

THE SCHEDULE—*continued.*

10. ANY notice demand or other communication to be given or made by the Board on or to the Company under this agreement shall be deemed to have been duly given or made if signed by or on behalf of the Secretary Department of the Interior and sent by hand or by prepaid post addressed to the Company at the usual or last known address of the Company.

11. THE agreements on the part of the Board contained or implied in this Agreement shall be binding upon the Commonwealth and the Commonwealth shall be responsible for the observance and performance of the said agreements whether or not the Board is capable of carrying out the same.

IN WITNESS whereof the parties hereto have executed this Agreement the day and year first above written.

THE COMMON SEAL of Cockatoo Docks and
Engineering Co Limited was hereunto
affixed in the presence of— (L.S.)

NORMAN FRASER Director.
GEO. F DAVIS Director.

THE COMMON SEAL of the Australian
Commonwealth Shipping Board was
hereunto affixed in the presence of— (L.S.)

J. WILSON Director.
H E MORGAN Director.

SIGNED by the Right Honourable Joseph
Aloysius Lyons, Prime Minister of
the Commonwealth of Australia for
and on behalf of the Commonwealth
in the presence of— J. A. LYONS.

MARTYN M. THRELFALL

TRADE COMMISSIONERS.

No. 74 of 1933.

An Act to provide for the appointment of
Trade Commissioners for the Commonwealth
and for other purposes.

[Assented to 15th December, 1933.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

1. This Act may be cited as the *Trade Commissioners Act 1933.*

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

Definitions.

“Assistant Trade Commissioner” means an Assistant Trade Commissioner appointed pursuant to this Act ;

“the Public Service Board” means the Board of Commissioners appointed in pursuance of the *Commonwealth Public Service Act 1922*, or in pursuance of that Act as subsequently amended ;

“Trade Commissioner” means a Trade Commissioner appointed pursuant to this Act.

3. The Governor-General may appoint one or more Trade Commissioners and Assistant Trade Commissioners of the Commonwealth, who shall, subject to this Act, hold office for such periods and upon such conditions as the Governor-General determines.

Appointment of Trade Commissioners and Assistant Trade Commissioners.

4.—(1.) A Trade 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, an officer of the Public Service of the Commonwealth shall not be subject to the provisions of the *Commonwealth Public Service Act 1922-1932*.

Trade Commissioners or Assistant Trade Commissioners who were not previously officers of Public Service.

(2.) A person to whom this section applies shall be paid such salary, allowances and expenses as the Governor-General determines.

5.—(1.) A Trade Commissioner or an Assistant Trade Commissioner to whom the last preceding section applies shall not be removed from office except by the Governor-General on the grounds of proved misbehaviour or incapacity.

Removal of Trade Commissioners and Assistant Trade Commissioners.

(2.) A Trade Commissioner or Assistant Trade Commissioner shall be deemed to have vacated his office if he becomes bankrupt or insolvent, or compounds with his creditors or makes an assignment of his salary for their benefit.

6.—(1.) An officer of the Public Service of the Commonwealth who is appointed a Trade Commissioner or an Assistant Trade Commissioner—

Officers of Public Service appointed Trade Commissioners or Assistant Trade Commissioners.

(a) shall hold office during the period for which he is appointed a Trade Commissioner or an Assistant Trade Commissioner, and during that period, shall be subject to the provisions of the *Commonwealth Public Service Act 1922-1932* ;

(b) shall retain all his existing and accruing rights ;

(c) shall not by reason of his appointment under this Act, be required to resign from the Public Service of the Commonwealth, but may be granted leave of absence for the period of his appointment under this Act, and the period of leave so granted shall, for all purposes, be included as part of the officer's period of service ; and

(d) shall, unless he has been dismissed for misconduct, be entitled, upon the termination of his appointment under this Act, to re-appointment to a position in the Public Service of the Commonwealth with such advancement in status and salary, beyond those held and received by him in that Service immediately prior to his appointment under this Act, as the Public Service Board in the circumstances thinks just.

(2.) In determining the status and salary to which an officer shall be advanced, the Public Service Board shall take into consideration the period of the officer's appointment under this Act.

(3.) An officer to whom this section applies shall, during the period during which he holds office as Trade Commissioner or as Assistant Trade Commissioner, be paid salary at the same rate as he was being paid immediately prior to his appointment as Trade Commissioner or as Assistant Trade Commissioner together with such additional remuneration and allowances as the Governor-General determines.

Duties of Trade Commissioners and Assistant Trade Commissioners.

7. Every Trade Commissioner or Assistant Trade Commissioner shall—

- (a) act as Trade Commissioner or Assistant Trade Commissioner of the Commonwealth in such place as the Governor-General determines and shall have and may exercise such powers and perform such duties as the Governor-General confers or imposes upon him; and
- (b) carry out such instructions as he receives from the Minister relating to the commercial, trading, financial and general interests of the Commonwealth, whether in such place or elsewhere.

Designation of Trade Commissioners and Assistant Trade Commissioners.

8. A Trade Commissioner or an Assistant Trade Commissioner, in respect of whom a direction is given under this section, shall have, in relation to the performance of his functions under this Act, such designation as the Minister directs.

Trade Commissioners and Assistant Trade Commissioners not to engage in business.

9. A Trade Commissioner or an Assistant Trade Commissioner shall not during his tenure of 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.

Trade Commissioners and Assistant Trade Commissioners may appoint officers.

10.—(1.) A Trade Commissioner or an Assistant Trade Commissioner may, subject to the regulations and subject to such directions as are given from time to time by the Minister, appoint such officers as he thinks necessary for the purposes of this Act.

(2.) Officers appointed by a Trade Commissioner or Assistant Trade Commissioner in pursuance of this section shall not be subject to the provisions of the *Commonwealth Public Service Act 1922-1932*

or of the *Superannuation Act* 1922-1930, but shall be engaged for such periods and shall be subject to such conditions, as are prescribed, or as, in prescribed cases, the Minister determines.

11. The Minister shall, out of moneys from time to time appropriated by the Parliament for the purpose, pay all such moneys as are necessary for payment of the salaries, remuneration, allowances and expenses of Trade Commissioners and Assistant Trade Commissioners, and of officers appointed under section ten of this Act.

Payment of salaries, &c., out of moneys appropriated.

12. 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.

Regulations.
