

Australian Trade Commission Act 1985

No. 186, 1985 as amended

**Compilation start date:** 1 July 2014

**Includes amendments up to:** Act No 62, 2014

**About this compilation**

**This compilation**

This is a compilation of the *Australian Trade Commission Act 1985* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 1 August 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

**Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1 Short title 1

2 Commencement 1

3 Interpretation 1

4 Extension to Territories 3

5 Application of Act outside Australia 3

6 Application of *Export Market Development Grants Act 1997* not affected 3

6A Application of the *Criminal Code* 3

Part 2—Establishment and function of the Australian Trade Commission 4

7 Australian Trade Commission 4

Part 3—Establishment and functions of the CEO 5

7A Function of the Australian Trade Commission 5

7B The Chief Executive Officer 5

8 Functions of the CEO 5

9 Duties 6

9A Overseas exercise of CEO’s powers 7

9B CEO may charge fees 7

10 Power of Minister to give directions 7

Part 6—CEO and staff 8

Division 1—Chief Executive Officer 8

51 Appointment of Chief Executive Officer 8

52 Appointment to be full‑time 8

54 Remuneration and allowances 8

55 CEO not to engage in paid employment 8

56 Acting CEO 9

57 Leave of absence 9

58 Resignation 9

59 Termination 9

Division 2—Staff of the Commission 11

60 Staff of the Commission 11

61 Locally engaged employees 11

62 Consultants 11

Part 7—Corporate plans 12

65 Approval of corporate plans 12

66 Variation of corporate plans 12

Part 9—Miscellaneous 13

90 Delegations by Minister and CEO 13

92 Annual reports 13

94 Secrecy 14

97 Regulations 15

Endnotes 16

Endnote 1—About the endnotes 16

Endnote 2—Abbreviation key 18

Endnote 3—Legislation history 19

Endnote 4—Amendment history 24

Endnote 5—Uncommenced amendments [none] 29

Endnote 6—Modifications [none] 29

Endnote 7—Misdescribed amendments [none] 29

Endnote 8—Miscellaneous [none] 29

An Act to establish an Australian Trade Commission for the purpose of facilitating and promoting trade between Australia and foreign countries, and for related purposes

Part 1—Preliminary

1 Short title

 This Act may be cited as the *Australian Trade Commission Act 1985*.

2 Commencement

 (1) Sections 1, 2, 3 and 97 shall come into operation on the day on which this Act receives the Royal Assent.

 (2) The remaining provisions of this Act shall come into operation on a day to be fixed by Proclamation.

3 Interpretation

 (1) In this Act:

***Australia*** includes the Territories to which this Act extends.

***Australian organisation*** means:

 (a) any of the following entities carrying on a business in Australia:

 (i) a natural person;

 (ii) a partnership;

 (iii) a company incorporated or formed in Australia; or

 (b) an authority or body (including a body corporate and a corporation sole):

 (i) established for a purpose of the Commonwealth by, or in accordance with the provisions of, a law of the Commonwealth or of the Australian Capital Territory; or

 (ii) established for a purpose of a State by, or in accordance with the provisions of, a law of the State;

 and includes an Agency (within the meaning of the *Public Service Act 1999*) and a Department of the Public Service of a State, but does not include the Commission.

***CEO*** means the Chief Executive Officer referred to in section 7B.

***Commission*** means the Australian Trade Commission established by section 7.

***corporate plan*** means a plan prepared by the CEO under section 35 of the *Public Governance, Performance and Accountability Act 2013*, and includes such a plan as varied under section 66 of this Act.

***Department of State***, in relation to the Northern Territory, means a Department of that Territory.

***overseas development project*** means a project by way of:

 (a) the construction of works; or

 (b) the provision of services; or

 (c) the design, supply or installation of equipment or facilities; or

 (d) the testing in the field of agricultural practices;

(including any necessary preliminary studies, investigations or planning) that is to be carried out in a foreign country.

***State*** includes the Northern Territory.

 (2) In this Act, a reference to trade between Australia and foreign countries includes a reference to any transaction (including the rendering of a service) involving a consideration in money or money’s worth accruing from a person in the course of carrying on business or other activities outside Australia to a person carrying on business or other activities in Australia.

 (4) Unless the contrary intention appears, a reference in this Act to the *Export Market Development Grants Act 1997* includes a reference to the *Export Market Development Grants Act 1974* to the extent that that Act continues to apply because of item 2 of Schedule 1 to the *Export Market Development Grants (Repeal and Consequential Provisions) Act 1997*.

