

IN CONFIDENCE



**Automatic Gate Motor Kits -
8428.90.00 - BFT Automation Australia**

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

Industry Schemes & Trade Measures - Tariff Concession
Orders - Applications

Related Files:

Sentence Applied

Please circle or note the appropriate Records Authority

AFDA / CRDA /

DISPOSAL CLASS

RETAIN

REVIEW

DESTROY

DATE
RANGE

See Reverse for Movement Instructions

(1) Folio No	(2) Referred to	(3) Date Moved	(4) Clearing Officers Initials
	ACT TCS P/A	22/3/12 03/03/12 29/4/14	22(1)(a)(ii)

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

Related Files:

Industry Schemes & Trade Measures - Tariff Concession Orders - Applications

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

**Automatic Gate Motor Kits -
8428.90.00 - BFT Automation Australia**

2011029727-01

Released by Department of Home Affairs
2011/1029727-01

**CUSTOMS TARIFF
SCHEDULE 3**

Section 16
Chapter 84/33

R.10

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

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.

★ ★ S Operative 1/1/07

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

TARIFF CONCESSION ORDER CHECK LIST

TCO NUMBER	1129727
-------------------	---------

ACTION	OFFICER	DATE
<u>LODGEMENT/REGISTRATION OF A TCO APPLICATION</u>		
INITIAL RECEIPT OF TCO APPLICATION	22(1)(a)(ii)	15/9/11
APPLICATION REGISTERED IN TARCON & ACKNOWLEDGEMENT LETTER SENT		
<u>SCREENING TCO APPLICATION</u>		
DESCRIPTION OF GOODS SUPPLIED		
SCHEDULE 3 CLASSIFICATION CLAIMED		
DETAILS OF LOCAL MANUFACTURER INQUIRIES SUPPLIED		
TCO APPLICATION SIGNED BY APPLICANT		
ILLUSTRATIVE DOCUMENTARY MATERIAL (IDM) OR SAMPLES SUPPLIED		
DATE ACCEPTANCE OR REJECTION LETTER SENT		
DATE TCO APPLICATION GAZETTED		
<u>OBJECTION TO APPLICATION</u>		
TCO OBJECTION LODGED AND OBJECTION RECEIVED LETTER SENT		
SEARCH FOR LOCAL MANUFACTURERS CONDUCTED BY CUSTOMS		
TCO APPLICANT NOTIFIED BY LETTER OF OBJECTIONS		
<u>AMENDING AN APPLICATION</u>		
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)		
<u>FINALISING A TCO APPLICATION</u>	22(1)(a)(ii)	
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)		
<u>REVOCATION OF TCOs</u>		
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		
<u>LEGISLATIVE INSTRUMENTS</u>		
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		

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

RETAIN AS TOP FOLIO ON FILE

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

TCO Number **1129727**

Date Checked
21-Nov-11

Application Acceptance			DECISION	
Date Application Lodged	+ 24 Days Class Rev to return file	+28 Days Deemed Accepted 269H(2)	Enter Date of Decision to Accept Application	Days to Process
01-Sep-11	25-Sep-11	29-Sep-11	20-Sep-11	19
Days Remaining	-53			

TCO Processing				DECISION		
Gazettal Date Below 269K(1)	+ 50 Days Objection Deadline 269K(1)(c)	+64 Days Advise Applicant Re Obj 269L(1)	+ 150 Days Deemed Refused 269P(2)	Enter Decision Date	Enter Gazettal Date of Decision 269R(1)(b)	Days to Process
28-Sep-11	17-Nov-11	01-Dec-11	25-Feb-12	21-Nov-11	23-Nov-11	54
Days Remaining	-4	10	96			

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

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

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


FRLI

Federal Register of Legislative Instruments

R20120203L029

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? 1

Contact details in relation to this lodgment:

First Name:

Last Name:

22(1)(a)(ii)

Phone Number:

Fax Number:

22(1)(a)(ii)

22(1)(a)(ii)

Email

22(1)(a)(ii)

Agency

Customs

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.



Australian Government
Australian Customs and
Border Protection Service

36

Reply to the Chief Executive Officer

Quote: TC 1129727
Your Ref: Virgo

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

21 November 2011

s. 47F(1)

Dear s. 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.

22(1)(a)(ii)

Delegate of the Chief Executive Officer

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>8428.90.00 GATE AUTOMATION KITS, including NOT less than ANY 3 of the following:</p> <ul style="list-style-type: none"> (a) geared motors; (b) transmitters; (c) rolling code receivers; (d) control boards <p>Op. 01.09.11 Dec. date 21.11.11 - TC 1129727</p>	<p>50</p>

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



Australian Government
Australian Customs and
Border Protection Service

33

Reply to the Chief Executive Officer

Quote: TC 1129727

Your Ref:

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

20 September 2011

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)(ii)
for National Manager
Trade Services

Description of Goods including the
com. Tariff Classification

Schedule 4 Item Number

8428.90.00 GATE AUTOMATION KITS, including not less than ANY 3 of the
following:

50

- (a) geared motors;
- (b) transmitters;
- (c) rolling code receivers;
- (d) control boards

Op. 01.09.11

- TC 1129727

Stated Use:

For automation of gates

Applicant:

BFT AUTOMATION AUSTRALIA PTY LTD

31

22(1)(a)(ii)

From: s. 47F(1)

Sent: Tuesday, 20 September 2011 1:04 PM

To: 22(1)(a)(ii)

Cc: s. 47F(1)

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(1)

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.

From: 22(1)(a)(ii)

Sent: Tuesday, 20 September 2011 12:24 PM

To: s. 47F(1)

Subject: Amended wording - TCO 1129727 - Automatic gate motor kits [SEC=UNCLASSIFIED]

Importance: High

Good Afternoon s.

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)(ii)

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.

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

29

22(1)(a)(ii)

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

Importance: High

Security Classification: UNCLASSIFIED

Good Afternoon s. 47F(1)

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,

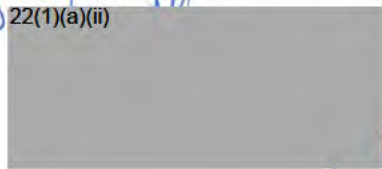
22(1)(a)(ii)

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

Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number
8428.00.00	<p>GATE AUTOMATION KITS, including not less than ANY 3 of the following:</p> <ul style="list-style-type: none"> (a) geared motors; (b) transmitters; (c) rolling code receivers; (d) control boards <p>Op. 01.09.11 - TC 1129727</p> <p>Stated Use: For automation of gates</p> <p>Applicant: BFT AUTOMATION AUSTRALIA PTY LTD</p>	50

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

Agreed, yes!





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



Australian Government

Australian Customs and
Border Protection Service

(27)

64777

TAPIN

Tariff Advice Application Number 20144100

Terms of TC 0839279 covers motors

Lodgement Details:

Lodge Date 31 May 2011

Sample Provided NO

Illustrative Descriptive Material YES

Additional Info Requested NO

Requested On

Additional Info Received

Received On

Acquittal Details:

Acquit Date 1 Jul 2011

Given Tariff Classification 8428 . 90 . 00

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 ir6 tosh not specified in the previous sub-headings

TCO ELIGIBILITY OR OTHERWISE AND REASONS WHY:

No TCos applicable for these goods

Continued...

Released by Department of Home Affairs
Under the Freedom of Information Act 1982

Requested By 22(1)(a)(ii)



Australian Government

Australian Customs and
Border Protection Service

26

TAPIN

Tariff Advice Application Number 20144100

Decision Officer Name 22(1)(a)(ii)

Decision Officer Phone

Registry File Number

Multiple Classification NO

Rejection Reason

Void Details:

Void Reason

Void Date

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

Requested By 22(1)(a)(ii)

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

8428.90.00 MOTOR KITS, automatic gate, including not less than ANY 3 of the
following:

50

- (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:

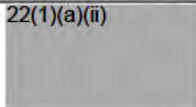
BFT AUTOMATION AUSTRALIA PTY LTD

Notes

TCOs existing	YES	NO
Tariff Advice	YES	NO F27-28
Q5	F6	
LM Research	F 11-16	
IDM	F 17-18	

Please check words and use

22(1)(a)(ii)



16/9/11

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
- s. 47F(1) [REDACTED]

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)(ii) [REDACTED]

15/09//11



Australian Government
Australian Customs and
Border Protection Service

23

Reply to the Chief Executive Officer

Quote: TC 1129727

Your Ref:

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

15 September 2011

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,
22(1)(a)(ii)

for National Manager
Trade Services

72

22(1)(a)(ii)

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 **1129727**.

An acknowledgement letter will follow shortly.

Many thanks,

22(1)(a)(ii)

Senior Customs Officer

Tariff Concessions | Trade Services

Australian Customs and Border Protection Service

22(1)(a)(ii)

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)(ii)

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.

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

1/09/2011

(21)

s. 47F(1)

s. 47F(1)

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 SEP '11 13:48

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.

s. 47F(1)

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

s. 47F(1)

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

s. 47F(1)

s. 47F(1)

VIRGO

ELECTROMECHANICAL OPERATOR FOR SWING GATES

(2 motors & 1 remote)



Opens the future



CODE	DESCRIPTION	VOLTAGE	LEAF WEIGHT	LEAF LENGTH
R930130 00002	VIRGO KIT	24 V	up to 2000 N (~200 kg)	up to 2 m
P930116 00002	VIRGO	24 V	up to 2000 N (~200 kg)	up to 2 m
P930117 00002	VIRGO SQ	24 V	up to 2000 N (~200 kg)	up to 2 m

• 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 antisquashing system, the operator inverts motion and prevents damage to people and property in the event of contact (BT).

