



Australian Government

Australian Trade and Investment Commission

# Export Market Development Grants Grant Guidelines 2023-24

[austrade.gov.au/EMDG](https://austrade.gov.au/EMDG)

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## 1 Export Market Development Grants process

### Export Market Development Grants process flowchart



# Export Market Development Grants

## 1.1 Key details

<b>Opening date:</b>	9.00 am AEDT, Wednesday 15 March 2023
<b>Closing date:</b>	4.00 pm AEST, Friday 14 April 2023
<b>Commonwealth policy entity:</b>	Australian Trade and Investment Commission (Austrade)
<b>Administering entity</b>	Austrade
<b>Enquiries:</b>	Visit <a href="http://www.austrade.gov.au/EMDG">www.austrade.gov.au/EMDG</a>
<b>Date guidelines released:</b>	16 February 2023
<b>Type of grant opportunity:</b>	Eligibility-based, demand-driven

# Export Market Development Grants

## The Export Market Development Grants (EMDG) program is designed to achieve Australian Government objectives

EMDG is designed to bring benefits to Australia by encouraging the creation, development, and expansion of foreign markets for Australian products.



## The grant opportunity opens

We publish the grant guidelines on [austrade.gov.au](http://austrade.gov.au) and [GrantConnect](#). Applications open on the online application portal, which can be accessed via the Austrade website.



## You submit a grant application

You apply for a grant by completing the online application form, addressing all the eligibility criteria.



## We assess your grant application and determine funding amounts

We will assess all grant applications we receive against the objectives of the EMDG Act and the eligibility criteria, the requirements under the Public Governance, Performance and Accountability Act 2013 (the PGPA Act) as well as the Commonwealth Grants Rules and Guidelines (CGRGs) to determine whether you are eligible. The decision maker (the CEO of Austrade or delegate) will make a decision on each application.

Grant amounts are determined based on the number of eligible applications received in that round, and the total funding available (i.e., the grant pool is spread across all applicants. Grant amounts are not based on maximum tier cap amounts).



## We enter into a grant agreement

We will offer a grant agreement to each applicant who is eligible to receive a grant. This grant agreement sets out the terms and conditions for your grant, including the amount of funding you will receive, which you will need to match in eligible promotional expenses to be eligible for the grant (i.e., you must spend double the grant amount).



## Delivery of grant

You undertake your marketing and promotional activities and incur eligible expenditure as set out in your grant agreement. To receive the maximum grant amount in a financial year as set in your grant agreement you must spend at least up to the amount that is double your grant amount on eligible expenditure (where your eligible planned expenditure is more than double your grant amount).



## Milestone payments

Your grant agreement will set out when your milestone grant payments will be made and what you have to do to receive those payments. We will work with you to manage the milestone payments in accordance with your grant agreement.



## Improving the program

We evaluate the overall performance of the program. We base this on information that you and other grantees provide to us and that we collect from various sources.

## 1.2 Introduction

These Grant Guidelines (the guidelines) contain information for the Export Market Development Grants (EMDG) program (the program). The Australian Trade and Investment Commission (Austrade) is responsible for administering the program. Austrade (we) will publish the opening and closing dates for this grant opportunity and any other relevant information on [austrade.gov.au](https://austrade.gov.au) and [GrantConnect](#).

You must read this document before applying for a grant.

This document sets out:

- the purpose of the grant opportunity
- a description of eligibility criteria for applicants and grantees, export products and expenses, with reference to the governing legislation
- how we consider and assess grant applications
- how we notify applicants, enter into agreements with grantees and make payments
- how we monitor and evaluate grantees
- responsibilities and expectations in relation to the grant opportunity.

These Guidelines must be read in conjunction with:

- the [Export Market Development Grants Act 1997<sup>1</sup>](#) (the EMDG Act), and
- the [Export Market Development Grants Rules 2021<sup>2</sup>](#) (the EMDG Rules).

We also consider our obligations under the PGPA Act.

We may update these guidelines from time to time, so you should make sure you have the current version from the Austrade website.

In these guidelines, unless a contrary intention appears, all defined terms have the meanings given to them in the EMDG Act, the EMDG Rules and the list of definitions. To the extent of any inconsistency, the EMDG Act and the EMDG Rules prevail over the guidelines.

<sup>1</sup> <https://www.legislation.gov.au/Details/C2021C00244>

<sup>2</sup> <https://www.legislation.gov.au/Details/F2021L00509>

## 2 About the grant program

EMDG is a key Australian Government financial assistance program for Australian exporters. Each year, it helps Australian small and medium enterprises (SMEs) start or expand their export business. This grant program contributes to Austrade's Budget Portfolio Outcome 1.

The program is designed to bring benefits to Australia by encouraging the creation, development, expansion and diversification of foreign markets for Australian products. This is done by providing targeted financial assistance for promotional activities and the development of marketing skills to Australian SMEs and their representative organisations. The intended outcome is increased export promotion for eligible products in foreign markets by EMDG recipients.

The principles underpinning EMDG are:

- Help is focused on export market development and promotion.
- Grantees must spend at least an [equal amount](#) of their own money on eligible expenses (i.e., you must spend double the grant amount).
- The EMDG grant is an eligibility-based grant. All applicants who are eligible will be offered a grant agreement.
- SMEs have access to grants up to a total of [8 years](#), reflecting the time it takes to build a presence in the market.
- A wide range of [expenditure is eligible](#), reflecting how businesses approach markets in different ways.

Grants are paid in accordance with a [grant agreement](#) between Austrade and a [grantee](#). Some EMDG conditions apply only to representative bodies, while others apply to all other applicants/grantees. For simplicity, the guidelines will refer throughout to applicants/grantees as SME exporters.



## 3 Grant amount and grant period

### 3.1 Grant amount

Unless otherwise explicitly stated, EMDG is an eligibility based, demand driven program. This means all eligible applicants will receive a grant from the available funds. The grant amount an applicant receives depends on the number of eligible applications in the grant round (referred to as demand), and the available program budget to be shared amongst all eligible applicants. Grants are therefore not based on the maximum grant tier caps.

The total funding for this grant program is \$157.9 million per year divided amongst eligible applicants, including grant funding and funds for administration of the program.

### 3.2 Grant activity period

Applications will be considered for planned expenditure in respect of eligible promotional activities undertaken from 1 July 2023. Grant agreements in this round may be issued for one year or for two years, with a possibility of extension subject to the availability of funds, and the maximum allowable grant term for the relevant tier under the EMDG Rules.

### 3.3 Application period and closing date

Opening and closing dates will be published on [austrade.gov.au/EMDG](https://austrade.gov.au/EMDG) and GrantConnect. Late and incomplete applications will not be accepted. Given applicants sometimes experience challenges with IT systems, internet accessibility and other unexpected issues, Austrade strongly encourages all applicants to lodge their application as early as possible within the application period. We cannot extend the application period in any circumstance including if you experience IT issues in the lead up to the application lodgement.

The EMDG portal uses the Australian Government Digital Identity System to verify users. Austrade strongly encourages all applicants to check their myGovID is valid and linked to the business in Relationship Authorisation Manager (RAM) well before the applications closing date.

Please note that the Australian Taxation Office is responsible for myGovID matters and Austrade cannot assist with resolving any technical issues. Applicants are responsible for establishing and maintaining their digital identity.

### 3.4 Assistance for eligible SME exporters

If you are an eligible SME exporter, you will be able to apply for grants for promotional activities to market eligible products in foreign countries, or training activities to develop marketing skills.

