Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2003 (No. 1)

I, NICHOLAS HUGH MINCHIN, Minister for Finance and Administration, make this instrument under sections 8 and 34 of the Textile, Clothing and Footwear Strategic Investment Program Act 1999.

Dated 21 JUL 2003 2003

Minister for Finance and Administration
for the Minister for Industry, Tourism and Resources

1 Name of instrument
This instrument is the Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2003 (No. 1).

2 Commencement
This instrument commences on gazettal.

3 Amendment of Textile, Clothing and Footwear Strategic Investment Program Scheme 1999
Schedule 1 amends the Textile, Clothing and Footwear Strategic Investment Program Scheme 1999.
Schedule 1 Amendments

(Section 3)

[1] Section 3, definition of ACN

*omit*

Corporations Law.

*insert*

*Corporations Act 2001.*

[2] Section 3, definition of auditor

*substitute*

*auditor* means an independent auditor registered under Division 2 of Part 9.2 of the *Corporations Act 2001.*

[3] Section 3, definition of eligible TCF product

*substitute*

*eligible TCF product* means a product resulting directly and predominantly from an eligible TCF activity mentioned in paragraph 5 (1) (a) (other than an activity carried on in relation to a prescribed product within the meaning of section 5) or paragraph 5 (1) (e).

[4] Section 3, after definition of pre-program year

*insert*

*product development activity* has the meaning given by section 16.

[5] Paragraph 5 (1) (b)

*omit*

in connection with, or incidental to,

*insert*

in respect of
[6] Paragraph 5 (1) (c)

*omitted*

in connection with, or incidental to,

*insert*

in respect of

[7] Paragraph 5 (1) (d)

*omitted*

in connection with, or incidental to,

*insert*

in respect of

[8] Subsection 5 (2A)

*substituted*

(2A) Also, despite subsection (1), each of the following activities is not an eligible TCF activity:

(a) the manufacture of hides or leather used, or intended to be used, in motor vehicles;

(b) an activity carried on in connection with, or incidental to, the design for manufacture of hides or leather used, or intended to be used, in motor vehicles;

(c) an ancillary activity carried on in connection with, or incidental to, a manufacturing activity mentioned in paragraph (a);

(d) an ancillary activity carried on in connection with, or incidental to, a design activity mentioned in paragraph (b);

(e) the manufacture of a prescribed product;

(f) an activity that is carried on in respect of the design for manufacture of a prescribed product;

(g) an ancillary activity carried on in respect of a manufacturing activity to which paragraph (e) applies;

(h) an ancillary activity carried on in respect of a design activity to which paragraph (f) applies.

[9] Subsection 5 (3)

*substituted*

(3) In this section:

*ancillary activity* means:

(a) an early-stage processing activity of a kind mentioned in Part F of Schedule 1; or
(b) a warehousing and distribution activity.

*prescribed product* means any of the following:
(a) disposable baby napkins;
(b) sanitary napkins;
(c) panty liners;
(d) disposable bed protectors;
(e) disposable incontinence products.

[10] **Subsection 14 (1)**

*omit*
in connection with, or incidental to,

*insert*
that is directly attributable to

[11] **Subsection 16 (1)**

*omit*
in connection with, or incidental to,

*insert*
that is directly attributable to

[12] **Paragraph 29 (1) (a)**

*omit*
in connection with, or incidental to,

*insert*
in relation to

[13] **Subsection 29 (2)**

*omit*
by the resultant entity in connection with, or incidental to,

*insert*
in incurred by the resultant entity in relation to
[14] **Paragraph 31 (5) (g)**

*omit*

Corporations Law,

*insert*

*Corporations Act 2001,*

[15] **Paragraph 32 (4) (a)**

*omit*

Corporations Law,

*insert*

*Corporations Act 2001,*

[16] **Subparagraph 32 (4) (a) (ii)**

*omit*

Corporations Law,

*insert*

*Corporations Act 2001,*

[17] **Paragraph 51S (2) (b)**

*substitute*

(b) the total amount of eligible expenditure for regular advances of Type 1 and Type 2 grants:

(i) incurred by the entity in previous program years; and

(ii) in respect of which the entity has made a claim; and

(iii) in respect of which, because of the operation of section 79, a grant has not been paid.

[18] **Subsection 51T (2)**

*substitute*

(2) In subsection (1):

*relevant eligible expenditure* means eligible expenditure:

(a) that has not been taken into account in the payment of any regular advance; and

(b) in respect of which, if the entity has made a claim, a grant has not been paid because of the operation of section 80.
[19] **Subparagraph 66 (b) (i)**
    
    after
    
    entity
    
    insert
    
    under this Division

[20] **Subparagraph 66 (b) (ii)**
    
    after
    
    entity
    
    insert
    
    under this Division

[21] **Subparagraph 66 (b) (iii)**
    
    after
    
    entity
    
    insert
    
    under this Division

[22] **Paragraph 69 (6) (b)**
    
    omit
    
    30 (2)
    
    insert
    
    30 (4)

[23] **Subsection 91 (2), except the note**
    
    substitute
    
    (2) However, an entity does not fail to fulfil the condition if:
    
    (a) the entity acquires similar new plant or equipment with improved performance to replace the original plant or equipment, and uses the original plant or equipment as a trade-in on the new plant or equipment; or
    
    (b) the entity disposes of the plant or equipment by private sale and acquires similar new plant or equipment with improved performance to replace the original plant or equipment; or
    
    (c) the entity disposes of the plant or equipment as a result of a sale and lease back arrangement financed through a financial lease, and the plant or equipment is capitalised in the entity’s accounts.
[24] Schedule 1, Part A, category 4

after
other textiles

insert
except wool tops