• 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.

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

3



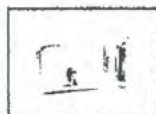
RESIDENTIAL USE

ACCESSORIES



P125008 - VIRGO BAT

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



D121017 - EC8 SX

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



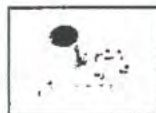
D111761 - ME BT

24 Vac electric lock board for BT operators.



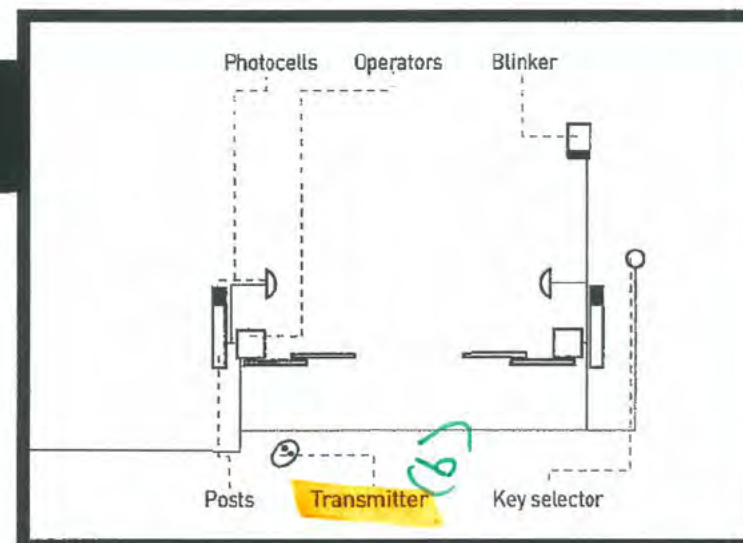
N574005 - SIBOX

Empty safe for external release and control push-button panel.
Dimensions: 179.5x122x92 mm.

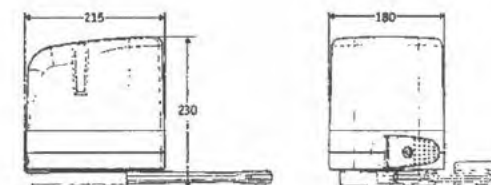


N733036 - M0X

External release mechanism for SIBOX model.



DIMENSIONS



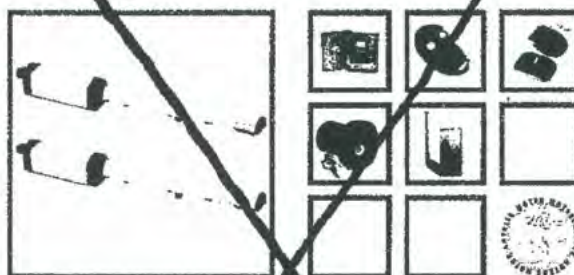
PHOBOS N BT COMPLETE KIT - R935247 00002



The PHOBOS N BT KIT is used to automate swing gates with leaf length up to 1.80 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

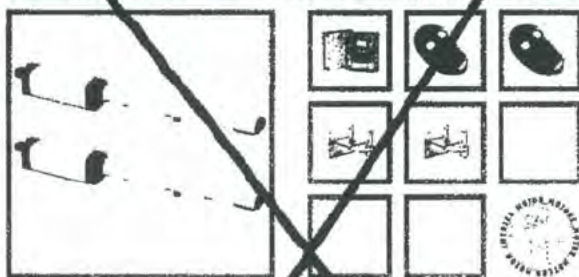
PHOBOS NL BT COMPLETE KIT - R935254 00005



The PHOBOS NL BT 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
- 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

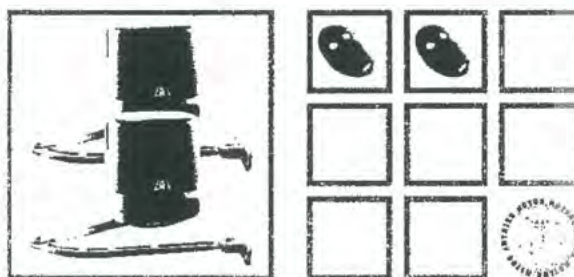
PHOBOS NL BT DOUBLE KIT - R935255 00034 PHOBOS NL BT SINGLE KIT - R935005 70001



The PHOBOS NL BT 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 L adjustable back fixing bracket for easy installation
- Also available as single kit (with one PHOBOS NL BT operator only)

VIRGO KIT - R930130 00003



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

Database: <http://www.australianmade.com.au/australianmade>

Search Terms Used: "Automatic Gate Motor Kits" - manufactured in Australia

Result: No results found

12

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.

s. 47F(1)

S

Dated: 01/09/2011

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

KOMPASS

The Business to Business Search Engine

Automatic Gate Motor Kits In:

Products & Services Australia

- Search
- [Advanced search](#)
 - [Guided search](#)

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.

<http://www.australianmade.com.au/australianmade>



Consumer Site

Business Site
Resource Centre

Search Results

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 M

Search

[Advanced Search](#)

Key

Products and Licensees

No Results Found



"Australian Manufacturer and Automatic Gate Motor Kits" Search Advanced Search

Search: the web pages from Australia

No results found for your exact wording or phrase search - "Australian Manufacturer and Automatic Gate Motor Kits".

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
www.fencingmanufacturers.com.au

Starting From \$350. Slide, Swing, Bi-Folds & More. View Online Today!

2. Remote Control Gates | raclo.com.au
www.raclo.com.au

Supplier, Installation & Servicing of Automatic Gates & Accessories.

3. Automatic Gate Kits | automotionplus.com
www.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 4metres 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 ...
www.gateforce.com.au/gate_openers - Cached
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**. \$1290. ...

3. Caboolture Fencing and Gates
www.hotfrog.com.au/Companies/Caboolture-Fencing-and-Gates - Cached
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 ...

- o • Boswen Pty.Ltd - 03 9555 2112 - Clayton South, VIC - fence are our expertise ...
- o • **Aussie Auto Gates Pty Ltd** - 1800 778 887 - Perth, WA - **Aussie Auto Gates** is a ...
- o • 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 ...

www.automatic-gates.com.au/ - Cached

Melbourne **Automatic gates**: BFT **Automatic gate** openers: **Electric gate** and access control for 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

www.fapm.com.au/ - Cached

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

www.autogatesandfencing.com.au/ - Cached

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

www.elvoxaustralia.com.au/elvox-automation.html - Cached

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

en.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**



Australian Government
Australian Customs and
Border Protection Service

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.

* Rec 1. Sept 2011.

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

APPLICANT DETAILS

Applicant's Name: BFT AUTOMATION AUSTRALIA PTY LTD		Australian Business Number (A.B.N): 77 125 405 030
Postal Address: s. 47F(1) 4 7		
Applicant's Reference:	s. 47F(1)	Company Contact: s. 47F(1)
Telephone Number:		Position Held: Managing Director
Mobile Telephone Number:		Email Address: s. 47F(1)
Facsimile Number:		

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):
Postal Address:		
Importer's Reference:	Company Contact:	
Telephone Number:	Position Held:	
Mobile Telephone Number:	Email Address:	
Facsimile Number:		

AGENT/BROKER DETAILS (if applicable)

Agent's Name: s. 47F(1)		Australian Business Number (A.B.N):
Postal Address: P.O. Box 745, Mascot NSW 1460		
Agent's Reference: s. 47F(1)	Agency Contact: Garry Allen	
Telephone Number: s. 47F(1)	Position Held: Managing Director	
Mobile Telephone Number: s. 47F(1)	Email Address: s. 47F(1)	
Facsimile Number: s. 47F(1)		

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

☐ YES ☒ NO

8

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.

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)
- (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.

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

s. 47F(1)

Signature

Date

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 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 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: 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

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'.

N/A

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

APPLICANT'S DECLARATION

I, **s. 47F(1)**

Position Held **Managing Director**

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 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 that under Section 269M(6) of the *Customs Act 1901* that at any time during the period of 150 days from the gazettal day, the CEO may, for the purpose of dealing with a TCO application, and despite section 16 of the Customs Administration Act 1982, of a part, of the application to a prescribed organisation with a view to obtaining information in relation to the question whether there are any producers in Australia of substances of a kind to which the application relates.

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**

FOR OFFICE USE ONLY AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE STAFF

269(H) Screening the Application

- Is the CEO satisfied that the application complies with Section 269F? ☐ YES ☐ NO
- Is the CEO satisfied that the applicant has discharged all responsibilities referred to in section 269FA? ☐ YES ☐ NO
- Is the CEO aware of any producer in Australia of substitutable goods? ☐ YES ☐ NO
- Are the goods on the Excluded Goods Schedule (Regulation 185)? ☐ YES ☐ NO
- Does a TCO already exist for these goods? ☐ YES ☐ NO

Information for applicants - some useful definitions from the Customs Act 1901

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 cost 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 *Acts 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.

