COMMONWEALTH OF AUSTRALIA

Export Market Development Grants Act 1974

DECISION-MAKING PRINCIPLES UNDER SECTION 19A
(EMDG DMP 1995/1)

THE AUSTRALIAN TRADE COMMISSION, acting under section 19A of the Export Market Development Grants Act 1974, formulates the principles set out in the Schedule as the decision-making principles to be complied with by the Commission in deciding whether to grant a special exemption under section 19 of that Act.

By order of the Board, the seal of the Australian Trade Commission was affixed to these decision-making principles on 23 November 1995 in the presence of:

Brian Friend
General Manager Corporate Finance and Property

Gary Clark
Manager Legal and Risk Management

SCHEDULE

The Commission must grant a special exemption in relation to a business activity referred to in paragraph 19(1) (b) ("the current business activity") where it is of the opinion that that business activity is substantially different from the business activity referred to in paragraph 19 (1) (a) ("the previous business activity") having regard to any differences between:

a) the product of the current business activity and that of the previous business activity;

b) what is done in the course of the business of the current business activity and that of the previous business activity;
c) the customers, including the export market customers, of the current business activity and those of the previous business activity;

d) the directors, shareholders, and management personnel of the current business activity and those of the previous business activity;

e) the suppliers of the current business activity and those of the previous business activity;

f) the overseas representatives of the current business activity and those of the previous business activity;

g) the employees of the current business activity and those of the previous business activity;

h) the markets, including the export markets, of the current business activity and those of the previous business activity;

i) the premises from which the current business activity is conducted and the premises from which the previous business activity was conducted;

j) the logo of the current business activity and that of the previous business activity; and

k) the property or assets including the intellectual property of the current business activity and those of the previous business activity.

[NOTE: These principles commence on gazettal: see Acts Interpretation Act 1901, ss. 46A and 48.]