



Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985

No. 187 of 1985

TABLE OF PROVISIONS

PART I—PRELIMINARY

Section

1. Short title
2. Commencement
3. Expressions defined in *Australian Trade Commission Act 1985*
4. Interpretation

PART II—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS CONCERNING INSURANCE CORPORATION AND PROJECTS CORPORATION

5. Repeal of Acts
6. Saving of applications made to, and declarations concerning business of, Insurance Corporation
7. National interest insurance contracts entered into, and guarantees given, by Insurance Corporation
8. National interest loans entered into by Insurance Corporation
9. Final report under Projects Corporation Act
10. Final report and quarterly return under Insurance Corporation Act
11. Transitional provisions specified in Schedule 2

PART III—STAFF

12. Minister may make declarations
13. Terms and conditions applicable to persons deemed to be employed by Commission
14. Persons previously engaged for specified terms
15. Persons to retain recreation and sick leave credits, &c.
16. Application of Part IV of the *Public Service Act 1922* to certain persons
17. Leave of absence deemed to have been granted
18. Probation

TABLE OF PROVISIONS—*continued*

PART IV—ASSETS AND LIABILITIES

Section

- 19. Transfer of assets and assumption of liabilities by Commission
- 20. Instruments
- 21. Certificates with respect of assets, liabilities and instruments
- 22. Exemption from taxation

PART V—AMENDMENTS OF EXPORT EXPANSION GRANTS ACT 1978

- 23. Principal Act
- 24. Interpretation
- 25. Claims for grants
- 26. Repeal of section 15 and substitution of new section—
 - 15. Australian Trade Commission
- 27. Recovery of overpayments
- 28. Reports
- 29. Further amendments
- 30. Final report by Grants Board
- 31. Other outstanding matters under *Export Expansion Grants Act 1978*

PART VI—AMENDMENTS OF EXPORT MARKET DEVELOPMENT GRANTS ACT 1974

- 32. Principal Act
- 33. Interpretation
- 34. Export earnings
- 35. Residents of Australia
- 36. Grants
- 37. Claims for grants
- 38. Repeal of Part III
- 39. Convicted persons to repay grants, &c.
- 40. Recovery of overpayments
- 41. Repeal of sections 41 and 42
- 42. Further amendments
- 43. Final report by Grants Board
- 44. Other outstanding matters under *Export Market Development Grants Act 1974*

PART VII—AMENDMENTS OF TRADE COMMISSIONERS ACT 1933

- 45. Principal Act
- 46. Title
- 47. Short title
- 48. Interpretation
- 49. Appointment of Trade Representatives
- 50. Trade Representatives who were not previously officers of Public Service
- 51. Resignation
- 52. Removal of Trade Representatives
- 53. Duties of Trade Representatives
- 54. Designation of Trade Representatives
- 55. Trade Representatives not to engage in business
- 56. Trade Representative may appoint officers
- 57. Determination of conditions of service
- 58. Trade Commissioners who do not become employees of Commission
- 59. Terms and conditions of employment of certain Trade Commissioner Office employees

PART VIII—AMENDMENTS OF OTHER ACTS

- 60. Amendments of other Acts

PART IX—MISCELLANEOUS

- 61. Application of *Commonwealth Employees (Redeployment and Retirement) Act 1979*
- 62. Deductions from salary
- 63. Appropriation for financial year ending on 30 June 1986

TABLE OF PROVISIONS—*continued*

**SCHEDULE 1
REPEAL OF ACTS**

**SCHEDULE 2
TRANSITIONAL PROVISIONS**

**SCHEDULE 3
FURTHER AMENDMENTS OF CERTAIN ACTS RELATING TO REFERENCES TO
GRANTS BOARD**

**SCHEDULE 4
AMENDMENTS OF OTHER ACTS**



Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985

No. 187 of 1985

An Act to repeal certain Acts, to enact certain transitional provisions, to make certain amendments in consequence of the enactment of the *Australian Trade Commission Act 1985*, and for related purposes

[Assented to 16 December 1985]

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 *Australian Trade Commission (Transitional Provisions and Consequential Amendments) Act 1985*.

Commencement

2. (1) Subject to sub-sections (2) and (3), this Act shall come into operation on the commencing day.

(2) Sections 1, 2, 3, 4, 12, 19, 32 and 61 shall come into operation on the day on which this Act receives the Royal Assent.

(3) The amendment made by section 34 shall be deemed to have come into operation on 20 May 1985.

Expressions defined in *Australian Trade Commission Act 1985*

3. Except as otherwise provided, expressions used in this Act have the same meaning as they have for the purposes of the *Australian Trade Commission Act 1985*.

Interpretation

4. In this Act, unless the contrary intention appears—

“assets” means property of every kind and, without limiting the generality of the foregoing, includes—

- (a) choses in action; and
- (b) rights, interests and claims of every kind in or to property, whether arising under or by virtue of an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing;

“Assistant Trade Commissioner” means an Assistant Trade Commissioner appointed pursuant to section 3 of the Trade Commissioners Act;

“Australian Public Service employee” means a person employed under Division 10 of Part III of the *Public Service Act 1922*;

“authorised officer” means—

- (a) the Minister;
- (b) the Managing Director, the Deputy Managing Director, an acting Managing Director or an acting Deputy Managing Director; or
- (c) a person employed by the Commission;

“employee of the Insurance Corporation” means a person employed under section 63 of the Insurance Corporation Act;

“employee of the Projects Corporation” means a person engaged under section 31 of the Projects Corporation Act;

“Grants Board” means the Export Development Grants Board established under the *Export Market Development Grants Act 1974*;

“instrument” includes a contract, guarantee or agreement (whether express or implied and whether made or given orally or in writing), bond, authority, order, power of attorney, mortgage, transfer, conveyance or other assurance, charge, lien, bill of lading, bill of exchange, letter of credit or security;

“Insurance Corporation Act” means the *Export Finance and Insurance Corporation Act 1974*;

“liabilities” means liabilities of every kind and, without limiting the generality of the foregoing, includes obligations of every kind, whether arising under or by virtue of an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing;

“officer of the Australian Public Service” means a person appointed or transferred to the Australian Public Service but does not include an Australian Public Service employee;

“officer of the Insurance Corporation” means a person appointed under section 61 of the Insurance Corporation Act;

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

“Projects Corporation Act” means the *Australian Overseas Projects Corporation Act 1978*;

“relevant instrument” means an instrument—

- (a) to which the Insurance Corporation or the Projects Corporation is a party;
- (b) which relates to a function assumed by the Commission and to which the Commonwealth is a party;
- (c) which was given to or in favour of the Insurance Corporation or the Projects Corporation;
- (d) which relates to a function assumed by the Commission and which was given to or in favour of the Commonwealth;
- (e) in which a reference is made to the Insurance Corporation or to the Projects Corporation; or
- (f) under which money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned, to or by the Insurance Corporation or the Projects Corporation,

being an instrument subsisting immediately before the commencing day;

“Trade Commissioner” means a Trade Commissioner appointed pursuant to section 3 of the Trade Commissioners Act;

“Trade Commissioner Office employee” means a person who, immediately before the commencing day, held an appointment under section 10 of the Trade Commissioners Act;

“Trade Commissioners Act” means the *Trade Commissioners Act 1933*.