269E Interpretation - the ordinary course of business

- (1) For the purposes of this Part, other than section 269Q, 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.

2013 01037601

RETAIN AS TOP FOLIO ON FILE

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

TCO Number **1310376**

Date Checked
12-Jun-13

			DECISION	
Date Application Lodged	+ 24 Days Class Rev to return file	+28 Days Deemed Accepted 269H(2)	Enter Date of Decision to Accept Application	
25-Mar-13	18-Apr-13	22-Apr-13	10-Apr-13	
Days Remaining	-51			

				DECISION		
Gazettal Date Below 269K(1)	+ 50 Days Objection Deadline 269K(1)(c)	+64 Days Advise Applicant Re Obj 269L(1)	+ 150 Days Deemed Refused 269P(2)	Enter Decision Date	Enter Gazettal Date of Decision 269R(1)(b)	
17-Apr-13	6-Jun-13	20-Jun-13	14-Sep-13	12-Jun-13	19-Jun-13	
Days Remaining	-6	8	94			

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

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

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

**CUSTOMS TARIFF
SCHEDULE 3**

Section 16
Chapter 84/33

R.11

Reference Number	Statistical Code/Unit	Goods	Rate #
8427.20.00		- Other self-propelled trucks	5%
		<i>Fork-lift trucks, having at a 600 mm load centre, a lifting capacity of:</i>	
	01 No	<i>.Less than 1 500 kg</i>	
	02 No	<i>.1 500 kg and over but less than 2 000 kg</i>	
	03 No	<i>.2 000 kg and over but less than 3 000 kg</i>	
	04 No	<i>.3 000 kg and over but less than 4 000 kg</i>	
	05 No	<i>.4 000 kg and over but less than 5 000 kg</i>	
	06 No	<i>.5 000 kg and over but less than 6 000 kg</i>	
	07 No	<i>.6 000 kg and over</i>	
	08 No	<i>Other</i>	
★★ 8427.90.00	32 No	- Other trucks	5%
8428		OTHER LIFTING, HANDLING, LOADING OR UNLOADING MACHINERY (FOR EXAMPLE, LIFTS, ESCALATORS, CONVEYORS, TELEFERICS):	
8428.10.00	11 No	- Lifts and skip hoists	5%
8428.20.00	12 No	- Pneumatic elevators and conveyors	5%
8428.3		- Other continuous-action elevators and conveyors, for goods or materials:	
8428.31.00	13 No	- - Specially designed for underground use	5%
8428.32.00	14 No	- - Other, bucket type	5%
8428.33.00	15 No	- - Other, belt type	5%
8428.39.00	40 No	- - Other	5%
8428.40.00	17 No	- Escalators and moving walkways	5%
8428.60.00	19 No	- Teleferics, chair-lifts, ski-draglines; traction mechanisms for funiculars	5%
★★ 8428.90.00	46 No	- Other machinery	5%

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.

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



Australian Government
Australian Customs and
Border Protection Service

50

Reply to the Chief Executive Officer

Quote: TC 1310376

Your Ref:

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

12 June 2013

s. 47F(1)

Dear s. 47F(1)

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.

22(1)(a)(ii)

Delegate of the Chief Executive Officer

49

Description of the Particular goods including the applicable subheading of the Customs Tariff	Schedule 4 Item Last day of effect
<p>8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a combination of NOT less than ANY 3 of the following:</p> <ul style="list-style-type: none"> (a) geared motors; (b) pre-drilled enclosures; (c) balancing springs; (d) control boards <p>Op. 25.03.13 Dec. date 12.06.13 - TC 1310376</p>	50

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

48

TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, 22(1)(a)(ii) a delegate of the Chief Executive Officer declare that the goods specified in Column 1 of THE TABLE are goods to which the item in Part III of Schedule 4 to the Customs Tariff Act 1995 specified in Column 2 of THE TABLE applies. This Order shall have effect from 25.03.13 and continue in force until revoked under sections 269SC or 269SD of the Act, or the date, if any, specified in Column 2.

THE TABLE

COLUMN 1		COLUMN 2
Description of Goods including the Customs Tariff Classification		Schedule 4 Item Number Last date of effect
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	50 - TC 1310376

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

Dated 12 June 2013

.....
Delegate of the Chief Executive Officer

22(1)(a)(ii)

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



Australian Government

**Australian Customs and
Border Protection Service**

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)(a)(ii)

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)(ii)

Customs Supervisor
Trade Services

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a
combination of NOT less than ANY 3 of the following:

50

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

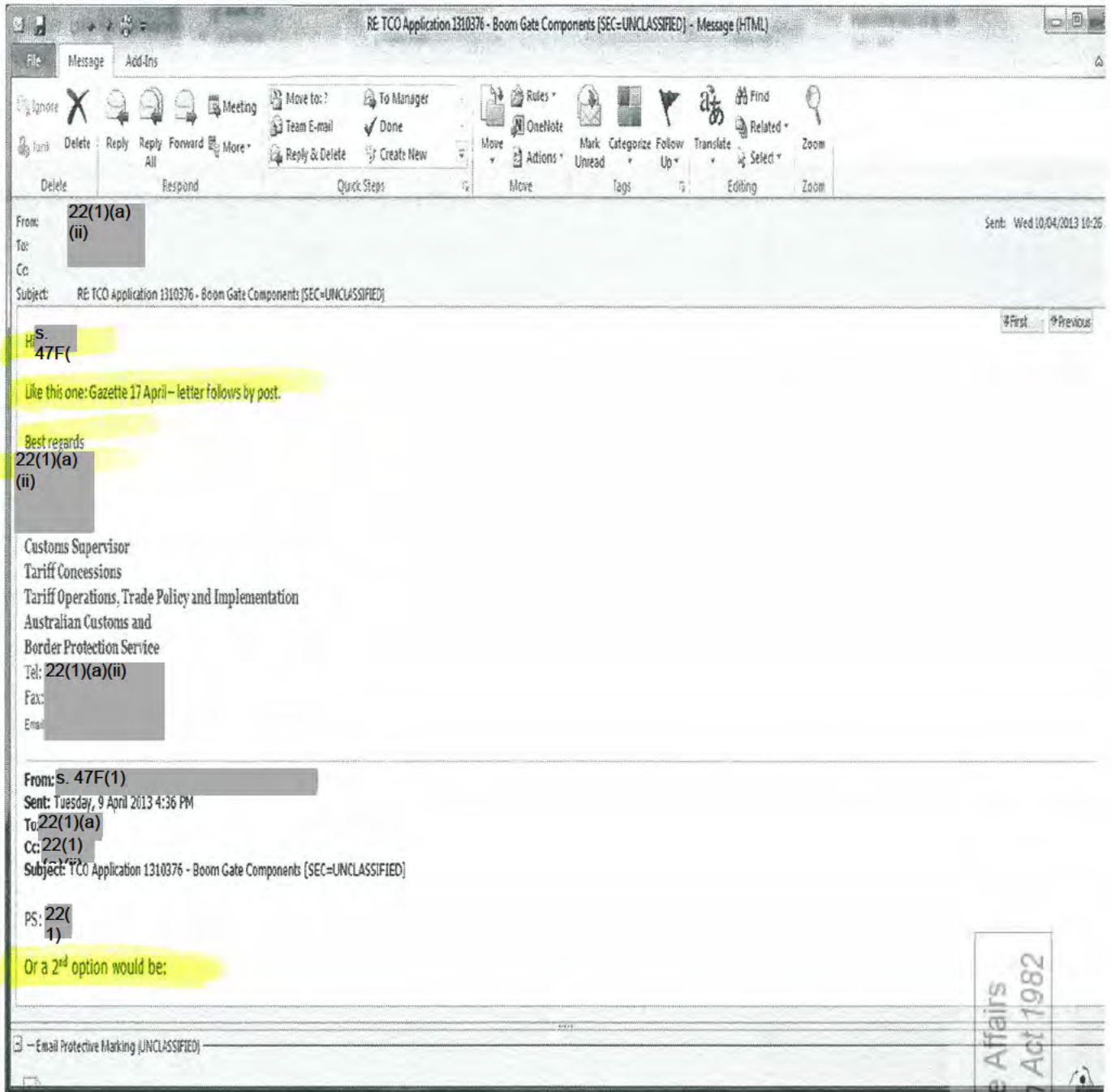
Op. 25.03.13

- TC 1310376

Stated Use:

Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD



Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

8428.90.00 COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, being a
combination of NOT less than ANY 3 of the following:

50

- (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

OK
22(1)(a)(ii)

10/4/13

22(1)(a)(ii)

From: s. 47F(1)
Sent: Tuesday, 9 April 2013 4:36 PM
To: 22(1)(a)(ii)
Cc: 22(1)(a)(ii)
Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]

PS: 22(1)(a)(ii)

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,

s. 47F(1)

From: s. 47F(1)
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)(a)(ii)

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

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

Applicant: FAAC AUSTRALIA PTY LTD

50

Regards,

s. 47F(1)

From: 22(1)(a)(ii)

Sent: Tuesday, 9 April 2013 4:10 PM

To: s. 47F(1)

Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]

Importance: High

Hello s. 47F(1)

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

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

Applicant: FAAC AUSTRALIA PTY LTD

50

Thanks s. 47F(1) and best regards.