Unless otherwise explicitly stated, SME exporters can be eligible for up to eight years of the EMDG program. The eight years do not need to be consecutive. (See also [section 4.2.1](#))

Grant amounts will be determined based on the demand for the program and the funding available. (See also section 3.5 for grant allocations in financial year 2021-22.)

- Maximum funding caps are the limits within each tier and are not an indication of the funding you will receive.

# Export Market Development Grants

- We decide on grant amounts by spreading the available funding across applicants. Grants amounts are not based on maximum tier caps. All eligible applicants will receive funding. A higher number of eligible applicants means lower grant amounts for each eligible applicant and the amount is dependent on the funding available.
- The number of eligible applicants in the grant round, and therefore grant amounts, will not be known until after the application closing date and applications have been considered by Austrade.

To receive the grant, eligible applicants will have to spend double the grant amount of their own money on eligible marketing and promotional activities. In the application you will be asked to declare that the proposed activities and any associated expenditure has been endorsed by the applicant's board/ management committee or person with authority to commit the applicant to these activities and expenditure.

Grants will be available in 3 tiers, designed to provide different levels of support to you during different stages of your export journey:

- **Tier 1:** for eligible SME exporters who:
  - are ready to export in the grant year
  - have not previously exported
  - have appropriate skills in marketing eligible products in a foreign country.

See section 4.2.2 for more information.

- **Tier 2: for eligible exporters who are:**
  - exporting eligible products
  - seeking to expand export promotion activity for eligible products.

See section 4.2.3 for further information.

- **Tier 3:** for eligible exporters who are:
  - exporting eligible products
  - seeking to expand export promotion activity
  - ready to make a strategic shift in the marketing of eligible products in a foreign country.

See section 4.2.4 for more information.

## 3.5 Deciding which tier to apply for

When deciding a grant amount to apply for, consider that you first must spend double the grant amount in your own money on eligible marketing and promotional activities to receive 50% of funds back (up to the total grant value).

To be eligible, you must have a total [turnover](#) of less than \$20 million in the financial year before the financial year in which you are making an application.

- For Tier 1 you will need to be ready to start exporting.
- For Tiers 2 and 3 you will have already exported.
- You can apply for any tier level that suits your organisation.

You **do not** have to progress through each tier. You do not have to proceed through the tiers in any particular order.

## **Export Market Development Grants**

You might, for instance, successfully apply for a Tier 1 grant as you commence exporting, then apply for a Tier 3 grant in a future round because you wish to shift to a market in a different country. Then you could apply for a Tier 2 grant in another round to help you to consolidate and expand your operations in that different market.

During assessment if your application is found not eligible for the tier you applied for, we will consult with you as to whether you are eligible for a different tier.

## 3.6 Assistance for representative bodies

If you are a [representative body](#), you are able to access a grant to:

- enable you to undertake promotional activities on behalf of your members in foreign markets
- help you provide training to your members to help them become export ready.

There is no limit on the number of times you can apply for a grant. You can only have one grant agreement operating at a time.

## 3.7 Will I always get the amount I apply for?

Your grant agreement may be for less than the amount you applied for.

- Each year the Government allocates a set amount of money for EMDG (the appropriation).
- EMDG is an eligibility-based grant program. This means that all SME exporters who apply and are assessed as eligible will receive a grant.
- Therefore, where eligible applications exceed the available appropriation, Austrade must distribute the funding among all eligible applicants.
- We publish grant amounts on our website once we have calculated the amount and notify successful applicants in their grant agreement.
- EMDG grant applications have been increasing in number, affecting the size of the grants. The grant amounts in the second round may be useful as a guide assuming similar levels of demand:

### Round 2 maximum grant amounts

- Tier 1 – up to \$10,000 per financial year
- Tier 2 – up to \$18,000 per financial year
- Tier 3 – up to \$28,000 per financial year
- Representative Bodies-up to \$50,000 per financial year.

### Round 2 average grant amounts committed in grant agreements based on applications by tier

- Tier 1 – up to \$9,857 per financial year over 2 years
- Tier 2 – up to \$17,359 per financial year over 2 years
- Tier 3 – up to \$27,610 per financial year over 2 years
- Representative Bodies-up to \$40,766 per financial year over 2 years.

## 3.8 When will I know how much my grant is for?

Once all applications have been received and considered, Austrade will calculate the distribution of available funds for all eligible applications. If you are eligible, you will receive a grant agreement that will tell you how much your grant is for.

Your obligation is to match the dollar value of the grant monies you receive (this means you must spend double the grant amount on eligible marketing and promotional activities), noting:

- If you spend more, you will not receive more grant money. The amount in your grant agreement is the maximum you will receive.

## Export Market Development Grants

- If you spend less, you will only receive an amount equal to the amount you contributed (i.e. if your grant agreement is for \$15,000 and you spend \$20,000 on eligible expenditure you will only receive \$10,000).

## 4 Eligibility criteria

Your application must satisfy all the relevant eligibility criteria.

The EMDG Act at sections 15 and 16 and the EMDG Rules at Part 2 provide the [full description of who is eligible](#) for an EMDG grant.

To be eligible for a grant, you must be Australian and be ready to export (Tier 1), or already exporting (Tiers 2 or 3), eligible products of substantially Australian origin, or be a representative body.

### 4.1 Eligible applicants and conditions that apply to all applicants

To be eligible for a grant you must be an eligible person within the meaning of the EMDG Rules, being one of the following:

- an individual whose principal place of residence is in Australia
- a body incorporated under the *Corporations Act 2001*
- an association, or cooperative, incorporated under an Australian law
- a partnership that is Australian, that is a partnership that was formed and operates under a law of a State or Territory, with at least half the partners are Australian persons
- a trust that is Australian within the meaning of the [EMDG Rules](#), that is the trustee, or each trustee, of the trust is an Australian person
- a body corporate established for a public purpose by or under an Australian law
- a [representative body](#).

Partnerships and trusts are treated as if they are persons under the Act and Rules, but with the changes set out in [sections 105A and 105B of the Act](#).

At the time you apply for a grant, and at all times while you are a grantee, you must have an Australian Business Number (ABN).

At the time of signing a grant agreement, and at all times while a grantee, you must not:

- have any outstanding disqualifying convictions (refer to the [EMDG Rules](#) section 15)<sup>3</sup>
- be under insolvency administration (refer to the [EMDG Rules](#) section 16).

Other Commonwealth restrictions will also apply. You are ineligible for Commonwealth grants if you are included on the National Redress Scheme's list of [Institutions that have not joined or signified their intent to join the Scheme](#)<sup>4</sup>

You must comply with all the relevant Australian Taxation Office (ATO) legislation, rulings and guidelines. During the assessment process we may require you to obtain and provide a Statement of Tax Record from the Australian Taxation Office, to enable us to check compliance.

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<sup>3</sup> Disqualifying convictions encompass convictions for many different types of fraud offences, including fraud offences against the Commonwealth. The offences are outstanding for a period of 5 years from either the time of conviction, or if you were imprisoned for the offence, from your time of release.

<sup>4</sup> <https://www.nationalredress.gov.au/institutions/institutions-have-not-yet-joined>

## 4.2 Conditions that apply to SME exporters

If you are an SME exporter, at the time you apply for a grant you must also:

- have a turnover for the last financial year of less than \$20 million. (Annual turnover is the total ordinary income that you derive in the income year in the course of running your business).

