



Export Market Development Grants Amendment Act 2010

No. 86, 2010

**An Act to amend the *Export Market Development
Grants Act 1997*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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An Act to amend the *Export Market Development Grants Act 1997*, and for related purposes

[Assented to 29 June 2010]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Export Market Development Grants
Amendment Act 2010*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Export Market Development Grants Act 1997

1 Paragraph 6(1)(f)

Repeal the paragraph.

2 Subsection 7(1)

Omit “, an approved trading house”.

Note: The heading to subsection 7(1) is altered by omitting “, *approved trading house*”.

3 Paragraph 7(1)(c)

Omit “8”, substitute “7”.

4 Subsection 7(3)

Repeal the subsection.

5 Paragraph 7(4)(b)

Omit “8”, substitute “7”.

6 Paragraphs 9(1)(b) and (2)(b)

Omit “neither an approved body nor an approved trading house”, substitute “not an approved body”.

7 Subsection 18(1)

Omit “, approved joint venture or approved trading house”, substitute “or approved joint venture”.

8 Paragraph 29(b)

Omit “an approved trading house or”.

9 Paragraph 29(b)

Omit “of the trading house or of the joint venture (as the case may be)”, substitute “of the joint venture”.

10 Paragraph 29(d)

Omit “\$10,000”, substitute “\$20,000”.

11 Subsection 33(2) (cell at table item 8, column 3)

At the end of the cell, add:

, up to a limit of:

(a) if the applicant is a grantee
in respect of any previous
grant year—\$50,000 for
the grant year; or

(b) if the applicant is not a
grantee in respect of any
previous grant year—
\$50,000 for the grant year
and the immediately
preceding year

12 Paragraphs 37(1)(d) and (da)

Omit “or an approved trading house”.

13 Paragraph 37(1)(f)

Omit “or approved trading house”.

14 Subsection 38(2)

Omit “or approved trading house”.

15 Section 40 (table items 11 and 12)

Repeal the items.

16 Sections 51 and 52

Repeal the sections.

17 Paragraph 53(1)(b)

Omit “\$30,000,000”, substitute “\$50,000,000”.

18 Subsection 63(1)

Omit “(2A),”.

19 Subsection 63(2A)

Repeal the subsection.

20 Paragraph 63(3)(a)

Omit “neither an approved body nor an approved trading house”, substitute “not an approved body”.

21 Paragraph 63(3)(e)

Omit “, (2) or (2A)”, substitute “or (2)”.

22 Subsection 63(4)

Repeal the subsection, substitute:

- (4) An applicant’s provisional grant amount for a grant year may not exceed \$150,000.

23 Subsection 65(1)

Omit “other than an approved trading house”.

24 Paragraphs 70(2A)(a), (2B)(a) and (2C)(a)

Omit “neither an approved body nor an approved trading house”, substitute “not an approved body”.

25 Division 1 of Part 8 (heading)

Repeal the heading, substitute:

Division 1—Approved bodies and approved joint ventures

26 Subsection 88(3)

Repeal the subsection.

27 Subsection 89(5) (not including the note)

Repeal the subsection.

28 Subsection 91(1)

Omit “as a trading house or”.

29 Paragraphs 97(1)(e) and (h)

Repeal the paragraphs.

30 Subparagraph 101(1)(c)(i)

Omit “as a trading house or”.

31 Paragraph 106(2)(a)

Omit “, approved trading houses”.

32 Subsections 106A(1) and (3)

Omit “2010”, substitute “2015”.

33 Subsection 107(1) (definition of *approved trading house*)

Repeal the definition.

34 Subsection 107(1) (paragraph (a) of the definition of *grant year*)

Omit “2011”, substitute “2016”.

35 Application

The amendments made by items 1 to 24 apply in relation to working out entitlements to grants under the *Export Market Development Grants Act 1997* in respect of a grant year commencing on or after 1 July 2010.

Part 2—Other amendments

Export Market Development Grants Act 1997

36 Subsection 16(2) (paragraph (e) of the definition of *relevant offence*)

Omit “or 136.1”, substitute “, 136.1, 137.1 or 137.2”.

37 Paragraph 70(2)(b)

Repeal the paragraph, substitute:

- (b) be made within:
 - (i) 5 months after the end of the grant year; or
 - (ii) if the circumstances specified in an instrument under subsection (4) exist in relation to the application—such greater number of months after the end of the grant year as is specified in the instrument.

38 At the end of section 70

Add:

- (4) The CEO of Austrade may, by legislative instrument, specify circumstances, and a number of months, for the purposes of subparagraph (2)(b)(ii).

39 Paragraph 78(1)(e)

Omit “or 136.1”, substitute “, 136.1, 137.1 or 137.2”.

40 At the end of subsection 97(1)

Add:

- ; (k) a decision under that scheme to impose conditions on the accreditation of an export market development grants consultant or to vary those conditions.

41 After paragraph 100(2)(a)

Insert:

- (aa) imposing conditions on the accreditation of export market development grants consultants or varying or removing those conditions; and

42 Paragraph 103(1)(a)

Omit “or 136.1”, substitute “, 136.1, 137.1 or 137.2”.

43 Application

- (1) The amendment made by item 36 applies in relation to working out eligibility for grants under the *Export Market Development Grants Act 1997* in respect of a grant year commencing on or after 1 July 2010, regardless of whether the conviction of the offence against section 137.1 or 137.2 of the *Criminal Code* occurred before, on or after the commencement of that item.
- (2) The amendment made by item 37 applies in relation to applications made on or after the commencement of that item.
- (3) The amendment made by item 39 applies in relation to the preparation of applications for grants under the *Export Market Development Grants Act 1997* in respect of a grant year commencing on or after 1 July 2010, regardless of whether the conviction of the offence against section 137.1 or 137.2 of the *Criminal Code* occurred before, on or after the commencement of that item.
- (4) The amendment made by item 42 applies in relation to grants or advances paid on or after the commencement of that item, regardless of whether the conviction of the offence against section 137.1 or 137.2 of the *Criminal Code* occurred before, on or after that commencement.

[*Minister’s second reading speech made in—
House of Representatives on 26 May 2010
Senate on 17 June 2010*]