22(1)(a)(ii)

**Customs Supervisor
Tariff Concessions
Tariff Operations, Trade Policy and Implementation
Australian Customs and
Border Protection Service**

Tel: 22(1)(a)(ii)

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.

The content of this email is intended only for use by the individual or entity to whom it is addressed.

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.

Released by Department of Home Affairs
under the Freedom of Information Act 1962

22(1)(a)(ii)

From: s. 47F(1)
 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)(a)(ii),

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,
 s. 47F(1)

From: 22(1)(a)(ii)
 Sent: Tuesday, 9 April 2013 4:10 PM
 To: s. 47F(1)
 Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]
 Importance: High

Hello s. 47F(1)

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

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

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

Applicant: FAAC AUSTRALIA PTY LTD

50

Thanks s. [REDACTED], and best regards.

22(1)(a)(ii)
[REDACTED]

**Customs Supervisor
Tariff Concessions
Tariff Operations, Trade Policy and Implementation
Australian Customs and
Border Protection Service**

Tel: 22(1)(a)(ii)
[REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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.

The content of this email is intended only for use by the individual or entity to whom it is addressed.

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.

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

22(1)(a)(ii)

From: 22(1)(a)(ii)
Sent: Tuesday, 9 April 2013 4:10 PM
To: s. 47F(1)
Subject: TCO Application 1310376 - Boom Gate Components [SEC=UNCLASSIFIED]
Importance: High

Hello S. 22(1)(a)(ii)
47F(1)

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

Would you please consider and get back to me?

ption of Goods including the
s Tariff Classification

Schedule 4 Item Number

0. COMPONENTS, ELECTROMECHANICAL OR HYDRAULIC BOOM GATE, including 50
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 S. 22(1)(a)(ii)
47F(1), and best regards.

22(1)(a)(ii)

Customs Supervisor
Tariff Concessions
Tariff Operations, Trade Policy and Implementation
Australian Customs and
Border Protection Service

Tel: 22(1)(a)(ii)

Fax:

Email:

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

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

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

50

- TC 1310376

Stated Use:
Components for automated boom gates

Applicant: FAAC AUSTRALIA PTY LTD

22(1)(a)(ii)

9/4/13

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

Possible
new
working?



Australian Government
Australian Customs and
Border Protection Service

Trade Services

All Sites

 Advanced Search

Trade Services > TCO > Boom Gate Operators

TCO: Boom Gate Operators

New Item Edit Item Delete Item Alert Me Version History	
TCO Number	TC13/10376
Title	Boom Gate Operators
Centre	North
OP Date	25/03/2013
28 Day Due Date	22/04/2013
Date Sent	25/03/2013
Date Due	2/04/2013
Applicant	FAAC Australia
Broker/Agent	S. 47F(1)
Goods	Boom Gate Operators
Claimed Classification	8428.90.00
Tariff Screening Officer	
IDM Rejection	
Open TA	
Are the Goods Classifiable	yes
Comments	
Does Wording Reflect Tariff Class	yes
Tariff Classification	8428.90.00
Is TCO Restricted by Reg. 185 (EGS)	No
Comments	
General Duty Rate	5%
Identification of Goods	Boom gate operators including the beams or barriers. A device used to control pedestrians and vehicles access in restricted areas. A control panel or access card allows for the raising and lowering of the beam or boom gate.
Tariff Advice No(s)	20069100
Headings Considered	8428 & 8430
Comments and Chapter Notes	<p>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.</p> <p>Section XVI Note 4 applies with the clearly defined function covered by the terms of 8428 as lifting and handling equipment, IR1 TOH.</p> <p>8428.90.00: Other machinery, IR6 TOSH.</p>
Query Date	
Tariff Officer	22(1)(a)(ii)
Finalisation Date	28/03/2013
Version Updates	<p>22(1)(a)(ii) 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</p>
Application	Accepted
Attachments	Application for TCO our reference FAAC 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)(ii)
Last modified at 2/04/2013 12:49 P

Class
Strange
comment

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

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 – s. 47F(1)

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)(ii)

02 April 2013

Description of Goods including the
Customs Tariff Classification

Schedule 4 Item Number

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 ✓

50

- TC 1310376

Stated Use:

For the automation of boom gates

Applicant: FAAC AUSTRALIA PTY LTD

Notes

TCOs existing		NO
Tariff Advice		NO
Q5&6	F 5-6	
LM Searches	F 11-17	
IDM	F 18-31	

Please check words and use



Australian Government

Australian Customs and
Border Protection Service

36

Reply to the Chief Executive Officer

Quote: TC 1310376

Your Ref:

Australian Customs and
Border Protection Service
Customs House
5 Constitution Avenue
CANBERRA ACT 2601
Ph: 22(1)(a)(ii)
Fax: [REDACTED]
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:	BOOM GATE OPERATORS
Applicant ABN/CAC	90110896065/001

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

Senior Customs Officer
Tariff Operations

22(1)(a)(ii)

From: 22(1)(a)(ii)
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 s. 47F(1)

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)(ii)

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)

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

22(1)(a)(iii)

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
Attachments: Application for TCO, FAAC 03 13.pdf; Zip Docs File.zip
Categories: Aeration

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)

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.

13/10376

25 MAR '13 12:50

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

s. 47F(1)

s. 47F(1)

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.

s. 47F(1)

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

FAAC

for beams up to 5 m



■ New pocket



■ Self-supporting barrier body



■ 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-tested 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.

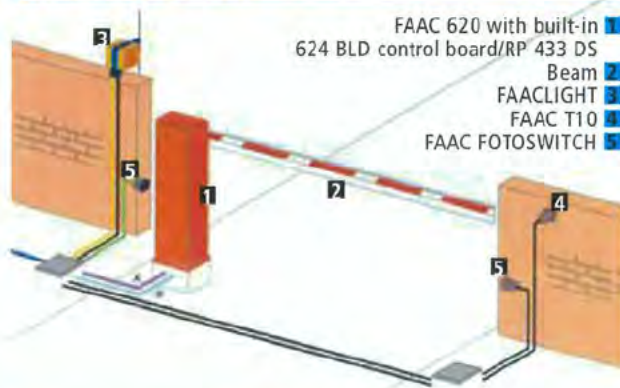


■ 624 BLD Control unit

SPECIFICATIONS

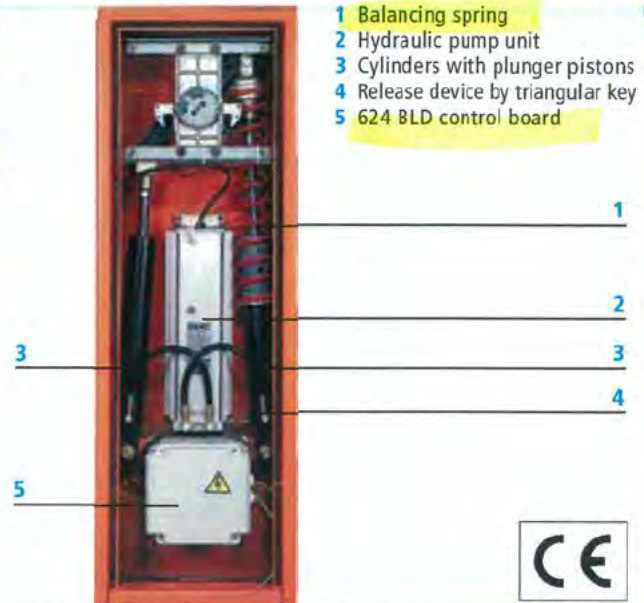
Automatic barrier for beams up to 5 m • Use frequency 70% • Opening/closing time 3.5s (3 m) 4.5s (5m) • Actuating system consisting of hydraulic pump unit, plunger pistons, equaliser and transmission shaft • Balancing by compression spring • Internal stops adjustable for open or closed beam positions • 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%) - 50/60 Hz • Electric motor power 220 W • Thermal protection at 120°C built into motor winding • Operating ambient temperature -20°C ÷ +55°C • Single-phase motor with two rotation directions (1.400 rpm) • Hydraulic gerotor pump (max low noise) • Pump flow rate 0.75 l/m • Die-cast distribution flange • Separate control of opening and closing force by by-pass valves • Tank in anodised aluminium • Mineral 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



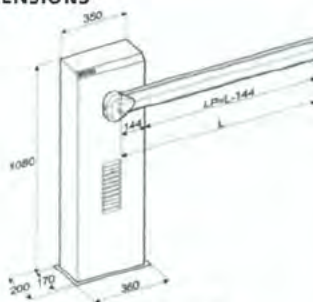
Low voltage cabling	Power cabling (230V)
A { 3 cables 3x0,5 1 cable 2x0,5	B { 1 cable 2x1,5+T 1 cable 2x1,5

N.B: Cable diameters in mm²

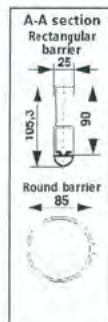


Model	Use			Control board
	Beam max. length (m)	Opening time (s)	Use frequency (W)	
620 STANDARD LH/RH	5,00	3,5 (3m) 4,5 (4m)	70	624 BLD built-in
620 STD ART. LH/RH	4,00 (articulated)	3,5 (3m) 4,5 (4m)	70	624 BLD built-in

