td>
<td></td>
</tr>
<tr>
<td>Applicant: SPT AUTOMATION AUSTRALIA PTY LTD</td>
<td></td>
</tr>
</tbody>
</table>

(a) F19  
(b) F18  
(c) F17  
(d) 3 F17

Agreed, yes! 22(1)(a)(b)
TAPIN
Tariff Advice Application Number 20144100

Terms of TC 0639279 covers motors

Lodgement Details:

<table>
<thead>
<tr>
<th>Lodge Date</th>
<th>31 May 2011</th>
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<tr>
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<tr>
<td>Illustrative Descriptive Material</td>
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<tr>
<td>Additional Info Requested</td>
<td>NO</td>
</tr>
<tr>
<td>Additional Info Received</td>
<td>Requested On</td>
</tr>
<tr>
<td></td>
<td>Received On</td>
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</table>

Acquittal Details:

<table>
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</thead>
<tbody>
<tr>
<td>Given Tariff Classification</td>
<td>8428.90.00</td>
</tr>
</tbody>
</table>

Given Instrument

Given Schedule 4 Item

Given Reasons

DETAILED DESCRIPTION OF GOODS:
BFT Virgo gate opening kit

IDENTIFICATION OF GOODS:
A kit containing 2 electrically driven gate openers with articulated arms, one unit having a control board with display and code receiver and one being a slave unit and a handheld remote control unit

HEADINGS CONSIDERED:
8501 & 8428

HEADINGS REJECTED AND REASONS WHY:
8501 goods are more than an electrical motor goods are identified as a functional unit as per s16 note 4 having the function of opening and closing gates
APPROPRIATE HEADING AND REASONS WHY:
8428 ir1 toh s16 note 4 goods are articles for moving gates being identified as oth lifting and handling apparatus
APPROPRIATE SUBHEADING AND REASONS WHY:
8428.90.00 ir8 tosh not specified in the previous sub-headings
TOO ELIGIBILITY OR OTHERWISE AND REASONS WHY:
No TCos applicable for these goods

Continued...
## TAPIN

### Tariff Advice Application Number 20144100

<table>
<thead>
<tr>
<th>Decision Officer Name</th>
<th>22(1)(a)(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision Officer Phone</td>
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</tr>
<tr>
<td>Registry File Number</td>
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8428.90.00  MOTOR KITS, automatic gate, including not less than ANY 3 of the following:
(a) geared motors;
(b) remote controls;
(c) code receivers;
(d) control boards
Op. 01.09.11
- TC 1129727

Stated Use:
Incorporation into automatic gate operating systems

Applicant:
BFT AUTOMATION AUSTRALIA PTY LTD

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Please check words and use

22(1)(a)(ii)

\[\frac{\text{(10)}}{\text{10}}\]
PRE SCREENING CHECKLIST – TC1129727

To Delegate of Chief Executive Officer

A pre-screening of this application has been made for compliance with the form, practice statements, Australian Customs Notice 2010/03 and other requirements of Customs and Border Protection. In undertaking your own enquiries, you may wish to consider the following matters.

Application Form

- Applicant – BFT Automation Australia Pty Ltd
  - 41F(1)

1 – Description of Goods

- Motor Kits

2 - Illustrative Descriptive Material (IDM)

- Sufficient

3 – Tariff Classification

- Tariff Classification supplied.

4- Stated use of Goods Supplied.

- OK

5- Information that the Applicant and Importer has

- Nil

6 – Searches and Results of Searches

- Google
- Australian Made
- Kompass

7 – Potential LM

EGS Indicator - No
Has a similar product been applied for – NO

22(1)(a)(6)
15/09/11
s. 47F(1)

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 1 September 2011. The TC number TC 1129727 has been allocated to your application.

Date Received: 1 September 2011
Applicant: BFT AUTOMATION AUSTRALIA PTY LIMITED
Goods: MOTOR KITS
Applicant ABN/CAC 77125405030/001

Yours sincerely,
for National Manager Trade Services

22(1)(a)(i)
From: TARCON
Sent: Thursday, 1 September 2011 3:08 PM
To: s.47F(1)
Subject: RE: Application for TCO, our reference "Virgo" [SEC=UNCLASSIFIED]
Importance: High
Security Classification: UNCLASSIFIED

Good Afternoon,

We have received your TCO application ref. Virgo as outlined below.

The receipt date for this application is **01 September 2011** and TCO number is **1120727**.

An acknowledgement letter will follow shortly.

Many thanks,

**22(1)(a)(i)**
Senior Customs Officer
Tariff Concessions | Trade Services
Australian Customs and Border Protection Service

---

From: s.47F(1)
Sent: Thursday, 1 September 2011 11:39 AM
To: TARCON
Subject: Application for TCO, our reference "Virgo" - **22(1)(a)(i)**

Dear Sir or Madam,

On behalf of our client BFT AUTOMATION AUSTRALIA PTY LTD, please find enclosed an application for TCO, our reference "Virgo" covering:

Automatic Gate Motor Kits

Regards,

**22(1)(a)(i)**

This communication is for use by the intended recipient and contains information that may be legally privileged, confidential or copyrighted. Forwarding, copying or distribution of this email, in whole or in part, is strictly prohibited. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this email, in whole or in part, is strictly prohibited. Please notify the sender by return email and delete this email from your system immediately. Unless explicitly and conspicuously designated as 'E-Contract Intended', this email does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer. This email does not constitute a consent to the use of the sender's contact information for direct marketing purposes or for transfers of data to third parties.

1/09/2011

Released by Department of Home Affairs
under the Freedom of Information Act 1982
1st September, 2011

Australian Customs Service
Customs House
5 Constitution Avenue,
CANBERRA ACT 2601

Attn: National Manager, Tariff Branch

Dear Sir or Madam,

Re: Application for TCO – Automatic Gate Motor Kits

Dear Sir or Madam,

On behalf of our client, BFT AUTOMATION AUSTRALIA PTY LTD, please find enclosed an application for TCO covering the above goods.

1. Product Use

The goods of this application are designed solely for incorporation into automatic gate operating systems. Furthermore, they have been specially designed for this function and possess design features, which make them principally suitable for their designed function.

These features are necessary to their designed function, to meet the following requirements:

- Incorporating geared motor/s;
- Incorporating remote control/s

2. Situation of Market

To the best of our knowledge, there are no products produced in Australia that would be considered capable of substituting for their function or use. Our client is of the opinion this product is unsuitable for the uses to which any locally produced goods are put, in any practical situation.

2.1 Goods of this application As stated, the goods of this application are not produced in Australia. Anyone requiring this type of product would need to import it from overseas.
2.2 Goods produced in Australia: To the best of our knowledge these goods are not currently being produced in Australia. This product has not been available from Australian manufacture, which would confirm that goods are not manufactured in Australia that would be substitutable for the goods of these applications.

2.3 Inquiries made to locate Local Producers: Please refer to “Attachment Question 6B.”

Furthermore, the reason the subject goods are being imported from overseas is the fact that they could not be supplied from local manufacture.

3. TCO Wording

3.1 Given our opinion these goods would not be substitutable in their use/uses with any goods manufactured in Australia, our proposed TCO wording has been structured to isolate the goods imported by the applicant and to exclude any goods manufactured in Australia.

4. Legislation

4.1 When preparing this application, our client examined the market for goods, which would be identified as "Substitutable goods" in line with section 269B.

As the goods of this application have a specific use, as stated above, where their specific design features are essential, we can only identify them as having this sole function and therefore it is the opinion of the applicant that substitutable goods, for the goods of this application, are not produced in Australia.

4.2 Taking the summary of the above into consideration, this application are being made on the grounds that goods, as described in this application would meet the "core Criteria" under section 269C.

We trust this meets with your approval and should you require any further information please do not hesitate to contact the undersigned.

We trust this meets with your approval and should you require any further information please do not hesitate to contact the undersigned.

Yours sincerely,
• A MODEL FOR EVERY NEED.
  → Great versatility thanks to the levers that also permit installation on the pillar and opening up to 120°.

• SMART TECHNOLOGY.
  → Incorporated mechanical stops and adjustable electric limit switches.
  → Separate programming of the two motors.
  → Control unit with self-learning and self-diagnostic functions.
  → If the motor with the control unit is on the side opposite the one the wires arrive at, the “motor logic inversion” functions makes it possible to avoid further wiring.
  → Control unit compatible with the EElink protocol.

• SAFE USE.
  → Specially designed for simpler and faster installation in compliance with the safety standards laid down by the Machinery Directive.
  → Thanks to the anti-squashing system, the operator inverts motion and prevents damage to people and property in the event of contact (BTI).

• SIMPLER INSTALLATION.
  → Incorporated control unit positioned frontally for easier accessibility.
  → Control unit with programming by LCD display.
  → Ease of fixing to the pillar without welding.

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<th>LEAF LENGTH</th>
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<td>up to 2000 N (~200 kg)</td>
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<td>VIRGO SQ</td>
<td>24 V</td>
<td>up to 2000 N (~200 kg)</td>
<td>up to 2 m</td>
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</tbody>
</table>

**TECHNICAL FEATURES**

**VIRGO**

- **CONTROL PANEL**
  LINX (incorporated)

- **REVERSIBLE/IRREVERSIBLE OPERATOR**
  Irreversible

- **POWER SUPPLY**
  230V ± 10%, 50 Hz single-phase

- **ABSORBED POWER**
  40 W

- **THERMAL PROTECTION**
  Integrated in the control unit

- **OPENING OR CLOSING TIME**
  14 s

- **IMPACT REACTION**
  Electronic torque limiter integrated in the control panel

- **TYPE OF LOCK**
  Mechanical on closing and opening

- **MANUAL RELEASE**
  Release lever with CLS key

- **OPERATING CYCLE**
  Intensive use

- **ENVIRONMENTAL CONDITIONS**
  from -15°C to +60°C

- **DEGREE OF PROTECTION**
  IP44

- **OPERATOR WEIGHT**
  VIRGO 80 N (~8 kg) - VIRGO SQ 60 N (~6 kg)

- **DIMENSIONS**
  see drawing
ACCESSORIES

P129008 - VR90 BAT
The VR90 BAT device ensures, through its backup batteries and battery charger, low-voltage operations when there is no power supply (VR90).

D129617 - EC5 SX
Left-hand horizontal electric lock. Also available in right-hand and vertical versions.

D111761 - MEBT
24V electric lock board for BT operators.

N374009S - SBKXX
Emergency call for external release and control push-button panel.
Dimensions: 179.5 x 228 x 92 mm.

N733034 - M0X
External release mechanism for SBKXX model.

RESIDENTIAL USE

DIMENSIONS
The PHOBOS N BT KIT is used to automate swing gates with leaf length up to 1.60 m and weight up to 250 kg, for residential use.

- 2 x PHOBOS N BT operators
- 1 x LIBRA C MA control panel with incorporated display and rolling-code receiver
- 1 x MITTO 2 12V double-channel rolling-code transmitter
- 1 x pair of CELLULA 130 photocells
- 1 x INTRO key selector
- 1 x blinker 24 V with antenna

The PHOBOS NL BT KIT is used to automate swing gates with leaf length up to 5 m and weight up to 500 kg, for residential use.

- 2 x PHOBOS NL BT operators
- 1 x LIBRA C MA control panel with incorporated display and rolling-code receiver
- 1 x MITTO 2 12V double-channel rolling-code transmitter
- 1 x pair of CELLULA 130 photocells
- 1 x INTRO key selector
- 1 x blinker 24 V with antenna

The PHOBOS NL BT DOUBLE KIT is used to automate swing gates with leaf length up to 5 m and weight up to 250 kg, for residential use.

- 2 x PHOBOS NL BT operators
- 1 x LIBRA C MA control panel with incorporated display and rolling-code receiver
- 2 x MITTO 2 12V double-channel rolling-code transmitter
- 2 x SFR 1 adjustable back fixing bracket for easy installation
- Also available as single kit (with one PHOBOS NL BT operator only)

The PHOBOS NL BT SINGLE KIT is used to automate swing gates with leaf length up to 5 m and weight up to 250 kg, for residential use.