If your grant application is successful, at the time you enter into a [grant agreement](#) you must be:

- ready to export [eligible products](#) (Tier 1); or
- exporting eligible products and seeking to expand your export promotion activity (Tier 2), or
- exporting eligible products, seeking to expand your export promotion activity and making a [strategic shift](#) in your export promotion activity (Tier 3).

### 4.2.1 EIGHT-YEAR CAP AND TOTAL GRANT AMOUNT CAP

In general, applicants can receive EMDG grants for up to eight financial years. The eight financial years need not be consecutive.

All grant payments will be counted in financial years.

You can only receive a total of \$770,000 under the EMDG program. If you reach this cap before the eight financial years cap you cannot receive any further EMDG funding.

#### 4.2.1.1 How EMDG grant history impacts on your funding cap

Note: If this is your first EMDG application, you can ignore this section.

To determine whether you are under the eight financial years and \$770,000 maximum funding caps, you will need to consider:

- The cap calculations include all EMDG grants received by you under the EMDG Act on or after 1 July 1990.
- One grant under the reimbursement scheme is counted as one financial year.
  - A grant under the reimbursement scheme is the actual amount you received from Austrade for a claim.
  - Under the reimbursement scheme your claim may have been paid in one or 2 tranches. If you received a payment in 2 tranches, the total of the 2 tranches is counted as one grant.
  - The first time you received a grant under the reimbursement scheme was a special case. You were able to claim for expenses you incurred during the previous financial year or the immediately preceding year (see subsection 29(c)(i) of the *Export Market Development Grants Act 1997* prior to 17 June 2021). You will have made one claim and therefore this counts as one grant.
- Between 1 July 1990 and 1 July 1997, EMDG grants were paid under the *Export Market Development Grants Act 1974*. Similarly, each claim paid under that legislation is considered as one grant when determining whether you have reached your EMDG caps.

If you or your organisation has received eight EMDG grants, or \$770,000, since 1990, you have reached your cap and you are not eligible for further EMDG funding.

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Austrade will connect your EMDG grant history records to your application for this grant round. Details of the number of grants and amounts you have received should automatically fill into the application form. However, it is your responsibility to check that these records are accurate.

Please contact the EMDG helpdesk if you require assistance or if you think the records that appear in your application form are inaccurate.

## 4.2.1.2 Organisational restructuring

When assessing whether you have reached either the eight-year cap or the \$770,000 cap on total grant funding available to you under EMDG, we will include the grants of another grantee where Austrade considers organisational restructuring activity has occurred that means you are, in substance, conducting the business the previous grantee conducted. This is done by assessing whether your business is similar in substance to a previous EMDG grantee (including a grantee that has ceased to exist).

We make this assessment having regard to:

- the nature and assets of the businesses conducted by you and the other person
- the individuals controlling or constituting you and the other person
- any other matters the CEO of Austrade or the [Delegate](#) considers relevant.

If Austrade is satisfied that you are, in substance, conducting the business that the previous EMDG grantee conducted, we will include:

- the number of financial years in which grants were payable or paid to them into your total years funded, and
- the total amount of funding received by them in your total of funding received under the EMDG program.

This decision is [reviewable](#).

## 4.2.2 TIER 1 APPLICANTS: NEW TO EXPORT

To be eligible for a [Tier 1](#) grant you must be ready to export. You are considered ready to export [eligible products](#) if:

- you have not previously exported eligible products, and
- you have appropriate skills in marketing eligible products in a foreign country, demonstrated by either:
  - a declaration by you that you have used Austrade's [Export Readiness Tool](#)<sup>5</sup> and as a result believe you are ready to export (note you may need to prove you have used the Tool)
  - proof that you have completed export readiness training with a representative body or another provider. Austrade does not endorse any specific training provider (EMDG Rules section 5).

<sup>5</sup> <https://export.business.gov.au/get-started-with-exporting/are-you-ready-to-export>



## 4.2.3 TIER 2 AND TIER 3 APPLICANTS: EXPANDING YOUR MARKETING ACTIVITIES

To be eligible for a [Tier 2](#) and [Tier 3](#) grant you must show you are expanding your marketing activities. This must be shown in your plan to market and must be able to be demonstrated in your milestone report.

## 4.2.4 TIER 3 APPLICANTS: MAKING A STRATEGIC SHIFT IN YOUR MARKETING

To be eligible for a [Tier 3](#) grant, you also need to show in your plan to market that you are making a [strategic shift](#) in your marketing or promotional activities.

### What is a strategic shift?

A strategic shift is a change in your business strategy that supports:

- expanding your marketing or promotional activities to target a new export market in a new country, and/or
- expanding your marketing or promotional activities to support a substantive change of your eligible product, to be exported to a new market in a new country, or an existing export market.

Definition of 'substantive change of product' – a new and separate eligible product or eligible service that is independent of and substantially different from any previous export product or service.

## 4.3 Representative bodies

If you are a representative body applicant, you must be an organisation that:

- promotes the interests of members of a group from an industry, a substantial part of an industry, or from more than one industry, where all or a substantial number of those members are exporting or seeking to export eligible products, and
- does not export eligible products, or the export of eligible products is not one of your primary activities, and
- does not distribute income to members or shareholders.

At the time you apply for a representative body grant you must:

- have a plan to market if the application is for a grant to undertake promotional activities on behalf of your members, and/or
- have the skills and experience necessary to deliver, or arrange for the delivery of, training that enables your members to become ready to export if the application is for a grant to undertake training activities.

## 4.4 A plan to market

All applications from SME exporters will require a plan to market. The plan will help determine your suitability for the tier you have applied for.

# Export Market Development Grants

All applications from SME exporters will require a plan to market.

## It could be:

- **A one-page statement**
- **A copy of your strategic roadmap for promotions**
- **Any other relevant internal planning document**

## What it should explain:

- Why are you undertaking the proposed marketing? What business goals are you seeking to achieve through your promotions?
- How do you plan to measure success of your promotional activities?
- What is your overall promotional activities budget for each financial year?
- Where and what customers or demographic will your promotional activities be targeted towards?
- What promotional activities are you planning? This can be as detailed or strategic as you like.

If you are a representative body undertaking promotional activities on behalf of your members, your application will need to include a plan to market.

If you are a representative body and only applying for EMDG grant funding for training activities, you do not need to provide a plan to market.

A plan to market is a high-level document that shows us what you intend to do to market your product overseas and why. If you are a representative body, your plan to market should show how you plan to market your members' products.

Your plan to market should be a strategic document that is unique to your business and directly related to your planned export promotion activities. You cannot submit a plan to market that is copied from another business or submit a generic marketing plan.

Like a business plan, a plan to market would be a living business management document, that you may need to modify and adapt through the life of your exporting business as circumstances warrant. Where modification is needed, you would include the updated plan to market with your scheduled milestone reporting, as outlined in your grant agreement, but this would not generally require a grant variation.

Your plan to market could be a one-page statement, a copy of your strategic planning roadmap for marketing, or any other internal planning document that answers the following:

- Why are you undertaking the proposed marketing? In other words, what business goals are you seeking to address through your promotional activity?
- How will you measure success for your promotional activities?
- What is your overall budget for marketing activities? An overall budget does not require details of individual expenses.
- Where and what customers or demographic will your promotional activities be targeted towards?
- What promotional activities will you undertake? This can be as detailed or as strategic (big picture) as you like.

Your plan should describe the period that the grant will cover, ie. 1 July 2023 through to 30 June 2024.

If you are applying for a [Tier 2 grant](#), your plan should also show how you are expanding your promotional activities.

