



Export Market Development Grants (Change in Ownership of Business) Guidelines 2006

Export Market Development Grants Act 1997

I, MARK ANTHONY JAMES VAILE, Minister for Trade, make these Guidelines under paragraph 101 (1) (d) of the *Export Market Development Grants Act 1997*.

Dated 19th July 2006

Minister for Trade

1 Name of Guidelines

These Guidelines are the *Export Market Development Grants (Change in Ownership of Business) Guidelines 2006*.

2 Commencement

These Guidelines commence on the day after they are registered.

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 2007.

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, Austrade must comply with these Guidelines.
- (2) In determining whether the new business is similar to the old business, 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.