DIMENSIONS



L = Beam length
LP = Transit space length



Values in mm

Technical characteristics	620 STANDARD LH/RH
Power supply	230 Vac (+6% -10%) 50 (60) Hz
Electric motor	single-phase, bi-directional
Absorbed power	220 W
Absorbed current	1A
Motor rotation speed	1.400 rpm
Pump flow rate	0.75/1 l/min.
Thermal protection on motor winding	120°C
Effective torque	0÷200/0÷150 Nm
Electronic deceleration	Adjustable with cams
Operating ambient temperature	-20°C ÷ +55°C
Weight	73 kg
Type of oil	FAAC HP oil
Barrier body treatment	Cataphoresis
Paint	RAL 2004 polyester
Protection class	IP 44
Type of beam	Rectangular standard - rectangular standard with skirt - articulated standard - round - round pivoting

Technical characteristics of 624 BLD control unit

Power supply voltage	230 Vac(+6%-10%)-50 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
Function logics	Automatic, Automatic 1, Semiautomatic, Parking, Parkingautomatic, Condo, Condoautomatic, FAAC-CITY, Dead-man, Remote, Custom
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	Loop1, Loop2, Open, Close, Closing safety devices, Stop, Emergency, Power supply 230 Vac + Earth
Connector inputs	Opening and closing limit-switch, Detector, Motor capacitor, Rod detachment sensor
Terminal board outputs	Flashing light, Fan, Motor, Power supply 24 Vdc, Fail-safe, Status output, Indicator light 24 Vdc, BUS
Rapid connector	5-pin Minidec board coupling, Decoder, Receiver RP/PR2
Programming	No. 3 keys (+, -, F) and display
Programmable functions	Logics, Pause time, Power, Loop1 and 2, Thrust torque, Pre/flash, Slow closure, Deceleration time, Work time, Indicator light output, Fail-safe output, Status output, BUS output, Assistance request

FAAC

FAAC S.p.A. via Benini, 1
40069 Zola Predosa - Bologna (Italy)
Tel. +39 051 61724 - Fax +39 051 758518
www.faacgroup.com



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

908257004 - Rev. 12 - Zucchi - 2.000 - 10/2006 - The descriptions and illustrations contained in the present brochure are not binding.
FAAC reserve the right to undertake product technical modifications without prior notice.

640

FAAC

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 niplay, 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.



Beam

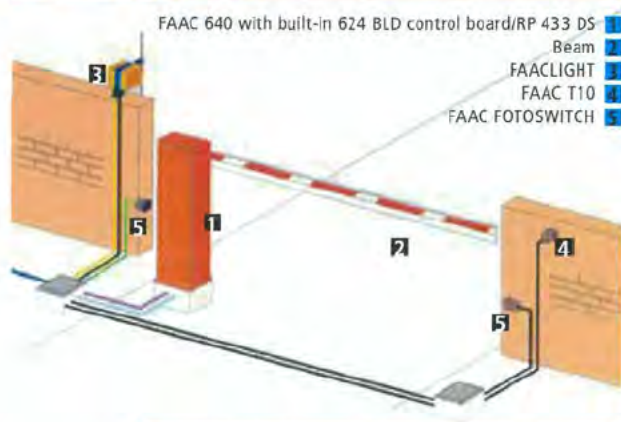
■ Self-supporting barrier body

SPECIFICATIONS

Automatic barrier for beams up to 7 m • Use frequency 100% • Opening/closing time from 4 to 8 s • Activation system comprising 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 230x390x1080 mm (LxWxH) • Protection class IP 44 • Release device accessible from the outside by triangular or customised key (optional) • Hydraulic pump unit with hydraulic locking at opening and closing • Electric motor power supply 230 Vac (+6% -10%) - 50 (60) Hz • Electric motor power 220 W • Thermal protection at 120°C built into motor winding • Operating ambient temperature -20°C + 45°C • Single-phase motor with two rotation directions (1,400 rpm) • Hydraulic gerotor pump (max low noise) • Pump flow rate 0.75-1-1.5 l/min • Die-cast distribution flange • Separate control of opening and closing force by by-pass valves • Tank in anodised aluminium • Mineral hydraulic oil with additives • Travel-limit deceleration • Adjustable deceleration angle by cams • Automatically activated cooling ventilation • Designed to accommodate rectangular, rectangular with skirt beams • Built-in electronic control equipment



INSTALLATION LAYOUT



FAAC 640 with built-in 624 BLD control board/RP 433 DS
 Beam
 FAACLIGHT
 FAAC T10
 FAAC FOTOSWITCH

Low voltage cabling	Power cabling (230V)
(A) nr.3 cables 3x0,5 nr.1 cable 2x0,5	(B) nr.1 cable 2x1,5+T nr.1 cable 2x1,5

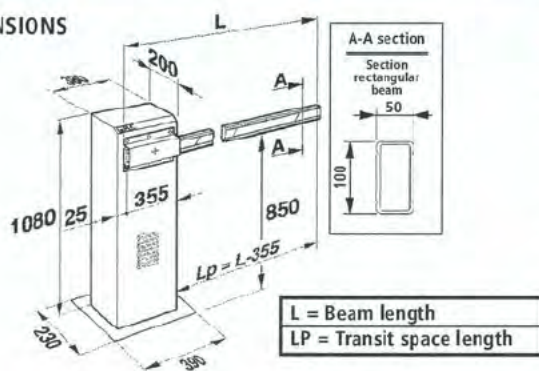
N.B: Cable diameters in mm²



- 1 Balancing spring
- 2 Hydraulic pump unit
- 3 Cylinders with plunger pistons
- 4 Release device by triangular key
- 5 624 BLD control board

Model	Use			Control board
	Beam max. length (m)	Opening time (s)	Use frequency (cycles/hour)	
640 LH/RH	7,00	4 (5m)	100	624 BLD built-in

DIMENSIONS



L = Beam length
 LP = Transit space length

Values in mm

Technical characteristics	640
Power supply	230 Vac (+6% -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 - 1,5 - 2 l/min.
Thermal protection on motor winding	120°C
Effective torque	0÷470 / 0÷340 / 0÷250 / 0÷210 Nm
Electronic deceleration	Adjustable with cams
Operating ambient temperature	-20°C ÷ +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

Technical characteristics of 624 BLD control unit

Power supply voltage	230 Vac(+6%-10%)-50 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
Function logics	Automatic, Automatic 1, Semi-automatic, Parking, Parkingautomatic, Condo, Condoautomatic, FAAC-CITY, Dead-man, Remote, Custom
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	Loop1, Loop2, Open, Close, Closing safety devices, Stop, Emergency, Power supply 230 Vac + Earth
Connector inputs	Opening and closing limit-switch, Detector, Motor capacitor, Rod detachment sensor
Terminal board outputs	Flashing light, Fan, Motor, Power supply 24 Vdc, Fail-safe, Status output, Indicator light 24 Vdc, BUS
Rapid connector	5-pin Minidex board coupling, Decoder, Receiver RP/PR2
Programming	No. 3 keys (+, -, F) and display
Programmable functions	Logics, Pause time, Power, Loop1 and 2, Thrust torque, Preflashing, Slow closure, Deceleration time, Work time, Indicator light output, Fail-safe output, Status output, BUS output, Assistance request

FAAC

FAAC S.p.A. Via Benini, 1
 40069 Zola Predosa - Bologna (Italia)
 tel. +39 051 61724 - fax +39 051 758518
 www.faacgroup.com



Released by Department of Home Affairs

under the Freedom of Information Act 1982

900875004 - Rev. 11 - Zucchetti - 2000 - 10/2006 - The descriptions and illustrations contained in the present brochure are not binding. FAAC reserves the right to undertake product technical modifications without prior notice.



B680H: new 24V hydraulic barrier.
Innovation in action.

FAAC
Simply automatic.

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

B680H

Four ways to be unique.



