



CONTENTS

| | |
|---|----|
| Applications for TCOs | 2 |
| TCOs Made | 2 |
| Determinations Made..... | 3 |
| AusIndustry - Notice of Revocation – Item 57 Standing By-Laws | 3 |
| Item 15 By-Law 0540001 Made | 4 |
| Item 15 By-Law 0540001 Made | 9 |
| Item 15 By-Laws Revoked..... | 13 |

PUBLICATION ARRANGEMENTS:

The Australian Customs Service (Customs) publishes the Commonwealth of Australia Tariff Concessions Gazette (the Tariff Concessions Gazette), free of charge, on the Customs Internet site at:

<http://www.customs.gov.au>

Interested parties should select “media, publications and forms”, then “tariff concessions gazette”. The gazettes are listed in date order and may be selected from the list of Adobe Portable Document Format (PDF) files.

| | |
|--------------------------|----------------|
| General Inquiries: | (02) 6275 6483 |
| Facsimile: | (02) 6275 6376 |

NOTICE OF DETERMINATIONS MADE UNDER PART XVI OF THE CUSTOMS ACT 1901

Under subsection 273B(2) of the Customs Act 1901, notice is hereby given of the making of determinations applying to goods of a kind specified in the table below.

In the table:

- (i) the first column specifies the kind of goods to which the determination applies, any conditions specified in the determination, the commencement and cessation dates of the determination and the Determination reference number;
- (ii) the second column specifies the item in Schedule 4 to the Customs Tariff Act 1995 that applies to the specified goods.

THE TABLE

| Description of Goods Dates of Effect | Prescribed Item Number |
|---|---------------------------|
| PYRO PROCESSING EQUIPMENT FOR USE IN CEMENT PRODUCTION UPGRADE PROJECT. 01.09.03 to 31.12.04 | 71 - MD 347687 |
| LIME PYRO PROCESSING PLANT FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.09.03 to 31.12.04 | 71 - MD 347688 |
| REFRACTORIES FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.12.03 to 31.12.04 | 71 - MD 347689 |
| COAL CLASSIFIER COMPONENTS FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.12.03 to 31.12.04 | 71 - MD 347690 |
| REFRACTORY LININGS FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.09.03 to 31.12.04 | 71 - MD 347691 |
| REFRACTORY LINING FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.08.03 to 31.12.04 | 71 - MD 347692 |
| Lime pyro processing plant components for use in a cement production upgrade project. 01.12.03 to 31.12.04 | 71 - MD 347693 |
| LIME PYRO PROCESSING PLANT COMPONENTS FOR USE IN A CEMENT PRODUCTION UPGRADE PROJECT. 01.12.03 to 31.12.04 | 71 - MD 347694 |
| Captive power plant, for use in an ammonia plant. 01.01.05 to 21.10.05 | 71 - MD 347706 |
| Semi autogenous grinding mill(replacement for Determination 347684) 01.01.04 to 31.03.04 | 71 - MD 347711 |

AusIndustry, a Division of The Department of Industry Tourism and Resources

NOTICE OF REVOCATION
ITEM 57 (Certain Inputs to Manufacture) Standing By-laws

AusIndustry, a Division of the Department of Industry, Tourism and Resources is responsible for the administration of Item 57 to Schedule 4 of the Customs Tariff Act 1995, advises the revocation, effective 01 July 2005 of the following Standing By-laws listed in the Schedule:

Schedule - Item 57 Standing By-laws

| | |
|------------|------------|
| BL 9140066 | BL 9440006 |
| BL 9140067 | BL 9440009 |
| BL 9140068 | BL 9440016 |
| BL 9140069 | BL 9440031 |
| BL 9140070 | BL 9440032 |
| BL 9240062 | BL 9440036 |
| BL 9240082 | BL 0140002 |
| BL 9340070 | BL 0140003 |

The revocation of these Standing By-laws is necessary because of changes to the administrative mechanisms that regulate the use of Item 57. Current and intending users of these standing by-laws affected by their revocation are invited to contact AusIndustry and make submissions for replacement Determinations which will be issued under the terms of the Guidelines issued on 26 February 2001.

