

EXPLANATORY STATEMENT

Export Market Development Grants Regulations 2018

Authority

The *Export Market Development Grants Regulations 2018* is made by the Governor-General under Section 106 of the *Export Market Development Grants Act 1997* (the EMDG Act).

Section 106 of the EMDG Act empowers the Governor-General to make regulations, first, by reason of s 106(1)(a), prescribing matters required or permitted by the EMDG Act to be prescribed, and, second (and separately), by reason of s 106(1)(b), prescribing matters "necessary or convenient" to be prescribed for the carrying out or giving effect to the EMDG Act.

Purpose

The Regulations detail:

- How Austrade calculates the Payout Factor for second tranche payments to EMDG recipients (Part 2)
- The procedures the CEO of Austrade must follow when dealing with an application for approval as an approved body and for approval as a joint venture (Part 3)
- Services that are tourism services not non-tourism services (Part 4).

Background

The EMDG Act provides for grants to eligible Australian businesses which have incurred eligible 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.

With the exception of the calculation of the Payout Factor for second tranche payments, decisions made under these Regulations are subject to review in the Administrative Appeals Tribunal.

The *Export Market Development Grants Regulations 2018* is a disallowable instrument.

Commencement

This Regulation is made to repeal and replace the *Export Market Development Grants Regulations 2008*, which is due to sunset on 1 October 2018.

The Regulation is the same in substance as the *Export Market Development Grants Regulations 2008* with the exception of three redundant provisions, which have been removed:

- Part 5 – Applications for approval – trading houses. (Trading Houses have not been a part of the EMDG scheme since the 2010-11 grant year).
- Part 5A – Applications for approval – grant years ending on or before 30 June 2009
- Section 6.3 – Services for grant years ending on or before 30 June 2008.

The Regulation has been redrafted to bring it into line with current drafting directions and styles.

The Regulations apply when calculating entitlement to a grant in respect of an application for a grant made on or after 1 July 2018.

Consultation

Austrade conducted extensive stakeholder consultations before remaking this instrument. All stakeholder responses supported this instrument being remade with the redundant provisions removed.

Regulation Impact Statement

The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required (reference: OBPR 22807).

The Regulations is a Legislative Instrument for the purposes of the Legislation Act 2003.

This Guideline 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

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Export Market Development Grants Regulations 2018

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 2011*.

Overview of the Legislative Instrument

The Legislative Instrument details:

- How Austrade calculates the Payout Factor for second tranche payments to EMDG recipients.
- The procedures the CEO of Austrade must follow when dealing with an application for approval as an approved body and for approval as a joint venture.
- Services that are tourism services and not non-tourism services.

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.