Trade Representatives Act 1933
No. 74, 1933

Compilation No. 5

Compilation date: 5 March 2016
Includes amendments up to: Act No. 10, 2015
Registered: 14 April 2016

Prepared by the Office of Parliamentary Counsel, Canberra
About this compilation

This compilation

This is a compilation of the *Trade Representatives Act 1933* that shows the text of the law as amended and in force on 5 March 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
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An Act to provide for the appointment of Trade Representatives for the Commonwealth and for other purposes

1 Short title

This Act may be cited as the Trade Representatives Act 1933.

2 Interpretation

In this Act, unless the contrary intention appears:

appoint includes re-appoint.

determination means a determination under section 11.

Trade Representative means a Trade Representative appointed pursuant to this Act.

3 Appointment of Trade Representatives

(1) The Governor-General may appoint one or more Trade Representatives of the Commonwealth.

(2) Subject to this Act, a Trade Representative holds office for such period as is specified in the instrument of his or her appointment, but is eligible for re-appointment.

4 Trade Representatives who were not previously officers of Public Service

(1) A Trade Representative who was not, immediately prior to his or her appointment as a Trade Representative, a person appointed or engaged under the Public Service Act 1999 shall not be subject to the provisions of that Act.
Section 4A

4A Resignation

A Trade Representative may resign from office by instrument in writing and delivered to the Governor-General.

5 Removal of Trade Representatives

(1) A Trade Representative to whom section 4 applies shall not be removed from office except by the Governor-General on the grounds of proved misbehaviour or physical or mental incapacity.

(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.

6 Duties of Trade Representatives

A Trade Representative shall carry out such instructions relating to the commercial, trading and general interests of Australia as the Trade Representative receives from time to time from the Minister.

8 Designation of Trade Representatives

A Trade Representative, in respect of whom a direction in writing is given under this section, shall have, in relation to the performance of his or her functions under this Act, such designation as the Minister specifies in the direction.

9 Trade Representatives not to engage in business

Except with the express permission in writing of the Minister, a Trade Representative shall not, while holding office whether within or without the Commonwealth, and whether for reward or otherwise, be or act as a director or agent of or hold any office in any company or syndicate whether incorporated or unincorporated or hold any other employment, or engage in any business.
10 Trade Representative may appoint officers

(1) A Trade Representative may, subject to the regulations and subject to such directions as are given, in writing, by the Minister, appoint such officers as the Trade Representative thinks necessary for the purposes of this Act.

(2) Officers appointed by a Trade Representative in pursuance of this section shall not be subject to the provisions of the *Public Service Act 1999*.

11 Determination of conditions of service

(1) The Minister may, by legislative instrument, make determinations, not inconsistent with this Act, providing for and in relation to the terms and conditions of appointment of relevant persons.

(2) Without limiting the generality of subsection (1), a determination may make provision for and in relation to:
   
   (a) the remuneration of relevant persons;
   
   (b) the payment of allowances and other pecuniary benefits, not being allowances or benefits by way of remuneration, to and in respect of relevant persons;
   
   (c) the payment of allowances and other pecuniary benefits to and in respect of members of the families of relevant persons;
   
   (d) leave of absence and long service leave of relevant persons; and
   
   (e) the provision of other benefits to and in respect of relevant persons and to and in respect of members of the families of relevant persons.

(3) Determinations may be made either generally or with respect to a particular case or a particular class of cases.

(4) A determination may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification:
   
   (a) a provision of any Act or any regulation made under an Act, or of any determination made under this section or section 24.
of the *Public Service Act 1999*, as in force at a particular time or as in force from time to time; or
(b) any matter contained in any other instrument or writing as in force or existing at the time when the determination takes effect.

(10) A reference in this section to a member of the family of a relevant person includes a reference to a member of the household, and a dependant of, a relevant person.

(11) For the purposes of this section, the members of a person’s family are taken to include the following (without limitation):
(a) a de facto partner of the person (within the meaning of the *Acts Interpretation Act 1901*);
(b) someone who is the child of the person, or of whom the person is the child, because of the definition of *child* in this section;
(c) anyone else who would be a member of the person’s family if someone mentioned in paragraph (a) or (b) is taken to be a member of the person’s family.

(12) In this section:

*child*: without limiting who is a child of a person for the purposes of this Act, someone is the *child* of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

*relevant person* means:
(a) a Trade Representative; or
(b) an officer appointed under section 10.

### 11B Evidence

For the purposes of section 5 of the *Evidence Act 1905*, a determination shall be deemed to be an order made by a Minister.
Section 11C

11C Delegation

(1) The Governor-General may, by writing signed by the Governor-General, delegate to the Minister or a person appointed or engaged under the Public Service Act 1999 performing duties in the Department all or any of the Governor-General’s powers under this Act, other than this power of delegation.

(2) The Minister may, by writing signed by the Minister, delegate to a person appointed or engaged under the Public Service Act 1999 performing duties in the Department all or any of the Minister’s powers under this Act, other than this power of delegation.

(3) A delegation under this section may be made generally or as otherwise provided by the instrument of delegation.

(4) A power delegated under this section shall, when exercised by the delegate, be deemed, for the purposes of this Act, to have been exercised by the person who made the delegation.

(5) A delegation under this section does not prevent the exercise of a power by the person who made the delegation.

(6) A delegation under this section continues in force notwithstanding a change in the occupancy of, or a vacancy in, the office of the person who made the delegation, but, for the purposes of the application of subsection 33(3) of the Acts Interpretation Act 1901 to a delegation under this section, nothing in this Act shall be taken to preclude the revocation or variation of the delegation by the same or a subsequent holder of the office.

12 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act.

Trade Representatives Act 1933

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Endnotes

Endnote 1—About the endnotes
The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:
Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The Legislation Act 2003 authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can
Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Endnotes

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
ed = editorial change
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
enum = renumbered
pres = present
prev = previous
(prev…) = previously
Pt = Part(s)
reloc = relocated
r = regulation(s)/rule(s)
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

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### Endnote 3—Legislation history

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<th>Application, saving and transitional provisions</th>
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<td>74, 1933</td>
<td>15 Dec 1933</td>
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## Endnotes

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### Endnote 4—Amendment history

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