 (5) In any other Act, a reference to an employee of the Australian Trade Commission is a reference to a person engaged by the CEO under section 74 of the *Public Service Act 1999*.

4 Extension to Territories

 (1) Subject to subsection (2), this Act extends to all the Territories.

 (2) The Minister may, by notice published in the Gazette, declare that, on a day specified in the notice, this Act ceases to extend to an external Territory specified in the notice, and, where such a notice is published:

 (a) this Act does not, on or after that day, extend to the Territory so specified;

 (b) a reference in this Act to a Territory does not, on or after that day, include a reference to the Territory so specified; and

 (c) the Territory so specified shall, on and after that day, be deemed, for the purposes of this Act, to be a foreign country.

5 Application of Act outside Australia

 This Act applies both within and outside Australia.

6 Application of *Export Market Development Grants Act 1997* not affected

 Nothing in section 4 or 5 shall be taken to affect the application of the *Export Market Development Grants Act 1997*.

6A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part 2—Establishment and function of the Australian Trade Commission

7 Australian Trade Commission

 (1) There is established by this Act a Commission by the name of the Australian Trade Commission.

 (2) The Commission consists of:

 (a) the CEO; and

 (b) the staff of the Commission referred to in section 60.

 (3) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

 (a) the Commission is a listed entity; and

 (b) the CEO is the accountable authority of the Commission; and

 (c) the following persons are officials of the Commission:

 (i) the CEO;

 (ii) the staff of the Commission referred to in section 60;

 (iii) consultants engaged under section 62; and

 (d) the purposes of the Commission include:

 (i) the function of the Commission referred to in section 7A; and

 (ii) the functions of the CEO referred to in section 8.

Part 3—Establishment and functions of the CEO

7A Function of the Australian Trade Commission

 The function of the Commission (other than the CEO) is to assist the CEO in the performance of his or her functions.

7B The Chief Executive Officer

 There is to be a Chief Executive Officer of the Commission.

Note: For the appointment, terms and conditions of the CEO, see Division 1 of Part 6.

8 Functions of the CEO

 The functions of the CEO are:

 (a) to facilitate and encourage trade between Australia and foreign countries (in this section referred to as ***Australian export trade***) by:

 (i) representing the trading and commercial interests of Australia in foreign countries;

 (ii) assisting, directly or indirectly, Australian organisations in trade negotiations;

 (iii) promoting, or participating in or co‑ordinating projects to promote, Australian export trade;

 (iv) obtaining, and making available to Australian organisations, information relating to current or future opportunities for Australian export trade, including opportunities for involvement in overseas development projects;

 (v) supporting and facilitating investment in foreign countries, and facilitating investment in Australia, where that investment is likely to enhance opportunities for Australian export trade;

 (vi) carrying out, or assisting other persons to carry out, or participating with other persons in carrying out, in whole or in part, overseas development projects, in circumstances where that course of action will benefit Australian organisations;

 (viii) administering the *Export Market Development Grants Act 1997*;

 (ix) developing and administering schemes to provide assistance in the development of markets in foreign countries; and

 (x) facilitating access by persons to Departments of State of the Commonwealth or of a State and to instrumentalities established by or under a law of the Commonwealth or of a State where that access is likely to enhance opportunities for Australian export trade; and

 (b) to do any other act or thing required or permitted by:

 (i) this Act; or

 (ii) any other Act; or

 (iii) an instrument under an Act;

 to be done by the CEO; and

 (c) to act, outside Australia, as agent for Departments of State of the Commonwealth or for instrumentalities established by or under a law of the Commonwealth.

9 Duties

 (1) The CEO must perform his or her functions in such a manner as will best assist in the development of trade between Australia and foreign countries.

 (2) In performing his or her functions, the CEO must:

 (a) comply with any directions given to the CEO under section 10; and

 (b) have regard to:

 (i) the desirability of improving and extending the range and accessibility of advice, assistance and financial support available (whether through the Commission and the CEO or otherwise) to persons involved, or likely to be involved, either directly or indirectly, in trade between Australia and foreign countries;

 (ii) the need to provide services as efficiently and economically as possible; and

 (iii) Australia’s obligations under international agreements.

9A Overseas exercise of CEO’s powers

 The powers of the CEO may be exercised, on behalf of the Commonwealth, in Australia or elsewhere.