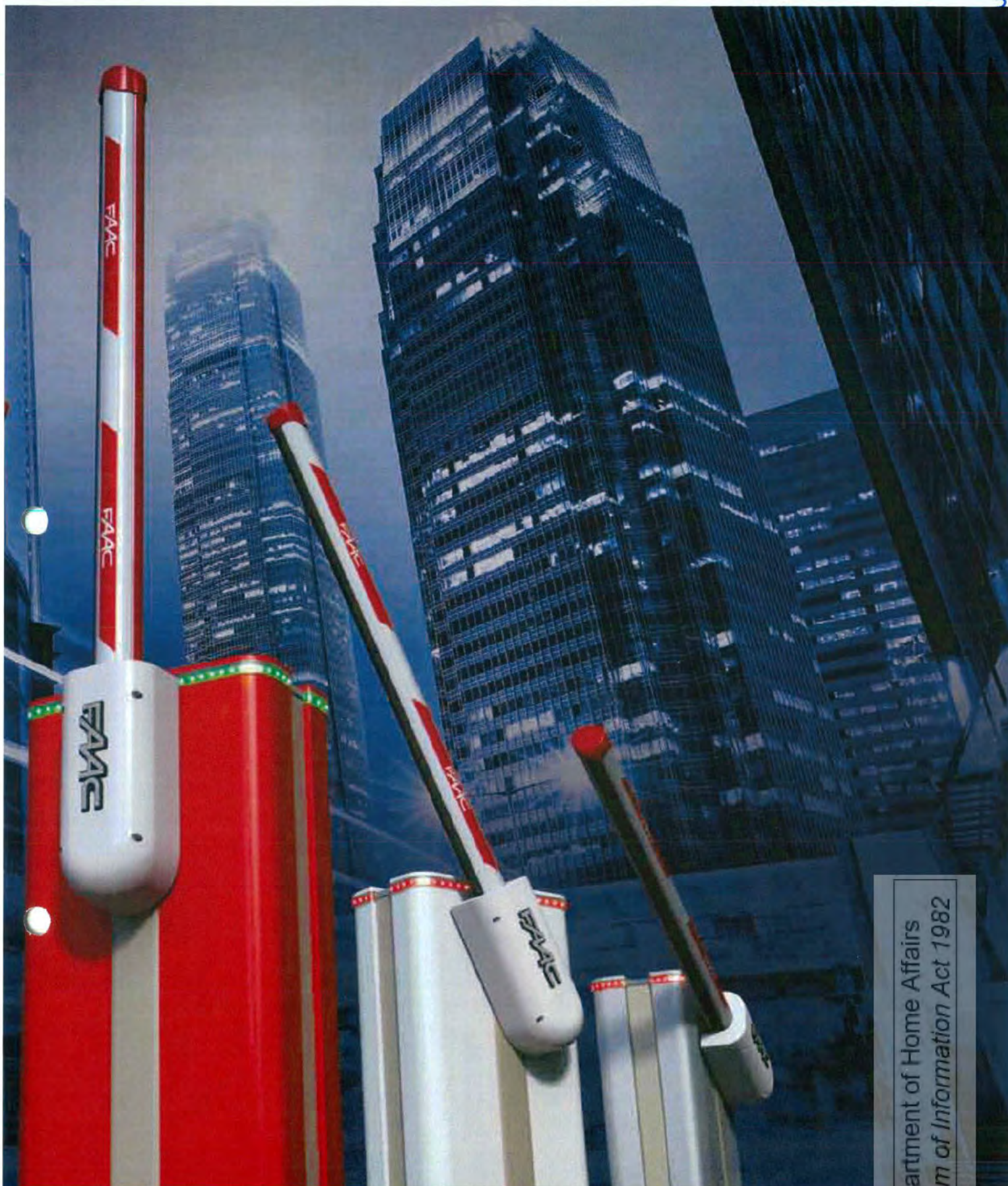
Safe performance and reliability

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.

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



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.

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

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

It has no equals but itself.

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 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

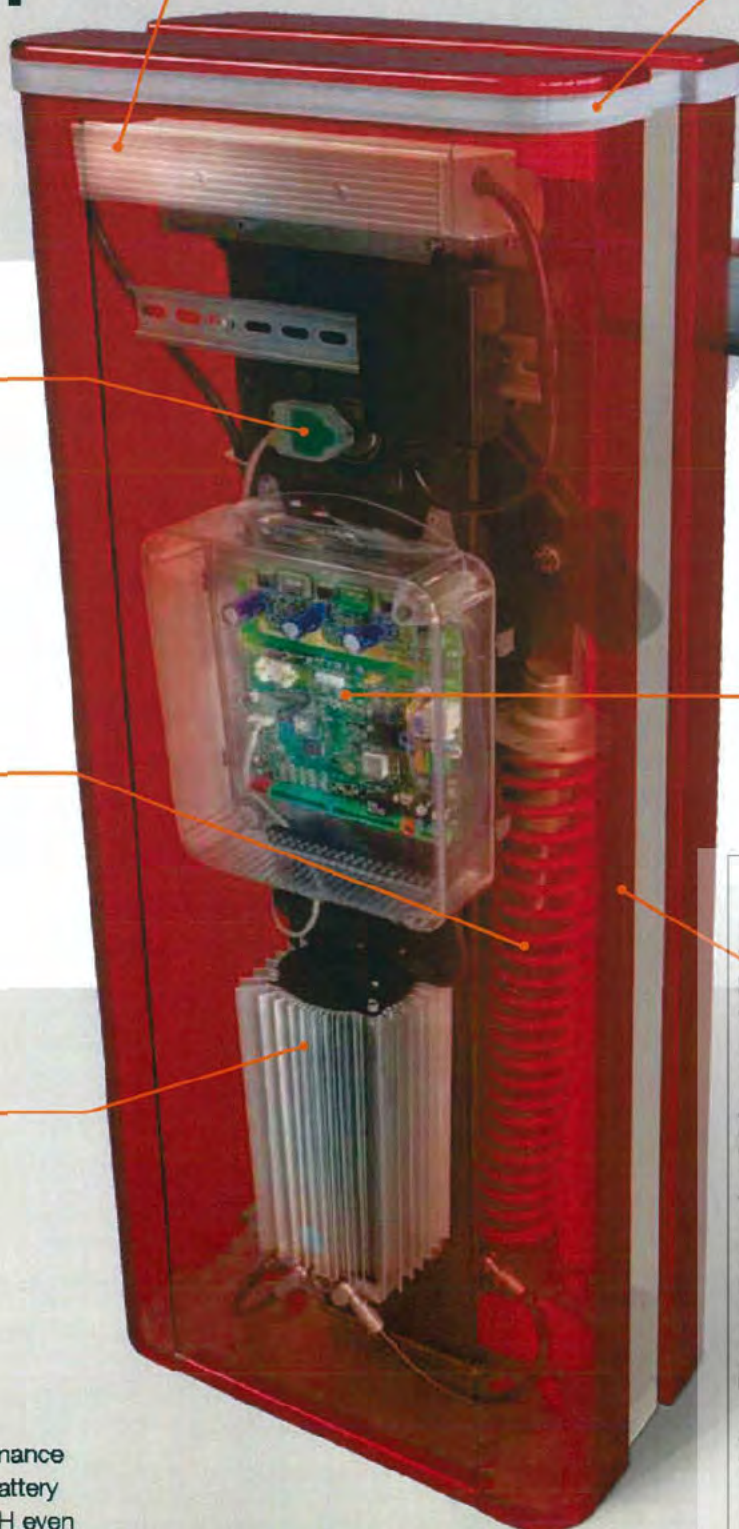
The springs of the B680H have been designed to **exceed** 2,000,000 cycles.

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 black out.



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

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 B680H 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.

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

HIGH
SPEED

2.3 m in less
than 1.5 seconds

8.3 m in less
than 6 seconds

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.



Personality
beyond any
standards.



Aluminium Grey
RAL 9006



Pure White
RAL 9010



Flame-Red
RAL 3020



Steel Blue
RAL 5011

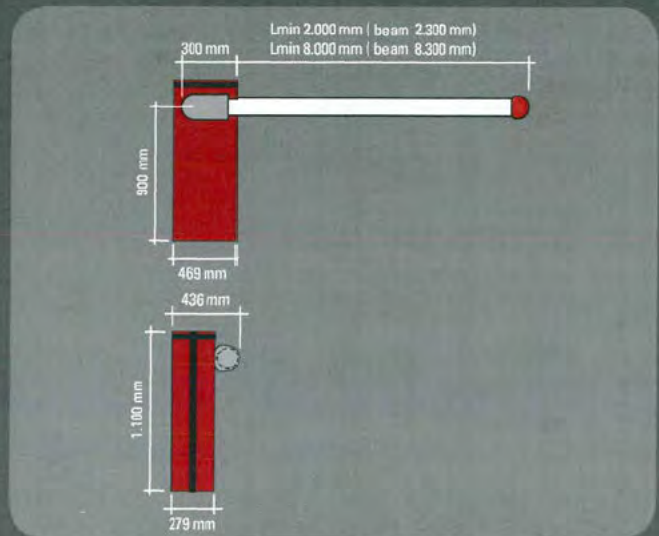


Stainless-steel.

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

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 ÷ +55°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)	469x279x1100 (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 B680H
It protects the hydraulic system if the beam is forced

■ Anti-panic group
Permits manual release of the beam in case of a black out

■ Beam break-out sensor for round pivoting beams

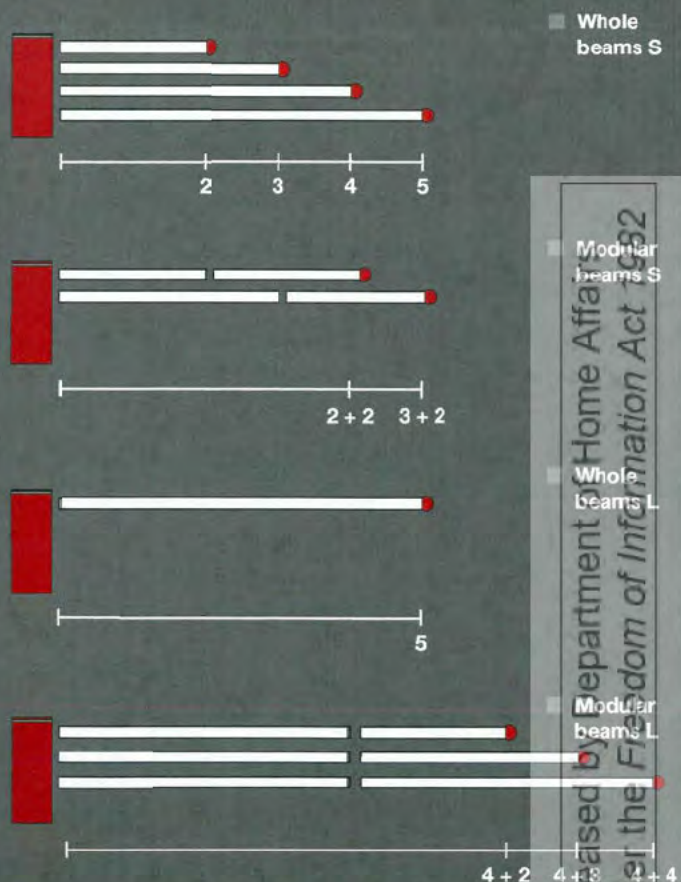
BEAMS



■ Pocket and balancing spring S



■ Pocket and balancing spring L



Dimensions shown in m.