- 1 x PHOBOS NL BT operator
- 1 x LIBRA C MA control panel with incorporated display and rolling-code receiver
- 1 x MITTO 2 12V double-channel rolling-code transmitter
- 1 x pair of CELLULA 130 photocells
- 1 x INTRO key selector
- 1 x blinker 24 V with antenna

The VIRGO KIT is used to automate swing gates with the leaf length up to 2 m, and weight up to 200 kg for residential use.

- 1 x VIRGO, operator with incorporated control board with display and rolling-code receiver
- 1 x VIRGO SQ, VIRGO without control unit
- 2 x MITTO 2 12V double-channel rolling-code transmitter
Attachment “B” Question # 6B.

Application Reference “Virgo”

Details of inquiries undertaken.
It is our opinion; substitutable goods are not manufactured in Australia. As such, any goods meeting the TCO description would need to be imported from overseas.

The goods being imported are designed solely for incorporation into automatic gate operating systems.

Furthermore, due to the nature and size of this market, it is well known to the industry that this type of product, in this imported configuration, is not available from local production and all such products for such applications are imported into Australia from overseas.

Furthermore, given the tooling up-costs and size of the market, it is also highly unlikely that any local producer would consider production of such goods.

When reference is made to database searches the following was found (please refer enclosed reference copies):

Database: KOMPASS
Search Terms Used: “Automatic Gate Motor Kits” - manufactured in Australia
Result: No matches for this search

Search Terms Used: “Automatic Gate Motor Kits” - manufactured in Australia
Result: No results found
Database: Google
Search Terms Used: "Australian Manufacturer and Automatic Gate Motor Kits"
Result: No Local Manufacturer located from this search
Furthermore, none of the companies listed on this search are local manufacturers of Automatic Gate Motor Kits; they are mainly installers, importers or unrelated industries (gate manufacturers).

In the above references we not could find any local manufacturer of such products.

The above confirms our opinion, and as such, we are lodging this application on the grounds that substitutable goods are not manufactured in Australia.
Company result list

The full text "Automatic Gate Motor Kits" could not be found in the Kompass products and services classification.

Search results for other criteria

Search for:
- Company name [0 results]
- Trade name [0 results]
- Executive name [0 results]

There are no matches for your search.
You searched for Automatic Gate Motor Kits. Sorry, your search query did not return any results.

Product Search

Looking for an Australian Made product or business?

- Automatic Gate Kits

Search

Advanced Search

Key

Products and Licensees
No Results Found
Results for **Australian Manufacturer and Automatic Gate Motor Kits** (without quotes) Page 1 of Google Search:

Search Results:

1. **Automatic Gates Special** | FencingManufacturers.com.au
   Starting From $360. Slide, Swing, Bi-Folds & More. View Online Today!

2. **Remote Control Gates** | raclo.com.au
   Supplier, Installation & Servicing of Automatic Gates & Accessories.

3. **Automatic Gate Kits** | automotionplus.com
   Biggest Range Automatic Gate Opener 12 Months Warranty Now Discounted

   1. **Automatic Gates Australia - Automatic gates, remote control gates** ...
      automaticsolutions.com.au/ - Cached
      ASA4 Sliding gate motor with logic control board, receiver, two remote controls and 4 metres of rack - only $549.00 ... Automatic Gate Kit ... Welcome to Australia's home of the automatic electric driveway gate. ... We import directly from major manufacturers in Italy like TAU, FAC, KEY and RIB industries as well as local ...

2. **Gate Force - Solar Swing Gate Motors > Sliding Gates > Quality Gate** ...
   Gate Openers > Automatic Gates > Solar Gate Opener > Electric Gates > Letron Swing Gate - Solar Swing ... Brisbane Australia Gate Force > Free Call 1800 236 612 ... New Model SW-820 Single Swing Solar Gate Opener Full Kit. $1250. ...

3. **Caboolture Fencing and Gates**
   We also carry a range of gate motors. ... Your Australian Business Directory ... We manufacture and install all types of automatic gates, including sliding or ... including Solar panel kits, track, wheels, gate stops and guides to suit every project. ...
4. Electric Gate Motors
www.hotfrog.com.au/Products/Electric-Gate-Motors - Cached

10+ items – Electric Gate Motors ... Your Electric Gate Motors directory ...
- Boswen Pty. Ltd – 03 9555 2112 – Clayton South, VIC – fence are our expertise ...
- Aussie Auto Gates Pty Ltd – 1800 778 887 – Perth, WA – Aussie Auto Gates is a ...
- ACCESS ELECTRICAL & AUTOMATION – 04 01469500 – Prestons, NSW – ALL ...

5. Vehicle Part manufacturers & suppliers from mainland China, Hong ...
www.australia.manufacturers.globalsources.com/manufacturers/... Cached
Vehicle Part manufacturers and suppliers, including Truck Part, Motorcycle ... Automotive Electronic Component & Part, Automotive Lighting manufacturers and suppliers from China, Hong Kong, Taiwan and worldwide. ... Search within the Australia region ... Discover new Vehicle Parts and other Auto Parts & Accessories. ...

6. Automatic Gates Melbourne: BFT, electric gate, security gates ...
Melbourne Automatic gates: BFT Automatic gate openers: Electric gate and access control ... security gates and safety gates. ... Residential, Commercial and Industrial Automatic Gates, Motors and Access Control Systems ... Virgo Double Swing gate motor kit for pillars $ 1250. Delivery to your door Australia wide $ 44 ...

7. FAPM – Federation of Automotive Products Manufacturers > Home
Members only. Auto industry ... The Federation of Automotive Products Manufacturers (FAPM) is an association of manufacturers engaged in the ... Potential Impact of a Carbon price on the Australian Automotive Industry - May 2011 ...

8. Auto Gates & Fencing | Sydney Automatic Gates Specialist
We are the leading manufacturer of custom made gates, automatic gates, ... from FAAC and Australian motors, world leading manufacturers of gate openers and ...

9. Automatic Gates
Video Door Entry System, CCTV, Automatic Gates, Wireless, Intelligent Home Automation, elvoxaustralia.com.au ... Including a wide selection of accessories designed and manufactured in Italy by Elvox. ... Elvox sliding gate motors and kits are available in various loading ratings from 400 – 1000 kgs and are engineered to ...

10. Toyota Vitz - Wikipedia, the free encyclopedia
on.wikipedia.org/wiki/Toyota_Vitz - Cached
2003–2005 Toyota Echo (NCP10R) 3-door hatchback (Australia) ... the XP10 series was shown earlier in concept form at the 1997 Frankfurt Motor Show. ... Accessories and Motorsport) body kit and downgraded 14-inch alloy wheels. ... and 1.5 S, both with 4-speed automatic transmission with Super ECT and GAT
AO APPLICATION FOR TARIFF CONCESSION ORDER (TCO)

IMPORTANT: Please read the information below carefully before completing this form.

Are you aware that substitutable goods are produced in Australia in the ordinary course of business?

(a) If you are aware, based on information and your inquiries that substitutable goods are being produced in Australia in the ordinary course of business then you should not lodge an application for a TCO.

Do you need to apply for new TCO?

(b) Before lodging this 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), which is available on the Internet at www.customs.gov.au.

Have you verified that there are no substitutable goods produced in Australia (refer to questions 5, 6 and 7 of the form)?

(c) 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 lodgment of the application, no substitutable goods were produced in Australia in the ordinary course of business.

Completing the application

(d) Section 299E of the Customs Act 1901 requires that a TCO application 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 299F(3) states that a TCO application must contain:

(a) a full description of the goods to which the application relates; and

(b) a statement of the tariff classification that, in the opinion of the applicant, applies to the goods; and

(c) if the applicant is not proposing to make use of the TCO to import the goods to which the application relates into Australia on the applicant’s own behalf – the identity of the importer for whom the applicant is acting; and

(d) particulars of all inquiries made by the applicant (including inquiries made of prescribed organisations) to assist in establishing that there were reasonable grounds for believing that on the day on which the application was lodged, there were no producers in Australia of substitutable goods.

Question 1 to 8 must be answered

(f) Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date.)

(g) Customs and Border Protection may require an applicant to substantiate, with documentary evidence, any information provided in the application form. Customs and Border Protection may also undertake its own inquiries as allowed under section 266M.

(h) Receipt of your application will be acknowledged. Any resultant TCO will operate from the date of receipt.

(i) 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 Commonwealth of Australia Tariff Concessions Gazette (the Gazette).

(j) Further information on the Tariff Concessions System is available in Part XVA of the Customs Act 1901; in relevant Australian Customs Notices (ACNs), Practice Statements and related instructions and Guidelines on the Internet at www.customs.gov.au; by e-mailing tarcon@customs.gov.au; or by phoning the Customs and Border Protection Information Centre 1300 363 263.

(k) Attached to this form are extracts from relevant legislation. Also please refer to Australian Customs Notice 2010/03 containing advice as to what Customs and Border Protection considers to be ‘reasonable inquiries’, advice on conducting searches on national and international search engines and a suggested format letter that you might choose to use when contacting potential local manufacturer to determine if it produces substitutable goods.

Rec 1 Sept 2011.
## APPLICANT DETAILS

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<th>Australian Business Number (A.B.N):</th>
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<tr>
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<td>77 125 405 030</td>
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If the applicant (as named above) does 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 296F(3)(c) of the Customs Act 1901.

## IMPORTER DETAILS

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## AGENT/BROKER DETAILS (if applicable)

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<tr>
<td>s. 47F(1)</td>
<td>Garry Allen</td>
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Is this application intended to support an application for a concession under the Enhanced Project By-law Scheme?  

☐ YES  ☑ NO
1. DESCRIPTION OF GOODS

(a) The description of the goods in the application may be used as the description of the goods in the TCO (if made).

(b) The application must provide a full description of the goods, including the physical features of the various components of the goods. It must not describe the goods in terms of what they do.

(c) In accordance with section 286SS1 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 relevant Practice Statements and/or Instructions and Guidelines on the internet at www.customs.gov.au. Failure to comply with Customs and Border Protection requirements may result in rejection of the application.

Describe the goods as you would propose the wording to appear if the Tariff Concession Order is granted.

Please refer Attachment "A" - TCO Wording

2. ILLUSTRATIVE MATERIAL

Attach technical and illustrative descriptive material (IDM) as well as any extracts from the relevant industry standard (if referred to in the description of the goods) and/or a sample to enable full and accurate identification of the goods the subject of the application. This application will be rejected if insufficient or inadequate IDM is provided.

Please note that simply supplying a reference to a website is not acceptable.

3. TARIFF CLASSIFICATION

(a) Identify the tariff classification (to 8 figure subheading level) 84.28.90.00

(b) Identify the General Duty rate 5%

(c) If a Tariff Advice for the goods has been sought or obtained, please provide the TA No or attach a copy. 20144100

4. USES OF THE IMPORTED GOODS
Describe ALL uses (including design uses) to which the goods can be put.

Incorporation into automatic gate operating systems
Attachment “A” – TCO Wording

Application Reference “Virgo”

Proposed TCO Wording:

8428.90.00

MOTOR KITS, automatic gate, including not less than ANY 3 of the following:
   (a) geared motors;
   (b) remote controls;
   (c) code receivers;
   (d) control boards

STATED USE: Incorporation into automatic gate operating systems
5A APPLICANT.

In considering the goods which are the subject of this TCO application, is the applicant aware of any Australian manufacturers or producers of substitutable goods, or of potentially substitutable goods?

☐ YES ☑ NO If YES, please provide the names of these Australian manufacturers or producers.

5B - IMPORTER.

In considering the goods which are the subject of this TCO application, is the importer (as listed on page 2) aware of any Australian manufacturers or producers of substitutable goods or potentially substitutable goods?

☐ YES ☑ NO If YES, please provide the names of these Australian manufacturers or producers.

5C. Please provide details of other information that the applicant and/or importer may have to assist in locating any local manufacturers.

