

Firm Hunt & Hunt hails AAT decision

>> DEALS

LAW firm Hunt & Hunt is celebrating a decision by the Administrative Appeals Tribunal that gives its clients a refund in customs duty they have paid on imported goods.

The Administrative Appeals Tribunal in General Merchandise and Apparel Group and CEO of Customs 2009 opens the way for Australian bed linen importers of certain bed linen to claim a refund of up to \$70 million of customs duty that they have paid on the imported goods, the firm said.

The decision vindicates the stance taken by the applicant, General Merchandise and Apparel Group, which is now part of the Wesfarmers Group. GMA undertook imports for a number of retailers of the bed linen, most notably K-Mart and Target.

Lead Hunt & Hunt partner on the matter, Andrew Hudson, said: "Not only does it improve the financial position in these tough times for bed linen importers who would not otherwise have been entitled to a refund of the large amounts of customs duty, but it also makes some interesting observations regarding

the roles of 'parties joined' in AAT matters and the ability of customs to compel those parties joined to continue with their involvement."

Hudson said "This decision ... will also have ramifications for all businesses applying for and opposing Tariff Concession Orders who will need to review the wider implications of the reasons for judgment. This is especially important as the Federal Government is undertaking a comprehensive review of the TCO system generally."

Due to legislative amendments, the refunds will be available for linen imported before 4 October 2007."

The case has a long history going back to 2006 when a bed linen importer applied for TCO's alleging that there were no local manufacturers of certain bed linen. Customs made the TCO's and subsequently two Australian companies made applications for the revocation of the TCO's on the basis that they were local manufacturers of substitutable bed linen.

Customs then agreed to revoke the orders and Hudson on behalf of his client led the application to the AAT for a review of that decision and to have the TCO's reinstated.