HEADQUARTERS

ITALY

FAAC SpA
Via Calari 10 - 40069 Zola Predosa (BO)
Tel. +39 051 61724 - Fax +39 051 758518
it.info@faacgroup.com - www.faacgroup.com

SUBSIDIARIES

AUSTRALIA

FAAC AUSTRALIA PTY LTD
Homebush - Sydney, Australia
tel. +61 2 87565644
fax +61 2 87565677
www.faac.com.au

AUSTRIA

FAAC GMBH
Salzburg, Austria
tel. +43 662 8533950
fax +43 662 85339525
www.faac.at

FAAC TUBULAR MOTORS

tel. +49 30 56796645
fax +49 30 22409006
faactm.info@faacgroup.com
www.faac.at

BENELUX

FAAC BENELUX NV/SA
Brugge, Belgium
tel. +32 50 320202
fax +32 50 320242
www.faacbenelux.com

FAAC TUBULAR MOTORS

Schaapweg 30
NL-6063 BA Vlodrop, Netherlands
tel. +31 475 406014
fax +31 475 406018
faactm.info@faacgroup.com
www.faacbenelux.com

CHINA

FAAC SHANGHAI
Shanghai, China
tel. +86 21 68182970
fax +86 21 68182968
www.faacgroup.cn

FRANCE

FAAC FRANCE
Saint Priest - Lyon, France
tel. +33 4 72218700
fax +33 4 72218701
www.faac.fr

FAAC FRANCE - AGENCE PARIS

Massy - Paris, France
tel. +33 1 69191620
fax +33 1 69191621
www.faac.fr

FAAC FRANCE - DEPARTEMENT VOLETS

Saint Denis de Pile - Bordeaux, France
tel. +33 5 57551890
fax +33 5 57742970
www.faac.fr

GERMANY

FAAC GMBH
Freilassing, Germany
tel. +49 8654 49810
fax +49 8654 498125
www.faac.de

FAAC TUBULAR MOTORS

tel. +49 30 56796645
fax +49 30 22409006
faactm.info@faacgroup.com
www.faac.de

INDIA

FAAC INDIA PVT. LTD
Noida - Delhi, India
tel. +91 120 3934100/4199
fax +91 120 4212132
www.faacindia.com

IRELAND

NATIONAL AUTOMATION LTD
Co. Roscommon, Ireland
tel. +353 71 9663893
fax: +353 71 9663890
www.nal.ie

MIDDLE EAST

FAAC MIDDLE EAST FZE
Dubai Silicon Oasis Operation Center - Dubai, UAE
tel. +971 4 3724190
fax +971 4 3724191
www.faac.ae

NORDIC REGIONS

FAAC NORDIC AB
Perstorp, Sweden
tel. +46 435 779500
fax +46 435 779529
www.faac.se

POLAND

FAAC POLSKA SP.ZO.O
Warszawa, Poland
tel. +48 22 8141422
fax +48 22 8142024
www.faac.pl

RUSSIA

FAAC RUSSIA
Moscow, Russia
www.faac.ru

SPAIN

F.A.A.C. SA
San Sebastián de los Reyes - Madrid, Spain
tel. +34 91 6613112
fax +34 91 6610050
www.faac.es

SWITZERLAND

FAAC AG
Altdorf, Switzerland
tel. +41 41 8713440
fax +41 41 8713484
www.faac.ch

UNITED KINGDOM

FAAC UK LTD.
Basingstoke - Hampshire, UK
tel. +44 1256 318100
fax +44 1256 318101
www.faac.co.uk

U.S.A.

FAAC INTERNATIONAL INC
Jacksonville, FL - U.S.A.
tel. +1 904 4488952
fax +1 904 4488958

FAAC INTERNATIONAL INC
Fullerton, California - U.S.A.
tel. +1 714 446 9800
fax +1 714 446 9898
www.faacusa.com



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

615

FAAC

for beams up to 5 m



■ New pocket

■ Self-supporting barrier body

■ 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 615 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 cathaphoresis and niproly, 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.

SPECIFICATIONS

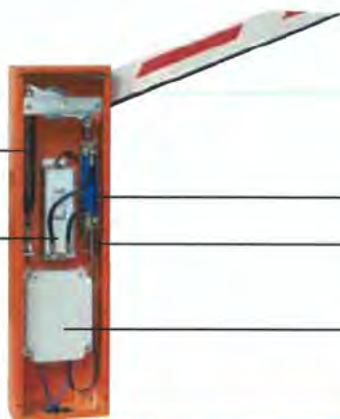
Automatic barrier for beams up to 5m • 40% use frequency (Rapid Version) 50% (Standard Version) • Opening/closing time 3 s. (Rapid Version) 6 s. (Standard Version) • Activation system comprising hydraulic pump unit, double-acting piston, equaliser and transmission shaft • Balancing by extended spring • Internal stops adjustable for open or closed beam positions • Load bearing housing in steel protected by cathaphoresis 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 Vac (+6% -10%) -50 (60) Hz • Electric motor power 220 W • Thermal protection at 120°C built into motor winding • Operating ambient temperature: -20°C ÷ +55°C • Single-phase motor with two rotation directions • Hydraulic gerotor pump (very low-noise) • Pump flow-rate 3,0 l/m (Rapid Version) 1,5 l/m (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 ÷ 55°C • Fuses 2 • Operating logics B/C - B - C - EP - AP - P - 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

1

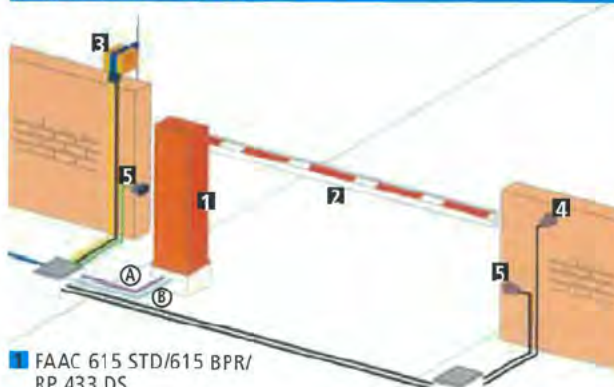
3



- 1 Balancing spring
- 2 Double-acting piston
- 3 Hydraulic control unit
- 4 Release device by triangular key
- 5 Electronic equipment

5

INSTALLATION LAYOUT



- 1 FAAC 615 STD/615 BPR/ RP 433 DS
- 2 BEAM
- 3 FAACLIGHT
- 4 FAAC T10
- 5 FAAC FOTOSWITCH

Low voltage cabling	Power cabling (230V)
A { 3 cables 3x0,5 1 cable 2x0,5	B { 1 cable 2x1,5+T 1 cable 2x1,5

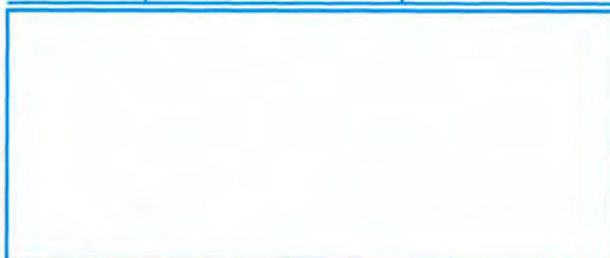
N.B.: Cable diameters in mm²

Technical characteristics of 615 BPR control board

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 ÷ +55°C
Fuses	2
Operating logics	B/C - B - C - EP - AP - P 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

Technical characteristics	615 STD	615 RAP.
Power supply	230 Vac (+6% -10%) 50 (60) Hz	
Electric motor	single-phase, bi-directional	
Absorbed power	220 W	
Absorbed current	1 A	
Motor rotation speed	1.400 rpm	2.800 rpm
Pump flow rate	1.5 l/min.	3 l/min
Thermal protection on motor winding	120°C	
Effective torque	0÷400 Nm	0÷300 Nm
Operating ambient temperature	-20°C ÷ +55°C	
Weight	34 kg	
Type of oil	FAAC HP OIL	
Barrier body treatment	Cataphoresis	
Paint	Polyester RAL 2004	
Protection class	IP 44	
Max. consecutive cycles (at 20°)	220	340
Type of rectangular beam	standard - standard with skirt (4m) - standard articulated	standard
Limit-switches	standard	

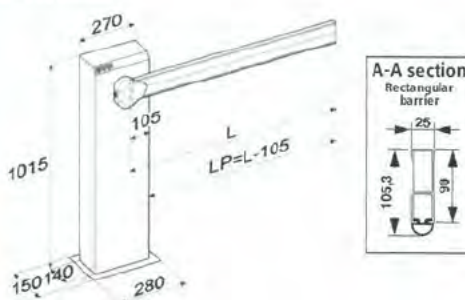
Model	Use			Control board
	Beam max. length (m)	Opening time (s)	Use frequency (cycles/hour)	
615 STANDARD	5,00	6	50	615 BPR included
615 RAPID	2,50	3	40	615 BPR included



FAAC S.p.A. via Benini, 1
40069 Zola Predosa - Bologna (Italy)
Tel. +39 051 61724 - Fax +39 051 758518
www.faacgroup.com



DIMENSIONS



Values in mm

Released by Department of Home Affairs

under the Freedom of Information Act 1982

908353004 - Rev. 11 - Zucchini - 3.000 - 02/2006 - The descriptions and illustrations contained in the present brochure are not binding.
FAAC reserve the right to undertake product technical modifications without prior notice.

