Explanatory Statement


Issued by authority of the Minister for Trade and Investment

Authority for making the Determination

The Export Market Development Grants (Iran Sanctions) Repeal Declaration 2016 (the Repeal Declaration) is made under section 44 of the Export Market Development Grants Act 1997. That section permits the Minister to declare, by legislative instrument, that a country is subject to trade sanctions.

Purpose of the Repeal Declaration

The purpose of the Repeal Declaration is to repeal the Export Market Development Grants (Iran Sanctions) Declaration 2008.

Repealing this Declaration will mean that Iran is no longer the subject of a trade sanction for the purposes of the Export Market Development Grants Act 1997. This in turn means that from the date of commencement, expenses of an applicant to the EMDG scheme relating to eligible promotional activity and eligible products are now eligible expenses for the purposes of the Export Market Development Grants Act 1997.

Documents incorporated in the Repeal Declaration by reference

No documents are incorporated into the Repeal Declaration.

Consultation

Industry consultation was not appropriate for a repeal declaration of this nature. Austrade will communicate the effects of the Repeal Declaration to EMDG claimants and consultants, and industry peak bodies.

Note on the retrospective application of this instrument

The retrospective commencement of this instrument is beneficial to EMDG claimants. It permits expenditure to be included as eligible expenditure from this retrospective date of commencement, rather than the date of the registration. The date for retrospective commencement of this instrument ties in with the date that Australia lifted all nuclear-related economic and financial sanctions on Iran.

Allowing the instrument to commence on registration would disadvantage EMDG claimants.


Section 1 – Name of the Declaration.

The section provides that the name of the Repeal Declaration is the Export Market Development Grants (Iran Sanctions) Repeal Declaration 2016.

Section 2 – Commencement
This section provides for the Repeal Declaration to retrospectively apply from 18 January 2016.

Section 3- Repeal

This section repeals the Export Market Development Grants (Iran Sanctions) Declaration 2008, with effect from 17 January 2016.

Statement of Compatibility with Human Rights

The Export Market Development Grants (Iran Sanctions) Repeal Declaration 2016 does not engage with, and is therefore compatible with, the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.