9B CEO may charge fees

 The CEO may charge fees for the provision of services, or the performance of other work, in connection with the performance of his or her functions under this Act.

10 Power of Minister to give directions

 (1) The Minister may give to the CEO, in writing, such directions with respect to the performance of his or her functions, and the exercise of his or her powers, under this Act, as appear to the Minister to be necessary.

Note: A direction under this section is included in the annual report: see section 92.

 (3) Nothing in subsection (1) shall be construed as empowering the Minister to determine that the CEO should deal in a particular manner with a particular person, or with a particular claim or application for a grant or other benefit, under the *Export Market Development Grants Act 1997*.

 (4) A direction of the Minister under this section shall not operate so as to affect prejudicially an application under the *Export Market Development Grants Act 1997* in relation to a grant year (within the meaning of that Act) that commenced before the day on which the direction was given.

 (5) This section does not affect the operation of any other provision of this Act or of any other Act that confers a power upon the Minister to give directions to the CEO.

 (6) A direction under this section is not a legislative instrument.

Part 6—CEO and staff

Division 1—Chief Executive Officer

51 Appointment of Chief Executive Officer

 (1) The CEO is to be appointed by the Minister by written instrument.

 (2) The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

 (3) An appointment under this section is not ineffective merely because of a defect or irregularity in relation to the appointment.

Terms and conditions

 (4) The CEO holds office on the terms and conditions (if any) in respect of matters not provided for by this Act that are determined by the Minister.

52 Appointment to be full‑time

 The CEO holds office on a full‑time basis.

54 Remuneration and allowances

 (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed.

 (2) The CEO is to be paid the allowances that are prescribed.

 (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

55 CEO not to engage in paid employment

 The CEO must not engage in paid employment outside the duties of his or her office except with the Minister’s approval.

56 Acting CEO

 The Minister may appoint a person to act as the CEO:

 (a) during a vacancy in the office of the CEO (whether or not an appointment has previously been made to the office); or

 (b) during any period, or during all periods, when the CEO is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

57 Leave of absence

 (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.

 (2) The Minister may grant the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

58 Resignation

 The CEO may resign from office by giving the Minister a written resignation that has been signed by the CEO.

59 Termination

 (1) The Minister may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.

 (2) The Minister may terminate the appointment of the CEO if:

 (a) the CEO:

 (i) becomes bankrupt; or

 (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

 (iii) compounds with his or her creditors; or

 (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or

 (b) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or

 (c) the CEO engages, except with the Minister’s approval, in paid employment outside the duties of his or her office.

 (3) The Minister must terminate the appointment of the CEO if, in the Minister’s opinion, the performance of the CEO has been unsatisfactory for a significant period of time.

Division 2—Staff of the Commission

60 Staff of the Commission

 (1) The staff of the Commission are to be persons engaged under the *Public Service Act 1999*.

 (2) For the purposes of the *Public Service Act 1999*:

 (a) the CEO and the staff of the Commission together constitute a Statutory Agency; and

 (b) the CEO is the Head of that Statutory Agency.

61 Locally engaged employees

 To avoid doubt, the CEO may, under section 74 of the *Public Service Act 1999*, engage persons overseas to perform duties overseas as employees.

62 Consultants

 The CEO may, on behalf of the Commonwealth, engage consultants to perform services for the CEO related to the CEO’s functions.

Part 7—Corporate plans

65 Approval of corporate plans

 (1) Each corporate plan shall be submitted to the Minister for approval before the intended day of commencement of the period to which the corporate plan relates and shall not come into force until:

 (a) the day on which it is approved by the Minister; or

 (b) the day of commencement of the period to which it relates;

whichever is the later.

 (2) Upon the coming into force of a corporate plan under subsection (1), any corporate plan that is already in force ceases to be in force.

66 Variation of corporate plans

 (1) The CEO may, at any time, review a corporate plan, whether or not it has come into force, and consider whether a variation to the plan is necessary.

 (2) The CEO may, with the approval of the Minister, vary a corporate plan.

 (3) The Minister may, at any time, request the CEO to vary a corporate plan, whether or not it has come into force.

 (4) Where the Minister requests a variation of a corporate plan, the CEO shall, with the approval of the Minister, vary that plan accordingly.

 (5) Where a variation of a corporate plan is approved by the Minister after the plan has come into force, the plan as so varied shall continue in force on and after the day on which the variation is so approved.