**PART II—REPEAL, SAVINGS AND TRANSITIONAL
PROVISIONS CONCERNING INSURANCE CORPORATION AND
PROJECTS CORPORATION**

Repeal of Acts

5. The Acts specified in Schedule 1 are repealed.

**Saving of applications made to, and declarations concerning
business of, Insurance Corporation**

6. (1) Where applications for contracts of insurance, contracts of indemnity, guarantees or loans have been received by the Insurance Corporation before the commencing day, but have not been finally dealt with by the Corporation before that day, those applications shall—

- (a) be deemed, for the purposes of this Act and of the *Australian Trade Commission Act 1985*, to have been received by the Commission on the commencing day;
- (b) be dealt with by the Commission under the relevant provisions of the *Australian Trade Commission Act 1985*; and

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

- (c) in the case of such of those applications (if any) as the Corporation had not, before the commencing day, commenced to deal with—be dealt with, so far as is practicable, in the order in which those applications were received by the Corporation.

(2) A declaration by the Board of the Insurance Corporation under section 28 of the Insurance Corporation Act specifying a cause of loss as an approved cause of loss for the purposes of Division 4 of Part III of that Act, being a declaration that was in force immediately before the commencing day, shall, on and after that day, be treated as if it were a declaration made by the Commission to the same effect under section 45 of the *Australian Trade Commission Act 1985*.

(3) A declaration by the Minister under sub-section 37 (2) of the Insurance Corporation Act to the effect that specified goods, or goods included in a specified class of goods, are capital goods for the purposes of section 37 of that Act, being a declaration that was in force immediately before the commencing day, shall, on and after that day, be treated as if it were a declaration made by the Minister to the same effect for the purposes of sub-section 33 (3) of the *Australian Trade Commission Act 1985*.

National interest insurance contracts entered into, and guarantees given, by Insurance Corporation

7. Where the Insurance Corporation had informed the Minister by notice under sub-section 20 (6), 21 (6), 24 (6), 32 (2) or 35 (6) of the Insurance Corporation Act that the Corporation proposed to bear a proportion of the liability of the Corporation under a contract of insurance, a contract of indemnity or a guarantee, being a contract of insurance or a contract of indemnity that the Corporation was empowered to enter into under section 20, 32 or 35C of that Act or a guarantee that that Corporation was empowered to give under section 21, 24 or 35 of that Act—

- (a) the Commission may, if the amount of any receipts that it is required to pay to the Commonwealth under sub-section 86 (3) of the *Australian Trade Commission Act 1985* includes receipts arising out of that contract or the guarantee, deduct from that amount such proportion of the receipts of the Commission arising out of that contract or that guarantee as is equal to the proportion specified in the notice; and
- (b) there shall be deducted from an amount required under sub-section 86 (4) of the *Australian Trade Commission Act 1985* to be paid by the Commonwealth to the Commission in respect of that contract or that guarantee such proportion of that amount as is equal to the proportion so specified.

National interest loans entered into by Insurance Corporation

8. Where the Insurance Corporation had informed the Minister, by notice under sub-section 41 (6) of the Insurance Corporation Act, that the Corporation proposed to provide a proportion of the money to be lent

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

under a loan the making of which was approved by the Minister under sub-section 41 (3) of that Act—

- (a) the Commission may, if the amount of any receipts that it is required to pay the Commonwealth under sub-section 87 (3) of the *Australian Trade Commission Act 1985* includes receipts arising out of that loan, deduct from that amount such proportion of the receipts of the Commission arising out of that loan as is equal to the proportion specified in the notice; and
- (b) there shall be deducted from an amount required under sub-section 87 (4) of the *Australian Trade Commission Act 1985* to be paid by the Commonwealth to the Commission in respect of that loan such proportion of that amount as is equal to the proportion so specified.

Final report under Projects Corporation Act

9. (1) Notwithstanding the repeal of the Projects Corporation Act effected by section 5 of this Act, the Board, as constituted immediately before the commencing day, shall, for the purposes of preparing and furnishing to the Minister the report and the financial statements referred to in sub-section (2), continue in existence until it has furnished that report and those financial statements.

(2) The Board shall, as soon as practicable after the commencing day, prepare and furnish to the Minister a report of the operations of the Projects Corporation during the period that commenced on 1 July 1985 and ended immediately before the commencing day together with financial statements in respect of that period in such form as the Minister for Finance approves and sub-sections 47 (2), (3) and (4) of the Projects Corporation Act apply, in respect of that report and those financial statements, as if—

- (a) those sub-sections had not been repealed;
- (b) that report and those financial statements had been prepared and furnished under sub-section 47 (1) of the Projects Corporation Act; and
- (c) the period to which that report and those financial statements relate were a year that ended on 30 June.

(3) The Commission shall, during the period during which the Board continues in existence by virtue of sub-section (1), pay to the members of the Board, other than a member of the Board who is Managing Director or Deputy Managing Director of the Commission or who is employed by the Commission, in respect of the preparation of the report and the financial statements referred to in sub-section (2), such remuneration and allowances as the Minister, by notice in writing given to the Commission, determines to be appropriate.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

(4) In this section, unless the contrary intention appears, “Board” means the Australian Overseas Projects Corporation Board that was established by section 11 of the Projects Corporation Act.

Final report and quarterly return under Insurance Corporation Act

10. (1) Notwithstanding the repeal of the Insurance Corporation Act effected by section 5 of this Act—

- (a) the Board, as constituted immediately before the commencing day, shall, for the purpose of preparing and furnishing to the Minister the report and financial statements referred to in sub-section (2), continue in existence until it has furnished that report and those financial statements; and
- (b) the Insurance Corporation shall, for the purpose of forwarding to the Minister the return referred to in sub-section (3), continue in existence until it has forwarded that return.

(2) The Board shall, as soon as practicable after the commencing day, prepare and furnish to the Minister a report of the operations of the Insurance Corporation during the period that commenced on 1 July 1985 and ended immediately before the commencing day together with financial statements in respect of that period in such form as the Minister for Finance approves and sub-sections 88 (2), (3) and (4) of the Insurance Corporation Act apply, in respect of that report and those financial statements, as if—

- (a) those sub-sections had not been repealed;
- (b) that report and those financial statements were prepared and furnished under sub-section 88 (1) of the Insurance Corporation Act; and
- (c) the period to which that report and those financial statements relate were a year that ended on 30 June.

(3) The Insurance Corporation shall, as soon as practicable after the commencing day, forward to the Minister a return of the kind referred to in section 89 of the Insurance Corporation Act in respect of the period commencing on 1 October 1985 and ending immediately before the commencing day (in this sub-section referred to as the “final period”) and that section applies in respect of that return as if—

- (a) that section had not been repealed; and
- (b) the final period were a period of 3 months ending on 31 December.

(4) The Commission shall, during the period during which the Board continues in existence by virtue of sub-section (1), pay to the members of the Board, other than a member of the Board who is Managing Director or Deputy Managing Director of the Commission or who is employed by the Commission, in respect of the preparation of the report and the financial statements referred to in sub-section (2), such remuneration and allowances as the Minister, by notice in writing given to the Commission, determines to be appropriate.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

(5) In this section, unless the contrary intention appears, “Board” means the Export Finance and Insurance Corporation Board that was established by section 42 of the Insurance Corporation Act.