The Guidelines, which set out the policy as well as the operation and administration of Item 57 regarding 'Certain Inputs to Manufacture', are available on: www.ausindustry.gov.au

AusIndustry Contact:

The Product Manager
Policy By-laws
AusIndustry
Department of Industry Tourism and Resources
GPO Box 9839, Canberra ACT 2601
Telephone 02 6213 7802; Facsimile 02 6213 7801
Email: pevans@industry.gov.au

CUSTOMS ACT 1901
CUSTOMS TARIFF ACT 1995
PART I OF SCHEDULE 4
BY-LAW NO. 0540001

I, GAIL JENNIFER BATMAN, delegate of the Chief Executive Officer for the purposes of section 271 of the *Customs Act 1901*, hereby make the by-law set out in the Schedule below.

Unless the context otherwise requires, any word or phrase used in a reference in the by-law set out in the Schedule has the same meaning as if it were used in the tariff classification in Schedule 3 to the *Customs Tariff Act 1995* that applies to those goods to which that reference applies.

THE SCHEDULE
BY-LAW NO. 0540001

Item 15
Part I of Schedule 4

1. This by-law may be cited as Customs By-law No. 0540001.
2. This by-law takes effect on and from 1 February 2005.
3. Item 15 in Part I of Schedule 4 to the *Customs Tariff Act 1995* applies to goods that are specified in Column 1 of the Table below (the Table) subject to:
 - (a) paragraph 4; and
 - (b) the exclusions and conditions, if any, set out in Column 2 opposite those goods.
4. The goods must:
 - (a) be imported as the accompanied baggage of an arriving person or purchased by an arriving person at an inwards duty free shop; and
 - (b) not be commercial goods; and
 - (c) not be motor vehicles or motor vehicle parts.
5. For the purposes of item 7 of the Table, one cigarette is taken to weigh 1 gram.
6. For the purposes of item 8 of the Table, the amount, in respect of a family that arrived in Australia on a flight or voyage, is the amount calculated in accordance with the formula:

$$(\$900 \times A) + (\$450 \times C)$$

where:

A is the number of adults in the family who were on the flight or voyage; and
C is the number of children in the family who were on the flight or voyage.

7. In this by-law:

accompanied baggage means goods which:

- (a) are carried or worn by an arriving person and are available for presentation to Customs at the time of his or her processing through Customs; or
- (b) are consigned to travel on the same ship or aircraft as the arriving person as baggage under a passenger's ticket baggage allowance or as excess baggage, but which are loaded onto another ship or aircraft due to circumstances beyond the control of the passenger; or
- (c) are consigned to arrive on one of a group of Australian Defence Force operated ships or aircraft carrying out the joint task of transporting passengers and their baggage,

but does not include goods forwarded by post or consigned as freight by the arriving person whether or not they arrive on the same ship or aircraft;

adult means a person 18 years or over;

arriving person means a passenger or crew member who was on board a ship or aircraft which arrived in Australia from a place outside Australia;

child means a person who is under 18;

commercial goods means goods that:

- (a) are intended to be used by the arriving person for a commercial purpose, including sale, lease, hire or exchange; or
- (b) are goods that have been imported in such a quantity that, having regard to their nature or durability, that quantity represents a commercial quantity;

family means a husband, wife, and, if any, their child who is, or children who are under the age of 18 years;

inwards duty free shop has the meaning given by section 96B of the *Customs Act 1901*;

GST has the meaning given by section 195-1 of the *GST Act*;

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999*;

personal good means a good that is:

- (a) the property of an arriving person; and
- (b) suitable, and is intended, for use by the arriving person;

tobacco product means a cigarette, cigar or other product containing tobacco;

used, in relation to the expression "owned and used", means being available for use for their intended purpose by the arriving person on a continuing basis in each country in which that person was residing on a long term basis.

