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**Export Grants Acts Amendment Act 1981**

**No. 119 of 1981**

**An Act relating to export grants**

[*Assented to 9 September 1981*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**PART I—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the *Export Grants Acts Amendment Act* 1981.

**Commencement**

**2.** This Act shall come into operation on a date to be fixed by Proclamation.

**PART II—AMENDMENTS OF EXPORT MARKET DEVELOPMENT GRANTS ACT 1974**

**Principal Act**

**3.** The *Export Market Development Grants Act* 19741 is in this Part referred to as the Principal Act.

**Membership of Board**

**4.** **(1)** Section 23 of the Principal Act is amended—

(a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:

“(a) the Chairman;

(b) the Deputy Chairman;

(c) the Executive Member; and

(d) 2 other members.”; and

(b) by inserting after sub-section (2) the following sub-section:

“(2a) The members referred to in paragraphs (1) (a), (b) and (d) shall be appointed as part-time members and the member referred to in paragraph (1) (c) shall be appointed as a full-time member.”.

**(2)** The person who, immediately before the date of commencement of this Act, held office as the Chairman of the Export Development Grants Board shall, on that date, cease to hold the office of Chairman of that Board and be deemed to have been appointed, under section 23 of the Principal Act as amended by this Act, as the Executive Member of that Board for a period equal to the period that, immediately before that date, was the unexpired portion of his term of office as the Chairman of that Board.

**Term of office**

**5.** Section 24 of the Principal Act is amended by omitting from sub-section (2) “Chairman” (wherever occurring) and substituting “Executive Member”.

**Termination of office**

**6.** Section 28 of the Principal Act is amended by omitting from paragraphs (2) (c) and (d) “Chairman” and substituting “Executive Member”.

**Acting members**

**7.** Section 29 of the Principal Act is amended—

(a) by omitting from sub-section (1) “Chairman” (wherever occurring) and substituting “Executive Member”;

(b) by inserting after sub-section (2) the following sub-section:

“(2a) An appointment of a person under sub-section (1) or (2) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.”; and

(c) by omitting from sub-section (9) “or that his appointment had ceased to have effect” and substituting “, that there is a defect or irregularity in or in connection with his appointment, that his appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased”.

**Meetings**

**8.** Section 30 of the Principal Act is amended—

(a) by omitting sub-section (5) and substituting the following sub-sections:

“(5) If the Chairman is not present at a meeting at which the Deputy Chairman is present, the Deputy Chairman shall preside at that meeting.

“(5a) If the Chairman and the Deputy Chairman are not present at a meeting, the members present shall elect one of their number to preside at that meeting.”;

(b) by omitting from sub-section (6) “is present” and substituting “or Deputy Chairman is presiding”;

(c) by omitting from sub-section (8) “is present, the Chairman” and substituting “is presiding, the Chairman or the Deputy Chairman”; and

(d) by adding at the end thereof the following sub-section:

“(10) In relation to a time when a person is acting as Deputy Chairman, references in this section to the Deputy Chairman shall be read as references to that person.”.

**9.** Section 32 of the Principal Act is repealed and the following section is substituted:

**Duties of Chairman and Executive Member**

“32. (1) It is the duty of the Chairman to ensure the efficient and orderly conduct of the business of the Board, and for that purpose the Chairman may determine the procedure to be adopted at meetings of the Board.

“(2) It is the duty of the Executive Member, subject to and in accordance with the general directions of the Board, to manage the affairs of the Board, and for that purpose the Executive Member—

(a) shall make, or cause to be made, such inquiries into claims or into any other matter relevant to the operation of this Act as he thinks necessary;

(b) may make, or cause to be made, to the Board such reports in relation to claims as he thinks fit; and

(c) may determine the form of the records to be kept by the Board.”.

**Delegation**

**10.** Section 33 of the Principal Act is amended—

(a) by inserting in sub-section (1) “, to the Executive Member” after “Chairman”; and

(b) by omitting from sub-sections (4) and (6) “Chairman” and substituting “Executive Member”.

**11.** Section 35 of the Principal Act is repealed and the following section is substituted:

**Preservation of certain rights**

“35. (1) In this section—

‘eligible Commonwealth employment’ has the same meaning as in Part IV of the *Public Service Act* 1922;

‘repealed Officers’ Rights Declaration Act’ means the *Officers’ Rights Declaration Act* 1928 as amended and in force immediately before 15 March 1981.

“(2) Where a person who becomes the holder of the office of Executive Member of the Board was, immediately before he became the holder of that office, a person to whom the repealed Officers’ Rights Declaration Act continued to apply by virtue of sub-section 44 (2) of the *Public Service Amendment Act* 1978—

(a) the repealed Officers’ Rights Declaration Act continues, by force of this section, to apply to and in relation to him as if this Act and this section had been specified in the Schedule to that repealed Act, and he retains his existing and accruing rights, until the expiration of the day on which—

(i) he becomes engaged in employment other than eligible Commonwealth employment;

(ii) he is appointed to an office in the Australian Public Service;

(iii) he ceases to be an officer of the Australian Public Service; or

(iv) he makes an election, or appeals against the provisional promotion of another person to fill a vacant office in the Australian Public Service, under sub-section 87u (2) of the *Public Service Act* 1922,

whichever first occurs; and

(b) for the purpose of determining his existing and accruing rights, his service in eligible Commonwealth employment during the period during which the repealed Officers’ Rights Declaration Act so continues to apply to and in relation to him shall be taken into account as if it were service in the Australian Public Service.”.

**Recovery of overpayments**

**12.** Section 40 of the Principal Act is amended by omitting from sub-section (2) “Chairman” (wherever occurring) and substituting “Executive Member”.

**PART III—AMENDMENT OF EXPORT EXPANSION GRANTS ACT 1978**

**Principal Act**

**13.** The *Export Expansion Grants Act* 19782 is in this Part referred to as the Principal Act.

**Recovery of overpayments**

**14.** Section 19 of the Principal Act is amended by omitting from sub-section (2) “Chairman” (wherever occurring) and substituting “Executive Member”.

**NOTES**

1. No. 154, 1974, as amended. For previous amendments, see Nos. 36 and 192, 1978; and No. 74, 1981.

2. No. 162, 1978. For previous amendments, see No. 74, 1981.