(i) Is the applicant and/or importer a member of a relevant industry association and, if so, what is the name of the association?

☐ YES ☑ NO

If YES, what is the name of the association:

(ii) Has the applicant and/or importer attended, in the past year, any trade fairs or industry events where Australian manufacturers and producers of goods that may be substitutable have been exhibitors?

☐ YES ☑ NO

If YES, what is/are the name/s of relevant Australian manufacturers of potentially substitutable goods that may have exhibited?

(iii) In the past two years, has the applicant and/or importer participated in government and/or trade procurement processes (for example, tenders for made-to-order capital equipment) which might indicate the existence of Australian manufacturers or producers of goods that are substitutable, or potentially substitutable, for the goods that are the subject of this TCO application?

☐ YES ☑ NO

If YES, describe each procurement process, and type of goods, including made-to-order capital goods, that were the subject of each procurement process and any Australian manufacturers or producers known to have participated in each procurement process.
Inquiries that the applicant and/or importer has made regarding local manufacturers of substitutable goods, or of potentially substitutable goods?

The following questions require you to provide details of any inquiries that the applicant and/or importer have made to assist the CEO in establishing that there are reasonable grounds for believing that, on the day on which the application was lodged, there were no producers or manufacturers in Australia of substitutable goods, or potentially substitutable goods.

6A. PRESCRIBED ORGANISATIONS

Prescribed organisations, such as the Industry Capability Network, are listed in Regulation 179A of Customs Regulations 1926.

Have you asked a prescribed organisation to obtain advice about whether there are manufacturers or producers in Australia of substitutable goods, or of potentially substitutable goods?

☐ YES Please attach a copy of the terms of the request and all advice received. If you have obtained a report from a prescribed organisation, you are not required to answer 6B.

☐ NO If you have not obtained a report from a prescribed organisation, you are required to answer 6B.

6B. SEARCHES OF THREE DIFFERENT DATABASES CONTAINED IN TRADE DIRECTORIES, PUBLIC SEARCH ENGINES OR WEBSITES LISTING AUSTRALIAN PRODUCTS

If you have not obtained a report from a prescribed organisation, you must make inquiries in at least three databases to locate the possible existence of Australian manufacturers or producers of goods that may be substitutable for the goods the subject of the TCO application. Examples of these databases may include trade directories such as Kompass, search engines such as Google, and websites listing Australian products such as www.australianmade.com.au. Please refer to ACN 2010/03 for guidance as to what Customs and Border Protection considers to be a reasonable search.

1. Name of database: Please refer Attachment "B"

Search terms used in database:

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

2. Name of database: Please refer Attachment "B"

Search terms used in database:

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

3. Name of database: Please refer Attachment "B"

Search terms used in database:

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

6C. INDUSTRY ASSOCIATIONS

Has the applicant and/or importer made inquiries of industry associations in Australia representing suppliers, manufacturers of the goods that may be substitutable to those the subject of the TCO?

☐ YES Please attach a copy of the terms of the request and any response received.

☐ NO Please explain why you have not made enquiries.

There is no such organisation available.
7. NOTIFICATION OF POTENTIAL AUSTRALIAN MANUFACTURES

If any of the answers to questions 5, 6 or 7 identified any potential local manufacturers of substitutable goods, please provide details of the inquiries that you undertook to notify those local manufacturers of your application and to seek advice as to whether they believe they manufacture any substitutable goods. Please refer to Australian Customs Notice 2010/03 for a suggested format of a letter to a potential local manufacturer of substitutable goods.

Please provide a copy of your request to each business. Please provide the business names, details of the contact that you made and all responses received at the time of lodging this application.

<table>
<thead>
<tr>
<th>1 - Name and address of business: N/A</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Please provide a copy of your request to each business. Is the copy attached?</td>
<td>[ ] YES</td>
<td>[ ] NO</td>
</tr>
<tr>
<td>Please provide a copy of the response provided, if any. Is their response attached?</td>
<td>[ ] YES</td>
<td>[ ] NO</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>2 - Name and address of business: N/A</th>
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<tr>
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<tbody>
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<tr>
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<td>[ ] NO</td>
</tr>
<tr>
<td>Please provide a copy of the response provided, if any. Is their response attached?</td>
<td>[ ] YES</td>
<td>[ ] NO</td>
</tr>
</tbody>
</table>

8. JUSTIFICATION FOR APPLICATION

Where potential Australian producers or manufacturers have been identified in questions 5, 6 or 7, please provide details as to why you believe that they do not produce substitutable goods in Australia in the ordinary course of business.

Please refer to the attached definitions for the legislative definitions of 'core criteria', 'substitutable goods', 'goods produced in Australia' and 'the ordinary course of business'.

N/A
APPLICANT'S DECLARATION

1. I have the authority to act on behalf of the company/applicant;

2. To the best of my knowledge and belief the information contained in this form including any attachments is correct;

3. I have ensured that questions 1 to 8 are completed and supporting documents are provided; and

4. 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 1999, this application will be taken to have been lodged when it is first received by an officer of Customs and Border Protection, or if by e-mail to tarcon@customs.gov.au, when it is first accessed by an officer of Customs and Border Protection, as specified in Sub-Section 269F(4) of the Customs Act 1901.

5. I have read the relevant Australian Customs Notice headed Applicant's Obligations in Making a TCO application and the definitions attached to this form and understand my obligations under Section 269FA with regard to the making and processing of Tariff Concession Order applications.

6. I acknowledge that I understand under Section 269M(5) of the Customs Act 1901 that at any time during the period of 150 days from the gazetted day, the CEO may, for the purpose of dealing with a TCO application, and despite section 18 of the Customs Administration Act 1984, request of a party, the application to a prescribed organisation with a view to obtaining any information in relation to the question whether there are any producers in Australia of substantial or similar kind.

Signature of Applicant/Agent/Broker: __________________________ Date: 01/09/2011

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.

Before lodging your form please ensure that you have attached the following:

☑ Attached IDM/Samples?
☑ Attached Local Manufacturer search results?
☑ Application signed & dated?
☑ Questions 1-8 answered?
☑ All enquiries requested undertaken?

When this form has been completed please lodge it with Customs and Border Protection by:

posting it by prepaid post to:
Director
Tariff Concession Section
Trade Services Branch
Australian Customs and
Border Protection 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

www.customs.gov.au

APPLICATION FOR A TCO

B443 Page 7 of 9 (March 2010)
### FOR OFFICE USE ONLY

**AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE STAFF**

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>Is the CEO satisfied that the application complies with Section 269F?</td>
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<tr>
<td>Is the CEO satisfied that the applicant has discharged all responsibilities referred to in section 269FA?</td>
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<tr>
<td>Is the CEO aware of any producer in Australia of substitutable goods?</td>
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<tr>
<td>Are the goods on the Excluded Goods Schedule (Regulation 185)?</td>
<td></td>
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<tr>
<td>Does a TCO already exist for these goods?</td>
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### Information for applicants - some useful definitions from the Customs Act 1901

#### 269B Interpretation - substitutable goods

**substitutable goods**, in respect of goods the subject of a TCO application or of an application for a TCO, 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 or of the TCO can be put.

(3) In determining whether goods produced in Australia are put, or are capable of being put, to a use corresponding to a use to which goods the subject of a TCO, or of an application for a TCO, can be put, it is irrelevant whether or not the first mentioned goods compete with the second mentioned goods in any market.

#### 269C Interpretation - core criteria

For the purposes of this Part, a TCO application is taken to meet 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.

#### 269D Interpretation - goods produced in Australia

(1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if:
   - the goods are wholly or partly manufactured in Australia; and
   - not less than ¾ of the factory or works costs of the goods is represented by the sum of:
     - the value of Australian labour; and
     - the value of Australian materials; and
     - the factory overhead expenses incurred in Australia in respect of the goods.

(2) For the purposes of this Part, goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:
   - operations to preserve goods during transportation or storage;
   - operations to improve the packing or labelling or marketable quality of goods;
   - operations to prepare goods for shipment;
   - simple assembly operations;
   - operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

(4) For the purposes of this section, the CEO may, by instrument in writing published in the Gazette:
   - direct that the factory or works cost of goods is to be determined in a specified manner; and
   - direct that the value of Australian labour, the value of Australian materials or the factory overhead expenses incurred in Australia in respect of goods is to be determined in a specified manner; and
   - those directions have effect accordingly.

(5) The provisions of Sections 48 (other than paragraphs (1)(a) and (b) and subsection (2)), 48A, 48B, 49A and 50 of the Acts Interpretation Act 1901 apply in relation to directions given under subsection (4) as if:
   - references in those provisions to regulations were references to directions; and
   - references in those provisions to the repeal of a regulation were references to the revocation of a direction.
269E Interpretation - the ordinary course of business

(1) For the purposes of this Part, other than section 269C, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:
   (a) they have been produced in Australia in the 2 years before the application was lodged; or
   (b) they have been produced, and are held in stock, in Australia; or
   (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;
   and a producer in Australia is prepared to accept an order to supply them.

(2) For the purposes of this Part, goods that:
   (a) are substitutable goods in relation to goods the subject of a TCO application; and
   (b) are made to order capital equipment;
are taken to be produced in Australia in the ordinary course of business if:
   (c) a producer in Australia:
      (i) has made goods requiring the same labour skills, technology and design expertise as the substitutable goods in the 2 years before the application was lodged; and
      (ii) could produce the substitutable goods with existing facilities; and
   (d) the producer is prepared to accept an order to supply the substitutable goods.

(3) In this section:
   made-to-order capital equipment means a particular item of capital equipment:
   (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
   (b) that is not produced in quantities indicative of a production run.
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Sentence Applied

AFDA / CRDA /

DISPOSAL CLASS

RETAIN

REVIEW

DESTROY

DATE RANGE

For Official Use Only
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"

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| Date Checked | 12-Jun-13 |

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<th>+150 Days Decision of Decision 269R(1)(b)</th>
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<tr>
<td>** 8428.90.00</td>
<td>46 No</td>
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</tbody>
</table>

# Unless otherwise indicated NZ, PG, FI, DC, LDC and SG rates are Free.  
** S Operative 1/1/12  
Unless otherwise indicated general rate applies for CA.  
Unless indicated in Schedules 5, 6, 7 or 8 rates for US, Thai, Chilean and AANZ originating goods, respectively, 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.  

Dear Sirs,

TARIFF CONCESSION SYSTEM
APPLICATION SUCCESSFUL

I refer to your application for Tariff Concession Order (TCO) Number TC 1310376 lodged on 25 March 2013.

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 TC13/24 of 19 June 2013.

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

[Signature]
Delegate of the Chief Executive Officer
<table>
<thead>
<tr>
<th>Description of the Particular goods including the applicable subheading of the Customs Tariff</th>
<th>Schedule 4 Item</th>
<th>Last day of effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a combination of NOT less than ANY 3 of the following: (a) geared motors; (b) pre-drilled enclosures; (c) balancing springs; (d) control boards</td>
<td>50</td>
<td>Dec. date 12.06.13 - TC 1310376</td>
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<tr>
<td>Op. 25.03.13</td>
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</tbody>
</table>
TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, 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 25.03.13 and continue in force until revoked under sections 2698C or 2698D of the Act, or the date, if any, specified in Column 2.

THE TABLE

<p>| COLUMN 1 | COLUMN 2 |</p>
<table>
<thead>
<tr>
<th>Description of Goods including the Customs Tariff Classification</th>
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<td>TC 1310376</td>
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Op. 25.03.13
Reply to the Chief Executive Officer

Quote: TC 1310376
Your Ref: FAAC 03/13

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(0)(0)
Fax:
Email: tarcon@customs.gov.au

10 April 2013

s. 47F(1)

Dear s. 47F(1),

TARIFF CONCESSION SYSTEM
APPLICATION ACCEPTANCE

Your application for Tariff Concession Order (TCO) Number TC 1310376 has been accepted by Customs as a valid application. The application will be published in Gazette Number TC13/15 of 17 April 2013. 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.

