



Trade Legislation Amendment Act (No. 1) 2016

No. 31, 2016

**An Act to amend legislation relating to export and
trade, and for other purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Trade Legislation Amendment Act (No. 1) 2016

No. 31, 2016

An Act to amend legislation relating to export and trade, and for other purposes

[Assented to 23 March 2016]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Trade Legislation Amendment Act (No. 1) 2016*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	23 March 2016
2. Schedule 1	1 July 2016.	1 July 2016
3. Schedule 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 May 2016 (F2016N00005)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Export Market Development Grants

Export Market Development Grants Act 1997

1 Subsection 33(2) (table item 3)

Repeal the item.

2 Subsection 33(2) (at the end of the cell at table item 4, column 3)

Add “up to any applicable limit for the applicant in relation to a grant year”.

3 Subsection 33(2) (table item 6, column 2)

After “material”, insert “(whether the literature or material is in electronic form or any other form)”.

4 At the end of section 33

Add:

- (4) If an applicant in relation to a grant year was a grantee in respect of any previous grant year, the *applicable limit* for the applicant is \$15,000 for that grant year.
- (5) If:
- (a) an applicant in relation to a grant year was not a grantee in respect of any previous grant year; and
 - (b) the immediately preceding financial year is not the financial year commencing on 1 July 2015;
- the *applicable limit* for the applicant is \$15,000 for that grant year and that immediately preceding financial year.

Note: If the immediately preceding financial year is the financial year commencing on 1 July 2015, then there is no applicable limit for the applicant for the grant year.

5 Subsection 34(3)

Repeal the subsection.

6 Paragraph 34(4)(a)

Omit “\$300”, substitute “\$350”.

7 Section 40 (at the end of the table)

Add:

- | | | |
|----|--|-----|
| 20 | Expenses relating to things that may have had a detrimental impact on Australia’s trade reputation | 57C |
|----|--|-----|

8 At the end of Subdivision 4 of Division 2 of Part 5

Add:

57C Expenses relating to things that may have had a detrimental impact on Australia’s trade reputation

Expenses of an applicant in respect of an eligible promotional activity carried out for an approved promotional purpose are excluded if the CEO of Austrade considers that:

- (a) the activity may have had, or the activity involved a thing that may have had, a detrimental impact on Australia’s trade reputation; or
- (b) the purpose relates to an eligible product that may have had a detrimental impact on Australia’s trade reputation.

9 Subsection 63(1)

Omit “(2),”.

10 Subsection 63(2)

Repeal the subsection.

11 Paragraph 63(3)(e)

Omit “or (2) (as the case may be)”.

12 Section 105

Repeal the section, substitute:

105 Administration costs

- (1) In any financial year, no more than 5% of the money appropriated (the *appropriated amount*) by the Parliament for the purposes of

making payments under this Act is to be applied in payment of the costs of the administration of this Act.

- (2) To avoid doubt, if the costs of the administration of this Act for a financial year exceed 5% of the appropriated amount for that year, the excess costs are to be paid otherwise than out of the appropriated amount.

13 Subsection 106A(1)

Repeal the subsection, substitute:

- (1) The Minister must cause an independent review of the assistance scheme provided for by this Act to be conducted in accordance with subsections (1A) and (1B).
- (1A) The first review must be completed, and a written report given to the Minister, by a date determined by the Minister that is not later than 31 December 2021.
- (1B) Each later review must be completed, and a written report given to the Minister, by a date determined by the Minister.

14 Subsection 106A(3)

Repeal the subsection.

15 Subsection 107(1)

Insert:

applicable limit has the meaning given by subsections 33(4) and (5).

16 Subsection 107(1) (paragraph (a) of the definition of *grant year*)

Repeal the paragraph, substitute:

- (a) the financial year commencing on 1 July 1996 or a later financial year; or

17 Application provision

The amendments of the *Export Market Development Grants Act 1997* made by items 1 to 11 of this Schedule apply in relation to grants in respect of a grant year commencing on or after 1 July 2016.

Schedule 2—Changing the name of the Australian Trade Commission

Australian Trade Commission Act 1985

1 Title

After “Trade”, insert “and Investment”.

2 Section 1

After “Trade”, insert “and Investment”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 Subsection 3(1) (definition of *Commission*)

Repeal the definition, substitute:

Commission means the body continued in existence by section 7.

4 Subsection 3(5)

After “Trade”, insert “and Investment”.

5 Part 2 (heading)

Repeal the heading, substitute:

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

6 Section 7 (heading)

Repeal the heading, substitute:

7 Australian Trade and Investment Commission

7 Subsection 7(1)

Repeal the subsection, substitute:

- (1) The body known immediately before the commencement of this subsection as the Australian Trade Commission is continued in existence as the Australian Trade and Investment Commission.

Note: See also subsection 25B(1) of the *Acts Interpretation Act 1901*.

8 Part 3 (heading)

Repeal the heading.

9 Section 7A (heading)

Repeal the heading, substitute:

7A Function of the Commission

10 After section 7A

Insert:

Part 3—Establishment and functions of the CEO

Bankruptcy Act 1966

11 Paragraph 262(2)(bb)

After “Trade”, insert “and Investment”.

Consular Fees Act 1955

12 Paragraph 3(d)

After “Trade”, insert “and Investment”.

Evidence Act 1995

13 Subsection 171(3) (subparagraph (a)(iii) of the definition of *authorised person*)

After “Trade”, insert “and Investment”.

Export Finance and Insurance Corporation Act 1991

14 Paragraph 66A(1)(a)

After “Trade”, insert “and Investment”.

Export Market Development Grants Act 1997

15 Subsection 107(1) (definition of *Austrade*)

Repeal the definition, substitute:

Austrade means the body continued in existence by section 7 of the *Australian Trade and Investment Commission Act 1985*.

16 Subsection 107(1) (definition of *CEO of Austrade*)

After “Trade”, insert “and Investment”.

Family Law Act 1975

17 Paragraph 98AB(2)(c)

After “Trade”, insert “and Investment”.

Federal Circuit Court of Australia Act 1999

18 Paragraph 59(2)(e)

After “Trade”, insert “and Investment”.

Federal Court of Australia Act 1976

19 Paragraph 45(2)(cb)

After “Trade”, insert “and Investment”.

Freedom of Information Act 1982

20 Division 1 of Part II of Schedule 2 (item dealing with the Australian Trade Commission)

After “Trade”, insert “and Investment”.

Marriage Act 1961

21 Subparagraphs 13(2)(b)(viii) and 42(2)(d)(v)

After “Trade”, insert “and Investment”.

*[Minister’s second reading speech made in—
House of Representatives on 10 February 2016
Senate on 1 March 2016]*

(11/16)