Part 9—Miscellaneous

90 Delegations by Minister and CEO

 (1) The Minister may, either generally or as otherwise provided in the instrument of delegation, by signed writing, delegate to the CEO all or any of the functions and powers of the Minister:

 (a) under this Act (other than this power of delegation or the Minister’s powers under sections 65 and 66); and

 (b) under the *Export Market Development Grants Act 1997*.

 (2) The CEO may, either generally or as otherwise provided in the instrument of delegation, by signed writing, delegate all or any of his or her functions and powers under this Act or the *Export Market Development Grants Act 1997* (other than this power of delegation) to a member of the staff of the Commission referred to in section 60.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

92 Annual reports

 The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following:

 (a) information about the Commission’s operations under the *Export Market Development Grants Act 1997* during the period;

 (b) particulars of all directions given by the Minister to the CEO under subsection 10(1) during the period, other than any direction that includes a statement to the effect that the direction is not to be disclosed:

 (i) for reasons of national security; or

 (ii) because its disclosure would have an adverse effect on the financial interests or property interests of the Commonwealth or of an instrumentality of the Commonwealth.

94 Secrecy

 (1) This section applies to a person who is or has been:

 (a) the CEO; or

 (b) a member of the staff of the Commission referred to in section 60; or

 (c) a consultant engaged under section 62.

 (2) Subject to this section, a person to whom this section applies shall not, either directly or indirectly, except for the purposes of this Act:

 (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by the first‑mentioned person by reason of his or her employment; or

 (b) produce to any person a document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: $2,000 or imprisonment for 1 year, or both.

 (3) Subsection (2) does not apply to the disclosure of information, or the production of a document, to the Minister, to the Secretary of the Department, or to an officer of the Department designated by the Secretary.

 (4) Subsection (2) does not prevent a person to whom this section applies from communicating, or making available to another person:

 (b) the following information relating to payments of grants authorised by the CEO under the *Export Market Development Grants Act 1997* or the *Export Market Development Grants Act 1974*:

 (i) the name and address of a person to whom the CEO has authorised a payment;

 (ii) the amount of a grant to a person;

 (iii) the industry to which a grant relates; and

 (c) any information of a statistical nature relating to the making of grants under the *Export Market Development Grants Act 1974* or the *Export Market Development Grants Act 1997*.

 (5) A person to whom this section applies shall not be required to divulge or communicate to a court any information referred to in subsection (2) or to produce in a court any document referred to in that subsection, except when it is necessary to do so for the purposes of, or of a prosecution for an offence against, this Act, the *Export Market Development Grants Act 1974* or the *Export Market Development Grants Act 1997*.

 (6) A person to whom information is communicated under subsection (3) and an employee or other person under that person’s control are, in respect of that information, entitled to rights and privileges, and subject to obligations and liabilities, under subsections (2) and (5) as if they were persons referred to in subsection (1).

 (7) In this section:

***court*** includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

***produce*** includes to permit access to.

97 Regulations

 The Governor‑General may make regulations, not inconsistent with this Act, prescribing matters:

 (a) required or permitted by this Act to be prescribed; or

 (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and in particular:

 (d) prescribing penalties, not exceeding a fine of $500, for offences against the regulations.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnote 5—Uncommenced amendments

Endnote 6—Modifications

Endnote 7—Misdescribed amendments

Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

**Abbreviation key—Endnote 2**

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

**Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | pres = present |
| am = amended | prev = previous |
| c = clause(s) | (prev) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expired or ceased to have effect | rep = repealed |
| hdg = heading(s) | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| mod = modified/modification | Sdiv = Subdivision(s) |
| No = Number(s) | SLI = Select Legislative Instrument |
| o = order(s) | SR = Statutory Rules |
| Ord = Ordinance | Sub‑Ch = Sub‑Chapter(s) |
| orig = original | SubPt = Subpart(s) |
| par = paragraph(s)/subparagraph(s)/sub‑subparagraph(s) |  |