22(1)(a)(e)

Customs Supervisor
Trade Services
<table>
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<td>50</td>
</tr>
<tr>
<td>Stated Use: Components for automated boom gates</td>
<td>Op. 25.03.13 - TC 1310576</td>
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<tr>
<td>Applicant: FAAC AUSTRALIA PTY LTD</td>
<td></td>
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Subject: TCO Application 1101276 - Boom Gate Components (SEC+U/UNCLASSIFIED)

From: 47F(1)

Sent: Tuesday, 9 April 2013 4:36 PM

To: 22(1)(o)
Cc: 22(1)(o)

Dear 22(1)(o),

I was not aware of this application. I am not sure if it is a request for an extension or an application for a new TCO. I don't know the history of this application. I am not sure what the next step would be, or what the implications for the border protection service might be. It is not clear from the application.

Best regards,

47F(1)
<table>
<thead>
<tr>
<th>Description of Goods including the</th>
<th>Customs Tariff Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a combination of NOT less than ANY 3 of the following: (a) geared motors; (b) pre-drilled enclosures; (c) balancing springs; (d) control boards</td>
<td>50</td>
</tr>
<tr>
<td>Op. 25.09.13</td>
<td>- TC 1310378</td>
</tr>
<tr>
<td>Stated Use: Components for automated boom gates</td>
<td></td>
</tr>
<tr>
<td>Applicant: FAAC AUSTRALIA PTY LTD</td>
<td></td>
</tr>
</tbody>
</table>

OK

22(1)(a)(i)

10/4/13

Released by Department of Home Affairs under the Freedom of Information Act 1982
From:  
Sent:  Tuesday, 9 April 2013 4:35 PM  
To:  22(1)(a)(ii)  
Cc:  22(1)(a)(ii)  
Subject:  TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED] 

PS: 22(1)

Or a 2nd option would be:

8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a combination of NOT less than any 3 of the following:
(a) geared motors;
(b) pre-drilled enclosures;
(c) balancing springs;
(d) control boards
Op. 25.03.13  -  TC 1310376

Stated Use:
Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD
50

Regards,

From:  
Sent:  Tuesday, 9 April 2013 4:32 PM  
To:  22(1)(a)(ii)  
Cc:  22(1)(a)(ii)  
Subject:  TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]

Hi 22(1)

As discussed, we are happy with the suggested restructure of this wording, however, we are concerned that the use of the word "including a combination of" will broaden the terms of the concession too far.

As such, we respectfully suggest the following wording be used:

8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, having NOT less than any 3 of the following:
(a) geared motors;
(b) pre-drilled enclosures;
(c) balancing springs;
(d) control boards
Op. 25.03.13  -  TC 1310376

Stated Use:
Components for automated boom gates
Hello.

Re above application. I have given proposed wording a bit of a work over and discussed with our wording guru.

Would you please consider and get back to me?

Description of Goods including the Schedule & Item Number

Customs Tariff Classification
8428.90.60 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, including a combination of not less than any 3 of the following:
(a) geared motors;
(b) pre-drilled enclosures;
(c) balancing springs;
(d) control boards
Op. 25.03.13 - TC 1310376

Stated Use:
Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD

Thanks and best regards.

Customs Supervisor
Tariff Concessions
Tariff Operations, Trade Policy and Implementation
Australian Customs and Border Protection Service
Tel: 22(1)(a)(d)
Fax: 22(1)(a)(d)

This email message and any attached files may be protected information under section 16 of the Customs Administration Act 1985 (CA Act) and may also contain information that is confidential, and/or subject to legal professional privilege.

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If you ARE the intended recipient, and are subject to an undertaking provided under section 16 of the CA Act, you must not use or further disclose the information within this email except for the purpose for which it was provided to you or otherwise as required or authorised by law.
From: 22(1)(a)(i)
Sent: Tuesday, 9 April 2013 4:32 PM
To: 22(1)(a)(i)
Cc: 22(1)(a)(i)
Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]

Hi 22(1)

As discussed, we are happy with the suggested restructure of this wording, however, we are concerned that the use of the word “including a combination of” will broaden the terms of the concession too far.

As such, we respectfully suggest the following wording be used:

8428.90.00  COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, having NOT less than any 3 of the following:

(a) geared motors;
(b) pre-drilled enclosures;
(c) balancing springs;
(d) control boards

Op. 25.03.13 - TC 1310376

Stated Use:
Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD
50

Regards,

From: 22(1)(a)(i)
Sent: Tuesday, 9 April 2013 4:10 PM
Cc: 22(1)(a)(i)
Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]

Hello 22(1)

Re above application. I have given proposed wording a bit of a work over and discussed with our wording guru 22(1)(a)(i).

Would you please consider and get back to me?

Description of Goods including the Schedule 4 Item Number

Customs Tariff Classification
8428.90.00  COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, including a combination of NOT less than any 3 of the following:
(a) geared motors;
(b) pre-drilled enclosures;
(c) balancing springs;
(d) control boards

Op. 25.03.13 - TC 1310376

Stated Use:
Components for automated boom gates

1
Applicant: FACC AUSTRALIA PTY LTD

Thanks, and best regards.

22(1)(b)(i)

Customs Supervisor
Tariff Concessions
Tariff Operations, Trade Policy and Implementation
Australian Customs and
Border Protection Service
Tel: 22(1)(b)(i)
Fax:
Email:

This email message and any attached files may be protected information under section 16 of the Customs Administration Act 1985 (CA Act) and may also contain information that is confidential, and/or subject to legal professional privilege.

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If you ARE the intended recipient, and are subject to an undertaking provided under section 16 of the CA Act, you must not use or further disclose the information within this email except for the purpose for which it was provided to you or otherwise as required or authorised by law.

If you are NOT the intended recipient, you must not use, copy, disseminate, forward, retain or reproduce this email. If you receive this email in error, please notify the Customs Incident Response Centre immediately on 1800 303 387 (24hrs) and delete all copies of this email and any attachments.

Unsolicited commercial emails MUST NOT be sent to the originator of this email.
From: [redacted]  
Sent: Tuesday, 9 April 2013 4:10 PM  
To: [redacted]  
Subject: TCC Application 13103/6 - Boom Gate Components [SEC=UNCLASSIFIED]  
Importance: High

Hello [redacted],

Re above application. I have given proposed wording a bit of a work over and discussed with our wording guru [redacted].  

Would you please consider and get back to me?

Schedule 4 Item Number  

0.1. COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, including a combination of NOT less than any 3 of the following: (a) geared motors; (b) pre-drilled enclosures; (c) balancing springs; (d) control boards  
Op. 25.03.13 - TC 1310376  

Stated Use: Components for automated boom gates  

Applicant: FAAC AUSTRALIA PTY LTD

Thanks [redacted], and best regards.

[redacted]  
CUSTOMS SUPERVISOR  
TARIFF CONCESSIONS  
TARIFF OPERATIONS, TRADE POLICY AND IMPLEMENTATION  
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE  
Tel: [redacted]  
Fax: [redacted]  
Email: [redacted]  

Released by Department of Home Affairs under the Freedom of Information Act 1982
<table>
<thead>
<tr>
<th>Description of Goods including the Customs Tariff Classification</th>
<th>Schedule 4 Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, including a combination of NOT less than any 3 of the following: (a) geared motors; (b) pre-drilled enclosures; (c) balancing springs; (d) control boards Op. 25.03.13</td>
<td>50 - TC 1310376</td>
</tr>
</tbody>
</table>

Stated Use: Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD

22(1)(e)(ii) 9/4/13
TCO - Boom Gate Operators

Trade Services > TCO > Boom Gate Operators

TCO: Boom Gate Operators

| TCO Number | TC13/10376 |
| Title | Boom Gate Operators |
| Centre | North |
| OP Date | 25/03/2013 |
| 2B Day Due Date | 22/04/2013 |
| Date Sent | 25/03/2013 |
| Date Due | 2/04/2013 |
| Applicant | FAAC Australia |
| Broker/Agent | 8.47F(1) |
| Goods | Boom Gate Operators |
| Claimed Classification | 8428.90.90 |
| Tariff Screening Officer | |
| IDM Rejection | |
| Open TA | |
| Are the Goods Classifiable? | yes |
| Classifiable Comments | |
| Does Wording Reflect Tariff Class? | yes |
| Tariff Classification | 8428.90.90 |
| Is TCO Restricted by Reg. 185 (E65)? | No |
| Comments | |
| Identification of Goods | Boom gate operators including the beams or barriers. A device used to control pedestrians and vehicles access to restricted areas. A control panel or access card allows for the raising and lowering of the beam or boom gate. |
| Tariff Advice No(s) | 20009100 |
| Headings Considered | 8428 & 8430 |
| Comments and Chapter Notes | Excluded from 8530 because the boom gates and operators are used for more than roads and parking facilities. They can be used for pedestrian control and access. Section XVI Note 4 applies with the clearly defined function covered by the terms of 8428 as lifting and handling equipment, IR1 TOH. 8428.90.00: Other machinery, IR5 TOSH. |
| Query Date | |
| Tariff Officer | 22(1)(a)(i) |
| Finalisation Date | 28/03/2013 |
| Version Updates | 22(1)(a)(i) |
| 2/04/2013 12:49 PM: TCO Accepted (28/03/2013 2:01 PM); (27/03/2013 10:14 AM); (25/03/2013 2:27 PM): New Application |
| Application | Accepted |
| Attachments | Application for TCO our reference FANC 03 13 covering BOOM GATE OPERATORS.msg; receipt for 1310376.msg |

Version: 4.0
Created at 25/03/2013 2:27 PM by 22(1)(a)(i)
Last modified at 2/04/2013 12:49 PM by 22(1)(a)(i)
PRE SCREENING CHECKLIST – TC1310376

To Delegate of Chief Executive Officer

A pre-screening of this application has been made for compliance with the form, practice statements, Australian Customs Notice 2010/03 and other requirements of Customs and Border Protection. In undertaking your own enquiries, you may wish to consider the following matters.

**Application Form**
- Applicant – FAAC Australia Pty Ltd
- Broker – 

1 – **Description of Goods**
- Boom gate Operators

2 – **Illustrative Descriptive Material (IDM)**
- Sufficient

3 – **Tariff Classification**
- Tariff Classification supplied

4 - **Stated use of Goods Supplied**
- Sufficient

5 – **Searches and Results of Searches**
- Google
- Kompass
- Australian Made

6 – Potential LM –

EGS Indicator – No

22(1)(a)(6) 02 April 2013
8428.90.00 BOOM GATE OPERATORS, electromechanical OR hydraulic, including NOT less than any 3 of the following:
(a) geared motors;
(b) pre-drilled enclosures; ✓
(c) balancing springs; ✓
(d) control boards ✓

Stated Use:
For the automation of boom gates

Applicant: FAAC AUSTRALIA PTY LTD

<table>
<thead>
<tr>
<th>Notes</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>TCOs existing</td>
<td></td>
</tr>
<tr>
<td>Tariff Advice</td>
<td>NO</td>
</tr>
<tr>
<td>Q586</td>
<td>F 5-6</td>
</tr>
<tr>
<td>LM Searches</td>
<td>F 11-17</td>
</tr>
<tr>
<td>IDM</td>
<td>F 18-31</td>
</tr>
</tbody>
</table>

Please check words and use
Australian Customs and Border Protection Service
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(0)(0)
Fax: 
Email: tarcon@customs.gov.au
2 April 2013

s. 47F(1)

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 25 March 2013. The TC number TC 1310376 has been allocated to your application.

Date Received: 25 March 2013
Applicant: FAAC AUSTRALIA PTY LTD
Goods: BCOM GATE OPERATORS
Applicant ABN/CAC 90110896065/001

Yours sincerely,
22(1)(a)(i)

Senior Customs Officer
Tariff Operations
From: 22(1)(a)(i)
Sent: Monday, 25 March 2013 1:56 PM
To: s. 47F(1)
Subject: RE: Application for TCO, our reference “FAAC 03/13” covering BOOM GATE OPERATORS [SEC=UNCLASSIFIED]

Good Afternoon.