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If you are applying for a [Tier 3 grant](#), your plan should also show how you are expanding your promotional activities and making a strategic shift in your markets or promotional activities.

In both Tiers 2 and 3, this can be done by showing where you are now and comparing that to where you want to be in 12 or 24 months' time.

## 5 What the grant money can be used for

### 5.1 Eligible products

EMDG grant funds must be used for promotional activities to market eligible products in foreign countries, or for training activities to develop skills in such marketing.

The EMDG Act Division 4 and the EMDG Rules Part 3 give detailed descriptions of what constitutes eligible products. The following sections give broad summaries of eligible and ineligible products. However, you should ensure you understand the relevant sections of the [EMDG Act and EMDG Rules](#).

To be an eligible product, your product(s) must be of **substantially Australian origin** and be:

- goods
- services
- events
- intellectual property or know-how
- software.

Ineligible products are set out in sections [5.1.1.1](#) and [5.1.2.3](#) below.

#### 5.1.1 SUBSTANTIALLY AUSTRALIAN ORIGIN: ELIGIBLE GOODS

To be of substantially Australian origin, goods must be either:

- primary produce, or mainly made from primary produce (that is mined, harvested, raised or fished) within Australia
- manufactured or assembled in Australia partly or wholly from imported materials or components that, in Australia, undergo or are part of a process or operation that does one of the following:
  - results in the manufacture of a new product
  - substantially transforms the nature of the materials or components
  - is an important stage in the manufacture of a product to be produced outside Australia using those goods

or

- are made outside Australia and have at least three of the following characteristics:
  - the assets used to make the goods ready for sale (other than assets used in manufacture) are mainly or substantially based in Australia
  - the activities resulting in the goods being made ready for sale (other than manufacture) are mainly or substantially carried on in Australia
  - a significant proportion of the value of the goods is added in Australia
  - the making of the goods directly generates significant employment in Australia.

## 5.1.1.1 Goods that are not eligible

Goods that are manufactured or assembled in Australia partly or wholly from imported materials or components are excluded if the process or operation is designed to circumvent rules relating to the origin or origins of the product, or consists of only grading, packing or sorting the materials or components.

Goods are excluded if they relate to any of the following:

- pornographic material – including pornographic material in publications, films, computer games, or accessible on the internet
- activities or products that are unlawful.

## 5.1.2 SUBSTANTIALLY AUSTRALIAN ORIGIN: ELIGIBLE SERVICES

Eligible services are divided into:

- eligible tourism services
- eligible services other than tourism.

### 5.1.2.1 Substantially Australian origin: eligible tourism services

Tourism services must be supplied in Australia to foreign persons, and are the supply of any of the following:

- passenger transport by land, including vehicle hire (but not a transfer service for foreign tourists)
- passenger transport by water or air
- overnight accommodation unless for a business purpose or study
- tours
- paid admission to:
  - a place that has one or more outstanding natural features or is of historical interest
  - a park, nature reserve or botanical garden
  - a wildlife sanctuary or zoological garden
  - a museum, art gallery or craft centre
  - a place that is, or provides, an amenity appropriate to tourists
  - an event
- services at a place the main purpose of which is to provide a venue and associated facilities for meetings, conventions and exhibitions
- the services of a restaurant or cafe
- services directly related to the act of gambling in a licensed casino.

### 5.1.2.2 Substantially Australian origin: eligible services other than tourism services

To satisfy the eligibility requirement that products are substantially of Australian origin, services must be supplied (whether in or outside Australia) to foreign persons and be at least 3 of the following:

- the assets used to make the services ready for sale or supply are mainly or substantially based in Australia
- the activities resulting in the services being made ready for sale or supply are mainly or substantially carried on in Australia

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- for services supplied outside Australia – a significant proportion of the value of the services is added in Australia
- the supply of the services directly generates significant employment in Australia.

## 5.1.2.3 Services that are not eligible

Services are excluded if they relate to any of the following:

- migration to Australia, including proceedings or actions to enter or remain in Australia
- adoption, custody or welfare of a child
- proceedings about the maintenance of a person
- proceedings under the *Family Law Act 1975*
- identification, procurement, lease, sale or purchase of assets in Australia (whether tangible or intangible), including cash, real estate, stocks, options or shares
- protection, operation or maintenance of assets held in Australia
- compliance with the laws of Australia
- prostitution
- pornographic material, including pornographic material in publications, films, computer games, or accessible on the internet
- activities or products that are unlawful
- provision of a gambling service by a person not licensed under an Australian law to provide the service
- any service supplied in Australia to foreign tourists that is not a tourism service
- selection or recruitment of students to work in Australia.

## 5.1.3 SUBSTANTIALLY AUSTRALIAN ORIGIN: ELIGIBLE EVENTS

Events like trade shows held in Australia are eligible if they are being held to market or promote Australian products or services to international customers. If the event is online, the event must be provided by an [Australian person](#).

## 5.1.4 SUBSTANTIALLY AUSTRALIAN ORIGIN: ELIGIBLE INTELLECTUAL PROPERTY AND KNOW-HOW

To be an eligible product, intellectual property or know-how must be as follows:

- for intellectual property rights relating to a trademark, the trademark was first used in Australia, or has increased in significance or value because of being used in Australia
- for intellectual property rights relating to any other thing, or for know-how, the thing, or know-how, is the result, wholly or substantially, of research or work done in Australia.

## 5.1.5 SUBSTANTIALLY AUSTRALIAN ORIGIN: ELIGIBLE SOFTWARE

To be an eligible product, software must be a work in which copyright subsists, and the work is the result, wholly or substantially, of research or work done in Australia.

## 5.2 Eligible expenses

It is important you understand what eligible expenses are. You will need to show your expenses are eligible to receive [payments](#) during the course of your grant agreement. You will not receive your milestone payments unless your expenses are eligible expenses.

Your expenses are eligible where:

- they are in respect of promotional activities undertaken during the period of your Grant Agreement for the purpose of marketing [eligible products](#) in foreign countries and you have a [designated connection](#) to the eligible product, or
- if you are a [Tier 1](#) or [representative body](#) grantee, training activities undertaken for the purpose of developing skills in marketing eligible products in foreign countries.

You will be required to indicate in your application your overall budget for each financial year you are applying for, and if requested, be able to show how you estimated the planned eligible expenditure. The types of eligible expenses are described below.

You must spend your grant money on eligible expenses between the start date and end date for your [grant agreement](#).

### 5.2.1 ELIGIBLE EXPENSE TYPES

As explained above, all expenses must relate to promotional activities to market your [eligible products](#) in foreign countries, or training activities to develop skills in such marketing.

Your expenses must also meet any other requirements in your [grant agreement](#), including the particular requirements of the [Tier](#) for which you have received a grant. For example, if you have entered into a Tier 3 grant agreement your expenses must be for activities that are an expansion of your previous promotional activities and for activities that are a [strategic shift](#) from your previous promotional activities, as outlined in your plan to market. These Tier 3 specific requirements will be a part of your grant agreement.

Expenses you wish to claim must fall into one or more of the following categories.

#### 5.2.1.1 Maintaining a representative in a foreign country

Maintaining a representative in a foreign country for more than six months in a financial year so far as the representative is either:

- conducting research into the market in that country for your eligible products
- undertaking promotional activities to market your eligible products in that country.

This includes expenses such as salaries and wages of the representative, office rental costs, education of the representative's children if relocated for the role, relocation expenses, and recruiting a replacement representative.