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Australian Trade Commission Act 1985 | 186, 1985 | 16 Dec 1985 | ss. 1–3 and 97: Royal AssentRemainder: 6 Jan 1986 (*see Gazette* 1985, No. S551) |  |
| Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 | 168, 1986 | 18 Dec 1986 | s. 3: Royal Assent *(a)* | s. 5(1) |
| Statute Law (Miscellaneous Provisions) Act 1987 | 141, 1987 | 18 Dec 1987 | s. 3: Royal Assent *(b)* | s. 5(1) |
| Lands Acquisition (Repeal and Consequential Provisions) Act 1989 | 21, 1989 | 20 Apr 1989 | 9 June 1989 (*see* s. 2 and *Gazette* 1989, No. S185) | — |
| Industry, Technology and Commerce Legislation Amendment Act 1989 | 91, 1989 | 27 June 1989 | s. 15: 14 Dec 1988Part 4 (ss. 20–25): 30 Nov 1989 (*see Gazette* 1989, No. S371)Part 5 (ss. 26, 27): 1 Aug 1989 (*see Gazette* 1989, No. S262)Remainder: Royal Assent | — |
| Banking Legislation Amendment Act 1989 | 129, 1989 | 7 Nov 1989 | Part 1 (ss. 1, 2), ss. 3, 26, 29–33, 35, 38 and 40: Royal Assents. 23(1): 4 May 1989s. 39: 23 Jan 1988Remainder: 28 Dec 1989 (*see Gazette* 1989, No. S383) | — |
| Industrial Relations Legislation Amendment Act 1991 | 122, 1991 | 27 June 1991 | ss. 4(1), 10(b) and 15–20: 1 Dec 1988ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (*see Gazette* 1991, No. S332)Remainder: Royal Assent | s. 31(2)  |
| Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991 | 149, 1991 | 21 Oct 1991 | 1 Nov 1991 | ss. 48 and 49  |
| Prime Minister and Cabinet Legislation Amendment Act 1991 | 199, 1991 | 18 Dec 1991 | 18 Dec 1991 | — |
| Australian Trade Commission Amendment Act 1994 | 127, 1994 | 18 Oct 1994 | 18 Oct 1994 | — |
| Export Market Development Grants (Repeal and Consequential Provisions) Act 1997 | 44, 1997 | 22 Apr 1997 | 1 July 1997 | — |
| Tax Law Improvement Act 1997 | 121, 1997 | 8 July 1997 | Schedule 3 (item 65): *(c)* | — |
| Audit (Transitional and Miscellaneous) Amendment Act 1997 | 152, 1997 | 24 Oct 1997 | Schedule 2 (items 533–541): 1 Jan 1998 (*see Gazette* 1997, No. GN49) *(d)* | — |
| Export Market Development Grants Legislation Amendment Act 1999 | 100, 1999 | 16 July 1999 | 16 July 1999 | — |
| Public Employment (Consequential and Transitional) Amendment Act 1999 | 146, 1999 | 11 Nov 1999 | Schedule 1 (items 270–272): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(e)* | — |
| Corporate Law Economic Reform Program Act 1999 | 156, 1999 | 24 Nov 1999 | Schedule 10 (item 61): 13 Mar 2000 (*see Gazette* 2000, No. S114) *(f)* | — |
| Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 | 137, 2000 | 24 Nov 2000 | ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal AssentRemainder: 24 May 2001 | Sch. 2 (items 418, 419) |
| Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Act 2001 | 35, 2001 | 28 Apr 2001 | 26 May 2001 | s. 4 |
| Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001 | 159, 2001 | 1 Oct 2001 | 29 Oct 2001 | Sch. 1 (item 97) |
| Financial Framework Legislation Amendment Act 2005 | 8, 2005 | 22 Feb 2005 | Schedule 2 (items 70, 71, 174): Royal Assent | Sch. 2 (item 174) |
| Australian Trade Commission Legislation Amendment Act 2006 | 56, 2006 | 21 June 2006 | Schedule 1 (items 1–41) and Schedule 4: 1 July 2006 (F2006L01897) | Sch. 4 (items 1–15, 17–21)Sch. 4 (item 16) (rep. by 100, 2011, Sch. 1 [item 3]) |
| as amended by |  |  |  |  |
| Statute Stocktake Act (No. 1) 2011 | 100, 2011 | 15 Sept 2011 | Schedule 1 (item 3): 16 Sept 2011 | — |
| Export Market Development Grants Legislation Amendment Act 2006 | 57, 2006 | 21 June 2006 | Schedule 2 (items 2–4): Royal Assent | — |
| Export Market Development Grants Amendment Act 2008 | 33, 2008 | 23 June 2008 | Schedule 1 (items 1, 2): Royal Assent | — |
| Statute Law Revision Act 2011 | 5, 2011 | 22 Mar 2011 | Schedule 7 (item 28): 19 Apr 2011 | — |
| Acts Interpretation Amendment Act 2011 | 46, 2011 | 27 June 2011 | Schedule 2 (items 277–279) and Schedule 3 (items 10, 11): 27 Dec 2011 | Sch. 3 (items 10, 11) |
| Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014 | 62, 2014 | 30 June 2014 | Sch 6 (item 30), Sch 7 (items 470–472) and Sch  14 (items 1–4): 1 July 2014 (s 2(1) item 6, 14) | Sch 14 (items 1–4) |

