Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme Amendment 2010 (No. 1)

Textile, Clothing and Footwear Investment and Innovation Programs Act 1999

I, KIM CARR, Minister for Innovation, Industry, Science and Research, make this instrument under section 37ZF of the Textile, Clothing and Footwear Investment and Innovation Programs Act 1999.

Dated 13 May 2010

KIM CARR
Minister for Innovation, Industry, Science and Research

1 Name of instrument

This instrument is the Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme Amendment 2010 (No. 1).

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme 2005

Schedule 1 amends the Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme 2005.
Schedule 1 Amendments

(Section 3)

[1] Section 1.4, definition of program period

omit

or, for an entity for clothing/finished textile expenditure, ending at the end of the 2014/2015 program year.

[2] Section 1.4, definition of Relevant financial year

substitute

re relevant financial year, in relation to a program year, means:
(a) for the 2005/2006 program year — the 2006/2007 financial year; and
(b) for the 2006/2007 program year — the 2007/2008 financial year; and
(c) for the 2007/2008 program year — the 2008/2009 financial year; and
(d) for the 2008/2009 program year — the 2009/2010 financial year; and
(e) for the 2009/2010 program year — the 2010/2011 financial year.

[3] Section 1.4, definition of relevant program year

substitute

relevant program year, in relation to a financial year, means:
(a) for the 2006/2007 financial year — the 2005/2006 program year; and
(b) for the 2007/2008 financial year — the 2006/2007 program year; and
(c) for the 2008/2009 financial year — the 2007/2008 program year; and
(d) for the 2009/2010 financial year — the 2008/2009 program year; and
(e) for the 2010/2011 financial year — the 2009/2010 program year.

[4] Subsection 1.7 (1)

substitute

(1) Each of the following periods is, for an entity, a program year:
(a) the period commencing on 1 July 2005 and ending at the end of 30 June 2006 (the 2005/2006 program year);
(b) the period commencing on 1 July 2006 and ending at the end of 30 June 2007 (the 2006/2007 program year);
(c) the period commencing on 1 July 2007 and ending at the end of 30 June 2008 (the 2007/2008 program year);
(d) the period commencing on 1 July 2008 and ending at the end of 30 June 2009 (the 2008/2009 program year);
(e) the period commencing on 1 July 2009 and ending at the end of 30 June 2010 (the 2009/2010 program year).

[5] Subsection 1.7 (3)
substitute
(3) If, as a result of the operation of section 18 of the ITAA 1936, the program period for an entity would, apart from this subsection, exceed 5 years, the program period is taken to end at the end of the period of 5 years commencing on the first day of the program period for the entity.

[6] Paragraphs 4.5 (3) (a) and (b)
substitute
(a) any eligible TCF activity carried on by the transferor entity before the transfer of the business in the program year or in the immediately preceding program year is taken to have been carried on by the transferee entity; and
(b) any eligible expenditure incurred by the transferor entity before the transfer of the business in the program year or in the immediately preceding program year in relation to an eligible TCF activity mentioned in paragraph (a) is taken to have been incurred by the transferee entity; and

[7] Subsection 4.5 (4)
omit

[8] Paragraphs 5.5 (2) (c) and (d)
substitute
(c) has previously been paid an advance of a grant for a program year and has been paid a grant under Part 6 for that year, but:
   (i) the amount of the advance exceeded the amount of the grant; and
   (ii) the amount of the excess has not been repaid by the entity to the Commonwealth and the entity has not arranged with the Commonwealth for the amount to be deducted in full from the advance; or
(d) has incurred a scheme debt and:
   (i) that debt has not been discharged (regardless of the circumstances); or
(ii) arrangements for its discharge in full by set-off from the advance have not been made with the Commonwealth.

[9] Subsection 5.5 (3)

omit
Sections
insert
Section

[10] Subsection 5.9 (1), except the example

substitute

(1) An entity must make a request for an advance of a grant for a program year:
(a) in the relevant financial year; and
(b) on or before the first working day in January of the relevant financial year.


omit

and variations of strategic business plans

[12] After subsection 5.18 (2)

insert

(3) However, the Secretary may, having taken into account the limits on advances mentioned in this Part, work out the amount of the advance.

(4) Working out an amount under subsection (3) is not to be regarded as an assessment by the Secretary for the purposes of the Scheme.

[13] Subsection 6.7 (4)

omit

or 2014/2015 program years

insert

program year
[14] **Section 6.20, definition of PA**

*substitute*

PA, (or *prescribed amount*) for a program year, payable in the relevant financial year, is, for each of the 2005/2006 to 2009/2010 program years, $97 500 000.

[15] **Subsection 6.21 (1), note**

*substitute*

*Note*  A deferred amount that has not been paid before 10 June 2011 is no longer payable under the TCF Post-2005 (SIP) Scheme — see subsection 6.29 (10).

[16] **Subsection 6.29 (10), except the note**

*substitute*

(10) An amount deferred and set aside under subsection 6.21 (2) that has not been paid before 10 June 2011 is not payable under the TCF Post-2005 (SIP) Scheme.

[17] **Section 6.31**

*substitute*

**6.31 Annual limit on payments**

Nothing in this Part authorises the expenditure for grants (including advances on account of grants) paid under the TCF Post-2005 (SIP) Scheme of an amount that exceeds, for expenditure incurred in each of the 2005/2006 to 2009/2010 program years, $97 500 000 together with any unspent amount from the 2005/2006 to 2008/2009 program years or deferred eligible amount from any previous program year.

[18] **Section 6.32**

*substitute*

**6.32 Expenditure limit on Scheme**

For section 37D of the Act, the total of grants (including advances on account of grants) paid under the TCF Post-2005 (SIP) Scheme must not exceed $487 500 000.
Subsection 7.7 (1)

substitute

(1) It is a condition of a Type 1 grant to an entity that is not an entity for clothing/finished textile expenditure that any plant or equipment (the original plant or equipment) in relation to which the grant is made is not to be disposed of (whether by sale, as scrap, or otherwise):

(a) before the end of the program period; or

(b) after the end of the program period, if the value of the plant or equipment at the time of disposal is not less than 70% of the economic life of the plant or equipment when new.

(1A) It is a condition of a Type 1 grant to an entity for clothing/finished textile expenditure that any plant or equipment (the original plant or equipment) in relation to which the grant is made is not to be disposed of (whether by sale, as scrap, or otherwise):

(a) before the end of the 2014/2015 financial year; or

(b) after the end of the 2014/2015 financial year, if the value of the plant or equipment at the time of disposal is not less than 70% of the economic life of the plant or equipment when new.

Note