Where your representative is undertaking other activities outside these two activities described above, it is not an eligible expense. At the milestone payment stage, you may be asked to demonstrate what part of your representative's time was allocated to these activities. In this situation it is advisable to keep records detailing this distinction from the beginning of their engagement to make milestone payments easier.

#### 5.2.1.2 Short trips to a foreign country

Up to 21 days' continuous travel for you or your representative, between Australia and a foreign country.

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This includes expenses such as airfares, accommodation expenses, incidentals, ground transport and food.

Trips may be longer than 21 days and incorporate activities other than export promotion. If so, then only those days dedicated to export promotion, up to a maximum of 21 continuous days, would be eligible.

When estimating travel budgets, the daily expense allowances used by the [Australian Tax Office](#) describe the upper limits allowable under EMDG. These limits will be described in your grant agreement.

The ATO determination is updated every year and will take into account cost changes in your markets. Austrade will provide details about how to find the determination through our website.

## 5.2.1.3 Consultants

Engaging a consultant to undertake either:

- research into the market in a foreign country for your eligible product
- promotional activities to market your eligible product in that country.

This includes expenses such as original research, export planning and export pricing strategies and designing marketing materials (see also [sales-related expenses](#) and [remuneration-like expenses](#)).

This does not include engaging a grant agent to complete your application or reporting during the life of your agreement.

## 5.2.1.4 Short trips within Australia

Up to 21 days' continuous travel within Australia for you or your representative, to undertake activities relating to marketing your eligible product to potential foreign buyers.

This could include expenses such as food and accommodation, transport, and participation in trade shows in Australia where buyers for overseas markets are present.

It does not include ordinary remuneration for you or your representative.

## 5.2.1.5 Foreign buyer visits

Up to 21 days' continuous travel between Australia and a foreign country, and within Australia, of a prospective foreign buyer of your eligible product so you can undertake promotional activities to market your eligible products to that buyer.

This includes expenses such as airfares to and from Australia, accommodation, food and incidental travel expenses.

## 5.2.1.6 Soliciting for business in a foreign country

Expenses for activities undertaken by you or your representative to solicit for business in a foreign country for your eligible products, where undertaken in a foreign country. This could include expenses such as trade show exhibits.

## 5.2.1.7 Free samples

Providing free samples of your eligible product either:

- to a person in a foreign country



- if your eligible product is tourism services, then in Australia to a person from a foreign country.

This includes expenses that are attributable to the actual cost of providing product samples free of charge. Your samples must be the same as your product that would be provided under any future sales agreements. This includes costs such as postage or freight to deliver samples overseas.

Expenses for free samples do not include samples given away as discounts or for sales-related adjustments to the recipient, or where they relate to product or prototype development.

## 5.2.1.8 Promotional and advertising material

Producing and providing material to promote or advertise your eligible product in the foreign country.

This includes expenses such as website design and build costs, virtual events, social media marketing, Google advertising, and design and printing of brochures.

The cost for the promotional activities must be your costs. The promotional activities can be undertaken by someone else on your behalf.

There are many different types of contractual arrangements that reflect the relationship between yourself and the person undertaking the promotional activities targeted at an overseas market for your product. For the expense to be eligible you must be able to demonstrate the cost to you as the grantee.

An example of this might be where a distribution company pays royalties to you for sales of your intellectual property or software in a foreign country. That company might agree to cover the promotional costs in that foreign market and account for this by reducing royalty payments to you. This means you are being paid for the sale of your product and then charged for your promotional expenses.

To claim this arrangement as an eligible expense you will need to provide evidence of the total amount that the distribution company is charging (the cost to you), for undertaking promotional activities. This is likely to be described in your contract.

## 5.2.1.9 Intellectual property rights

Seeking the granting, registration or extension of intellectual property rights of your eligible product in a foreign country.

This includes expenses such as payments to patent and trademark attorneys and to relevant government trademark and patent offices.

## 5.2.1.10 Training activities – representative bodies

If you are a [representative body](#), delivering (or arranging to deliver) training to members of the represented group so they can better market their eligible products in foreign countries.

## 5.2.1.11 Training activities – Tier 1 applicants

If you are a [Tier 1](#) applicant, obtaining training so that you or your staff can better market your eligible products in foreign countries.

Your training expenses are not eligible if that training is being funded under a grant agreement with a representative body.

## 5.2.2 WHAT THE GRANT MONEY CANNOT BE USED FOR

### 5.2.2.1 Expenses covered by other financial assistance schemes and grant programs

If you have received financial assistance for an expense through another Commonwealth, State or Territory scheme, this cannot be an eligible expense for the purpose of the EMDG grant. You cannot use funds from other government financial assistance or grant programs to match the EMDG grant.

At the time a [milestone payment](#) is due, we may request a copy of any relevant grant agreement so that we can verify there is no overlap.

If, after a grant is paid to you for an eligible expense, and you then receive financial assistance that covers the expense under another scheme, you may be required to repay the grant.

### 5.2.2.2 The sale or export of products that contravenes Australian law

If your expenses relate to a product where the sale or export of the product contravenes an Australian law it is not an eligible expense.

This includes all sanctions under the *Charter of the United Nations Act 1945* and its regulations, the *Autonomous Sanctions Act 2011* and the Autonomous Sanctions Regulations 2011. Information on Australia's sanctions can be found at: [dfat.gov.au/international-relations/security/sanctions/Pages/sanctions](https://dfat.gov.au/international-relations/security/sanctions/Pages/sanctions).

### 5.2.2.3 Soliciting sponsorship for events

Expenses to solicit sponsorship for an event are not eligible expenses.

### 5.2.2.4 Capital expenses

Expenses of a capital nature are not eligible expenses. However, an expense covered by the EMDG Rules section 36 (intellectual property rights) is not considered to be of a capital nature.

### 5.2.2.5 Trade with New Zealand

Expenses with respect to trade with New Zealand are not eligible expenses.

### 5.2.2.6 Paid expenses

Expenses in respect of something for which you have been, or are entitled to be, paid are not eligible expenses.

### 5.2.2.7 Government costs

Payment of a tax, levy or other contribution under an Australian law are not eligible expenses. This does not include the payment of a charge imposed by the *Passenger Movement Charge Act 1978*.

### 5.2.2.8 Sales-related expenses

Any sort of remuneration or remuneration-like expenses are not eligible expenses if they are made by reference to sales or other commercial transactions in relation to the eligible product such as salaries, retainers, fees, discounts, or credits.

## 5.2.2.9 Remuneration and remuneration-like expenses

Expenses that are a normal part of remuneration are not eligible expenses for any of the following:

- an individual who is ordinarily employed by the grantee or a related entity of the grantee
- if the grantee is a company – a director of the company
- a director of a company that is a related entity of the grantee
- if the grantee is a partnership – a partner in the partnership
- if the grantee is a trust – a trustee of the trust.

This exclusion only applies to the following expense categories described in 6.1 above:

- short trips to a foreign country
- consultants
- short trips within Australia
- foreign buyer visits
- soliciting for business in a foreign country
- promotional and advertising material
- intellectual property rights.

For clarity, this exclusion therefore does not apply to the following expense categories described in 6.1 above:

- maintaining a representative in a foreign country
- free samples
- training activities

Travel allowances, such as *per diems* and accommodation costs when travelling, are **not** considered to be a normal part of remuneration. This means, travel allowances are eligible expenses for the expenses categories listed in 6.1 above.

### 5.2.2.10 Illegal activities

Expenses are not eligible expenses where they relate to a thing done by you or your representative that is illegal in the country in which it is done.