Transitional provisions specified in Schedule 2

11. (1) A reference in a provision of the *Australian Trade Commission Act 1985* specified in column 1 of Schedule 2 to a matter or thing specified in column 2 of that Schedule opposite to the provision so specified shall be read as including a reference to a matter or thing specified in column 3 of that Schedule opposite to the provision so specified.

(2) Expressions used in column 3 of Part I of Schedule 2 have the same respective meanings as in the Insurance Corporation Act.

(3) Expressions used in column 3 of Part II of Schedule 2 have the same respective meanings as in the Projects Corporation Act.

PART III—STAFF

Minister may make declarations

12. (1) The Minister may, from time to time, by declaration published in the *Gazette*, declare that, with effect from a day specified in the declaration, being the commencing day or a later day, a specified class or specified classes of relevant persons are in the employment of the Commission.

(2) The Minister may, by declaration published in the *Gazette*, declare that, with effect from the commencing day, specified classes of Trade Commissioners, Assistant Trade Commissioners and Trade Commissioner Office employees are in the employment of the Commission.

(3) Where a person is included in a class of relevant persons specified in a declaration published pursuant to sub-section (1), or in a class of Trade Commissioners or Assistant Trade Commissioners or Trade Commissioner Office employees specified in a declaration published pursuant to sub-section (2), that person shall, from and including the day with effect from which the Minister has declared that class of persons to be in the employment of the Commission, be deemed, by force of this sub-section, to be employed by the Commission under section 60 of the *Australian Trade Commission Act 1985*.

(4) Where a person was, immediately before the commencing day—

(a) an officer or employee of the Insurance Corporation; or

(b) an employee of the Projects Corporation,

that person shall, from and including the commencing day, be deemed, by force of this sub-section, to be employed by the Commission under section 60 of the *Australian Trade Commission Act 1985*.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

(5) Without limiting, by implication, the manner in which a class of relevant persons, Trade Commissioners, Assistant Trade Commissioners or Trade Commissioner Office employees may be described for the purposes of sub-section (1), that class may be described by reference to the functions that persons included in that class performed in carrying out their duties immediately before the day with effect from which the Minister declared that class of persons to be in the employment of the Commission.

(6) In this section, “relevant persons” means persons who are—

(a) officers of the Australian Public Service; or

(b) Australian Public Service employees,

being persons who perform duties in the Department.

Terms and conditions applicable to persons deemed to be employed by Commission

13. Where a person is deemed, pursuant to section 12, to be employed by the Commission under section 60 of the *Australian Trade Commission Act 1985*, the Commission shall, for the purposes of the last-mentioned section, unless it is able, on the commencing day, to make a determination of new terms and conditions under the last-mentioned section, be deemed to have determined that, pending the making of such a determination of new terms and conditions, the terms and conditions of that person’s employment are the terms and conditions of employment that were applicable to that person immediately before that person was deemed to be so employed.

Persons previously engaged for specified terms

14. Without otherwise limiting the generality of section 60 of the *Australian Trade Commission Act 1985* or of section 12 of this Act in relation to the determination of the terms and conditions of appointment applicable to persons who are deemed to have been employed by the Commission—

(a) such of those persons as, immediately before being so employed, held appointments for specified terms as Trade Commissioners or Assistant Trade Commissioners shall be taken to be employed for the balance of their respective terms; and

(b) such of those persons as, immediately before being so employed, had been engaged for specified terms as Australian Public Service employees, had been employed for specified terms as employees of the Insurance Corporation, had been engaged for specified terms as employees of the Projects Corporation or had been appointed for specified terms as Trade Commissioner Office employees shall be taken to be employed by the Commission for the balance of their respective terms.

Persons to retain recreation and sick leave credits, &c.

15. Where—

- (a) a person was, immediately before the day with effect from which that person is deemed to be employed by the Commission pursuant to section 12—
 - (i) an Australian Public Service employee;
 - (ii) an officer or employee of the Insurance Corporation;
 - (iii) an employee of the Projects Corporation;
 - (iv) a Trade Commissioner or Assistant Trade Commissioner; or
 - (v) a Trade Commissioner Office employee; and
- (b) that person, on being deemed to be so employed, is not a person to whom Part IV of the *Public Service Act 1922* applies,

then—

- (c) that person retains the rights, if any, in respect of—
 - (i) recreation leave; and
 - (ii) leave on the ground of illness,
that had accrued to that person immediately before being deemed to be so employed; and
- (d) the period of service of that person with the person's previous employer, being service that was recognised by the employer as service for the purposes of determining leave and other entitlements, counts, for the purposes of the Commission determining those entitlements, as if it were service in the Commission.

Application of Part IV of the *Public Service Act 1922* to certain persons

16. Where a class of persons specified in a declaration published in the *Gazette* pursuant to sub-section 12 (1) includes persons (in this section referred to as "transferred officers") who are officers of the Australian Public Service and to whom Part IV of the *Public Service Act 1922* did not, immediately before the day with effect from which the Minister declared that class of persons to be in the employment of the Commission, apply, there shall be deemed to have been made, on that day—

- (a) a declaration declaring the matters in connection with which those transferred officers were performing duties immediately before that day as officers of the Australian Public Service to be a declared Commonwealth function and declaring the duties of those transferred officers to be connected with the performance of that declared Commonwealth function; and
- (b) a declaration declaring the matters in connection with which those transferred officers are performing duties on and after that day as employees of the Commission to be a prescribed function corresponding to that declared Commonwealth function and declaring employment by the Commission to be employment connected with the performance of a prescribed function.

Leave of absence deemed to have been granted

17. Where a person who is deemed to be employed by the Commission pursuant to section 12 was granted leave of absence for a period commencing on or before the day with effect from which that person is deemed to be so employed and ending on or after that day, that person shall be deemed to have been granted leave of absence by the Commission in accordance with the terms and conditions of that person's employment with the Commission in so far as they relate to leave of absence or in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976* or the *Maternity Leave (Commonwealth Employees) Act 1973*, as the case requires, for a period commencing on that day and ending on the last day of the first-mentioned period and for the purpose for which that person had been granted that first-mentioned leave of absence and, if that person was paid salary or allowances in respect of any leave after the first-mentioned day, that payment shall be deemed to have been made by the Commission in respect of leave that is deemed to have been granted under this section.

Probation

18. (1) Subject to sub-section (2), all persons who are deemed to be employed by the Commission pursuant to section 12 shall be deemed not to be employed on probation.

(2) Where a person who, with effect from a particular day, is deemed to be employed by the Commission pursuant to section 12 had been, before that day—

- (a) appointed on probation as an officer of the Australian Public Service;
- (b) appointed on probation as an officer of the Insurance Corporation;
- (c) engaged on probation as an employee of the Projects Corporation;
or
- (d) appointed on probation as a Trade Commissioner office employee, and that person's appointment or engagement had not been confirmed before that day—
- (e) that person shall be taken to be employed by the Commission on probation;
- (f) any decision made before that day under the *Public Service Act 1922* or under the terms and conditions of that person's employment under the Insurance Corporation Act, the Projects Corporation Act or the Trade Commissioners Act that the period of probation of that person be extended has effect, on and after that day, as if it were a decision made under and in accordance with the terms and conditions of that person's employment with the Commission; and
- (g) for the purpose of the application to that person of the terms and conditions of that person's employment with the Commission in so far as they relate to service on probation, that person's service on probation in the Australian Public Service, as a member of the staff

of the Insurance Corporation or the Projects Corporation or as a person appointed under section 10 of the Trade Commissioners Act counts as if it were service performed for the Commission.

