

STATUTORY RULES.

1958. No. 52.

REGULATIONS UNDER THE TRADE COMMISSIONERS ACT 1933-1936.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Trade Commissioners Act* 1933-1936.

Dated this *7th*
day of *August*, 1958.

W. J. SLIM
Governor-General.

By His Excellency's Command,

G. McEwen

Minister of State for Trade.

TRADE COMMISSIONERS REGULATIONS.

1. These Regulations may be cited as the Trade Commissioners Citation Regulations.

2. The Statutory Rules specified in the First Schedule to these Regulations are repealed.

3.—(1) In these Regulations, unless the contrary intention appears—^{Interpretation.}

“child” means a child of a Commissioner who is wholly or partly dependent for his support upon the earnings of the Commissioner;

“Commissioner” means a Trade Commissioner or an Assistant Trade Commissioner;

“designated post” means a post in Ceylon, Hong Kong, India, Indonesia, Japan, Malaya, Pakistan, the Philippines, Singapore, Thailand or The West Indies;

“post” means the overseas place at which a Commissioner's headquarters are established;

“territory” means the country, or part of a country, in respect of which a Commissioner is appointed and includes an additional area in respect of which the Minister, in a particular case, determines that the Commissioner shall perform official duties;

“the Act” means the *Trade Commissioners Act* 1933-1936;

“the Department” means the Department of Trade;

“the Secretary” means the person for the time being holding, or performing the duties of, the office of the Secretary to the Department.

(2.) In these Regulations, a reference to an amount of money is a reference to that amount in Australian currency.

* Notified in the *Commonwealth Gazette* on
2941/58.—PRICE 5D.

, 1958.
10/21.7.1958.

4.—(1.) The Minister may, in relation to a matter or class of matters, ^{Delegation.} or in relation to a territory, by writing under his hand, delegate to the Secretary or to an officer of the Department all or any of his powers and functions under these Regulations (except this power of delegation).

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this regulation is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.

5. A Commissioner shall hold office for a period of three years. ^{Tenure of office.}

6.—(1.) There is payable to a Commissioner who performs duty in ^{Travelling allowance—} Australia and is required to be absent from his head-quarters on official ^{in Australia.} duty travelling allowance during that absence—

(a) in the case of a Commissioner the maximum salary of whose position does not exceed Two thousand, four hundred and ninety-two pounds per annum—at the rate of Two pounds eighteen shillings per day; and

(b) in the case of a Commissioner the maximum salary of whose position exceeds Two thousand, four hundred and ninety-two pounds per annum—at the rate of Three pounds six shillings per day.

(2.) Where proof is furnished to the satisfaction of the Minister that the travelling allowance payable to a Commissioner under this regulation is insufficient to cover expenses that have been, or may be, reasonably incurred, the Minister may approve the payment in lieu of that travelling allowance of such rate of travelling allowance as is necessary to meet those expenses.

(3.) Travelling allowances under this regulation are payable in addition to the cost of conveyance of the Commissioner.

(4.) A Commissioner who travels in Australia shall travel by such means of conveyance as the Minister approves.

(5.) The period for which travelling allowance is payable shall be computed from the time of departure by, to the time of arrival on the return of, the conveyance by which the Commissioner travels.

(6.) For the purposes of this regulation, “head-quarters” means the place in Australia at which the Minister directs the Commissioner to perform his duties.

7. There is payable to a Commissioner, while travelling on official duty ^{Travelling allowance to} from Australia to his post, from his post to Australia or from his last ^{and from posts.} preceding post to a post to which he has been transferred, travelling allowance at the rate of Twelve shillings and sixpence per day.

8.—(1.) Where the Minister has authorized a Commissioner to travel ^{Costs of transport on} from Australia to his post, from his post to Australia on the termination ^{appointment,} of his appointment or from his last preceding post to a post to which he has ^{etc.} been transferred, the Department shall pay the cost of conveyance of the Commissioner, his wife and children.

(2.) Where a journey of the kind specified in the last preceding sub-regulation involves travel by land between the point of departure and the point of destination, the cost of conveyance includes such expenses incurred by reason of that travel by land as the Minister considers reasonable.

(3.) Nothing in the last two preceding sub-regulations authorizes the payment of any portion of the cost of fares of a journey of the kind specified in sub-regulation (1.) of this regulation that exceeds the cost of fares in respect of travel by the most direct and suitable route, unless the Minister has authorized the payment of the excess.