Expenses are also not eligible expenses where they relate to something you or your representative do that would be illegal if you had done it in Australia.

### 5.2.2.11 Detrimental impact

Expenses are not eligible if Austrade thinks your expense or product might have a detrimental impact on Australia's trade reputation.

This decision under this subsection is [reviewable](#) (see Rule 55 of the EMDG Rules and Section 97 of the EMDG Act).

### 5.2.2.12 Grant writing expenses

Any expenses related to engaging a grant agent to complete your EMDG application or reporting during the life of a grant are not eligible.

## 5.2.3 DESIGNATED CONNECTION

As described above, you must have a designated connection to the eligible product for your promotional activity expenses to be eligible.

For most grantees the designated connection to a product will be that you own the product. Other types of designated connection relationships differ depending on the type of product you are marketing, as explained below.

### 5.2.3.1 Goods

You have a designated connection to an [eligible good](#) if you or a related entity either:

- own the goods
- own or hold an exclusive licence for one or more intellectual property rights relating to the goods.

### 5.2.3.2 Services

You have a designated connection to an [eligible service](#) if you supply the service.

### 5.2.3.3 Events

You have a designated connection to an [eligible event](#) if you either:

- provide the event, or
- are the promoter of the event under a written arrangement with the person providing the event.

### 5.2.3.4 Intellectual property and knowhow

You have a designated connection to an [eligible intellectual property or know-how](#) product if you either:

- own the intellectual property or know-how
- are licensed to promote the intellectual property or know-how by its owner.

### 5.2.3.5 Software

You have a designated connection to an [eligible software](#) product if you own, or hold an exclusive licence to use, copyright in the software or that part of the software that is in the form of intellectual property.

If the software is also in the form of either goods, services, intellectual property or know-how, then you must also satisfy the designated connection requirements for that eligible product type above.

### 5.2.3.6 Representative bodies

If you are a [representative body](#), and members of the group you represent have a designated connection to one of the above eligible product types, then you also have a designated connection to the same product type.

## 6 How to apply

Before applying, you should read and understand these guidelines.

It is also advisable you read and understand the [EMDG Rules and the EMDG Act](#).

It will also help you if you read the sample application form and the sample grant agreement.

These documents may be found on the [Austrade website](#). Any alterations and addenda<sup>6</sup> will be published on the same site. You can subscribe to RSS feeds to receive any key updates about the program through electronic direct mail (eDM).

To apply you must:

- complete the online grant application form via the link on the Austrade website
- provide all the information requested
- address and meet all [eligibility criteria](#)
- include all [necessary attachments](#) to a reasonable standard
- make the necessary declarations and
- submit your online application by the closing date on the cover page of these Guidelines.

### Digital identity - myGovID

The EMDG application portal uses the Australian Government Digital Identity System to verify users. You will be required to use your Digital Identity, myGovID, to access the EMDG service when you apply, view the status of your application, view and sign your grant agreement and submit milestone reports.

The applicant's myGovID must be linked to the business in the Relationship Authorisation Manager (RAM).

For more details on myGovID, please read the [myGov ID help page](#).

For more information on RAM, refer to [RAM help content](#).

Please note that myGovID is not an Austrade product and therefore Austrade cannot assist with challenges, issues or technical queries. We recommend if you do not have a myGovID already that you commence obtaining as soon as possible and well before the application closing date.

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<sup>6</sup> Alterations and addenda include but are not limited to corrections and additions to currently published documents, and changes to close times for applications.

## 6.1 Application accuracy

You are responsible for ensuring your application is complete and accurate. Your application may be rejected and deemed incomplete and ineligible, if you do not provide all required information to a reasonable standard. Giving false or misleading information in an application for funding is a serious offence under the [Criminal Code Act 1995](#). We will investigate any false or misleading information and may exclude your application from further consideration.

If you find an error in your application after submitting it, send an email immediately to [EMDG.help@austrade.gov.au](mailto:EMDG.help@austrade.gov.au). If additional information is provided after the closing time it may affect how we assess your application.

We may ask for clarification or additional information. Any changes should not change the nature of your application.

When we request further information from you, we will specify the date by which you must provide the information. If you do not provide the information by that date, we may not consider your application any further and deem it ineligible (see [EMDG Act](#) section 101). If you wish to make a request for extra time to gather the requested information, please contact us as soon as possible but note the request may not be granted.

You should keep a copy of your application and any supporting documents.

We will acknowledge that we have received your application by email.

If you need more information about the application process or if you are unable to submit an application online contact us at:

Phone: 13 28 78

Email: [EMDG.help@austrade.gov.au](mailto:EMDG.help@austrade.gov.au)

## 6.2 Submitting your application and milestone reports

You can submit your application and milestone reports yourself. The form has been simplified and provides help text to guide you to provide the information we require from you.

If you choose to, you can engage someone to help you apply for an EMDG grant and submit [milestone reports](#). They will need to declare that they are authorised to submit this form on behalf of the applicant.

Even where a person is authorised to submit an application or milestone report on your behalf, you are responsible for the accuracy of the information provided in the application and milestone reports.

If you engage someone to help you with your application, they cannot accept the agreement on your behalf. Only the primary contact listed in your application is authorised to accept and sign the grant agreement.

### Who is a primary contact?

The primary contact must be an authorised representative from the organisation applying for the grant, such as:

- The Chief Executive Officer
- The Chief Financial Officer
- A Director
- The Chairman of the Board
- The Registered Company Secretary

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- An Authorised Manager within a business, or
- The Applicant sole trader or partner.

## 6.3 Preparing information for your application

Before you start your application, you should prepare the following information:

Applicant	Attachment	Why do we need it?
All SME exporters must provide.	Profit and Loss Statement from the most recent financial year.	To substantiate that your <a href="#">turnover</a> is less than \$20 million.
All SME exporters must provide.  Representative bodies planning to market on their members' behalf must provide.	<a href="#">Plan to market</a> submission.  You can use our template available from the Austrade website or use your own document.	To establish tier eligibility.  If you are a representative body and only seeking funding for training, you do not need a plan to market.
Applicants that have goods and services made outside Australia must provide.	Balance sheet for the most recent financial year.	If your goods and services are made outside Australia it provides evidence for the <a href="#">substantially Australian origin</a> requirement.  To help us to identify any related entities when assessing whether <a href="#">organisational restructuring</a> has occurred.



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Applicant	Attachment	Why do we need it?
All Tier 2 and 3 SME exporters must provide.	To demonstrate that you are exporting you must provide documentary evidence for your most recent export sale of an eligible product. Evidence of this sale may include one of the following: <ul style="list-style-type: none"> <li>• An export sale invoice within six months of the application</li> <li>• An export sale invoice from anytime in the past and evidence of an imminent export sale</li> <li>• An executed contract of sales with overseas buyers. Contracts of sales include sales of goods, provision of services and licensing agreements for IP and Know how.</li> </ul>	To establish <a href="#">tier eligibility</a> .
All SME exporters operated by a trust must provide.	Trust deed including any amendments (if applicable) and including current trustee details.	To establish the <a href="#">eligibility of the trust</a> and its trustee as eligible persons.
All SME exporters with goods made outside Australia must provide.	Goods made outside Australia eligibility submission. A template is available on the Austrade website.	To establish eligibility of goods made outside Australia as <a href="#">eligible products</a> .
All SME exporters with services other than tourism must provide.	Service product eligibility submission. A template is available on the Austrade website.	To establish eligibility of <a href="#">services other than tourism services</a> as eligible products.
Representative bodies must provide.	<a href="#">Representative body</a> submission. A template is available on the Austrade website.	To establish representative body eligibility.

