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If this form was completed by a business with fewer than 20 employees, please provide an estimate of the time taken to complete this form.

Hours: Minutes:

# APPLICATION FOR A TARIFF CONCESSION ORDER (TCO)

*The form should be read carefully before being completed*

- (a) Before lodging an 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), a copy of which is available at each Regional Office of Customs. A TCO can be used by any importer.
- (b) An application will be date stamped on the day it is first received in Canberra by an officer of Customs. Receipt of an application will be acknowledged. Any resultant TCO will operate from the date of receipt. Instructions on how to lodge this form are provided at the end of this form.
- (c) 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 Gazette.
- (d) Section 269F of the Customs Act 1901 requires that a TCO application to 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 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.
- (f) Every question on the form must be answered. Failure to supply the information required by this form will result in rejection of the application (and in the loss of operative date).
- (g) 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.
- (h) All information about inquiries into the production of substitutable goods must relate to the date the application is lodged with Customs.
- (i) Customs may require an applicant to substantiate, with documentary evidence, any information provided in the application form.
- (j) Further information on the Tariff Concession System is available in Part XVA of the Customs Act 1901, in the foreword to the Schedule of Concessional Instruments, in the administrative guidelines in Volume 13 of the Australian Customs Service Manual, in Australian Customs Notice No. 98/19, on the internet at [www.customs.gov.au](http://www.customs.gov.au), by e-mailing [information@customs.gov.au](mailto:information@customs.gov.au) or by phoning the Customs Information Centre 1300 363 263.

## APPLICANT DETAILS *(An agent/broker should provide details on the next page)*

Applicant's Name Dux Manufacturing Ltd	Australian Business Number (A.B.N.) 19 077 879 844
Postal Address Lackey Rd Moss Vale NSW 2257	
Applicant's Reference solar panels s22(1)(a)(ii)	Owner Code (if applicable)

If you do 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 269F(3)(c) of the Customs Act 1901).

## IMPORTER DETAILS

Importer's Name (If same as applicant, write "as above") as above	A.B.N.
Postal Address	
Importer's Reference	Owner Code
Company Contact	Position Held
Telephone Number	Facsimile Number

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B443 (JUN 2009)

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

s22(1)(a)(ii)

**DESCRIPTION OF GOODS**

- (a) The description of the goods in the application will be used as the description of the goods in the TCO (if made).
- (b) The application should provide a full description of the goods, including the physical features of the goods or the various components of the goods. It should not describe the goods in terms of what they do.
- (c) In accordance with section 269SJ of the Customs Act 1901, the GEO 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 Volume 13 of the ACS Manual and in Australian Customs Notice No. 98/19.

**1 Describe the goods**

PANELS, SOLAR COLLECTOR

**ILLUSTRATIVE MATERIAL**

- 2 Attach technical, illustrative descriptive material and/or a sample to enable a full and accurate identification of the goods the subject of the application.**

**TARIFF CLASSIFICATION**

- 3 Identify the tariff classification (to 8 figure subheading level) 8419.19.00**  
**Identify the General Duty rate 5 %**  
**If a Tariff Advice for the goods has been sought or obtained, please provide the TA No. 19390000 or attach a copy.**

**USES OF THE IMPORTED GOODS**

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

Solar collector panels for heating water


**SUBSTITUTABILITY OF LOCALLY PRODUCED GOODS**

- (a) A local manufacturer's goods are substitutable when they are put, or are capable of being put, to a use that corresponds with a use (including a design use) to which the goods the subject of the application can be put (subsection 269B(1) of the Customs Act 1901). Even if not identical, locally made goods may be substitutable.
- (b) In determining whether the uses of Australian produced goods correspond with the uses of the goods the subject of the application, the ability of the goods to compete with each other in any market is not relevant.
- (c) The applicant must provide written information as to the inquiries made to establish that there are reasonable grounds for believing that there are no producers of substitutable goods in Australia. The application must include a copy of the research material sourced and a copy of correspondence to, and replies from, potential local manufacturers or relevant industry associations. The application will be rejected if it fails to provide all written information as to the inquiries made.

**NOTE:** The Australian Customs Service suggests that potential local manufacturers should be given at least 10 working days to respond to inquiries concerning local manufacture.

- 5 Provide details of the nature of ALL inquiries you have undertaken in order to establish that substitutable goods are not produced in Australia, and the results of those inquiries. Attach copies of all correspondence or directory searches, etc.

s22(1)(a)(ii)




- 6 Provide any additional information in support of discharging your responsibility to establish that there are reasonable grounds for asserting that there are no substitutable goods produced in Australia in the ordinary course of business.

**PRESCRIBED ORGANISATIONS**

- 7 Have you made inquiries of a prescribed organisation to obtain advice about whether there are producers in Australia of substitutable goods?

s22(1)(a)(ii)



**PRESCRIBED ORGANISATIONS**

7 Have you made inquiries of a prescribed organisation to obtain advice about whether there are producers in Australia of substitutable goods?

s22(1)(a)(ii)

Note that under subsection 269M(6) of the Customs Act 1901, the CEO may, despite section 16 of the Customs Administration Act 1985, give a copy of all, or of a part, of the application to a prescribed organisation.

**ADDITIONAL INFORMATION**

8 Provide any additional information in support of your application.

**DECLARATION**

s22(1)(a)(ii)

declare that:

- 1 To the best of my knowledge and belief the information contained in this form is correct; and
- 2 I have the authority to act on behalf of the company/applicant; and
- 3 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, this application will be taken to have been lodged when it is first received by an officer of Customs, or if by e-mail, when it is first accessed by an officer of Customs, as specified in Sub-Section 269F(4) of the Customs Act.

s22(1)(a)(ii)

Date

**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.**

**WHEN THIS FORM HAS BEEN COMPLETED LODGE IT WITH CUSTOMS BY:**

- posting it by prepaid post to:  
National Manager, Tariff Branch  
Australian Customs 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@connect.net.au.

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Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

8419.19.00 PANELS, SOLAR COLLECTOR

50

Hot water  
Op. 10.06.09

- TC 0919695

Stated Use:  
Solar collector panels for heating water

Applicant:  
DUX MANUFACTURING LIMITED

Hot water should be included in the wording as  
just having solar panels could cause  
confusion and the impression that the goods  
should be classified to 8541.40.00

Notes

TCOs existing		NO
Tariff Advice		NO
Q5	F 2	
LM Research	F 5-7	
IDM	F 8-12	

s22(1)(a)(ii)

Please check words and use

Handwritten signature/initials and the word "match" partially visible.

Note

Spoke to broker who suggested  
"water heaters" be added to wording.

s22(1)(a)(ii)

8/7/09

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Description of Goods including the  
Customs Tariff Classification

Schedule 4 Item Number

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8419.19.00	PANELS, SOLAR COLLECTOR, WATER HEATER Op. 10.06.09	- TC 0919695	50
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Stated Use:

Solar collector panels for heating water

Applicant: DUX MANUFACTURING LIMITED

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## TARIFF CONCESSION ORDER

Under Section 269P of the Customs Act 1901, I, s22(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 10.06.09 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
8419.19.00	PANELS, SOLAR COLLECTOR, WATER HEATER Op. 10.06.09	50 - TC 0919695

s22(1)(a)(ii)

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

Dated 04 September 2009

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Delegate of the Chief Executive Officer

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