PART IV—ASSETS AND LIABILITIES

Transfer of assets and assumption of liabilities by Commission

- 19. (1)** On the commencing day, by force of this section—
- (a) the assets of the Insurance Corporation subsisting immediately before that day cease to be assets of the Insurance Corporation and become assets of the Commission;
 - (b) the assets of the Projects Corporation subsisting immediately before that day cease to be assets of the Projects Corporation and become assets of the Commission;
 - (c) such of the assets of the Commonwealth subsisting immediately before that day, being assets administered by the Department, as have been identified by the Minister, in writing, on or before that day, as assets appropriate for use by the Commission in connection with the performance of its functions cease to be assets of the Commonwealth and become assets of the Commission;
 - (d) the liabilities of the Insurance Corporation subsisting immediately before that day cease to be liabilities of the Insurance Corporation and become liabilities of the Commission;
 - (e) the liabilities of the Projects Corporation subsisting immediately before that day cease to be liabilities of the Projects Corporation and become liabilities of the Commission; and
 - (f) such of the liabilities of the Commonwealth subsisting immediately before that day, being liabilities incurred or undertaken in connection with the administration of matters for which the Minister is responsible, as are identified by the Minister, in writing, on or before that day, as liabilities appropriate to be assumed by the Commission in connection with the performance of its functions cease to be liabilities of the Commonwealth and become liabilities of the Commission.
- (2)** On 1 July 1986, by force of this section—
- (a) such of the assets of the Commonwealth subsisting immediately before that day, being assets administered by the Department of Foreign Affairs or the Department of Local Government and Administrative Services, as are identified by the Minister for Finance, in writing, on or before that day, as assets appropriate for use by the Commission in connection with the performance of its functions cease to be assets of the Commonwealth and become assets of the Commission; and
 - (b) such of the liabilities of the Commonwealth subsisting immediately before that day, being liabilities incurred or undertaken in connection with the administration of matters for which the Minister for Foreign

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

Affairs or the Minister for Local Government and Administrative Services is responsible, as are identified by the Minister for Finance, in writing, on or before that day, as liabilities appropriate to be assumed by the Commission in connection with the performance of its functions cease to be liabilities of the Commonwealth and become liabilities of the Commission.

(3) Without limiting the generality of sub-section (1), the reference in paragraph (1) (d) to the liabilities of the Insurance Corporation includes a reference to—

- (a) the liability to repay to the Commonwealth, at such times and in such amounts as the Minister for Finance determines, the amount that, immediately before the commencing day, constituted the capital of the Insurance Corporation for the purposes of section 67 of the Insurance Corporation Act; and
- (b) the liability to pay interest to the Commonwealth on the amount referred to in paragraph (a), or so much of that amount as has not from time to time been repaid to the Commonwealth at such rate as the Minister for Finance from time to time determines.

(4) The Commission shall indemnify the Commonwealth, and keep the Commonwealth indemnified, from and against all actions, claims, demands, proceedings, suits, damages, expenses and costs that may be brought against, or incurred by, the Commonwealth at any time for or in respect of a liability that becomes a liability of the Commission under sub-section (1) or (2).

(5) The assets of the Insurance Corporation (other than fixed assets of the Insurance Corporation) that become, by virtue of sub-section (1), assets of the Commission on the commencing day shall—

- (a) to the extent that they are money—be deemed to be money standing to the credit of the Fund; and
- (b) to the extent that they are investments—be deemed to be investments of money standing to the credit of the Fund that have been duly made in accordance with section 63E of the *Audit Act 1901* as applied by sub-section 89 (1) of the *Australian Trade Commission Act 1985*.

(6) The liabilities of the Insurance Corporation that become, by virtue of sub-section (1), liabilities of the Commission on the commencing day shall, as they fall due for payment, be paid by the Commission from the money standing to the credit of the Fund as if they were liabilities incurred by the Commission under or in connection with the conduct of its business under Part V of the *Australian Trade Commission Act 1985*.

(7) In sub-section (5), “fixed assets of the Insurance Corporation” means—

- (a) real property, office equipment, furniture and motor vehicles; and
- (b) funds set aside for maintenance of assets referred to in paragraph (a).

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

(8) In this section, “Fund” means the Export Finance and Insurance Fund established by section 73 of the *Australian Trade Commission Act 1985*.

Instruments

20. A relevant instrument continues, by force of this section, in full force and effect, but, in its operation in relation to acts, transactions, matters or things done, entered into or occurring on or after the commencing day, has effect as if—

- (a) a reference in the instrument to the Insurance Corporation or to the Projects Corporation were a reference to the Commission; and
- (b) a reference in the instrument to the Commonwealth were a reference to the Commission or to the Commonwealth, as the context requires.

Certificates with respect of assets, liabilities and instruments

21. (1) An authorised officer may, by writing, certify that—

- (a) an asset specified or described in the certificate is an asset referred to in paragraph 19 (1) (a), (b) or (c) or 19 (2) (a);
- (b) a liability specified or described in the certificate is a liability referred to in paragraph 19 (1) (d), (e) or (f) or 19 (2) (b); or
- (c) an instrument specified or described in the certificate is a relevant instrument,

and such certificate is, in all courts and for all purposes, *prima facie* evidence of the matter stated in the certificate.

(2) Where a document purports to be a certificate under sub-section (1) signed by a person purporting to be an authorised officer, judicial notice shall be taken of the signature of that person and of the fact that that person is or was such an authorised officer.

Exemption from taxation

22. An instrument or document that an authorised officer certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Act is not liable to stamp duty or other tax under a law of the Commonwealth, of a State or of a Territory.

**PART V—AMENDMENTS OF EXPORT EXPANSION GRANTS
ACT 1978**

Principal Act

23. The *Export Expansion Grants Act 1978*¹ is in this Part referred to as the Principal Act.

Interpretation

24. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “Board”;

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

- (b) by inserting after the definition of “claim” in sub-section (1) the following definition:

“‘Commission’ means the Australian Trade Commission established by section 7 of the *Australian Trade Commission Act 1985*”;
- (c) by omitting from the definition of “eligible industrial property rights” in sub-section (1) “Board” (wherever occurring) and substituting “Commission”;
- (d) by omitting from the definition of “eligible internal services” in sub-section (1) “Board” and substituting “Commission”;
- (e) by omitting from the definition of “eligible know-how” in sub-section (1) “Board” and substituting “Commission”; and
- (f) by omitting from sub-section (4) “Board” and substituting “Commission”.

Claims for grants

25. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-sections (1), (2) and (3) “Board” and substituting “Commission”;
- (b) by omitting sub-section (4) and substituting the following sub-section:

“(4) A claim shall be deemed not to have been submitted until it has been received by the Commission or has been received on behalf of the Commission by an officer or employee of the Commission or by a person appointed by the Commission to receive claims under this Act.”; and
- (c) by omitting from sub-section (5) “Board” (wherever occurring) and substituting “Commission”.

26. Section 15 of the Principal Act is repealed and the following section is substituted:

Australian Trade Commission

“15. (1) The functions and powers of the Commission include the functions and powers conferred on it by this Act.