THE TABLE

| Column 1 Goods | Column 2 Conditions and Exclusions |
|---|--|
| Category: Personal clothing, footwear and articles for personal hygiene/grooming | |
| Item 1: Personal goods, as follows: (a) personal clothing of all kinds including footwear; (b) articles for personal hygiene or grooming. | Exclusion 1.1: Excluding fur apparel and perfume concentrates. |

-3-

| Column 1 Goods | Column 2 Conditions and Exclusions |
|---|--|
| Category: Goods previously exported from Australia by the arriving person | |
| <p>Item 2:</p> <p>Personal goods, imported by an arriving person ordinarily domiciled in Australia that were exported from Australia when the person departed from Australia.</p> | <p>Exclusion 2.1:</p> <p>Excluding goods purchased duty free in Australia at an outwards duty free shop (within the meaning of section 96A of the <i>Customs Act 1901</i>).</p> <p>Exclusion 2.2:</p> <p>Excluding goods that were an acquisition, the supply of which was a GST-free supply because of item 7 in the table in subsection 38-185(1) of the GST Act.</p> <p>Exclusion 2.3:</p> <p>Excluding goods in respect of which the arriving person is entitled to, and has claimed, a payment under Division 168 of the GST Act related to the export of the goods.</p> |
| Category: Goods to be exported from Australia later by the arriving person | |
| <p>Item 3:</p> <p>Personal goods, imported by an arriving person ordinarily domiciled outside Australia that the arriving person intends to export from Australia when the arriving person departs from Australia.</p> | |
| Category: Goods owned and used overseas for more than 12 months | |
| <p>Item 4:</p> <p>Personal goods, including fur apparel, personal effects, furniture and household goods not covered by items 1 to 3.</p> | <p>Condition 4.1:</p> <p>Provided the goods have been owned and used overseas by the arriving person for a period of 12 months preceding the arriving person's departure for Australia.</p> <p>Exclusion 4.2:</p> <p>Excluding alcoholic beverages and tobacco products.</p> |
| Category: Alcoholic beverages | |
| <p>Item 5:</p> <p>Alcoholic beverages not exceeding 2,250 ml.</p> | <p>Condition 5.1:</p> <p>The goods must be imported by an adult or purchased at an inwards duty free shop by an adult.</p> <p>Exclusion 5.2:</p> <p>Excluding all alcoholic beverages where the total quantity of alcoholic beverages imported by the person (if any) and purchased by the person at an inwards duty free shop (if any) exceeds 2,250 ml.</p> |

-4-

| Column 1 Goods | Column 2 Conditions and Exclusions |
|---|--|
| Category: Tobacco products | |
| Item 6: 25 or less cigarettes. | Condition 6.1: The goods must be in an opened packet in the possession of the adult who imported them. |
| Item 7: Tobacco products not exceeding 250 grams (excluding cigarettes covered by item (6)). | Condition 7.1: The goods must be imported by an adult or purchased at an inwards duty free shop by an adult. Exclusion 7.2: Excluding all tobacco products where the total quantity of tobacco products imported by the person (if any) and purchased by the person at an inwards duty free shop (if any) exceeds 250 grams (excluding cigarettes covered by item (6)). |
| Category: Family - general goods not covered by any other category | |
| Item 8: Goods: (a) not covered by an item of the Table above; and (b) where the total value of all such goods imported by the members of a family (if any) and purchased by the members of the family at an inwards duty free shop (if any) does not exceed the amount calculated in accordance with paragraph 6 above. | Condition 8.1: The goods must be imported by a member of a family or purchased at an inwards duty free shop by a member of a family. Condition 8.2: The members of the family must be passengers who arrived in Australia on the same flight or voyage. Exclusion 8.3: Excluding alcoholic beverages and tobacco products. Exclusion 8.4: Excluding all goods where the total value of all such goods imported by the members of the family (if any) and purchased by the members of the family at an inwards duty free shop (if any) exceeds the amount calculated in accordance with paragraph 6 above. |

-5-

| Column 1 Goods | Column 2 Conditions and Exclusions |
|---|--|
| Category: Adult (not travelling in family group) - general goods not covered by any other category | |
| Item 9: Goods: (a) not covered by an item of the Table above; and (b) where the total value of such goods does not exceed \$900. | Condition 9.1: The goods must be imported, or purchased at an inwards duty free shop, by an adult passenger who is not travelling on the flight or voyage with his or her family. Exclusion 9.2: Excluding alcoholic beverages and tobacco products. Exclusion 9.3: Excluding all goods where the total value of all such goods imported by the person (if any) and purchased by the person at an inwards duty free shop (if any) exceeds \$900. |
| Category: Children (not travelling in a family group) and crew members - general goods not covered by any other category | |
| Item 10: Goods: (a) not covered by an item of the Table above; and (b) where the total value of such goods does not exceed \$450. | Condition 10.1: The goods must be imported, or purchased at an inwards duty free shop, by a crew member or a passenger who is a child who is not travelling on the flight or voyage with his or her family. Exclusion 10.2: Excluding alcoholic beverages and tobacco products. Exclusion 10.3: Excluding all goods where the total value of all such goods imported by the person (if any) and purchased by the person at an inwards duty free shop (if any) exceeds \$450. |

8. For the purposes of this by-law, the "*Customs Tariff Act 1995*" means the *Customs Tariff Act 1995*, as amended or proposed to be altered.