We have received your TCO Application on behalf of **FAAC Australia**.

The receipt date is the **25th of March 2013** and the TCO Number is **13/10376**.

An acknowledgement will be sent via the post at a later date.

Regards
22(1)(a)(i)
Senior Customs Officer
Tariff Concessions Section
Trade Services Branch
Australian Customs and Border Protection Service Canberra ACT
ph 22(1)(a)(ii)

From: s. 47F(1)
Sent: Monday, 25 March 2013 1:34 PM
To: TARCON
Subject: Application for TCO, our reference “FAAC 03/13” covering BOOM GATE OPERATORS

Dear Sir or Madam,

On behalf of our client FAAC Australia Pty Ltd, please find enclosed an application for TCO, our reference “FAAC 03/13” covering BOOM GATE OPERATORS; IDM is in the attached Zip file.

Regards,

s. 47F(1)
Dear Sir or Madam,

On behalf of our client FAAC Australia Pty Ltd, please find enclosed an application for TCO, our reference “FAAC 03/13” covering BOOM GATE OPERATORS; IDM is in the attached Zip file.

Regards

[Signature]

This communication is for use by the intended recipient and contains information that may be legally privileged, confidential or copyrighted. Access to this email by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this email, in whole or in part, is strictly prohibited. Please notify the sender by return email and delete this email from your system immediately. Unless explicitly and conspicuously designated as 'E-Contract Intended', this email does not constitute a contract offer, a contract amendment, or an acceptance of a contract offer. This email does not constitute a consent to the use of the sender's contact information for direct marketing purposes or for transfers of data to third parties.
22nd March, 2013

Australian Customs Service
Customs House
5 Constitution Avenue,
CANBERRA ACT 2601

Attn: National Manager, Tariff Branch

Dear Sir or Madam,

Re: Application for TCO – Boom Gate Operators

Dear Sir or Madam,

On behalf of our client, FAAC AUSTRALIA PTY LTD, please find enclosed an application for TCO covering the above goods.

1. Product Use

The goods of this application are designed solely for use as Boom Gate Operators, for the automation of boom gates. Furthermore, they have been specially designed for this function and possess design features, which make them principally suitable for their designed function.

These features are necessary to their designed function, to meet the following requirements:

- Incorporating geared motors;
- Incorporating pre-drilled enclosures; balancing springs and control boards.

2. Situation of Market

To the best of our knowledge, there are no products produced in Australia that would be considered capable of substituting for their function or use. Our client is of the opinion this product is unsuitable for the uses to which any locally produced goods are put, in any practical situation.

2.1 Goods of this application As stated, the goods of this application are not produced in Australia. Anyone requiring this type of product would need to import it from overseas.
2.2 **Goods produced in Australia:** To the best of our knowledge these goods are not currently being produced in Australia. This product has not been available from Australian manufacture, which would confirm that goods are not manufactured in Australia that would be substitutable for the goods of these applications.

2.3 **Inquiries made to locate Local Producers:** Please refer to "Attachment Question 6B."

Furthermore, the reason the subject goods are being imported from overseas is the fact that they could not be supplied from local manufacture.

3. **TCO Wording**

3.1 Given our opinion these goods would not be substitutable in their use/uses with any goods manufactured in Australia, our proposed TCO wording has been structured to isolate the goods imported by the applicant and to exclude any goods manufactured in Australia.

4. **Legislation**

4.1 When preparing this application, our client examined the market for goods, which would be identified as "Substitutable goods" in line with section 269B.

As the goods of this application have a specific use, as stated above, where their specific design features are essential, we can only identify them as having this sole function and therefore it is the opinion of the applicant that substitutable goods, for the goods of this application, are not produced in Australia.

4.2 Taking the summary of the above into consideration, this application are being made on the grounds that goods, as described in this application would meet the "core Criteria" under section 269C.

We trust this meets with your approval and should you require any further information please do not hesitate to contact the undersigned.
620 STANDARD

for beams up to 5 m

- The ideal solution for heavy traffic
  The Standard 620 for barriers of up to 5 m is suitable for heavy but not continuous traffic. The barrier is supplied with a wide range of accessories, including a skirt to prevent unwanted break-ins.

- Totally flexible
  The FAAC 620 range is equipped with electronic deceleration at opening and closing. A version with articulated beam for low ceilings is available on request.

- Long term reliability
  Use of cutting-edge materials and treatments such as cataphoresis and niplay, plus tried-and-true FAAC hydraulic technology, all combine to ensure long-life.

- Leading-edge technology
  SMT microprocessor electronic technology is supplied standard to ensure exceptional performance. By means of an optional card, the barrier can also control auxiliary services and an additional opposing beam. Barrier statuses can be signalled to traffic control devices.

- Electronic intelligence
  The electronic intelligence of the 620 range functions by means of three differentiated logics: automatic, semi-automatic and parking (P). The latter was expressly designed for automatic parking systems.

SPECIFICATIONS
Automatic barrier for beams up to 5 m - Use frequency 70% - Opening/closing time 3.5 s (3 m) 4.5 s (5 m) - Actuating system consisting of hydraulic pump unit, plunger pistons, equaliser and transmission shaft - Balancing by compression spring - Internal stops adjustable for open or closed beam positions - Load bearing housing in steel protected by cataphoresis treatment and polyester powder paint RAL 2004 - Overall dimensions 200x380x1080 mm (lxWxH) - Protection class IP 44 - Release device accessible from the outside by triangular or customised key (optional) - Hydraulic pump unit with hydraulic locking on opening and closing - Electric motor power supply 230 Vac (+6% -10%), 50 Hz - Electric motor power 220 W - Thermal protection at 120°C built into motor winding - Operating ambient temperature -20°C to +55°C - Single-phase motor with two rotation directions (1,400 rpm) - Hydraulic gerotor pump (max low noise) - Pump flow rate 0.75m³/h - Die-cast distribution flange - Separate control of opening and closing by bypass valves - Tank in anodised aluminium - Valve hydraulic oil with additives - Travel-limit deceleration - Adjustable deceleration angle by cams - Designed to accommodate rectangular, rectangular with skirt, articulated rectangular, round, round pivoting beams - Built-in electronic control board
### INSTALLATION LAYOUT

FAAC 620 with built-in 624 BLD control board/RP 433 DS
Beam: FAACLIGHT, FAAC T10, FAAC FOTOSWITCH.

---

### Model Specifications

<table>
<thead>
<tr>
<th>Model</th>
<th>Beam max length (m)</th>
<th>Opening time (s)</th>
<th>Use frequency (Hz)</th>
<th>Control board</th>
</tr>
</thead>
<tbody>
<tr>
<td>620 STANDARD LH/RH</td>
<td>5.00</td>
<td>3.5 (3m)</td>
<td>70</td>
<td>624 BLD built-in</td>
</tr>
<tr>
<td>620 STD ART. LH/RH</td>
<td>4.00 (articulated)</td>
<td>3.5 (3m)</td>
<td>70</td>
<td>624 BLD built-in</td>
</tr>
</tbody>
</table>

---

### DIMENSIONS

- L = Beam length
- LP = Transat space length

---

### Technical Characteristics of 624 BLD control unit

- **Power supply voltage**: 230 Vac (+6% -10%) 50 (60) Hz
- **Absorbed power**: 7 W
- **Motor maximum load**: 300 W
- **Power supply for accessories**: 24 Vdc
- **Accessories max current**: 500 mA
- **Ambient temperature**: -20°C + 55°C
- **Fuses**: F1 = F 5A-250 V F2 = T 0.8A-250V
- **Work time**: Programmable (from 0 to 4 min.)
- **Pause time**: Programmable (from 0 to 4 min.)
- **Motor power**: Programmable on 50 levels
- **Terminal board inputs**: Loop 1, Loop 2, Open, Close, Closing safety devices, Stop, Emergency power supply 230 Vac + Earth
- **Connector inputs**: Opening and closing limit switches, Detector, Motor capacitors, Rod detachment sensor
- **Terminal board outputs**: Flashing light, Fan, Motoc Power supply 24 Vdc, Fail-safe, Status output, Indicator light 24 Vdc, BUS
- **Rapid connector**: 5-pin Mirimid board coupling, Encoder, Receiver RP/PR2
- **Programming**: No. 3 keys (+, - , FI) and display
- **Programmable functions**: Logic, Pause time, Power, Loop 1 and 2, Throttle, beard, Parking, Slow closure, Deceleration time, Work time, Indicator light output, Fail-safe output, Status output, BUS output, Assistance request

---

**FAAC S.p.A.**

Via Balin, 1

40069 Zola Predosa - Bologna (Italy)

Tel. +39 051 67124 - Fax +39 051 758518

www.faacgroup.com
for beams up to 7 m

- **The right solution for large industrial accesses**
  With its length of 4 to 7 metres, the FAAC 640 range is ideal for traffic-control in large industrial accesses, with particularly demanding use.

- **Reliable and resistant**
  Use of cutting-edge materials and treatments such as cataphoresis and niploy, plus tried-and-tested FAAC hydraulic technology, all combine to ensure long-life.

- **High-tech**
  SMT microprocessor electronic technology is supplied standard to ensure exceptional performance. By means of an optional card, the barrier can also control auxiliary services and an additional opposing beam. Barrier statuses can be signalled to traffic control devices.

- **Precise stopping**
  Perfectly calibrated stopping thanks to the adjustable electronic brake that slows down closing and opening movement. A thermal probe detects temperature and activates a cooling fan.

**SPECIFICATIONS**
**INSTALLATION LAYOUT**

FAAC 640 with built-in 624 BLD control board/1R 433 BS
Ream
FAACLIGHT
FAAC T10
FAAC FOTOSWITCH

Low voltage cabling
2 x 3 cables 2x5.5
2 x 1 cable 2x0.5

Power cabling (210V)
2 x 1 cable 2x5.5
2 x 1 cable 2x0.5

M.B. Cable diameters in mm

---

**Model**

<table>
<thead>
<tr>
<th>Beam max. length (m)</th>
<th>Opening time (s)</th>
<th>Use frequency (cycles/hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>640 LH/RR</td>
<td>7.00</td>
<td>4 (5m)</td>
</tr>
</tbody>
</table>

**Control board**

624 BLD built-in

---

**DIMENSIONS**

L = Beam length
LP = Transit space length

---

**Technical characteristics of 624 BLD control unit**

- **Power supply voltage**: 230 Vac (+6% to -10%)/50 Hz
- **Absorbed power**: 7 W
- **Motor maximum load**: 500 W
- **Power supply for accessories**: 24 Vdc
- **Accessories max. current**: 500 mA
- **Ambient temperature**: +20°C to +55°C
- **Fuses**: F1 = 5A, 250 V, F2 = 0.8A, 250 V
- **Function logic**: Automatic, Door, Switch, SAA Automatic, Parking, Parking Automatic, Door, Conditional Automatic, Exit, Exit, Exit, Exit, Exit, Exit
- **Work time**: Programmable (from 0 to 4 min.)
- **Pause time**: Programmable (from 0 to 4 min.)
- **Motor power**: Programmable in 5 levels
- **Terminal board inputs**: Loop 1, Loop 2, Open, Closed
- **Connector inputs**: Detector, Motor capacitor, Rod/Handicap
- **Terminal board outputs**: Flashing light, Fan, Motor, Power supply 24 Vdc, Fail-safe, Status output, Indicator light 24 Vcc, BUS
- **Rapid connector**: 5-pin Minidex board coupling
- **Programming**: No. 3 keys (+, -, F) and display
- **Programmable functions**: Logic, Pause time, Power, Loop 1, and 2, Thrust force, Pre-Flagging, Slow close, Deceleration time, Work time, Indicator light output
- **Fail-safe output**: Status output, BUS output, Assistant request

---

**Technical characteristics**

- **Power supply**: 230 Vac (+6% to -10%) / 50 (60) Hz
- **Electric motor**: Single-phase, bi-directional
- **Absorbed power**: 220 W
- **Absorbed current**: 1A
- **Motor rotation speed**: 1,400 - 2,800 rpm
- **Pump flow rate**: 0.75 - 1.5 - 2 l/min
- **Thermal protection on motor winding**: 120°C
- **Effective torque**: 0.4 - 4.10 / 0.4 - 3.50 / 0.4 - 2.10 Nm
- **Electronic deceleration**: Adjustable with cam
- **Operating ambient temperature**: -20°C to +55°C
- **Weight**: 84 kg
- **Type of oil**: FAAC HP OIL
- **Barrier body treatment**: Cataphoresis
- **Paint**: RAL 2004 polyester
- **Protection class**: IP 44
- **Cooling**: Forced air
- **Type of beam**: Rectangular, rectangular with skirt
B680H: new 24V hydraulic barrier.
Innovation in action.
B680H

Four ways to be unique.