“(2) For the purposes of sub-section (1), Parts II, III and VI of the *Australian Trade Commission Act 1985* have effect as if—

- (a) references in those Parts to that Act (other than references to particular provisions of that Act) include references to this Act; and
- (b) references in those Parts to claims under the *Export Market Development Grants Act 1974* include references to claims under this Act.

Recovery of overpayments

27. Section 19 of the Principal Act is amended by omitting from sub-section (2) “Executive Member of the Board” (wherever occurring) and substituting “Managing Director of the Commission”.

Reports

28. (1) Section 20 of the Principal Act is amended—

- (a) by omitting from sub-sections (1) and (3) “Board” and substituting “Commission”; and
- (b) by omitting sub-section (5).

(2) The first report submitted by the Commission under section 20 of the Principal Act, as amended by this Act, shall be submitted to the Minister as soon as practicable after 30 June 1987, and shall relate to the operation of the Principal Act as amended and in force from time to time during the period commencing on the commencing day and ending on 30 June 1987.

Further amendments

29. The Principal Act is further amended as set out in Part I of Schedule 3 to this Act.

Final report by Grants Board

30. (1) Notwithstanding the amendments of section 20 of the Principal Act effected by section 28 of this Act, the Grants Board, as constituted immediately before the commencing day, shall, for the purpose of submitting to the Minister the report referred to in sub-section (2), continue in existence until it has submitted that report.

(2) The Grants Board shall, as soon as practicable after the commencing day, submit to the Minister a report on the operation of the Principal Act with particular reference to the operation of that Act during the period that commenced on 1 July 1985 and ended immediately before the commencing day, and sub-sections 20 (2), (3) and (4) of that Act apply in respect of that report as if—

- (a) that section had not been amended by section 28 of this Act;
- (b) that report had been submitted under sub-section 20 (1) of the Principal Act; and
- (c) the period to which that report relates were a financial year.

(3) The Commission shall, during the period during which the Grants Board continues in existence by virtue of sub-section (1), pay to the members of the Grants Board, other than a member of the Grants Board who is Managing Director or Deputy Managing Director of the Commission or who is employed by the Commission, in respect of the preparation of the report referred to in sub-section (2), such remuneration and allowances as the Minister, by notice in writing given to the Commission, determines to be appropriate.

Other outstanding matters under *Export Expansion Grants Act 1978*

31. (1) Any act or thing done by or to, or any decision made by, the Grants Board under the *Export Expansion Grants Act 1978* as in force at any time before the commencing day shall have effect, on and after that day, for the purpose of that Act as amended and in force from time to time, as if it were an act or thing done by or to, or a decision made by, the Commission.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

(2) Without limiting, by implication, the generality of sub-section (1), where a claim for a grant had been submitted to the Grants Board under the *Export Expansion Grants Act 1978* as in force at any time before the commencing day but the Grants Board had not determined that claim before that day, that claim may be dealt with under that Act as amended and in force on and after that day by the Commission as if it had been duly submitted to the Commission.

(3) Without limiting, by implication, the generality of sub-section (1), where an application for reconsideration of a decision of the Grants Board had been lodged with the Grants Board under the *Export Expansion Grants Act 1978* as in force at any time before the commencing day but the Grants Board had not completed its reconsideration of the decision specified in the application before that day, that decision may be reconsidered by the Commission under that Act as amended and in force on and after that day as if it were the decision of the Commission.

(4) If the Grants Board is a party to any proceedings that had been instituted, but not determined, before the commencing day, the Commission shall, with effect from that day, be substituted for the Grants Board as a party to those proceedings.

(5) Any reference in regulations in force under the Principal Act immediately before the commencing day to the Export Development Grants Board shall be construed, on and after that day, as a reference to the Commission.

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

Principal Act

32. The *Export Market Development Grants Act 1974*² is in this Part referred to as the Principal Act.

Interpretation

33. Section 3 of the Principal Act is amended—

- (a) by omitting the definition of “Board” in sub-section (1);
- (b) by inserting after the definition of “claim” in sub-section (1) the following definition:

“‘Commission’ means the Australian Trade Commission established by section 7 of the *Australian Trade Commission Act 1985*”;
- (c) by omitting from the definition of “eligible industrial property rights” in sub-section (1) “Board” (wherever occurring) and substituting “Commission”;
- (d) by omitting from the definition of “eligible internal services” in sub-section (1) “Board” and substituting “Commission”;
- (e) by omitting from the definition of “eligible know-how” in sub-section (1) “Board” and substituting “Commission”;

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

- (f) by omitting the definition of “member” in sub-section (1); and
- (g) by omitting from sub-sections (4), (5), (7) and (8) “Board” (wherever occurring) and substituting “Commission”.

Export earnings

34. Section 3A of the Principal Act is amended by inserting in sub-paragraph (3) (a) (ii) “or airport” after “port”.

Residents of Australia

35. (1) Section 11 of the Principal Act is amended—

- (a) by omitting from paragraph (b) “the Board” and substituting “the Commission”; and
- (b) by omitting from paragraph (c) “Minister, on the advice of the Board, by writing signed by him,” and substituting “Commission, by writing,”.

(2) A declaration by the Minister under section 11 of the Principal Act declaring a company to be a company to which paragraph 11(c) of the Principal Act applies, being a declaration that was in force immediately before the commencing day, shall, on and after that day, be treated as if it were a declaration made by the Commission to the same effect under that provision of the Principal Act as amended by this Act.

Grants

36. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Board” and substituting “Commission”;
- (b) by omitting from sub-section (2) “Board” and substituting “Commission”; and
- (c) by omitting from sub-section (2) “there is payable” and substituting “the Commission shall pay”.

Claims for grants

37. Section 13 of the Principal Act is amended—

- (a) by omitting from sub-sections (1), (2) and (2B) “Board” and substituting “Commission”;
- (b) by omitting sub-section (3) and substituting the following sub-section:

“(3) A claim shall be deemed not to have been submitted until it has been received by the Commission or has been received on behalf of the Commission by an officer or employee of the Commission or by a person appointed by the Commission to receive claims under this Act.”; and
- (c) by omitting from sub-section (4) “Board” (wherever occurring) and substituting “Commission”.

Repeal of Part III

38. Part III of the Principal Act is repealed.

Convicted persons to repay grants, &c.

39. Section 39A of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “by the Commission” after “has been paid”;
- (b) by omitting from paragraph (1) (a) “Commonwealth” and substituting “Commission”;
- (c) by inserting in paragraph (1) (c) “by the Commission” after “has been paid in part”;
- (d) by omitting from paragraph (1) (c) “Commonwealth” and substituting “Commission”; and
- (e) by omitting from sub-section (2) “Commonwealth” (wherever occurring) and substituting “Commission”.

Recovery of overpayments

40. Section 40 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “by the Commission” after “person has been paid”;
- (b) by omitting from sub-section (1) “Commonwealth” (wherever occurring) and substituting “Commission”; and
- (c) by omitting from sub-section (2) “Executive Member” (wherever occurring) and substituting “Managing Director of the Commission”.

Repeal of sections 41 and 42

41. Sections 41 and 42 of the Principal Act are repealed.

Further amendments

42. The Principal Act is further amended as set out in Part II of Schedule 3 to this Act.

Final report of Grants Board

43. (1) Notwithstanding the repeal of section 41 of the Principal Act by section 41 of this Act, the Grants Board, as constituted immediately before the commencing day, shall, for the purpose of submitting to the Minister the report referred to in sub-section (2), continue in existence until it has furnished that report.