*(a)* The *Australian Trade Commission Act 1985* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsection 2(1) of which provides as follows:

 (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

*(b)* The *Australian Trade Commission Act 1985* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:

 (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

*(c)* The *Australian Trade Commission Act 1985* was amended by Schedule 3 (item 65) only of the *Tax Law Improvement Act 1997*, subsections 2(2) and (3) of which provide as follows:

 (2) Schedule 1 commences on 1 July 1997 immediately after the commencement of the *Income Tax Assessment Act 1997*.

 (3) Each of the other Schedules (except Schedule 12) commences immediately after the commencement of the immediately preceding Schedule.

*(d)* The *Australian Trade Commission Act 1985* was amended by Schedule 2 (items 533–541) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:

 (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.

*(e)* The *Australian Trade Commission Act 1985* was amended by Schedule 1 (items 270–272) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

 (1) In this Act, ***commencing time*** means the time when the *Public Service Act 1999* commences.

 (2) Subject to this section, this Act commences at the commencing time.

*(f)* The *Australian Trade Commission Act 1985* was amended by Schedule 10 (item 61) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(2)(c) of which provides as follows:

 (2) The following provisions commence on a day or days to be fixed by Proclamation:

 (c) the items in Schedules 10, 11 and 12.

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| Heading to Part I  | rep. No. 56, 2006 |
| Heading to Part 1  | ad. No. 56, 2006 |
| s. 3  | am. No. 129, 1989; No. 149, 1991; Nos. 44 and 152, 1997; No. 146, 1999; No. 56, 2006; No 62, 2014 |
| Heading to s. 6  | am. No. 44, 1997 |
| s. 6  | am. No. 44, 1997 |
| s. 6A  | ad. No. 35, 2001 |
| **Part 2** |  |
| Heading to Part II  | rep. No. 56, 2006 |
| Heading to Part 2  | ad. No. 56, 2006 |
| s. 7  | am. No. 56, 2006; No 62, 2014 |
| Note to s. 7(2)  | ad. No. 152, 1997 |
|  | rep. No. 56, 2006 |
| **Part 3** |  |
| Heading to Part 3  | ad. No. 56, 2006 |
| ss. 7A, 7B  | ad. No. 56, 2006 |
| Heading to s. 8  | am. No. 56, 2006 |
| s. 8  | am. No. 149, 1991; No. 44, 1997; No. 56, 2006; No. 33, 2008 |
| s. 9  | am. No. 56, 2006 |
| ss. 9A, 9B  | ad. No. 56, 2006 |
| s. 10  | am. No. 44, 1997; No. 56, 2006 |
| Note to s. 10(1)  | ad. No. 56, 2006 |
| Part III  | rep. No. 56, 2006 |
| s. 11  | rep. No. 56, 2006 |
| s. 12  | am. No. 141, 1987; No. 91, 1989; No. 149, 1991; No. 127, 1994 |
|  | rep. No. 56, 2006 |
| s. 13  | am. No. 44, 1997 |
|  | rep. No. 56, 2006 |
| s. 14  | rep. No. 56, 2006 |
| ss. 15–17  | am. No. 149, 1991 |
|  | rep. No. 56, 2006 |
| ss. 18, 19  | rep. No. 56, 2006 |
| s. 20  | am. No. 149, 1991; No. 152, 1997; No. 156, 1999 |
|  | rep. No. 56, 2006 |
| s. 21  | rep. No. 56, 2006 |