You must attach evidence, where requested and provide declarations before submitting your application. You are responsible for ensuring those declarations are accurate.

These include:

- declarations concerning your [insolvency](#) status as per section 16 of the EMDG Rules
- declaration concerning [disqualifying convictions as per section 15 of the EMDG Rules](#)
- declaration concerning trade sanctions as per section 20 of the EMDG Act.

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If you apply for a Tier 1 grant, you will need to provide evidence of export readiness, through a declaration that you have:

- completed any suitable export readiness training course or
- used [Austrade's export readiness assessment tool and believed you are ready to export](#)

You must also declare that you have not previously exported.

If you are applying for a Tier 2 or 3 grant, you must be exporting eligible products. You will be asked to provide evidence with your application to demonstrate that you are exporting an [eligible product](#). Types of evidence are listed in the table above.

## 6.4 Timing of the grant opportunity

You must submit your application between the published [opening and closing dates](#). We cannot accept late applications.

We will assess your application and advise you of the outcome. The assessment process may take a number of months depending on the volume of applications received in a round. You can log on the online portal to check the status of your application. If you are eligible, we will provide you with a [grant agreement](#) for you to accept via our online portal.

## 6.5 Questions during the application process

If you have any questions during the application period, please visit the [Austrade website](#) or contact us at:

Phone: 13 28 78

Email: [EMDG.help@austrade.gov.au](mailto:EMDG.help@austrade.gov.au)

## 7 The grant selection process

We will check your application to ensure it meets the [eligibility criteria](#).

If sufficient information has not been provided in the application to determine whether the eligibility criteria has been met, we will request further information. If you do not provide information in the provided timeframe, your application may be deemed incomplete and ineligible.

If the assessment process identifies unintentional errors in your application, you will be contacted to correct or explain the information.

### 7.1 Who will approve grants?

A decision maker at Austrade (the [Delegate](#) for the Austrade CEO) will decide:

- which grants to approve; and
- the [amount of funding](#) to be provided under the grant agreement. This decision will consider the availability of grant funds for the program and the number of applications received in each round.

The Minister for Trade and Tourism is not involved in decisions relating to individual EMDG grant applications. The Minister does not have overview or veto of these decisions.

## 8 Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant. If you are unsuccessful, we will notify you in writing and give you reasons for our decision. We cannot offer grant agreements until all applications have been assessed. We will determine the grant amounts based on the total number of eligible applications received and the total funding available for that round.

### 8.1 Right of review of a decision

The [EMDG Act and EMDG Rules](#) describe the decisions of Austrade for which you can seek review. You will be given the reasons for the decision and more detail about how you can seek review, if Austrade makes one of the following decisions:

- A decision not to enter into a grant agreement (see section 9 of the EMDG Act).
- A decision that you are not eligible for a grant or have not had or will not have eligible expenses in relation to eligible products (see section 11(1)(b) of the EMDG Act).
- A decision that you have not met a requirement under the EMDG Rules in relation to a grant payment (see section 11(1)(c) of the Act).
- A decision that your expenses are excluded because the expense or the product might have a [detrimental impact](#) on Australia's trade reputation (see section 47 of the EMDG Rules).
- A decision that you are conducting a business that is substantially the same as a previous EMDG recipient ([organisational change](#)) (see sections 13(5)(b) and 48(5)(b) of the EMDG Rules).

There is no right to seek review of the following decisions of the [Delegate](#):

- the amount of funding for each [grant agreement](#)
- the terms and conditions of the grant
- [milestone reporting](#) requirements.

#### 8.1.1 HOW TO SEEK A REVIEW OF A DECISION

For those decisions where you can seek a review described in section 8.1 of these guidelines the following steps should be followed if you disagree with a decision:

**Clarification:** In the first instance please contact us to discuss the decision to seek clarity. We will put you in contact with the original decision maker.

**Seek internal review:** If you still disagree with our decision you can ask for an internal review of the decision of the Delegate. This review will be undertaken by a more senior staff member who was not involved in the first decision. This request must be made in writing (writing includes email).

**Review by the Administrative Appeals Tribunal:** if you are still not satisfied with our decision you can seek a review by the Administrative Appeals Tribunal (AAT) who may undertake an independent review of the decision.

To appeal, the AAT Act requires the affected applicant to:

- submit an application to the AAT. The time limit to apply is 28 days of receipt of Austrade's decision advice (section 29 of the AAT Act) ([aat.gov.au/apply-for-a-review/other-decisions/time-limits](http://aat.gov.au/apply-for-a-review/other-decisions/time-limits))

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- pay an application fee ([aat.gov.au/apply-for-a-review/other-decisions/fees](https://aat.gov.au/apply-for-a-review/other-decisions/fees)).

Please see [aat.gov.au/apply-for-a-review/other-decisions/how-to-apply](https://aat.gov.au/apply-for-a-review/other-decisions/how-to-apply) for further details.

## 9 Successful grant applications

If you are eligible for a grant, you will receive a grant agreement from Austrade. Once you enter into a grant agreement you will be a grantee.

### 9.1 The grant agreement

A grant agreement is a legally binding agreement with Austrade on behalf of the Commonwealth.

Both you and the Commonwealth must accept the grant agreement before we can make any payments. We are not responsible for any expenditure you incur in expectation of a grant agreement.

Each agreement has standard terms and conditions that cannot be changed. The Commonwealth standard grant agreement will be used. A sample grant agreement is available on the [Austrade website](#) and GrantConnect.

The approval of your grant will have specific conditions determined by the assessment process or other considerations made by the [Delegate](#). We will identify these in your grant agreement.

The Commonwealth may recover grant funds if there is a breach of the grant agreement (see section 10(2)(b) of the EMDG Act and your grant agreement).

You should sign your grant agreement within 21 days from the date of written offer. During this time, we will work with you to finalise the details.

The offer may lapse if you do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application and any further information we seek for clarification.

#### 9.1.1 GRANT AGREEMENT VARIATIONS

We recognise that unexpected events may affect delivery of your grant activities. In some circumstances, you can request a variation to your grant agreement, including:

- suspending the grant for a period
- changing grant activities where necessary
- terminating a grant agreement early for whatever reason. In some circumstances you may do this so you can apply for a new grant in a different tier, or for a different eligible product.

Variations to your grant agreement must still comply with the overall [caps on total grant funds and years](#).

**Note:** you cannot request an increase of grant funds or the movement of grant funds from one year to another.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the grant outcome
- consistency with the [EMDG Act and EMDG Rules](#), program policy objectives, grant guidelines and any relevant policies of Austrade

- changes to the timing of grant payments.

## 9.2 Other legislation, policies and industry standards

You must comply with all relevant laws and regulations in undertaking your grant activity. These include Australian laws and the laws within the country in which you are undertaking your activities.

Some of these relevant laws include:

- the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*
- relevant human rights legislation
- workplace health and safety
- working with children and working with vulnerable people
- the *Privacy Act 1988*
- the relevant Australian Taxation Office (ATO) legislation, rulings and guidelines.

The CEO of Austrade may consider any breaches of these and any other relevant laws when deciding whether your expenses or product might have a [detrimental impact](#) on Australia's trade reputation.

## 9.3 How we pay the grant

Your grant agreement will state the maximum grant amount we will pay each financial year.

We will not exceed the maximum grant amount under any circumstances. If you spend more on eligible expenses, you must meet those expenses yourself.