(2) The Grants Board shall, as soon as practicable after the commencing day, submit to the Minister a report on the operation of the Principal Act with particular reference to the operation of that Act during the period that commenced on 1 July 1985 and ended immediately before the commencing day, and sub-sections 41 (2), (3) and (4) of the Principal Act apply, in respect of that report, as if—

- (a) those sub-sections had not been repealed;

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

- (b) that report had been submitted under sub-section 41 (1) of the Principal Act; and
- (c) the period to which that report relates were a financial year.

(3) The Commission shall, during the period during which the Grants Board continues in existence by virtue of sub-section (1), pay to the members of the Grants Board, other than a member of the Grants Board who is Managing Director or Deputy Managing Director of the Commission or who is employed by the Commission, in respect of the preparation of the report referred to in sub-section (2), such remuneration and allowances as the Minister, by notice in writing given to the Commission, determines to be appropriate.

Other outstanding matters under *Export Market Development Grants Act 1974*

44. (1) Any act or thing done by or to, or any decision made by, the Grants Board under the *Export Market Development Grants Act 1974* as in force at any time before the commencing day shall have effect, on and after that day, for the purpose of that Act as amended and in force from time to time, as if it were an act or thing done by or to, or a decision made by, the Commission.

(2) Without limiting, by implication, the generality of sub-section (1), where a claim for a grant had been submitted to the Grants Board under the *Export Market Development Grants Act 1974* as in force at any time before the commencing day but the Grants Board had not determined that claim before that day, that claim may be dealt with under that Act as amended and in force on and after that day by the Commission as if it had been duly submitted to the Commission.

(3) Without limiting, by implication, the generality of sub-section (1), where an application for reconsideration of a decision of the Grants Board had been lodged with the Grants Board under the *Export Market Development Grants Act 1974* as in force at any time before the commencing day but the Grants Board had not completed its reconsideration of the decision specified in the application before that day, that decision may be reconsidered by the Commission under that Act as amended and in force on and after that day as if it were the decision of the Commission.

(4) If the Grants Board is a party to any proceedings that had been instituted, but not determined, before the commencing day, the Commission shall, with effect from that day, be substituted for the Grants Board as a party to those proceedings.

(5) Any reference in regulations in force under the Principal Act immediately before the commencing day to the Export Development Grants Board shall be construed, on and after that day, as a reference to the Commission.

**PART VII—AMENDMENTS OF TRADE COMMISSIONERS ACT
1933**

Principal Act

45. The *Trade Commissioners Act 1933*³ is in this Part referred to as the Principal Act.

Title

46. The title to the Principal Act is amended by omitting “Trade Commissioners” and substituting “Trade Representatives”.

Short title

47. Section 1 of the Principal Act is amended by omitting “*Trade Commissioners*” and substituting “*Trade Representatives*”.

Interpretation

48. Section 2 of the Principal Act is amended—

- (a) by omitting the definition of “Assistant Trade Commissioner”; and
- (b) by omitting the definition of “Trade Commissioner” and substituting the following definition:

“‘Trade Representative’ means a Trade Representative appointed pursuant to this Act;”.

Appointment of Trade Representatives

49. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commissioners and Assistant Trade Commissioners” and substituting “Representatives”; and
- (b) by omitting from sub-section (2) “Commissioner or Assistant Trade Commissioner” and substituting “Representative”.

Trade Representatives who were not previously officers of Public Service

50. Section 4 of the Principal Act is amended by omitting from sub-section (1) “Commissioner or an Assistant Trade Commissioner who was not, immediately prior to his appointment as Trade Commissioner or Assistant Trade Commissioner, as the case may be,” and substituting “Representative who was not, immediately prior to his or her appointment as a Trade Representative,”.

Resignation

51. Section 4A of the Principal Act is amended by omitting “Commissioner or Assistant Trade Commissioner may resign his or her office by writing signed by the Trade Commissioner or Assistant Trade Commissioner, as the case may be,” and substituting “Representative may resign from office by instrument in writing”.

Removal of Trade Representatives

52. Section 5 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commissioner or an Assistant Trade Commissioner” and substituting “Representative”; and
- (b) by omitting sub-section (2) and substituting the following sub-section:

“(2) A Trade Representative shall be deemed to have vacated his or her office if he or she becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.”

Duties of Trade Representatives

53. Section 6 of the Principal Act is amended—

- (a) by omitting “Commissioner or Assistant Trade Commissioner” (first occurring) and substituting “Representative”; and
- (b) by omitting “Commissioner or Assistant Trade Commissioner, as the case may be,” and substituting “Representative”.

Designation of Trade Representatives

54. Section 8 of the Principal Act is amended—

- (a) by omitting “Commissioner or an Assistant Trade Commissioner” and substituting “Representative”; and
- (b) by omitting “his functions” and substituting “his or her functions”.

Trade Representatives not to engage in business

55. Section 9 of the Principal Act is amended by omitting “Commissioner or an Assistant Trade Commissioner shall not during his tenure of office,” and substituting “Representative shall not, while holding office”.

Trade Representative may appoint officers

56. Section 10 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commissioner or Assistant Trade Commissioner” and substituting “Representative”;
- (b) by omitting from sub-section (1) “he thinks” and substituting “the Trade Representative thinks”; and
- (c) by omitting from sub-section (2) “Commissioner or Assistant Trade Commissioner” and substituting “Representative”.

Determination of conditions of service

57. Section 11 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) a Trade Representative; or”

Trade Commissioners who do not become employees of Commission

58. (1) Where a person who, immediately before the commencing day, held office under the Principal Act as a Trade Commissioner and is not,

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

pursuant to Part III of this Act, engaged on that day as an employee of the Commission—

- (a) that person shall be deemed to be appointed on that day, under section 3 of the Principal Act as amended by this Act, as a Trade Representative for the balance of the period that was specified in the instrument of appointment of that person as a Trade Commissioner; and
- (b) the same terms and conditions apply on and after that day to that person's employment as a Trade Representative as applied immediately before that day to that person's employment as a Trade Commissioner.

(2) Where a person is deemed, pursuant to sub-section (1), to be appointed as a Trade Representative any direction given under the Principal Act at any time before the commencing day to, or in relation to, that person in that person's capacity as a Trade Commissioner, being a direction that is in force immediately before that day, continues to apply to, or in relation to, that person on and after that day in that person's capacity as a Trade Representative.

Terms and conditions of employment of certain Trade Commissioner Office employees

59. (1) This section applies to any person who was a Trade Commissioner Office employee other than a person who is deemed, with effect from the commencing day, by virtue of the operation of sub-section 12 (3), to be employed by the Commission.

(2) Each person to whom this section applies shall be deemed, with effect from the commencing day, to be duly appointed under section 10 of the *Trade Representatives Act 1933*.

(3) The terms and conditions of employment that applied, immediately before the commencing day, in relation to a person to whom this section applies continue to apply in relation to that person on and after that day but, in the application of those terms and conditions in relation to that person on and after that day—

- (a) references in those terms and conditions to the Australian Government Trade Commission or to the Commission shall be construed as references to the Minister; and
- (b) references in those terms and conditions to the Trade Commissioner or Assistant Trade Commissioner shall be construed as references to the Trade Representative in charge of the post at which that person performs duties or to which that person is required, under those terms and conditions, to report.

