



# Australian BORDER FORCE

## Submission objecting to the making of a Tariff Concession Order (TCO)

This form must be completed by a local manufacturer who wishes to object to the granting of a TCO.

The information provided on the **first two pages only** will be forwarded as advice to the applicant for the TCO.

All other material is regarded as "commercial-in-confidence" and treated in accordance with the Privacy statement on page 6.

The form should be read carefully before being completed. A reference to a Part, section or subsection in this form is a reference to a provision of Part XVA of the *Customs Act 1901*, unless otherwise specified.

If you require advice concerning this form, please email [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au)

### Details of the TCO to which this submission refers

Gazette No:	Date:
Gazetted description of goods:	TC reference number:

### Local manufacturer details

Name:			
Business address:			
Postal address (if the same as business address write "as above"):			
Australian Business Number (ABN):		Reference:	
Company contact:	Facsimile number:	Phone number:	Mobile number:
Email address:			

### Agent / broker details (if applicable)

Agent's name:			
Business address:			
Postal address (if the same as business address write "as above"):			
Australian Business Number (ABN):		Agent's reference:	
Agency contact:	Facsimile number:	Phone number:	Mobile number:
Email address:			









**7.2 Substitutable goods other than made-to-order capital equipment**

Substitutable goods (other than made-to-order capital equipment and for goods sent out of Australia for repair) 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 such goods.

- A Have the goods been produced in Australia in the last 2 years?**  YES  NO
- B Have the goods been produced and are they held in stock in Australia?**  YES  NO
- C If the goods are produced in Australia on an intermittent basis, have they been so produced in the 5 years before the application was lodged?**  YES  NO
- D Are you prepared to accept an order for the goods?**  YES  NO

Attach a copy of **at least one invoice** showing the sale of substitutable goods to customers in the 2 years prior to the date of the TCO application. If the goods are produced on an intermittent basis, then the invoice/s may be from the 5 years prior to the date. If production has ceased, but stock is still on hand in Australia, attach a copy of stock records to this effect. In the absence of a sale, please provide relevant advertising material, such as a catalogue, to demonstrate that you were prepared to accept an order for the substitutable goods in the above periods. An order cancelled by the customer may also suffice.

**8. Commencement of production of substitutable goods**

**What was the date on which you were first prepared to accept an order?**  /   
This date **must** be before the date the TCO application was lodged.

**Are the goods still in production?**  YES  NO

**If the answer is no, when did production cease?**  /

**9. Provide any additional information in support of your objection**


**Privacy statement**

Information provided on this form may be disclosed to a number of agencies including the Department of Infrastructure and Regional Development, the Australian Federal Police, the Australian Criminal Intelligence Commission, the Attorney-General's Department and the Department of Foreign Affairs and Trade. Any false or misleading statements may result in penalty action under Section 243T or 243U of the *Customs Act 1901*. Personal information is collected, used, stored and disclosed by the Department of Home Affairs (the Department) in accordance with the Australian Privacy Principles in schedule 1 of the *Privacy Act 1988*. Further information regarding how the Department, collects, stores, uses and discloses personal information may be found in form 1442i *Privacy notice*. More information about how the Department handles personal information can be found in the Department's Privacy policy at [www.border.gov.au/about/access-accountability/plans-policies-charters/policies/privacy](http://www.border.gov.au/about/access-accountability/plans-policies-charters/policies/privacy)

## Notes

- (a) Section 269K and 269M require that a submission opposing the making of a TCO 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 purpose of those sections.**
- (b) A submission will be date stamped on the day it is first received by an officer of Customs. The submission is taken to have been lodged on that day.
- (c) For the submission to be taken into account, it must be lodged with the Australian Border Force:
- no later than 50 days after the gazettal day for an application for a TCO;
  - no later than 14 days after the gazettal day for an amended application for a TCO; or
  - where the Comptroller-General of Customs has invited a submission, within the period specified in the invitation.
- (d) **All questions relevant to your submission must be answered.**
- (e) Where the form provides insufficient space to answer a question, an answer may be provided in an attachment. The attachment should clearly identify the question to which it relates.
- (f) If you wish to provide any additional information in support of your request, that information may be provided in an attachment.
- (g) The Australian Border Force may require a local manufacturer to substantiate, with documentary evidence and/or a site visit to your premises, information provided in relation to the objection.
- (h) Further information on the Tariff Concession System is available in the *Domestic manufacturers: importers* page on the Internet at [www.border.gov.au/busi/domestic-manufacturers-and-importers](http://www.border.gov.au/busi/domestic-manufacturers-and-importers) or by emailing [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au)
- (i) Decisions made as a result of an objection submission may, upon application, be subject to internal review within 28 days of gazettal of the decision pursuant to section 269SH and then possible further review by the Administrative Appeals Tribunal pursuant to section 269SHA and section 273GA.

## Applicant's declaration

I,	Position held
Company (if applicable)	
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 and that no relevant information has been omitted;	
3. I have ensured that all required questions 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 subsection 14(1) of the <i>Electronic Transactions Act 1999</i> , this application will be taken to have been lodged when it is first received by an officer of Customs, or if by email to <a href="mailto:tarcon@abf.gov.au">tarcon@abf.gov.au</a> when it is first accessed by an officer of Customs, as specified in subsection 269F(4) of the <i>Customs Act 1901</i> .	
Signature of applicant / agent / broker	Date

**NOTE: Section 234 of the *Customs Act 1901* provides that it is an offence to make a statement (or omission) to an officer that is false or misleading in a material particular or to omit or cause to be omitted from a statement any matter or thing reckless as to the fact that without the matter or thing the statement is misleading in a material particular.**

## Checklist

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

- IDM / samples / photos       Other supporting documents       Invoices / orders / tender documents

## WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH THE AUSTRALIAN BORDER FORCE BY:

- emailing it to [tarcon@abf.gov.au](mailto:tarcon@abf.gov.au) (*preferred*)  
**or**
- posting it by prepaid post to:  
Superintendent  
Tariff Concessions Administration  
Australian Border Force  
PO Box 25  
BELCONNEN ACT 2617