| s. 22  | rep. No. 152, 1997 |
| Part IV  | rep. No. 56, 2006 |
| s. 23  | am. No. 21, 1989; No. 44, 1997 |
|  | rep. No. 56, 2006 |
| ss. 24–29  | rep. No. 56, 2006 |
| s. 30  | am. No. 44, 1997 |
|  | rep. No. 56, 2006 |
| ss. 31, 32  | rep. No. 149, 1991 |
| Part V  | rep. No. 149, 1991 |
| s. 33  | am. No. 168, 1986 |
|  | rep. No. 149, 1991 |
| ss. 34–45  | rep. No. 149, 1991 |
| s. 46  | am. No. 168, 1986 |
|  | rep. No. 149, 1991 |
| ss. 47–50  | rep. No. 149, 1991 |
| **Part 6** |  |
| Part VI  | rep. No. 56, 2006 |
| Part 6  | ad. No. 56, 2006 |
| **Division 1** |  |
| s. 51  | rs. No. 149, 1991 |
|  | am. No. 159, 2001 |
|  | rs. No. 56, 2006 |
| s. 52  | rs. No. 149, 1991; No. 56, 2006 |
| s. 53  | rep. No. 56, 2006 |
| s. 54  | am. No. 149, 1991 |
|  | rs. No. 56, 2006 |
| s. 55  | rs. No. 56, 2006 |
| s. 56  | am. No. 149, 1991 |
|  | rs. No. 56, 2006 |
|  | am. No. 46, 2011 |
| Note to s. 56  | rs. No. 46, 2011 |
| s. 57  | rs. No. 122, 1991 |
|  | am. No. 146, 1999 |
|  | rs. No. 56, 2006 |
| s. 58  | am. No. 149, 1991 |
|  | rs. No. 56, 2006 |
| s. 59  | am. No. 122, 1991 |
|  | rep. No. 149, 1991 |
|  | ad. No. 56, 2006 |
| **Division 2** |  |
| s. 60  | am. No. 199, 1991 |
|  | rs. No. 56, 2006 |
| ss. 61, 62  | rs. No. 56, 2006 |
| s. 63  | rep. No. 146, 1999 |
| **Part 7** |  |
| Heading to Part VII  | rep. No. 56, 2006 |
| Heading to Part 7  | ad. No. 56, 2006 |
| Heading to Div. 1 of Part VII  | rep. No. 56, 2006 |
| Heading to s. 64  | am. No. 56, 2006 |
| s. 64  | am. No. 149, 1991; Nos. 56 and 57, 2006 |
|  | rep No 62, 2014 |
| ss. 65, 66  | am. No. 56, 2006 |
| Div. 2 of Part VII  | rep. No. 56, 2006 |
| ss. 67–69  | rep. No. 56, 2006 |
| Part VIII  | rep. No. 56, 2006 |
| s. 70  | rep. No. 149, 1991 |
| s. 71  | am. No. 149, 1991; No. 44, 1997; No. 57, 2006 |
|  | rep. No. 56, 2006 |
| s. 72  | am. No. 168, 1986; No. 149, 1991; No. 152, 1997 |
|  | rep. No. 56, 2006 |
| s. 73  | am. No. 168, 1986 |
|  | rep. No. 149, 1991 |
| ss. 74, 75  | rep. No. 149, 1991 |
| ss. 76, 77  | rep. No. 152, 1997 |
| s. 78  | rep. No. 56, 2006 |
| s. 79  | am. No. 8, 2005 |
|  | rep. No. 56, 2006 |
| s. 80  | am. No. 149, 1991 |
|  | rep. No. 56, 2006 |
| ss. 81, 82  | rep. No. 56, 2006 |
| s. 83  | am. No. 121, 1997 |
|  | rep. No. 56, 2006 |
| ss. 84–87  | rep. No. 149, 1991 |
| s. 88  | rep. No. 56, 2006 |
| s. 89  | rs. No. 152, 1997 |
|  | rep. No. 56, 2006 |
| **Part 9** |  |
| Heading to Part IX  | rep. No. 56, 2006 |
| Heading to Part 9  | ad. No. 56, 2006 |
| s. 90  | am. No. 149, 1991; No. 44, 1997 |
|  | rs. No. 56, 2006 |
| s. 91  | rep. No. 56, 2006 |
| s. 92  | am. Nos. 44 and 152, 1997; No. 57, 2006 |
|  | rs. No. 56, 2006; No 62, 2014 |
| s. 93  | rep. No. 152, 1997 |
| s. 94  | am. No. 149, 1991; No. 44, 1997; No. 100, 1999; No. 56, 2006; No. 5, 2011 |
| s. 95  | am. No. 137, 2000 |
|  | rep. No. 56, 2006 |
| s. 96  | rep. No. 56, 2006 |
| s. 97  | am. No. 149, 1991  |

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]