(4.) When a Commissioner returns to Australia from his post on official duty, otherwise than on the termination of his appointment, the Minister may authorize the Department to pay all or part of the cost of conveyance of the Commissioner's wife and children to and from Australia.

9.—(1.) Where a Commissioner is appointed to a post outside Australia, he shall submit to the Secretary an inventory of the furniture and household and personal effects that he desires to have removed to that post. Removal expenses.

(2.) The cost of removing such articles of the furniture and effects as the Minister approves shall be borne by the Department.

(3.) The cost of removing other articles shall be borne by the Commissioner.

10.—(1.) Where a Commissioner insures, against loss or damage during removal, the articles of furniture and effects that the Minister has approved under sub-regulation (2.) of the last preceding regulation, he shall be reimbursed the amount of the premium paid by him or, if the value for which those articles and effects are insured exceeds the amount of One thousand one hundred pounds the premium that would have been payable for the insurance of goods having a value of that amount. Insurance of furniture and effects.

(2.) Where a Commissioner, being absent from his post on official duty, insures his baggage against loss or damage during that absence, he shall be reimbursed the amount of the premium paid by him or, if the value for which the baggage is insured exceeds an amount of Two hundred pounds, the premium that would have been payable for the insurance of baggage having a value of that amount.

11.—(1.) Subject to the next succeeding sub-regulation, there is payable to a Commissioner, upon his first appointment or his appointment to a new post, the equipment allowance specified in the Second Schedule to these Regulations. Equipment allowance.

(2.) An equipment allowance is payable not more than once in three years but, where a Commissioner is appointed to a new post and the amount of the equipment allowance payable in respect of that post exceeds the amount of the equipment allowance payable in respect of his last preceding post, there is payable to him a further equipment allowance equal to the amount of the excess.

(3.) For the purposes of this regulation, the payment of a further equipment allowance shall be deemed to be the payment of a new equipment allowance.

12.—(1.) When it becomes necessary for a Commissioner to send his wife or children or both wife and children to Australia, the Minister may authorize the payment of the whole or part of the cost of their conveyance to Australia and return. ^{Family visits to Australia.}

(2.) Payment under the last preceding sub-regulation shall not be made in respect of a wife or child on more than one occasion in each period of three years.

(3.) Nothing in the last preceding sub-regulation prevents the making of payments in respect of—

- (a) a child travelling to and from school in Australia whose father receives a special child allowance in respect of that child; or
- (b) the wife or a child of a Commissioner stationed in Indonesia, Malaya, Pakistan, Singapore or Thailand who is assisted with the cost of fares while proceeding on local leave.

13.—(1.) Where a Commissioner is absent from duty on account of illness, he shall furnish satisfactory evidence of his illness to the Minister. ^{Sick leave.}

(2.) The Minister may grant to the Commissioner leave of absence on account of illness in accordance with this regulation.

(3.) Leave granted under this regulation shall, subject to this regulation, be granted—

- (a) if the Commissioner is eligible for the grant of a period of leave of absence on full pay—on full pay;
- (b) if the Commissioner is eligible for the grant of a period of leave of absence on half pay but not on full pay—on half pay; and
- (c) in any other case—without pay.

(4.) A Commissioner is eligible for the grant of leave of absence on account of illness—

- (a) on full pay for a period equal to the period by which the Commissioner's credit for leave on full pay ascertained in accordance with the next succeeding sub-regulation exceeds the period for which he has, during his service, whether before or after the commencement of these Regulations, been granted leave of absence on account of illness on full pay; and
- (b) on half pay for a period equal to the period by which the Commissioner's credit for leave on half pay ascertained in accordance with the next succeeding sub-regulation exceeds the period for which he has, during his service, whether before or after the commencement of these Regulations, been granted leave of absence on account of illness on half pay.

(5.) A Commissioner shall be credited with the following periods:—

- (a) on appointment, a period of two weeks' leave on full pay and a period of two weeks' leave on half pay; and
- (b) on the completion of each period of twelve months' service, a period of two weeks' leave on full pay and two weeks' leave on half pay.

(6.) Where a Commissioner is not entitled to a grant of leave of absence on account of illness with pay or with half pay, the Minister may, if he considers that exceptional circumstances justify his so doing, grant further leave on full or half pay for such period as he thinks fit.

(7.) The maximum period in respect of which leave of absence with pay may be granted to a Commissioner in respect of any one continuous illness is fifty-two weeks.