Dated this twenty fourth day of January 2005.

(signed)
GAIL JENNIFER BATMAN
Delegate of the Chief Executive Officer

CUSTOMS ACT 1901
CUSTOMS TARIFF ACT 1995
PART I OF SCHEDULE 4
BY-LAW NO. 0540002

I, PHILLIP GREGORY BURNS, delegate of the Chief Executive Officer for the purposes of section 271 of the *Customs Act 1901*, hereby make the by-law set out in the Schedule below.

Unless the context otherwise requires, any word or phrase used in a reference in the by-law set out in the Schedule has the same meaning as if it were used in the tariff classification in Schedule 3 to the *Customs Tariff Act 1995* that applies to those goods to which that reference applies.

THE SCHEDULE
BY-LAW NO. 0540002

Item 15
Part I of Schedule 4

1. This by-law may be cited as Customs By-law No. 0540002.
2. This by-law takes effect on and from 1 February 2005.
3. Item 15 in Part I of Schedule 4 to the *Customs Tariff Act 1995* applies to goods that are specified in Column 1 of the Table below (the Table) subject to:
 - (a) paragraph 4; and
 - (b) the exceptions and conditions, if any, set out in Column 2 opposite those goods.
4. The goods must:
 - (a) not be commercial goods; and
 - (b) be personal goods.

5. In this by-law:

adult means a person 18 years or over;

arriving person means a passenger or crew member who was on board a ship or aircraft which arrived in Australia from a place outside Australia;

commercial goods means goods that:

- (a) are intended to be used by the arriving person for a commercial purpose, including sale, lease, hire or exchange; or
- (b) are goods that have been imported in such a quantity that, having regard to their nature or durability, that quantity represents a commercial quantity;

family means husband, wife, and, if any, their child who is, or children who are under the age of 18 years;

permanent resident means a person who arrives in Australia and intends forthwith to take up permanent residence in Australia; and

- (a) is an Australian citizen for the purposes of the *Australian Citizenship Act 1948* (as amended from time to time); or
- (b) holds a permanent visa within the meaning of the *Migration Act 1958* (as amended from time to time); or
- (c) holds a special category visa within the meaning of the *Migration Act 1958* (as amended from time to time);

-2-

personal goods means goods that:

- (a) are the property of an arriving person; and
 - (b) are suitable, and are intended, for use by the arriving person;
- but do not include motor vehicles or motor vehicle parts;

tobacco products mean cigarettes, cigars or other products containing tobacco;

used in relation to the expression "personally owned and used" means being available for use for their intended purpose by the arriving person on a continuing basis in each country in which that person was residing on a long term basis.