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

Database: <http://www.australianmade.com.au/australianmade>

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.

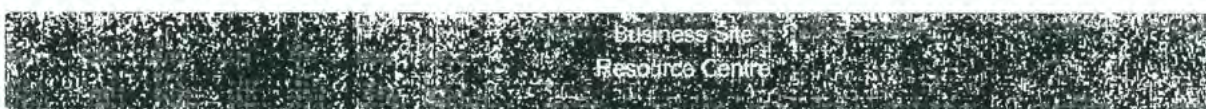
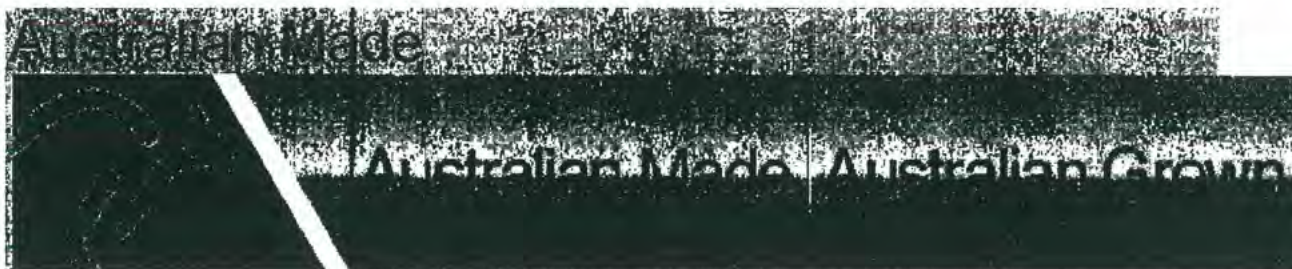
22(1)(a)(ii)

Signe

Dated: 22/3/2013

<http://www.australianmade.com.au>

<http://www.australianmade.com.au/search/?type=products&value=Boom+Gate+Operators>



Search Results

You searched for Boom Gate Operators.

Product Search

Looking for an Australian Made product or business?

Boom Gate Oper:

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

http://www.kompass.com/MarketingViewWeb/appmanager/kim/WWW_Portal?mktInfo_BasicSearchPortlet_IsMainSearch=true&nfph=true&_windowLabel=mktInfo_BasicSearchPortlet_1&mktInfo_BasicSearchPortlet_1_actionOverride=%252Fflows%252FmarketingInformation%252FbasicSearch%252FlaunchSearch&_pageLabel=common_homePage&mktInfo_BasicSearchPortlet_1%7BactionForm.userLanguage%7D=en&mktInfo_BasicSearchPortlet_1%7BactionForm.userParameterSearch%7D=Boom+Gate+Operator&mktInfo_BasicSearchPortlet_1%7Bselect_key%3A%7BactionForm.geoSearch%7DOldValue=true&mktInfo_BasicSearchPortlet_1%7Bselect_key%3A%7BactionForm.geoSearch%7D=AUS&mktInfo_BasicSearchPortlet_1%7Bselect_key%3A%7BactionForm.typeSearch%7DOldValue=true&mktInfo_BasicSearchPortlet_1%7Bselect_key%3A%7BactionForm.typeSearch%7D=PS

KOMPASS

The Business to Business Search Engine

Use the search box:

Boom Gate Or In:

Search by: In

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.

http://www.google.com.au/#hl=en&gs_rn=7&gs_ri=psy-ab&cp=47&gs_id=2&xhr=t&q=Australian+Manufacturer+and+Boom+Gate+Operators&es_nrs=true&pf=p&output=search&scient=psy-ab&og=Australian+Manufacturer+and+Boom+Gate+Operators&gs_l=&pbx=1&bav=on.2.or.r_qf.&bvm=bv.44158598,d.dGY&fp=c0dc7888d7f0dbb1&biw=1920&bih=1002...22/03/2013



"Australian Manufacturer and Boom Gate C 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 - acdcms.com.au

www.acdcms.com.au/

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

2. Gate Openers - automotionplus.com

www.automotionplus.com/

Biggest Range Automatic **Gate Opener** 12 Months Warranty Now Discounted
Single Gate Openers from \$525 - Double Gates Openers from \$725

3. Gate Openers - Automatic Gate Openers - BFT Australia

www.bftaustralia.com.au/gate-openers.html Cached - Similar

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

www.bftaustralia.com.au/electric-gate-openers.html Cached

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.industrysearch.com.au/Custom-Built...Gate-Operators/p/98934 Cached

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 ...

www.abagate.com.au/Cached - Similar

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

8. Gate operators - Cylex Business Directory Australia

www.cylex.com.au/gate%20operators.htmlCached

15+ items - Results for Gate operators; customer reviews, prices, contact ...

B&S GARAGE DOOR OPERATORS PTY ... SOUTH AUSTRALIA

THE GATE PLACE

WESTERN AUSTRALIA

9. MCGovern Agencies Automatic Gates

www.mcgovernagencies.com.au/index.php/automatic-gatesCached

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

www.infolink.com.au/t/Boom-Gates/companiesCached

60+ 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

www.infolink.com.au/Security/AccessControlCached

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

www.ferret.com.au/Security/AccessControlCached

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: s. 47F(1)
Sent: Friday, 22 February 2013 7:51 AM
To: s. 47F(1)
Cc: [REDACTED]
Subject: RE: Boom Gate Operators - TCO Action

Hi s.
 47F(1)

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

s. 47F(1)

 LEGAL DISCLAIMER:

This e-mail contains proprietary information some or all of which may be legally privileged. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to this e-mail. If you are not the intended recipient you must not use, disclose, distribute, copy, or print this e-mail.

 Please consider the environment before printing this e-mail.

From: s. 47F(1)
Sent: Wednesday, 20 February 2013 12:23 PM
To: s. 47F(1)
Cc: [REDACTED]
Subject: Boom Gate Operators - TCO Action

Good morning 22(1)(a)
 m

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,
 s. 47F(1)



Australian Government
Australian Customs and
Border Protection Service

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.
- 13/10372

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.
- 25 MAR '13 12:50

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)	
Applicant's Reference: FAAC 03/13	Company Contact: s. 47F(1)
Telephone Number: s. 47F(1)	Position Held: Manager
Mobile Telephone Number: s. 47F(1)	Email Address: s. 47F(1)
Facsimile Number: s. 47F(1)	

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):
Postal Address:	
Importer's Reference:	Company Contact:
Telephone Number:	Position Held:
Mobile Telephone Number:	Email Address:
Facsimile Number:	

AGENT/BROKER DETAILS (if applicable)

Agent's Name: s. 47F(1)	Australian Business Number (A.B.N):
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)	Position Held: Managing Director
Mobile Telephone Number: s. 47F(1)	Email Address: s. 47F(1)
Facsimile Number: s. 47F(1)	

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

☐ YES

☒ NO

Attachment "A" – TCO Wording

Supplied
Wording
→

Application Reference "FAAC 03/13"

Proposed TCO Wording:

↗ awkward word

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

↘ boom gates, not
the "operators".

Stated Use: For the automation of boom gates

not an "operating
item..."

22(1)(a)(ii)

Sign

Dated: 22/05/2015

"automating"

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)
- (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?

5

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 2010/03 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 enquiries.

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)**

Position Held **Managing Director**

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 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 that under Section 269M(6) of the *Customs Act 1901* that at any time during the period of 150 days from the gazettal day, the CEO may, for the purpose of dealing with a TCO application, and despite section 16 of the Customs Act, **s. 47F(1)** copy of all, or of a part, of the application to a prescribed organisation with a view to **s. 47F(1)** organisation in relation to the question whether there are any producers in Australia of **s. 47F(1)**

Signature of Applicant/Agent/Broker **s. 47F(1)**

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 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**

FOR OFFICE USE ONLY AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE STAFF**269(H) Screening the Application**

Is the CEO satisfied that the application complies with Section 269F?

☐ YES ☐ NO

Is the CEO satisfied that the applicant has discharged all responsibilities referred to in section 269FA?

☐ YES ☐ NO

Is the CEO aware of any producer in Australia of substitutable goods?

☐ YES ☐ NO

Are the goods on the Excluded Goods Schedule (Regulation 185)?

☐ YES ☐ NO

Does a TCO already exist for these goods?

☐ YES ☐ NO**Information for applicants - some useful definitions from the Customs Act 1901****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:
- the goods are wholly or partly manufactured in Australia; and
 - not less than $\frac{1}{4}$ 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 269Q, 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.