(8.) The maximum period in respect of which leave of absence may be granted to a Commissioner in respect of any one continuous illness is seventy-eight weeks.

14.—(1.) A Commissioner may be granted three weeks' leave of absence for recreation with full pay in or in respect of each year of service. Recreation leave.

(2.) The grant of leave for recreation shall be made—

(a) in the case of a Trade Commissioner—by the Minister; and

(b) in the case of an Assistant Trade Commissioner—by the Trade Commissioner under whose supervision the Assistant Trade Commissioner performs duty.

(3.) Subject to the next succeeding sub-regulation, a Commissioner shall, unless the Minister otherwise determines, forfeit the right to be granted leave of absence for recreation in respect of any year of service if he is not granted the leave of absence in respect of that year before the end of the next succeeding year of service.

(4.) A Commissioner stationed at a designated post may accumulate leave of absence for recreation for the purpose of being granted, under the next succeeding sub-regulation, special leave after he returns to Australia.

(5.) The Minister may grant to a Commissioner who is or has been stationed at a designated post special leave of absence after he returns to Australia for a period not exceeding the period of leave accumulated under the last preceding sub-regulation.

(6.) A Commissioner shall forfeit the right to be granted leave of absence for recreation under the last preceding sub-regulation if he is not granted the leave of absence before the expiration of a period of six months after he returns to Australia or before the thirty-first day of December next succeeding the date of his return to Australia, whichever is the later.

15.—(1.) A Commissioner who is stationed at a designated post may, in addition to the leave of absence that may be granted under the last preceding regulation, be granted leave of absence for recreation for a period not exceeding two weeks in, or in respect of, each year of service at the post. Local leave.

(2.) The grant of leave under the last preceding sub-regulation shall be made—

(a) in the case of a Trade Commissioner—by the Minister; and

(b) in the case of an Assistant Trade Commissioner—by the Trade Commissioner under whose supervision the Assistant Trade Commissioner performs duty.

(3.) A Commissioner shall forfeit the right to be granted leave of absence under this regulation in respect of any year of service at a post if he is not granted the leave of absence before the end of the next succeeding year of service at the post.

16. The Minister may, upon sufficient cause being shown by a Commissioner, grant to the Commissioner leave of absence without pay for such period as, in the Minister's opinion, the circumstances justify. Leave without pay.

17.—(1.) Where a Commissioner joins, at his post, a club approved by the Minister, the Minister may direct that he be reimbursed the amount of the initial entry fee and annual subscription payable in respect of his membership of that club. Club membership.

(2.) The last preceding sub-regulation does not authorize a payment to a Commissioner in respect of his membership of more than two clubs while the Commissioner is stationed at any one post.

18. A Commissioner shall not, except with the consent of the Minister, leave his territory. Trade Commissioner not to leave his territory.

19.—(1.) Subject to the next succeeding sub-regulation, a Commissioner shall not, directly or indirectly, solicit or accept gifts or presents from persons in any way concerned with matters connected with the official duties of the Commissioner. Solicitation or acceptance of gifts.

(2.) The last preceding sub-regulation does not prevent a Commissioner from accepting a testimonial presentation upon the termination of his tour of duty at a post.

20. Each case in which it is necessary for a Commissioner to employ officers under sub-section (1.) of section 10 of the Act is a prescribed case for the purposes of sub-section (2.) of that section. Prescribed cases for purposes of section 10 of the Act.

21. Where, in respect of a period before the commencement of these Regulations, the Minister has authorized the payment to an officer of an allowance of a kind referred to in these Regulations or the Regulations repealed by regulation 2 of these Regulations at a rate greater than the rate prescribed in relation to that allowance by the Regulations so repealed, the payment at a rate so authorized shall be deemed to have been payment at the prescribed rate for the purposes of the Act. Validation of certain payments made before commencement of Regulations.

THE SCHEDULES.

FIRST SCHEDULE.

Regulation 2.

STATUTORY RULES REPEALED.

Statutory Rules 1938, No. 28.
Statutory Rules 1940, No. 42.
Statutory Rules 1947, No. 48.
Statutory Rules 1948, No. 101.
Statutory Rules 1953, No. 43.

SECOND SCHEDULE.

Regulation 11.

EQUIPMENT ALLOWANCE.

	Married Commissioner.	Single Commissioner.
Designated post	£ 70	£ 50
Montreal and Stockholm	60 Plus £5 for each child	40
Any other post	30	25

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.