Export Market Development Grants (Change in Ownership of Business) Guidelines 2016

Export Market Development Grants Act 1997

I, STEVEN MICHELE CIOBO, Minister for Trade and Investment, make these Guidelines under paragraph 101 (1) (d) of the Export Market Development Grants Act 1997.

Dated Twenty Second of June 2016

STEVEN CIOBO
Minister for Trade and Investment

1 Name of Guidelines
These Guidelines are the Export Market Development Grants (Change in Ownership of Business) Guidelines 2016.

2 Commencement
These Guidelines commence on 1 July 2016.

3 Application of Guidelines
These Guidelines apply in relation to a grant application made under the Export Market Development Grants Act 1997 on or after 1 July 2016.
4  **Change in ownership of business**

(1) In determining, for the purposes of subparagraph 94 (1) (b) (ii) of the *Export Market Development Grants Act 1997*, whether a business or a part of a business (the *old business*) that was carried on by a person is similar to a business (the *new business*) being carried on by another person to such an extent that the new business should be treated as a continuation of the old business, the CEO of Austrade must comply with these Guidelines.

(2) In determining whether the new business is similar to the old business, the CEO of Austrade must have regard to the similarities (if any) and the differences (if any) between:

(a) the product of the new business and that of the old business; and
(b) the activities that are carried out in the course of the business of the new business and the activities that were carried out in the course of the old business; and
(c) the customers, including the export market customers, of the new business and those of the old business; and
(d) the directors, shareholders, and management personnel of the new business and those of the old business; and
(e) the suppliers to the new business and those to the old business; and
(f) the overseas representatives of the new business and those of the old business; and
(g) the employees of the new business and those of the old business; and
(h) the markets, including the export markets, of the new business and those of the old business; and
(i) the premises from which the new business is conducted and the premises from which the old business was conducted; and
(j) the logo of the new business and that of the old business; and
(k) the property and assets, including the intellectual property, of the new business and those of the old business.

5  **Revocation and savings**

(1) The Guidelines made under paragraph 101 (1) (d) of the Act on 19 July 2006 is revoked.

(2) However, those Guidelines continue to apply to an application for a grant in respect of a grant year commencing before 1 July 2016.