



Export Market Development Grants (Close Relationships — Events Promoters) Determination 2002

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

Dated 20 June 2002

MARK VAILE
Minister for Trade

1 Name of Determination

This Determination is the *Export Market Development Grants (Close Relationships — Events Promoters) Determination 2002*.

2 Commencement

This Determination commences on 1 July 2002.

3 Definition

In this Determination:

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

4 Purpose of Determination

This Determination sets out guidelines to be complied with by Austrade in forming an opinion, for paragraph 25A (1) (c) of the Act, whether an events promoter is, or is not, closely related to an event holder.

5 General principle

In forming an opinion whether an events promoter is, or is not, closely related to an event holder, Austrade must consider the following matters:

- (a) any connection between the events promoter and the event holder;
- (b) the extent of any control or influence that:
 - (i) the events promoter can exercise over the event holder; or
 - (ii) the event holder can exercise over the events promoter;
- (c) when the events promoter commenced operations;
- (d) whether the event holder is the only client of the events promoter;
- (e) whether the events promoter actively solicits other clients;
- (f) whether the events promoter promotes only 1 event.

6 Other circumstances

Without limiting section 5:

- (a) an event holder is closely related to an events promoter if Austrade is satisfied that:
 - (i) the events promoter is not genuinely separate from the event holder; or
 - (ii) corporate arrangements between the event holder and the events promoter have been designed artificially with an intention to qualify for a grant; or
 - (iii) the event holder and the events promoter are entities to which the *Export Market Development Grants (Close Relationships — General) Determination 2002* applies; and
- (b) Austrade may form the opinion that an event holder is not closely related to an events promoter if:
 - (i) the events promoter is engaged by the event holder on a competitive commercial basis; or
 - (ii) the events promoter has not been set up solely to promote an event holder's event, and neither the events promoter nor the event holder has control over the other; or
 - (iii) the relationship between the events promoter and the event holder arises only because of the formation of an organising committee or secretariat.