Safe performance and reliability
The B680H has a Hybrid heart which, together with its "everlasting" springs, allows it to exceed 2,000,000 cycles of continuous-use, raising 8 m beams in less than 6 seconds, in total safety, thanks to the reverse on contact feature.

Removable housing
The B680H has an internal load-bearing structure and an external removable housing. This design gives the system great stability and permits easy replacement of the housing.
Extreme flexibility and optimisation of logistics

One single model controls passages with a net width from 2 m to 8 m. Its modular beams make the B680H a product which is easy to manage and handle.

Full visibility and control of traffic

The programmable integrated flashing traffic light connector guarantees perfect regulation of traffic, while the LED beam lights adequately signal closing of the passage even under conditions of poor visibility.
It has no equals but itself.

**Integrated absolute encoder**

Absolute encoder kit for complete control of movement and reversing of beam when an obstacle is detected: this ensures that the impact curve can be respected, ensuring that pedestrian passages also comply with safety standards.

**“Everlasting” springs**

The springs of the B680H have been designed to exceed 2,000,000 cycles.

**24V Hybrid heart**

The hydraulic pump with brushless motor permits the movement of long or short beams at high speed and continuous cycle (100% duty cycle).

**Backup batteries**

Installing the XBAT 24 module (high-performance Nickel-Metal Hydride batteries), including battery charger, ensures the operation of the B680H even during a blackout.

**Switching power supply**

The switching power supply, with high energy efficiency and extended range, ensures operation of barriers from 100 Vac to 240 Vac, protecting them from any changes in voltage occurring with non-optimal power-supply systems.
Integrated flashing traffic light

The flashing traffic light is entirely integrated into the structure, so it cannot be damaged. The operation of its red and green high-efficiency LEDs may be programmed by the board.

Elliptically-profiled modular beams

The longest beams are obtained joining two modules up to a maximum of 8.3 m (a net gate area width of 8 m) to ease transportation. Once the modules have been assembled, the connection joint is invisible and LED lighting may be fixed to the entire length of the bar. All the beams are windproof, round or elliptically profiled and are supplied with rubber protection on the bottom.

Sophisticated electronics with integrated Loop Detector

The E680 microprocessor control board ensures integration of the E680H with complex control systems. It has numerous programmable outputs and inputs and a connector for GSM, Ethernet and Wi-Fi modules. Two integrated, high-sensitivity Loop Detectors ensure the containment of system costs.

Removable housing

The housing is non load-bearing and may be easily replaced, with the upright post remaining in place. It is available in stainless-steel or steel versions, with the innovative, 100-micron, epoxy zinc primer anti-corrosion treatment, with four colours available.

Easy to assemble: once the upright has been fitted, with the pocket and the beam, the housing simply needs to be lowered onto it and fixed to the base. If the housing should ever need replacing, simply remove the fixing bolts and pull it up, with no need to dismantle the entire barrier.

INTELLIGENT SOLUTIONS

- Designed so that accessories can be fixed to the housing
- Simple, guided mechanical setup
- Automatic control board setup with just 2 steps
- Control board with transparent box fixed to the upper part of the barrier
- DIN bar already fitted and space for further accessories
- Few part numbers
- Modular beams
- Retrocompatible with foundation plate of FAAC 620 and 640 barriers

2.3 m in less than 1.5 seconds
8.3 m in less than 6 seconds
Personality beyond any standards.
### DIMENSIONS AND TECHNICAL SPECIFICATIONS

- **Power supply**: 100 - 240 Vac 50 (60) Hz
- **Electric Motor**: 36 Vdc Brushless
- **Absorbed power**: 240 W
- **Absorbed current**: 1.1 A/230 V
- **Motor rotation speed**: 1,000 + 6,000 RPM
- **Pump capacity**: 3.2 l/min (max)
- **Electronic deceleration**: Absolute encoder
- **Operating ambient temperature**: -20°C to +65°C
- **Weight**: 85 kg (65 kg body + 20 kg compartment)
- **Oil type**: FAAC HP OIL
- **Barrier body treatment**: Epoxy zinc anti-corrosion treatment
  100 microns + paint
- **Protection class**: IP44
- **Beam type**: Rounded or elliptical with lights and rubber bumper
- **Dimensions (LxHxD) (mm)**: 469x275x1100 (see illustration)

### ACCESSORIES

- Pocket for round pivoting beams
- Connecting kit for round S-profile beam (max 4 m)
- Integrated, flashing traffic light
- Skirt kit, length 2 m for round S/L profile beams
- End foot for round S/L profile beams
- XBAT 24 emergency battery kit
- Anti-vandalism valve for the B650H
  - It protects the hydraulic system if the beam is forced
- Beam break-out sensor for round pivoting beams
- Anti-panic group
  - Permits manual release of the beam in case of a black out

### BEAMS

- Pocket and balancing spring S
- Pocket and balancing spring L
- Whole beams S
- Modular beams S
- Whole beams L
- Modular beams L

Dimensions shown in m.
HEADQUARTERS
ITALY
FAAC SpA
Via Calanti 10 - 40069 Zola Predosa (BO)
Tel +39 051 61724 - Fax +39 051 756518
it.info@faacgroup.com - www.faacgroup.com

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www.faacgroup.cn

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fax +33 4 72218701
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fax +33 1 69191621
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www.faac.fr

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fax +49 8654 480125
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www.faac.de

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fax +91 120 4212132
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fax. +353 71 9663890
www.natl.ie

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fax+971 4 3724191
www.faac.ae

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www.faac.ru

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tel. +1904 4488952
fax +1904 4488958

FAAC INTERNATIONAL INC
Fulerton, California - U.S.A.
tel. +1714 4469500
fax +1714 4469596
www.faacusa.com

Released by Department of Home Affairs
under the Freedom of Information Act, 1982.
for beams up to 5 m

- **Ideal for medium transit frequency**
  Specifically designed for medium transit frequency, the FAAC 615 range is available also with an articulated beam for low ceilings. For rapid opening, the 515 RAPID version is ideal for beams up to 2.5 m in length.

- **Total safety**
  Ideal for controlling small and medium private areas, the whole 615 range has an anti-crushing hydraulic safety device, a hydraulic lock to hold the barrier open or closed, manual release by triangular key.

- **Long term reliability**
  Use of cutting-edge materials and treatments such as cataphoresis and nipayl plus tried-and-tested FAAC hydraulic technology, all combine to ensure long-life.

- **Designed to house other technological items**
  The compartment is designed to house both the 615 BPR electronic equipment, specifically designed for this barrier, and other electronic equipment in the FAAC range. The FAAC 615 barrier is already equipped with limit-switches to accommodate use of optional items and anti-vandal valve.

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**SPECIFICATIONS**
Automatic barrier for beams up to 5m • 40% use frequency (Rapid Version) 50% (Standard Version) • Opening/closing time 3 s. (Rapid Version) 6 s. (Standard Version) • Activation system comprising hydraulic pump unit, double-acting piston, equaliser and transmission shafts • Balancing by extended spring • Internal stops adjustable for open or closed beam positions • Load bearing housing in steel protected by cataphoresis treatment and polyester powder paint RAL 2004 • Release device accessible from the outside by triangular key • Hydraulic pump unit with hydraulic locking in open and closed position • Electric motor power supply 230 V (+6% -10%) - 50 (60) Hz • Electric motor power 220 W • Thermal protection at 120°C built into motor windings • Operating ambient temperature: -20°C to +55°C • Single-phase motor with two rotation directions • Hydraulic generator pump (very low noise) • Pump flow-rate 3,6 l/min (Rapid Version) 1,5 l/min (Standard Version) • Torque from 0 to 300 Nm (Rapid Version) from 0 to 400 Nm (Standard Version) • Die-cast distribution flange • Separate adjustment of opening and closing power by by-pass valve • Tank in anodised aluminium • Mineral hydraulic oil with additives • Designed to accommodate standard rectangular beams, standard beams with skirt (4 m), standard articulated beams

**615 BPR electronic card**
Power supply 230 Vac (+6% -10%) 50 Hz • Absorbed power 4 W • Motor max. load 800 W • Accessories max. current 250 mA • Operating ambient temperature: -20°C to +55°C • Fuses 2 • Operating logics BIC = B - C = EP - AP = F • Default = EP • Work time (time-out): Self-learning 0/10 min in 2,5 sec steps) • Default = 10 min • Pause time: Self learning, 0.5 min in 2,5 sec steps) • Default = 30 min • Terminal board inputs: Open Close - Stop - Limit-switch - Closing safety devices - Power supply - Terminal board outputs: Motor - Flashlight - courtesy light and power supply to accessories • Programmable functions: Operation for barrier or up-and-over • Logic • Functions through learning: Work time - Pause time

---

Release by: Department of Information Act 1982
**Technical characteristics of 615 BPR control board**

- **Power supply**: 230 Vac (+6% -10%) 50 Hz
- **Absorbed power**: 4 W
- **Motor max. load**: 600 W
- **Accessories max. current**: 250 mA
- **Operating ambient temperature**: -20°C ÷ +55°C
- **Fuses**: 2
- **Operating logic**: B/C – B – C – EP – AP – P
- **Work time (time-out)**: Self-learning (0-10 min in 2.5 sec steps)
- **Pause time**: Self-learning (0-5 min in 2.5 sec steps)
- **Terminal board inputs**: Open – Close – Stop – Limit-switch
- **Terminal board outputs**: Motor – Flashlight – courtesy light and power supply to accessories
- **Programmable functions**: Operation for barrier or up-and-over - Logic
- **Functions through learning**: Work time – Pause time

---

**Technical characteristics**

<table>
<thead>
<tr>
<th></th>
<th>615 STD</th>
<th>615 RAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power supply</td>
<td>230 Vac (+6% -10%) 50 Hz</td>
<td>single-phase, bi-directional</td>
</tr>
<tr>
<td>Electric motor</td>
<td>220 W</td>
<td>220 W</td>
</tr>
<tr>
<td>Motor rotation speed</td>
<td>1,400 rpm</td>
<td>2,800 rpm</td>
</tr>
<tr>
<td>Motor current</td>
<td>1.5 l/min.</td>
<td>3 l/min</td>
</tr>
<tr>
<td>Thermal protection on motor winding</td>
<td>120°C</td>
<td>120°C</td>
</tr>
<tr>
<td>Effective torque</td>
<td>0.4 Nm</td>
<td>0.4 Nm</td>
</tr>
<tr>
<td>Operating ambient temperature</td>
<td>-20°C ÷ +55°C</td>
<td>-20°C ÷ +55°C</td>
</tr>
<tr>
<td>Weight</td>
<td>34 kg</td>
<td>34 kg</td>
</tr>
<tr>
<td>Type of oil</td>
<td>FAAC HP OIL</td>
<td>Cataphoresis</td>
</tr>
<tr>
<td>Barrier body treatment</td>
<td>Polyester RAL 2004</td>
<td>Polyester RAL 2004</td>
</tr>
<tr>
<td>Protection class</td>
<td>IP 44</td>
<td>IP 44</td>
</tr>
<tr>
<td>Max. consecutive cycles (at 20°C)</td>
<td>220</td>
<td>240</td>
</tr>
<tr>
<td>Type of rectangular beam</td>
<td>standard - standard with skirt (4mm) - standard articulated</td>
<td>standard</td>
</tr>
<tr>
<td>Limit-switches</td>
<td>standard</td>
<td>standard</td>
</tr>
</tbody>
</table>

---

**Model**

<table>
<thead>
<tr>
<th>Use</th>
<th>Control board</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beam max. length (m)</strong></td>
<td><strong>Opening time (s)</strong></td>
</tr>
<tr>
<td>615 STANDARD</td>
<td>5.00</td>
</tr>
<tr>
<td>615 RAPID</td>
<td>2.50</td>
</tr>
</tbody>
</table>

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**INSTALLATION LAYOUT**

**Low voltage cables**

- 2 cables 2x0.5
- 1 cable 2x0.5

**Power cables (230V)**

- 1 cable 2x1.5
- 1 cable 2x1.5

N.B. Cable diameters in mm²
Attachment "B" Question # 6B.