In your application you must provide bank details for your organisation. We can only pay grant funding to the organisation that will be party to a grant agreement with the Commonwealth.

We will make payments annually. Payments are subject to a satisfactory milestone report. The amount in your grant agreement is the maximum you will receive.

## 9.4 Milestone Reports

You must provide us with a milestone report before we make a milestone payment.

Your [grant agreement](#) will specify when you should provide us with a milestone report and what it must detail. You must submit reports in line with the timeframes detailed in the grant agreement.

We will only make grant payments when we receive satisfactory milestone reports. This will be a condition in your grant agreement. Milestone payments will only be made if:

- you meet the eligibility requirements for a milestone payment as described above
- your expenses are [eligible expenses](#) in relation to an [eligible product](#)
- you meet your commitments under your grant agreement, particularly those that relate to the [type of grant](#) you are receiving (Tier 1, 2 or 3 or representative body). To allow us to assess your milestone report, you need to show us that your planned activities have been undertaken and that you have met the goals identified in your [plan to market](#).

You must keep payment records of all eligible expenditure and be able to explain how the costs relate to the conditions of your grant agreement.

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Under section 102 of the EMDG Act, Austrade can ask you as a [grantee](#) for information, documents or a statement about any relevant matters, including records of the eligible expenses you have paid. Those relevant matters are any of the following:

- whether you, as a grantee, are eligible for a grant
- whether you, as a grantee, have had or will have eligible expenses in relation to eligible products
- whether grant money has been used to meet your agreed eligible expenses in relation to eligible products
- whether you, as a grantee, are otherwise complying with the EMDG Act, the EMDG Rules and your grant agreement.

We will ask you in writing for that information and specify a date by which you must provide the information. If you do not provide these records when requested, **we cannot pay your grant** (see subsection 102(3) of the EMDG Act). Austrade will endeavour to provide payment as soon as possible following assessment and approval of the milestone report which may take a number of months in total.

Occasionally, we may need to re-examine claims, seek further information or request independent audits of claims and payments.

## 9.5 Milestone Payment Administration

We will provide sample templates for your milestone reports in your [grant agreement](#). Your milestone reports must:

- summarise your eligible expenses, noting your obligation to provide at least [matching funding](#) for eligible expenses
- include the evidence as specified in the [grant agreement](#)
- include a declaration that the eligible expenses were spent in accordance with the grant agreement

We will make milestone payments into the bank account held in the grantee's name and which the grantee controls with an authorised deposit-taking institution in Australia. This will be specified and described in your grant agreement.

When you receive your grant agreement, you will also receive a link to your organisation dashboard in Austrade's online portal. On this dashboard you will be provided with an option to lodge any upcoming milestone reports. Reminders of upcoming report requirements will be emailed to you close to the due dates.

You must discuss any milestone reporting delays with us as soon as you become aware of them.

## 9.6 Grant payments and GST

Payments will be GST exclusive.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on your particular taxation circumstances.



## 10 Announcement of grants

If you enter into a grant agreement with Austrade, your grant will be listed on Austrade's website and the [GrantConnect](#) website within 21 days after the date of effect.<sup>7</sup>

This information may include things such as:

- name of your organisation
- your industry
- Australian Business Number
- business location.

Should further details be required to be published, we will notify you.

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<sup>7</sup> See Glossary.

## 11 How we monitor your grant activity

### 11.1 Keeping us informed

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to carry on business and pay debts due.

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the [grant agreement](#) you must contact us immediately.

### 11.2 Improving the program

We will evaluate the program to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also ask you for more information to help us understand how the grant affected you and to evaluate how effective the program was in achieving its outcomes.

#### 11.2.1 FOLLOW-UP REPORT OR SURVEY

Your [grant agreement](#) will detail what we want to know from you in a follow-up report or end-of-grant survey.

A follow-up report or survey is a high-level information request that will help us to monitor the effectiveness of the EMDG program.

## 12 Probity

The Australian Government will make sure that the grant opportunity process is fair, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the [EMDG Act and EMDG Rules](#).

These guidelines may be changed from time-to-time by Austrade. When this happens, the revised guidelines will be published on the [Austrade website](#) and on [GrantConnect](#).

### 12.1 Enquiries and feedback

Austrade's complaints handling procedures apply to complaints about the EMDG grant. All complaints about a grant process must be provided in writing.

Any questions you have about grant decisions for this grant opportunity should be sent to:

[EMDG.help@austrade.gov.au](mailto:EMDG.help@austrade.gov.au)

If you do not agree with the way Austrade has handled your complaint, you may complain to the Commonwealth Ombudsman. The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with Austrade.

The Commonwealth Ombudsman can be contacted on:

Phone: 1300 362 072 (toll free)  
Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
Website: [ombudsman.gov.au](http://ombudsman.gov.au)

### 12.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant program. There may be a conflict of interest, or perceived conflict of interest, if Austrade's staff, and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict a grantee from meeting the terms of their [grant agreement](#) fairly and independently, or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program.

You will be asked to declare, as part of your application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest for you or any of your personnel.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform Austrade in writing immediately.

Conflicts of interest for Australian Government staff will be handled as set out in the [Australian Public Service Code of Conduct \(Section 13 \(7\)\)](#) of the [Public Service Act 1999](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our conflict of interest policy on the Austrade website at [austrade.gov.au](http://austrade.gov.au).

## 12.3 Privacy

We treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

Your personal information can only be disclosed to someone for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients to any other Australian Government business or function for the purpose of program administration, analysis, evaluation and application assessment. This includes disclosing grant information on Austrade's website and [GrantConnect](#) and giving information to the Australian Taxation Office for compliance purposes.

## 12.4 Confidential Information

Other than information available in the public domain, you must agree not to disclose to any person, other than us, any confidential information relating to the grant application and/or agreement, without prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation). The obligation will also not be breached where you need to disclose this information to a third-party agent acting on your behalf, such as your accountant, solicitor or an agent assisting with your EMDG application.

## 12.5 Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (the FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

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By mail: FOI Contact Officer  
Austrade  
GPO Box 2386  
CANBERRA ACT 2601

By email: [foi.coordination.officer@austrade.gov.au](mailto:foi.coordination.officer@austrade.gov.au)

## 13 Glossary

This Glossary lists defined terms that are not defined in the [EMDG Act and EMDG Rules](#).

In all cases, the EMDG Act and the EMDG Rules take precedence over the Guidelines.

Term	Definition
administering entity	The entity responsible for the administration of part or all of the grant administration processes.
annual income	Annual turnover is all ordinary income you earned in the ordinary course of running a business for the income year.
date of effect	The date on which a grant agreement is executed by Austrade on behalf of the Commonwealth or the specified starting date in the grant agreement.
Decision maker, Delegate	The person in Austrade who makes a decision to award a grant. Under the EMDG Act the decision maker is the CEO of Austrade. Under the <i>Australian Trade and Investment Commission Act</i> (the Austrade Act) the CEO can delegate certain decisions to certain persons in Austrade.
<a href="#">GrantConnect</a>	The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants.
strategic shift	A strategic shift is a change in your business strategy which supports: <ul style="list-style-type: none"> <li>expanding your marketing or promotional activities to target a new export market in a new country, and/or</li> <li>expanding your marketing or promotional activities to support a substantive change of product, to be exported to a new market in a new country, or an existing export market.</li> </ul> <p>Definition of 'substantive change of product' – a new and separate eligible product or eligible service that is independent of and substantially different from any previous export product or service.</p>