



Export Market Development Grants (Australian Net Benefit Requirements) Determination 2008

as amended

made under section 10 of the

Export Market Development Grants Act 1997

This compilation was prepared on 1 July 2010
taking into account amendments up to *Export Market Development Grants
Legislation Amendment Determination 2010 (No. 1)*

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1 Name of Determination [see Note 1]

This Determination is the *Export Market Development Grants (Australian Net Benefit Requirements) Determination 2008*.

2 Commencement

This Determination commences on 1 July 2008.

3 Definition

In this Determination:

Act means the *Export Market Development Grants Act 1997*.

4 Australian net benefit requirements

- (1) For section 10 of the Act, the specified requirement is that the applicant must demonstrate, to the reasonable satisfaction of the CEO, that:
 - (a) a commercial return:
 - (i) was received in the grant year; or
 - (ii) is receivable in respect of the grant year; or
 - (iii) can reasonably be expected to be received in the foreseeable future;
by the applicant as a result of the activities to which the claimed expenses relate and that, having regard to the length of the periods over which those activities have been undertaken, and the amounts expended on them, that commercial return:
 - (iv) was or would be reasonably commensurate with the quantum of those expenses; and
 - (v) of sufficient magnitude as to warrant further expenditure of public moneys by way of a further grant; and
 - (b) the financial position of the applicant's business, including its reasonable prospects of gaining access to adequate levels of finance, is such that the applicant has reasonable prospects in the foreseeable future of achieving sustainable international business success; and
 - (c) the applicant's international business activities do now, or are reasonably likely in the foreseeable future to, generate economic benefits to Australia in 2 or more of the following areas:
 - (i) employment in Australia;
 - (ii) new capital investment in Australia;
 - (iii) introduction of new technologies into Australia;

Section 4

- (iv) new value-added operations in Australia;
being benefits that are reasonably commensurate with the sum of any eligible expenses previously claimed by the applicant and the amount of the eligible expenses being claimed by the applicant in the application.
- (2) Section 4, as in force immediately before 4 June 2010, is taken to apply to an application made in relation to the grant year commencing on 1 July 2008.

Notes to the *Export Market Development Grants (Australian Net Benefit Requirements) Determination 2008*

Note 1

The *Export Market Development Grants (Australian Net Benefit Requirements) Determination 2008* (in force under section 10 of the *Export Market Development Grants Act 1997*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Export market Development Grants (Australian Net Benefit Requirements) Determination 2008</i>	29 June 2008 (see F2008L02330)	1 July 2008	
<i>Export market Development Grants (Australian Net Benefit Requirements) Amendment Determination 2010 (No. 1)</i>	3 June 2010 (see F2010L01513)	4 June 2010	—
<i>Export market Development Grants Legislation Amendment Determination 2010 (No. 1)</i>	30 June 2010 (see F2010L01861)	1 July 2010	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 4.....	rs. 2010 No. 1 am. F2010L01861