Application Reference "FAAC 03/13"

Details of inquiries undertaken.

It is our opinion; substitutable goods are not manufactured in Australia. As such, any goods meeting the TCO description would need to be imported from overseas.

The goods being imported are designed solely for use as Boom Gate Operators, for the automation of boom gates.

Furthermore, due to the nature and size of this market, it is well known to the industry that this type of production, is not available from local production and all such products for such applications are imported into Australia from overseas.

Furthermore, given the tooling up-costs and size of the market, it is also highly unlikely that any local producer would consider production of such goods.

When reference is made to database searches the following was found (please refer enclosed reference copies):

Database: KOMPASS
Search Terms Used: "Boom Gate Operators" - manufactured in Australia

Result: No matches for this search

Search Terms Used: "Boom Gate Operators" - manufactured in Australia

Result: No local manufacturer located from this search

Database: Google
Search Terms Used: "Australian Manufacturer and Boom Gate Operators"

Result: No Local Manufacturer located from this search

As per extracted page #1 of this Google search, it can be seen that none of the references are relevant to the goods of this application.

Furthermore, the attached e-mail chain also supports the above.
In the above references we not could find any local manufacturer of such products.

The above confirms our opinion, and as such, we are lodging this application on the grounds that substitutable goods are not manufactured in Australia.

Dated: 22/3/2013
You searched for Boom Gate Operators.

Product Search

Looking for an Australian Made product or business?

- Boom Gate Operators

Search

Advanced Search

Key

Products and Licensees

No results with your search terms were found.

Your search did not match any documents.

Date of Search: 22/3/2013
KOMPASS

The Business to Business Search Engine

Use the search box:

Comparator: In:

Search by:

Australa

Search

- Advanced search
- Guided search

Company result list

The full text "Boom Gate Operators" could not be found in the Kompass products and services classification.

Search results for other criteria

Search for:

- Company name [0 results]
- Trade name [0 results]
- Executive name [0 results]

Search Date: 22/3/2013

There are no matches for your search.
"Australian Manufacturer and Boom Gate Operators" Search Advanced Search

Search: the web pages from Australia

No results found for "Australian Manufacturer and Boom Gate Operators". Results for Australian Manufacturer and Boom Gate Operators (without quotes):

Search Results

1. **Boom Gate Sydney - acccms.com.au**

   We Sell And Install Boom Gates And Window Automation, Sydney.

2. **Gate Openers - automationplus.com**

   www.automationplus.com/
   Biggest Range Automatic Gate Opener 12 Months Warranty Now Discounted
   Single Gate Openers from $625 - Double Gates Openers from $725

3. **Gate Openers - Automatic Gate Openers - BFT Australia**

   For Safe and Secure Door And Gate Opener Systems, Contract BFT Australia ... BFT is the world's leading manufacturer and supplier of automatic gate openers, slide and swing gate openers and boom gates. You will find the perfect solution ...

4. **Electric Gate Openers - BFT Australia**

   BFT is the world's leading manufacturer and supplier of electric gate openers, slide and swing gate openers and boom gates.

5. **Automated Electric Gates Australia, Electric Gates, Auto Gates**

   www.gds-australia.com/Cached
   Electric gates and automatic gates, quality Australian made gate openers. ... Gate Drive Systems Australia is an experienced manufacturer of durable automated ...

6. **Custom Built Door & Gate Operators - Industry Search Manufacturing**

   www.industrysuccess.com.au/Custom-Built...Gate-Operators/p/98934Cached
   Rotech is your Australian manufacturer for quality boom gates and turnstiles. With a large range of sliding gate motors and swing gate openers we can satisfy ...
7. ABA Automatic Gates - Suppliers of Swing, Sliding and Boom Gates...

High quality Electric Gate Operators, Boom Gates, Garage Doors and Access Controls. ABA Automatic ... Member of Security Providers Association of Australia...

8. Gate operators - Cylex Business Directory Australia

15+ items - Results for Gate operators; customer reviews, prices, contact ...
B&G GARAGE DOOR OPERATORS PTY ... SOUTH AUSTRALIA
THE GATE PLACE WESTERN AUSTRALIA


BFT Australia. The world’s leading manufacturer and supplier of automatic gate openers, slide and swing gate openers and boom gates. You will find the perfect ...

10. Boom Gates companies

80+ items - Swing Boom Gates · Automatic Boom Gates · Entrance Gates ...
Rotech is your Australian manufacturer for quality boom gates and turnstiles ...
military and general industrial sites. Our product range includes: Boom Gates ...

11. Rotech Group Pty Ltd - Infolink

Rotech is your Australian manufacturer for quality boom gates and turnstiles. With a large range of sliding gate motors and swing gate openers, Rotech can ...

1. Rotech Group Pty Ltd - Ferret

Rotech is your Australian manufacturer for quality boom gates and turnstiles. With a large range of sliding gate motors and swing gate openers Rotech can ...
From: 5.47F(1)
Sent: Friday, 22 February 2013 7:51 AM
To: 5.47F(1)
Cc: 
Subject: RE: Boom Gate Operators - TCO Action

Hi S,

All the companies you have mentioned do not manufacture in Australia.

The listed companies all appear to be using imported boom gates, either BFT, Ditek, Fadini. All these brands are manufactures OS and imported in.

Boom Gate Australia is a trading company known as Automatic Solutions. They purely import and re-sell products.
Retro Remotes only re-sell accessories on line that they source from manufacturers.
PTServices do not manufacture, they import and also sell our boom gates.
BFT is another Italian manufacturer.
ABA is the importer of Ditek products that are manufactured in Italy.

Regards
5.47F(1)

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email, please notify the author by replying to this email. If you are not the intended recipient
you must not use, disclose, distribute, copy, or print this email.

Please consider the environment before printing this e-mail.

From: 5.47F(1)
Sent: Wednesday, 20 February 2013 12:23 PM
To: 5.47F(1)
Cc: 
Subject: Boom Gate Operators - TCO Action

Good morning 22(1)(a)

Further to below, please find attached the result of our Google search; do you know
of these companies and do any of them manufacture in Australia?

Will give you a call to further discuss.

Regards,
5.47F(1)
APPLICATION FOR TARIFF CONCESSION ORDER (TCO)

IMPORTANT: Please read the information below carefully before completing this form.

Are you aware that substitutable goods are produced in Australia in the ordinary course of business?

(a) If you are aware, based on information and your inquiries that substitutable goods are being produced in Australia in the ordinary course of business then you should not lodge an application for a TCO.

Do you need to apply for new TCO?

(b) Before lodging this 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), which is available on the Internet at www.customs.gov.au.

Have you verified that there are no substitutable goods produced in Australia (refer to questions 5, 6 and 7 of the form)?

(c) 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.

Completing the application

(d) Section 269F of the Customs Act 1901 requires that a TCO application 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 269F(3) states that a TCO application must contain:
(a) a full description of the goods to which the application relates; and
(b) a statement of the tariff classification that, in the opinion of the applicant, applies to the goods; and
(c) if the applicant is not proposing to make use of the TCO to import the goods to which the application relates into Australia on the applicant's own behalf - the identity of the importer for whom the applicant is acting; and
(d) particulars of all inquiries made by the applicant (including inquiries made of prescribed organisations) to assist in establishing that there were reasonable grounds for believing that on the day on which the application was lodged, there were no producers in Australia of substitutable goods.

Question 1 to 8 must be answered

(f) Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).

(g) Customs and Border Protection may require an applicant to substantiate, with documentary evidence, any information provided in the application form. Customs and Border Protection may also undertake its own inquiries as allowed under section 269M.

(h) Receipt of your application will be acknowledged. Any resultant TCO will operate from the date of receipt.

(i) 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 Commonwealth of Australia Tariff Concessions Gazette (the Gazette).

(j) Further Information on the Tariff Concession System is available in Part XVA of the Customs Act 1901; in relevant Australian Customs Notices (ACNs), Practice Statements and related Instructions and Guidelines on the Internet at www.customs.gov.au; by e-mailing tarcon@customs.gov.au; or by phoning the Customs and Border Protection Information Centre 1300 363 263.

(k) Attached to this form are extracts from relevant legislation. Also please refer to Australian Customs Notice 2010/03 containing advice as to what Customs and Border Protection considers to be 'reasonable inquiries', advice on conducting searches on national and international search engines and a suggested format letter that you might choose to use when contacting potential local manufacturers to determine if it produces substitutable goods.
**APPLICANT DETAILS**

- **Applicant's Name:** 
  - FAAC Australia Pty Ltd
- **Australian Business Number (A.B.N.):** 
  - 90 110 896 065
- **Postal Address:** 
  - S.47F(1) [obscured]
- **Applicant's Reference:** 
  - FAAC 03/13
- **Company Contact:** 
  - S.47F(1)
- **Telephone Number:** 
  - S.47F(1) [obscured]
- **Position Held:** 
  - Manager
- **Mobile Telephone Number:** 
  - [obscured]
- **Facsimile Number:** 
  - [obscured]

If the applicant (as named above) does 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 296F(3)(c) of the Customs Act 1901).

**IMPORTER DETAILS**

- **If same as applicant write "as above"**
- **Importer's Name:** 
  - "As Above"
- **Australian Business Number (A.B.N.):** 
  - [obscured]
- **Postal Address:** 
  - [obscured]
- **Importer's Reference:** 
  - [obscured]
- **Company Contact:** 
  - [obscured]
- **Telephone Number:** 
  - [obscured]
- **Position Held:** 
  - [obscured]
- **Mobile Telephone Number:** 
  - [obscured]
- **Facsimile Number:** 
  - [obscured]

**AGENT/BROKER DETAILS (if applicable)**

- **Agent's Name:** 
  - S.47F(1) [obscured]
- **Postal Address:** 
  - P.O. Box 745, Mascot NSW 1460
- **Agent's Reference:** 
  - FAAC 03/13
- **Agency Contact:** 
  - S.47F(1)
- **Telephone Number:** 
  - S.47F(1) [obscured]
- **Position Held:** 
  - Managing Director
- **Mobile Telephone Number:** 
  - [obscured]
- **Facsimile Number:** 
  - [obscured]

Is this application intended to support an application for a concession under the Enhanced Project By-law Scheme?

- **[ ] YES**
- **[ ] NO**

Attachment "A" – TCO Wording

Application Reference "FAAC 03/13"

Proposed TCO Wording:

8428.90.00 **BOOM GATE OPERATORS**, electromechanical or hydraulic, including **NOT** less than ANY 3 of the following:
- (a) geared motors;
- (b) pre-drilled enclosures;
- (c) balancing springs;
- (d) control boards

Stated Use: For the automation of boom gates

Dated: 22/03/2015
1. DESCRIPTION OF GOODS

(a) The description of the goods in the application may be used as the description of the goods in the TCO (if made).

(b) The application must provide a full description of the goods, including the physical features of the various components of the goods. It must 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 relevant Practice Statements and/or Instructions and Guidelines on the internet at www.customs.gov.au. Failure to comply with Customs and Border Protection requirements may result in rejection of the application.

Describe the goods as you would propose the wording to appear if the Tariff Concession Order is granted.