PART VIII—AMENDMENTS OF OTHER ACTS

Amendments of other Acts

60. (1) The Acts specified in Schedule 4 are amended as set out in that Schedule.

(2) In the application of section 24 of the *Export Market Development Grants Amendment Act 1985* in relation to persons who have submitted claims under the *Export Market Development Grants Act 1974*, references in that section to notices given by, or requests submitted to, the Commission include references to notices given by, or requests submitted to, the Grants Board before the commencing day.

(3) The reference in sub-section 9 (1) of the *Insurance Contracts Act 1984*, as that sub-section is amended by this Act, to contracts and proposed contracts of insurance entered into, or proposed to be entered into, by the Australian Trade Commission includes a reference to contracts of insurance that were entered into by the Export Finance and Insurance Corporation.

PART IX—MISCELLANEOUS

Application of *Commonwealth Employees (Redeployment and Retirement) Act 1979*

61. Sub-section 3 (3) of the *Commonwealth Employees (Redeployment and Retirement) Act 1979* does not apply in relation to the body that is to be established by section 7 of the *Australian Trade Commission Act 1985*.

Deductions from salary

62. An authority given by a person who is deemed to be employed by the Commission pursuant to section 12 with effect from a particular day for the deduction of an amount from each payment of that person's salary and the payment, on behalf of that person, of each amount so deducted to a specified body or person, being an authority in force immediately before that day, continues in force on and after that day until cancelled by that person as an authority for the Commission to deduct that amount from each payment of that person's salary and for the payment by the Commission, on behalf of that person, of each amount so deducted to the person or body specified in the authority.

Appropriation for financial year ending on 30 June 1986

63. (1) There is payable to the Commission, out of the Consolidated Revenue Fund, which is appropriated accordingly, an amount of \$142,215,000 for the purposes of the Commission under the *Australian Trade Commission Act 1985* during the financial year ending on 30 June 1986 which amount includes, in particular—

- (a)** \$88,500,000 for the purpose of making payments of grants under the *Export Market Development Grants Act 1974*; and

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

- (b) \$14,350,000 for the purpose of making payments of subsidy under sub-sections 38 (2) and 39 (2), and facilitating the charging of concessional rates of interest in respect of loans made under section 49, of the *Australian Trade Commission Act 1985*.

(2) In sub-section (1), a reference to the purposes of the Commission under the *Australian Trade Commission Act 1985* includes a reference to the purposes of the Commission in performing the functions conferred on the Commission by the *Export Expansion Grants Act 1978*.

(3) The Minister for Finance may, in writing, determine that a specified amount constituting a part of the money appropriated under sub-section (1) is so appropriated for the purpose of enabling the Commission to perform a function that corresponds to a function of the Department or of a statutory authority for which the Minister for Trade is responsible where the last-mentioned function is one—

- (a) in respect of which money is appropriated under a specified Sub-division of Division 640, 642 or 644 of the *Appropriation Act (No. 1) 1985-86*, not being the Sub-division of Division 644 of that Act that relates to expenditure under the *Export Expansion Grants Act 1978*; or
- (b) in respect of which money is appropriated under a specified Sub-division of Division 964 of the *Appropriation Act (No. 2) 1985-86*, and, where the Minister for Finance does so, that Act shall be deemed, by force of this sub-section, to have effect and, with effect from 1 July 1985 to have had effect, as if the amount specified in that Sub-division were reduced by that first-mentioned amount.

(4) So far only as the appropriation of money under Division 644 of the *Appropriation Act (No. 1) 1985-86* in respect of expenditure under the *Export Expansion Grants Act 1978* is concerned, the first-mentioned Act has effect, by force of this sub-section, on and after the commencement of this section, as if money so appropriated had not been appropriated for the purposes of the Grants Board but had been appropriated for the purposes of enabling the Department to make payments under the *Export Expansion Grants Act 1978*.

SCHEDULE 1

Section 5

REPEAL OF ACTS

Australian Overseas Projects Corporation Act 1978
Export Finance and Insurance Corporation Act 1974
Export Finance and Insurance Corporation Amendment Act 1976
Export Finance and Insurance Corporation Amendment Act (No. 2) 1976
Export Finance and Insurance Corporation Amendment Act 1978
Export Finance and Insurance Corporation Amendment Act 1983

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

SCHEDULE 2

Section 11

TRANSITIONAL PROVISIONS

PART I—REFERENCES THAT ARE TO INCLUDE REFERENCES
RELATING TO INSURANCE CORPORATION ACT

Column 1 Provision of <i>Australian Trade Commission Act 1985</i>	Column 2 Matter or thing referred to in <i>Australian Trade Commission Act 1985</i>	Column 3 Matter or thing referred to in Insurance Corporation Act
Sub-sections 34 (1) and (2)	Contracts entered into, or guarantees given, under this Part	Contracts entered into or guarantees given, by the Insurance Corporation under Division 2, 3, 4, 5 or 6 of Part III of the Insurance Corporation Act
Paragraph 73 (2) (a) .	Business conducted by the Commission under Part V	Business conducted by the Insurance Corporation under the Insurance Corporation Act
Paragraph 73 (3) (a) .	Any liabilities incurred by the Commission under or in connection with the conduct of the business of the Commission under Part V	Any liabilities assumed by the Commission under section 19 of this Act, being liabilities originally incurred by the Insurance Corporation under or in connection with the conduct of the business of the Insurance Corporation under the Insurance Corporation Act
Sub-section 73 (6) . .	All contracts of insurance and contracts of indemnity entered into, and all guarantees given, by the Commission under Part V	All contracts of insurance or contracts of indemnity entered into, and all guarantees given, by the Insurance Corporation under Division 2, 3, 4, 5 or 6 of Part III of the Insurance Corporation Act
Section 75.	A contract of insurance or a contract of indemnity entered into, or a guarantee given, under Part V	A contract of insurance or a contract of indemnity entered into, or a guarantee given, under Division 2, 3, 4, 5 or 6 of Part III of the Insurance Corporation Act
Paragraph 84 (1) (a) .	Contracts of insurance and contracts of indemnity entered into, and guarantees given, by the Commission in accordance with approvals or directions given under section 44 other than contracts in respect of which	Contracts of insurance and contracts of indemnity entered into by the Insurance Corporation in accordance with approvals given under section 20 or 35C of the Insurance Corporation Act and

