

EXPLANATORY STATEMENT

STATUTORY RULES NO. 107 OF 1982

Issued by the Authority of the Minister for Trade
and Resources.

TRADE COMMISSIONERS REGULATIONS (AMENDMENT)

- Regulation 31 - Allowance under regulation 97 of Public
Service Regulations
- Regulation 38 - Higher Duties Allowance

Section 12 of the Trade Commissioners Act 1933 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to the Act.

Sub-Section 4(2) of the Act provides that a Trade Commissioner or an Assistant Trade Commissioner who was not, immediately prior to his appointment, an officer of the Public Service of the Commonwealth shall be paid such salary, allowances and expenses as are prescribed or as the Governor-General in any particular case determines. Sub-Section 6(3) of the Act provides that an officer of the Public Service of the Commonwealth, who is appointed a Trade Commissioner, shall be paid salary at the same rate as he was being paid immediately prior to his appointment, together with such additional remuneration and allowances as are prescribed or as the Governor-General in any particular case determines.

The Prime Minister has directed that the Public Service Board will be the general co-ordinating authority for conditions of service for the Trade Commissioner staff.

The Public Service and Statutory Authorities Amendment Act 1980, introduced provisions into the Public Service Act to permit the Public Service Board to make determinations in relation to terms and conditions of employment of officers and employees under the Public Service Act.

- These determinations are in substitution for regulations made under the Public Service Act.

The Public Service Board has informed Departments of the implications for other Acts and Regulations which refer to Public Service Regulations and of the need for such regulations to be identified and amended to delete any reference to the Public Service Regulations.

- Trade Commissioners Regulations 31 and 38 consequently requirement amendment.

The Attorney-General's Department has prepared draft Statutory Rules to amend:

- Regulation 31 - Allowance under Regulation 97 of Public Service Regulations, by repealing the regulations and substituting a regulation for "Allowance in respect of certain accommodation" giving Trade Commissioners the same level of allowance as prescribed for public servants, without reference to Public Service Regulations; and
- Regulation 38 - Higher Duties Allowance, by deleting reference to furlough granted under the Public Service Act 1922 and reference to the Public Service Regulations.