THE TABLE

| Column 1 Goods | Column 2 Exceptions and Conditions |
|--|--|
| <p>(1) Goods, as follows:</p> <ul style="list-style-type: none"> (a) personal clothing of all kinds including footwear; (b) articles for personal hygiene or grooming. | <ul style="list-style-type: none"> (1) The goods must be imported by an arriving person who is a permanent resident. (2) Except fur apparel and perfume concentrates. |
| <p>(2) Goods, as follows:</p> <ul style="list-style-type: none"> (a) non-motorised caravans; (b) non-motorised box, boat or similar trailers; (c) boats designed for use in sheltered waters for sport or recreation, conforming to one of the following specifications: <ul style="list-style-type: none"> (i) boats propelled by manual or pedal power; (ii) sailing boats that: <ul style="list-style-type: none"> (a) do not exceed 1,000 kilograms unladen weight; (b) do not incorporate any device for propelling the boat by power; and (c) are not of the deep keel type; or (iii) powered boats that: <ul style="list-style-type: none"> (a) do not exceed 7 metres in length, overall; (b) do not exceed 2.5 metres in width at any section; and (c) do not exceed 1,250 kilograms unladen weight when imported with driving units and transmissions, or 800 kilograms unladen weight when imported without driving units and transmissions. | <ul style="list-style-type: none"> (1) The goods must be imported by an arriving person. (2) If the person is part of a family, only one article selected from each of the three groups (a), (b) and (c) (specified in Column 1) will be allowed for the family per three years. (3) If the person is not part of a family, only one article selected from each of the three groups (a), (b) and (c) (specified in Column 1) will be allowed for the person per three years. (4) The person must have: <ul style="list-style-type: none"> (a) arrived in Australia with the intention of immediately taking up or resuming permanent residence; and (b) personally owned and used the goods overseas for the twelve months preceding the person's departure for Australia. (5) If the goods are a boat specified in group (c), security shall be given by the person to an officer of Customs and to the satisfaction of that officer that the goods will not be sold or otherwise disposed of in Australia by or on behalf of the arriving person, within two years after the date of importation of the goods. |

| Column 1 Goods | Column 2 Exceptions and Conditions |
|---|--|
| (3) Aircraft of all types, having not more than one propulsion motor. | <ol style="list-style-type: none">(1) The goods must be imported by an arriving person who is an adult permanent resident.(2) If the person is part of a family, only one aircraft will be allowed for the family.(3) If the person is not part of a family, only one aircraft will be allowed for the person.(4) The person must have personally owned and used the goods overseas for the six months preceding the person's departure for Australia.(5) Security shall be given by the person to an officer of Customs and to the satisfaction of that officer that the goods will not be sold or otherwise disposed of in Australia by or on behalf of the arriving person, within two years after the date of importation of the goods. |
| (4) Machinery, plant and equipment, not covered by a preceding item. | <ol style="list-style-type: none">(1) The goods must be imported by an arriving person who is an adult permanent resident.(2) The person must have personally owned and used the goods overseas for the twelve months preceding the person's departure for Australia.(3) The person must intend to use the goods or be in a position to use the goods.(4) Security shall be given by the person to an officer of Customs and to the satisfaction of that officer that:<ol style="list-style-type: none">(a) the goods will, for a continuous period of two years, be put to use in Australia by the arriving person for the purpose for which they are intended; and(b) the goods will not be sold, leased, hired, mortgaged or otherwise disposed of, by or on behalf of the arriving person, before the expiration of the two year period referred to in subparagraph (a) of this condition. |

-4-

| Column 1 Goods | Column 2 Exceptions and Conditions |
|--|---|
| (5) Fur apparel, personal effects, furniture and household goods, not covered by a preceding item. | (1) The goods must be imported by an arriving person. (2) The person must have personally owned and used the goods overseas for the twelve months preceding the arriving person's departure for Australia. (3) Except alcoholic beverages and tobacco products. |

6. For the purposes of this by-law, the "*Customs Tariff Act 1995*" means the *Customs Tariff Act 1995*, as amended or proposed to be altered.

Dated this Twenty Fourth day of January 2005.

(signed)
PHILLIP GREGORY BURNS
Delegate of the Chief Executive Officer

NOTICE OF REVOCATION OF CUSTOMS BY-LAWS

REVOCATION NO. 1 (2005)

I, PHILLIP GREGORY BURNS, under section 271 of the *Customs Act 1901* and subsection 33(3) of the *Acts Interpretation Act 1901*, revoke the by-laws published in the Gazettes, and made for the purposes of the item of Schedule 4 to the *Customs Tariff Act 1995* specified in the Table below.

THE TABLE

| By-law No. | Gazette | Item of Schedule 4 |
|------------|----------------------------|--------------------|
| 9740006 | TC 15 of 16 April 1997 | 15 |
| 9740017 | S 360 of 17 September 1997 | 15 |
| 9840019 | TC 42 of 21 October 1998 | 15 |
| 0240009 | TC 50 of 18 December 2002 | 15 |
| 0240010 | TC 50 of 18 December 2002 | 15 |

This Notice shall take effect on and from 1 February 2005.

Dated this Twenty Fifth day of January 2005.

(signed)
PHILLIP GREGORY BURNS
Delegate of the Chief
Executive Officer