



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

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 THIS PAGE WILL BE FORWARDED TO THE APPLICANT FOR THE TCO. THE FORM SHOULD BE READ CAREFULLY BEFORE BEING COMPLETED.

DETAILS OF THE TCO APPLICATION TO WHICH THIS SUBMISSION REFERS

GAZETTE NO DATE

Gazetted description of goods. TC Reference Number TC

LOCAL MANUFACTURER DETAILS

Name Business Address Postal Address Australian Business Number (A.B.N.) Reference Company Contact Phone Number Facsimile Number E-mail Address

DETAILS OF THE SUBSTITUTABLE GOODS PRODUCED IN AUSTRALIA

1 Describe the locally produced substitutable goods the subject of the objection. "Substitutable goods" are defined in the Customs Act 1901 as "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".

2 State the use(s) to which the substitutable goods are put or are capable of being put.

3 Attach technical, illustrative descriptive material and/or a sample to enable a full and accurate identification and understanding of the substitutable goods.

4 Are you aware of any other local manufacturers producing substitutable goods? YES NO

5 If yes to question 4, please provide details of any goods produced in Australia which are substitutable for the goods for which a TCO is being sought, and the names and addresses of the manufacturers of those goods.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

6 PRODUCTION OF GOODS IN AUSTRALIA

Goods other than unmanufactured raw products will be taken to have been produced in Australia if:

(a) the goods are wholly or partly manufactured in Australia; and

(b) not less than 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.

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.

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.

A Are the goods wholly or partly manufactured in Australia? YES NO

B Does the total value of Australian labour, Australian materials and factory overhead expenses incurred in Australia represent at least 25% of the factory or works costs? YES NO

Specify each of the following costs per unit for the substitutable goods:

• Australian labour	\$		%
• Australian materials	\$		%
• Australian factory overhead expenses	\$		%
• Imported content	\$		%
TOTAL	\$		100 %

Specify the date or period to which the costs relate.

Attach a copy of the working papers that were used to prepare the above costing information. Those working papers should be supported by (at least two) extracts from the accounting records of the business.

C Is at least one substantial process in the manufacture of the goods carried out in Australia? YES NO

If yes, please specify at least one major process involved:

.....

.....

.....

.....

.....

7 PRODUCTION OF GOODS IN THE ORDINARY COURSE OF BUSINESS
(Answer 7.1 or 7.2)

7.1 SUBSTITUTABLE GOODS OTHER THAN MADE-TO-ORDER CAPITAL EQUIPMENT

Substitutable goods (other than made-to-order capital equipment) 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 intermittently produced in Australia, have they been so produced in the last 5 years? YES NO

D Are you prepared to accept an order for the goods? YES NO

7.2 SUBSTITUTABLE GOODS BEING MADE-TO-ORDER CAPITAL EQUIPMENT

"Made-to-order capital equipment" means a particular item of capital equipment 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 that is not produced in quantities indicative of a production run. Capital equipment means goods which, if imported, would be goods to which Chapters 84, 85, 86, 87, 89 or 90 of Schedule 3 to the Customs Tariff Act 1995 would apply.

Goods that are made-to-order capital equipment are taken to be produced in Australia in the ordinary course of business if:

- (a) 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; and*
 - (ii) could produce the goods with existing facilities; and**
- (b) the producer in Australia is prepared to accept an order to supply the substitutable goods.*

E Have goods requiring the same labour skills, technology and design expertise as the goods the subject of the application been made in Australia in the last 2 years? YES NO

If yes, describe the goods made during this period:

.....
.....
.....

F Can the goods be produced with existing facilities? YES NO

G Are you prepared to accept an order for the goods? YES NO

8 What was the first date on which you were prepared to accept an order?

Are the goods still in production? YES NO

If the answer is no, when did production cease?

If production has ceased and goods are held in stock, please estimate the date by which stock is expected to be sold, based on past sales information and attrition rate of the local goods.

9 Provide any additional information in support of your objection.

.....

.....

.....

.....

.....

.....

NOTES

- (a)** Section 269K and 269M of the *Customs Act 1901* 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 purposes of those sections.**
- (b)** A submission will be date stamped on the day it is first received in Canberra 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 Customs:
 - 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 Chief Executive Officer has invited a submission, within the period specified in the invitation.
- (d) Every question on the form 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)** Unless otherwise specified, all information provided should be based on the situation as at the date of lodgement of the TCO application.
- (g)** Customs may require an objector to substantiate, with documentary evidence, information provided in relation to the objection.
- (h)** 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, by e-mailing information@customs.gov.au or by phoning the Customs Information Centre on 1300 363 263.

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 submission 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.

Full Name	Position Held	
Signature		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 the
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@customs.gov.au.