EXPLANATORY STATEMENT

Export Market Development Grants (Grants Entry Requirements) Determination 2016

Authority

The Export Market Development Grants (Grants Entry Requirements) Determination 2016 is made by the Chief Executive Officer of Austrade under paragraph 21 (1) of the Export Market Development Grants Act 1997 (the EMDG Act).

Purpose

This Legislative Instrument details guidelines to be complied with by the Chief Executive Officer of Austrade in determining, for the purposes of subsection 21 (1) of the EMDG Act, whether a business meets the grants entry requirements for the Export Market Development Grants (EMDG) scheme.

Background

The Export Market Development Grants Act 1997 (EMDG Act) provides for grants to specified Australian businesses which have incurred specified expenses promoting the export of their Australian goods, services, intellectual property rights and know-how. The grant is a partial reimbursement of the expenses incurred.

Entitlement to a grant depends on (among other things) whether the business has met the grants entry requirements of the scheme.

The grants entry requirements are a relatively low test, in recognition that the scheme seeks to assist aspiring as well as current exporters. The three requirements in the test are that a person:

- Has sufficient financial resources to carry on its intended activities;
- Has taken reasonable steps to prepare for export; and
- Proposes export activities that are not unlawful or impracticable.

The test only applies to first-time applicants.

Decisions under this determination are reviewable in the Administrative Appeals Tribunal.

Commencement

The Determination is made to repeal and replace the Export Market Development Grants (Grants Entry Requirements) Determination 2002, which is due to sunset on 1 October 2016.

The Determination is the same in substance as the Export Market Development Grants (Grants Entry Requirements) Determination 2002.

The Determination applies when working out an entitlement to a grant in respect of a grant made on or after 1 July 2016.
Consultation
Austrade conducted extensive stakeholder consultations before remaking this instrument. All stakeholder responses supported this instrument being remade, unchanged.

Regulation Impact Statement
The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required (reference: OBPR 20848).

This Determination is a Legislative Instrument for the purposes of the Legislation Act 2003.

This Determination is compatible with human rights and freedoms recognised or declared under section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011. A full statement of compatibility is set out in Attachment A.
Statement of Compatibility with Human Rights


Export Market Development Grants (Grants Entry Requirements) Determination 2016

This Legislative Instrument is 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 2001.

Overview of the Legislative Instrument

The Legislative Instrument allows the Chief Executive Officer of Austrade to determine if the applicant has met the grants entry requirements for the EMDG scheme.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.