BOOM GATE OPERATORS, electromechanical or hydraulic, including NOT less than: ANY 3 of the following:

Please refer: Attachment "A" - TCO Wording

2. ILLUSTRATIVE MATERIAL

Attach technical and illustrative descriptive material (IDM) as well as any extracts from the relevant industry standard (if referred to in the description of the goods) and/or a sample to enable full and accurate identification of the goods the subject of the application. This application will be rejected if insufficient or inadequate IDM is provided.

Please note that simply supplying a reference to a website is not acceptable.

3. TARIFF CLASSIFICATION

(a) Identify the tariff classification (to 8 figure subheading level) $428,90.00

(b) Identify the General Duty rate 5 %

(c) If a Tariff Advice for the goods has been sought or obtained, please provide the TA No or attach a copy.

4. USES OF THE IMPORTED GOODS

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

For the automation of boom gates
5. Information that the applicant and importer has regarding Australian manufacturers of substitutable goods or potentially substitutable goods.

The following questions require the applicant and the importer (if a different party to the applicant) to provide details of all information that they have with regard to the presence of Australian manufacturers of substitutable goods or potentially substitutable goods.

5A APPLICANT.

In considering the goods which are the subject of this TCO application, is the applicant aware of any Australian manufacturers or producers of substitutable goods, or of potentially substitutable goods?

☐ YES  ☑ NO  If YES, please provide the names of these Australian manufacturers or producers.

5B IMPORTER.

In considering the goods which are the subject of this TCO application, is the importer (as listed on page 2) aware of any Australian manufacturers or producers of substitutable goods or potentially substitutable goods?

☐ YES  ☑ NO  If YES, please provide the names of these Australian manufacturers or producers.

5C. Please provide details of other information that the applicant and/or importer may have to assist in locating any local manufacturers.

(i) Is the applicant and/or importer a member of a relevant industry association and, if so, what is the name of the association?

☐ YES  ☑ NO

If YES, what is the name of association/s:

(ii) Has the applicant and/or importer attended, in the past year, any trade fairs or industry events where Australian manufacturers and producers of goods that may be substitutable have been exhibitors?

☐ YES  ☑ NO

If YES, what is/are the name/s of relevant Australian manufacturers of potentially substitutable goods that may have exhibited?

(iii) In the past two years, has the applicant and/or importer participated in government and/or trade procurement processes (for example, tenders for made-to-order capital equipment) which might indicate the existence of Australian manufacturers or producers of goods that are substitutable, or potentially substitutable, for the goods that are the subject of this TCO application?

☐ YES  ☑ NO

If YES, describe each procurement process, and type of goods, including made-to-order capital goods, that were the subject of each procurement process and any Australian manufacturers or producers known to have participated in each procurement process?
6. INQUIRIES THAT THE APPLICANT AND/OR IMPORTER HAS MADE REGARDING LOCAL MANUFACTURERS OF SUBSTITUTABLE GOODS, OR OF POTENTIALLY SUBSTITUTABLE GOODS?

The following questions require you to provide details of all inquiries that the applicant and/or importer have made to assist the CEO in establishing that there are reasonable grounds for believing that, on the day on which the application was lodged, there were no producers or manufacturers in Australia of substitutable goods, or potentially substitutable goods.

6A. PRESCRIBED ORGANISATIONS - Prescribed organisations, such as the Industry Capability Network, are listed in Regulation 179A of Customs Regulations 1926.

Have you asked a prescribed organisation to obtain advice about whether there are manufacturers or producers in Australia of substitutable goods, or of potentially substitutable goods?

☐ YES Please attach a copy of the terms of the request and all advice received. If you have obtained a report from a prescribed organisation, you are not required to answer 6B.

☒ NO If you have not obtained a report from a prescribed organisation, you are required to answer 6B.

6B. SEARCHES OF THREE DIFFERENT DATABASES CONTAINED IN TRADE DIRECTORIES, PUBLIC SEARCH ENGINES OR WEBSITES LISTING AUSTRALIAN PRODUCTS

If you have not obtained a report from a prescribed organisation, you must make inquiries in at least three databases to locate the possible existence of Australian manufacturers or producers of goods that may be substitutable for the goods the subject of the TCO application. Examples of these databases may include trade directories such as Kompass, search engines such as Google, and websites listing Australian products such as www.australianmade.com.au. Please refer to ACN 2010003 for guidance as to what Customs and Border Protection considers to be a reasonable search.

1 - Name of database: Kompass

Search terms used in database: Please refer Attachment "B".

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

2 - Name of database: www.australianmade.com.au

Search terms used in database: Please refer Attachment "B".

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

3 - Name of database: Google

Search terms used in database: Please refer Attachment "B".

Please attach printouts of the search results. For search engines such as Google, please supply only the first three pages.

6C. INDUSTRY ASSOCIATIONS

Has the applicant and/or importer made inquiries of industry associations in Australia representing suppliers, manufacturers of the goods that may be substitutable to those the subject of the TCO?

☐ YES Please attach a copy of the terms of the request and any response received.

☒ NO Please explain why you have not made inquiries.

There is no such organisation available.
7. NOTIFICATION OF POTENTIAL AUSTRALIAN MANUFACTURES

If any of the answers to questions 5 or 6 identified any potential local manufacturers of substitutable goods, please provide details of the inquiries that you undertook to notify those local manufacturers of your application and to seek advice as to whether they believe they manufacture any substitutable goods. Please refer to Australian Customs Notice 2010/03 for a suggested format of a letter to a potential local manufacturer of substitutable goods.

Please provide a copy of your request to each business. Please provide the business names, details of the contact that you made and all responses received at the time of lodging this application.

1 - Name and address of business:
Please provide a copy of your request to each business. Is the copy attached? [ ] YES [ ] NO
Please provide a copy of the response provided, if any. Is their response attached? [ ] YES [ ] NO

2 - Name and address of business: N/A
Please provide a copy of your request to each business. Is the copy attached? [ ] YES [ ] NO
Please provide a copy of the response provided, if any. Is their response attached? [ ] YES [ ] NO

3 - Name and address of business: N/A
Please provide a copy of your request to each business. Is the copy attached? [ ] YES [ ] NO
Please provide a copy of the response provided, if any. Is their response attached? [ ] YES [ ] NO

4 - Name and address of business: N/A
Please provide a copy of your request to each business. Is the copy attached? [ ] YES [ ] NO
Please provide a copy of the response provided, if any. Is their response attached? [ ] YES [ ] NO

8. JUSTIFICATION FOR APPLICATION

Where potential Australian producers or manufacturers have been identified in questions 5, 6 or 7, please provide details as to why you believe that they do not produce substitutable goods in Australia in the ordinary course of business.

Please refer to the attached definitions for the legislative definitions of 'core criteria', 'substitutable goods', 'goods produced in Australia' and 'the ordinary course of business'.

Please refer Attachment "B"
APPLICANT'S DECLARATION

I. s.47F(1)

Company: (if applicable) s.47F(1)

declare that:

1. I have the authority to act on behalf of the company/applicant;

2. To the best of my knowledge and belief the information contained in this form including any attachments is correct;

3. I have ensured that questions 1 to 8 are completed and supporting documents are provided; and

4. 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 1999, this application will be taken to have been lodged when it is first received by an officer of Customs and Border Protection, or if by e-mail to tarcon@customs.gov.au when it is first accessed by an officer of Customs and Border Protection, as specified in Sub-Section 299F(4) of the Customs Act 1901.

5. I have read the relevant Australian Customs Notice headed Applicant's Obligations in Making a TCO application and the definitions attached to this form and understand my obligations under Section 269FA with regard to the making and processing of Tariff Concession Order applications.

6. I acknowledge that I understand that under Section 269M(6) of the Customs Act 1901 that at any time during the period of 150 days from the gazetted day, the CEO may, for the purpose of dealing with a TCO application, and despite section 16 of the Customs Act 1901, order, by or on behalf of the application to a prescribed organisation with a view to a statement or other representation in relation to the question whether there are any producers in Australia or the country of origin, in relation to the application.

Signature of Applicant/Agent/Broker: ____________________________ Date: 22 / 03 / 2013

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.

Before lodging your form please ensure that you have attached the following:

☑ Attached ID/M Samples?
☑ Attached Local Manufacturer search results?
☑ Application signed & dated?
☑ Questions 1-8 answered?
☑ All enquiries requested undertaken?

When this form has been completed please lodge it with Customs and Border Protection by:

• posting it by prepaid post to:
  Director
  Tariff Concession Section
  Trade Services Branch
  Australian Customs and
  Border Protection 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


Released by Department of Home Affairs under the Freedom of Information Act 1982
269B Interpretation

**substitutable goods**, in respect of goods the subject of a TCO application or of a TCO, 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 or of the TCO can be put.

(3) In determining whether goods produced in Australia are put, or are capable of being put, to a use corresponding to a use to which goods the subject of a TCO, or of an application for a TCO, can be put, it is irrelevant whether or not the first mentioned goods compete with the second mentioned goods in any market.

269C Interpretation - core criteria

For the purposes of this Part, a TCO application is taken to meet 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.

269D Interpretation - goods produced in Australia

(1) For the purposes of this Part, goods, other than unmanufactured raw products, are taken to be produced in Australia if:

(a) the goods are wholly or partly manufactured in Australia; and
(b) not less than \(\frac{1}{4}\) of the factory or works costs of the goods is represented by the sum of:
   (i) the value of Australian labour; and
   (ii) the value of Australian materials; and
   (iii) the factory overhead expenses incurred in Australia in respect of the goods.

(2) For the purposes of this Part, goods are to be taken to have been partly manufactured in Australia if at least one substantial process in the manufacture of the goods was carried out in Australia.

(3) Without limiting the meaning of the expression substantial process in the manufacture of the goods, any of the following operations or any combination of those operations does not constitute such a process:

(a) operations to preserve goods during transportation or storage;
(b) operations to improve the packing or labelling or marketable quality of goods;
(c) operations to prepare goods for shipment;
(d) simple assembly operations;
(e) operations to mix goods where the resulting product does not have different properties from those of the goods that have been mixed.

(4) For the purposes of this section, the CEO may, by instrument in writing published in the *Gazette*:

(a) direct that the factory or works costs of goods is to be determined in a specified manner; and
(b) direct that the value of Australian labour, the value of Australian materials or the factory overhead expenses incurred in Australia in respect of goods is to be determined in a specified manner.

and those directions have effect accordingly.

(5) The provisions of sections 48 (other than paragraphs (1)(a) and (b) and subsection (2), 48A, 48B, 49A and 50 of the Act's Interpretation Act 1901 apply in relation to directions given under subsection (4) as if:

(a) references in those provisions to regulations were references to directions; and
(b) references in those provisions to the repeal of a regulation were references to the revocation of a direction.
259E Interpretation - the ordinary course of business

(1) For the purposes of this Part, other than section 259Q, goods (other than made-to-order capital equipment) that are substitutable goods in relation to goods the subject of a TCO application are taken to be produced in Australia in the ordinary course of business if:
   (a) they have been produced in Australia in the 2 years before the application was lodged; or
   (b) they have been produced, and are held in stock, in Australia; or
   (c) they are produced in Australia on an intermittent basis and have been so produced in the 5 years before the application was lodged;
   and a producer in Australia is prepared to accept an order to supply them.

(2) For the purposes of this Part, goods that:
   (a) are substitutable goods in relation to goods the subject of a TCO application; and
   (b) are made to order capital equipment;
are taken to be produced in Australia in the ordinary course of business if:
   (c) a producer in Australia:
      (i) has made goods requiring the same labour skills, technology and design expertise as the substitutable goods in the 2 years before the application was lodged; and
      (ii) could produce the substitutable goods with existing facilities; and
   (d) the producer is prepared to accept an order to supply the substitutable goods.

(3) In this section:
made-to-order capital equipment means a particular item of capital equipment:
   (a) that is made in Australia on a one-off basis to meet a specific order rather than being the subject of regular or intermittent production; and
   (b) that is not produced in quantities indicative of a production run.