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

SCHEDULE 2—continued

Column 1 Provision of <i>Australian Trade Commission Act 1985</i>	Column 2 Matter or thing referred to in <i>Australian Trade Commission Act 1985</i>	Column 3 Matter or thing referred to in Insurance Corporation Act
	the Commission has, under sub-section 44 (8), informed the Minister that the Commission will bear the whole of the liability of the Commission	guarantees given by the Corporation in accordance with approvals given under section 21, 24 or 35 of that Act, other than contracts in respect of which the Corporation has, under sub-section 20 (6) or 35C (6) of that Act, informed the Minister that the Corporation will bear the whole of the liability of the Corporation
Paragraph 84 (1) (b)	Contracts of insurance entered into by the Commission under section 48, other than contracts of insurance in respect of which the Commission has, under sub-section 48 (9), informed the Minister that the Commission will bear the whole of the liability of the Commission	Contracts of insurance entered into under sub-section 32 (1) of the Insurance Corporation Act, other than contracts of insurance in respect of which the Insurance Corporation has, under sub-section 32 (2) of that Act, informed the Minister that the Corporation will bear the whole of the liability of the Corporation
Sub-section 85 (1)	Loans made by the Commission in accordance with approvals given for the purpose of section 50, other than loans in respect of which guarantees have been given under sub-section (7) or (8) of that section or in respect of which the Commission has, under sub-section 50 (10), informed the Minister that it will provide, from sources other than the Commonwealth, the whole of the money to be lent	Loans made by the Insurance Corporation in accordance with approvals given for the purpose of section 41 of the Insurance Corporation Act, other than loans in respect of which guarantees have been given under sub-section 41 (4A) of that Act or in respect of which the Corporation has, under sub-section 41 (5) of that Act, informed the Minister that it will provide the whole of the money to be lent
Paragraph 86 (1) (a)	Contracts of insurance and contracts of indemnity entered into, and guarantees given, by the Commission under Division 2 of Part V	Contracts of insurance and contracts of indemnity entered into, and guarantees given, by the Insurance Corporation under Division 2, 3, 5 or 6 of Part III of the Insurance Corporation Act

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

SCHEDULE 2—continued

Column 1 Provision of <i>Australian Trade Commission Act 1985</i>	Column 2 Matter or thing referred to in <i>Australian Trade Commission Act 1985</i>	Column 3 Matter or thing referred to in Insurance Corporation Act
Paragraph 86 (1) (b)	Contracts of insurance entered into by the Commission under Division 3 of Part V	Contracts of insurance entered into by the Insurance Corporation under Division 4 of Part III of the Insurance Corporation Act
Sub-sections 87 (1) and (3)	Amounts of money lent by the Commission under Part V	Loans given by the Insurance Corporation under Part IV of the Insurance Corporation Act

**PART II—REFERENCES THAT ARE TO INCLUDE REFERENCES
RELATING TO PROJECTS CORPORATION ACT**

Column 1 Provision of <i>Australian Trade Commission Act 1985</i>	Column 2 Matter or thing referred to in <i>Australian Trade Commission Act 1985</i>	Column 3 Matter or thing referred to in Projects Corporation Act
Sub-section 88 (1)	Contracts to carry out the whole, or parts, of overseas development projects, being contracts that have been, or are to be, entered into— (a) by the Commission; (b) by a company formed by the Commission; or (c) by a company, partnership, consortium or other business association in the formation of which the Commission has joined	Contracts to carry out the whole, or parts, of overseas development projects, being contracts that have been entered into by the Projects Corporation, or by a Corporation consortium, under the Projects Corporation Act

SCHEDULE 3

Sections 29 and 42

**FURTHER AMENDMENTS OF CERTAIN ACTS RELATING TO
REFERENCES TO GRANTS BOARD**

**PART I—FURTHER AMENDMENTS OF EXPORT EXPANSION GRANTS
ACT 1978**

The following provisions of the *Export Expansion Grants Act 1978* are amended by omitting "Board" (wherever occurring) and substituting "Commission":

Sub-section 4 (1), paragraphs 5 (1) (c) and (2) (b), sub-sections 5 (4), (5) and 7 (2), sections 8, 9 and 10, sub-sections 11 (1), (2), 16 (1), (2), 17 (1), (2), (4), (5), (6) and 18 (1).

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

SCHEDULE 3—continued

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

The following provisions of the *Export Market Development Grants Act 1974* are amended by omitting “Board” (wherever occurring) and substituting “Commission”:

Paragraph 3A (1) (c), sub-sections 3A (2), (4), (5), 4 (1), (2), (2A), (2B), (3), (4), (5), (5A), (5B), (6), (7), (8) and 5 (1), sections 19 and 20, sub-sections 38 (1), (2), (3), (5), (6), (7), (8), (9), (10), 39 (1), 40A (1), (1A), (2), (4), (5), (6) and 40AA (1) and (2), section 40B and sub-section 40C (1).

SCHEDULE 4

Section 60

AMENDMENTS OF OTHER ACTS

Audit Act 1901

Paragraph 48A (2) (c)—

- (a) Omit “Commissioners and Assistant Trade Commissioners”, substitute “Representatives”.
- (b) Omit “and Resources”.

Sub-section 70AA (1) (paragraph (d) of the definition of “officer”)—

Omit “Commissioner or Assistant Trade Commissioner under the *Trade Commissioners Act 1933*”, substitute “Representative under the *Trade Representatives Act 1933*”.

Sub-section 70AA (1) (paragraph (e) of the definition of “Permanent Head”)—

- (a) Omit “Commissioner or Assistant Trade Commissioner”, substitute “Representative”.
- (b) Omit “and Resources”.

Consular Fees Act 1955

Section 2 (paragraph (d) of the definition of “Australian Consular Officer”)—

Omit “Trade Commissioner”, substitute “Trade Representative”.

Export Market Development Grants Amendment Act 1985

Sub-sections 24 (1), (2) and (3)—

Omit “Board” (wherever occurring), substitute “Commission”.

Sub-section 24 (4)—

Omit “Board”, substitute “Commission”.

Sub-section 25 (2)—

Omit “Board”, substitute “Commission”.

Sub-section 25 (3)—

Omit “Board”, substitute “Commission”.

Freedom of Information Act 1982

Schedule 2 (Part I)—

- (a) Omit “Australian Overseas Projects Corporation”.
- (b) Omit “Export Finance and Insurance Corporation”.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

SCHEDULE 4—continued

Schedule 2 (Part II)—

After the item relating to the Australian Telecommunications Commission insert the following item:

“Australian Trade Commission, in relation to documents in respect of its activities concerning the provision of insurance, guarantees and financing facilities and concerning the carrying out, in whole or in part, of overseas development projects”.

Insurance Act 1973

Paragraph 5 (2) (c)—

Omit the paragraph, substitute the following paragraph:

“(c) the Australian Trade Commission established by section 7 of the *Australian Trade Commission Act 1985*”.

Insurance Contracts Act 1984

Paragraph 9 (1) (c)—

Omit “the Export Finance and Insurance Corporation”, substitute “the Australian Trade Commission”.

Merit Protection (Australian Government Employees) Act 1984

Sub-paragraph 85 (2) (k) (vi)—

Omit “*Commissioners*”, substitute “*Representatives*”.

Public Service Act 1922

Paragraph 22B (14) (f)—

Omit “*Commissioners*”, substitute “*Representatives*”.

Paragraph 22C (13) (f)—

Omit “*Commissioners*”, substitute “*Representatives*”.

Remuneration Tribunals Act 1973

Paragraph 3 (4) (l)—

Omit “*Trade Commissioners Act 1933-1973*”, substitute “*Trade Representatives Act 1933*”.

NOTES

1. No. 162, 1978, as amended. For previous amendments, see No. 119, 1981.
2. No. 154, 1974, as amended. For previous amendments, see Nos. 36 and 192, 1978; Nos. 74 and 119, 1981; No. 157, 1982; and Nos. 65 and 110, 1985.
3. No. 74, 1933, as amended. For previous amendments, see No. 64, 1936; No. 216, 1973; No. 170, 1978; and No. 65, 1985.

*Australian Trade Commission (Transitional Provisions and
Consequential Amendments) No. 187, 1985*

[*Minister's second reading speech made in—
House of Representatives on 12 November 1985
Senate on 2 December 1985*]