

Agent-General's Bill

No.

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LEGISLATIVE COUNCIL

Read 1° 29 March 1994

(Brought from the Legislative Assembly)

A BILL

for

An Act to repeal and re-enact with amendments the **Agent-General's Act 1958** and for other purposes.

Agent-General's Act 1993

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to repeal and re-enact with amendments the **Agent-General's Act 1958**.

5 2. *Commencement*

This Act comes into operation on the day on which it receives the Royal Assent.

3. *Definitions*

In this Act—

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

“Agent-General” means Agent-General for Victoria appointed under section 4 (1);

“post territory” means the countries in which the Agent-General is required by or under this Act to perform functions and carry out duties.

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4. Appointment

(1) The Governor in Council may appoint a person as Agent-General for Victoria.

(2) A member of the Legislative Council or the Legislative Assembly may accept appointment as Agent-General but on appointment his or her seat becomes vacant.

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(3) A person appointed as Agent-General holds office for the term, not exceeding 5 years, that is specified in his or her instrument of appointment and is eligible for re-appointment.

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5. Terms and conditions

(1) A person appointed as Agent-General—

(a) is entitled to the remuneration and allowances fixed in respect of the office by the Minister;

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(b) is appointed subject to any other terms and conditions fixed in respect of the office by the Minister.

(2) The Agent-General is not, in respect of the office of Agent-General, subject to the **Public Sector Management Act 1992** (including Part 9).

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6. Resignation

The Agent-General may resign from office by delivering to the Governor a signed letter of resignation.

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7. Suspension and removal from office

The Governor in Council may suspend or remove the Agent-General from office if, in the opinion of the Governor in Council—

- (a) he or she has been guilty of misbehaviour; or
- (b) he or she is unable to perform the duties of the office; or
- (c) he or she has failed to comply with a direction given to him or her by the Minister under this Act.

8. Acting Agent-General

(1) The Governor in Council may appoint a person to act as the Agent-General during any period when—

- (a) the office of Agent-General is vacant; or
- (b) the Agent-General is absent from duty or is, for any reason, unable to carry out the duties of the office.

(2) The Governor in Council may at any time terminate the appointment of the Acting Agent-General.

(3) The Acting Agent-General has, during the period of the appointment, the same powers and duties as the Agent-General and may perform any of the functions of the Agent-General.

(4) The Acting Agent-General is entitled to the remuneration and allowances fixed in respect of the office of Agent-General by the Minister under section 5 (1) (a).

9. Function and duties of Agent-General

(1) The function of the Agent-General is to represent Victoria in the United Kingdom of Great Britain and Northern Ireland and other European countries as directed by the Minister under section 10 (1) (a) for the purpose of furthering the development of

Agent-General's

commercial, economic, cultural and scientific relations.

- (2) The duties of the Agent-General include—
- (a) promoting Victoria's economic performance to banks and other financial institutions in the post territory and generally to investors in that territory; and 5
 - (b) promoting investment in, and tourism to, Victoria from the post territory; and
 - (c) fostering trade between Victoria and the post territory; and 10
 - (d) expanding the market in the post territory for exported Victorian goods and services; and
 - (e) facilitating the migration of people with business and trade skills to Victoria from the post territory; and 15
 - (f) doing anything else in the post territory that is conducive to the development of the Victorian economy; and
 - (g) fostering friendly relations between Victoria and the post territory. 20

10. Ministerial directions

- (1) The Minister may give written directions to the Agent-General in relation to—
- (a) the European countries in which the Agent-General is to perform functions and carry out duties; 25
 - (b) the performance of the Agent-General's functions or the carrying out of his or her duties.
- (2) The Minister may require the Agent-General to prepare and deliver, at the time and in the manner specified by the Minister— 30
- (a) a report on the performance of his or her functions or the carrying out of his or her duties;
 - (b) a report on any matters that are specified by the Minister. 35

11. *Staff*

The Agent-General may, with the approval of the Secretary to the Department of Business and Employment—

- (a) appoint or employ, on terms and conditions fixed by the Secretary, any officers and employees that are necessary for the purposes of this Act;
- (b) dismiss any person appointed or employed under paragraph (a).

12. *Delegation*

- (1) The Minister may, by instrument, delegate to the Secretary to the Department of Business and Employment any power of the Minister under this Act, other than this power of delegation.
- (2) The Secretary to the Department of Business and Employment may, by instrument, delegate to a member of staff of the Department the power of the Secretary under section 11.

13. *Transitional provisions*

- (1) The person holding office as Agent-General under the **Agent-General's Act 1958** immediately before the commencement of this Act must be taken to have been appointed as Agent-General under this Act for the balance of the term of his appointment under that Act.
- (2) This Act (including section 5) applies to the person holding office as Agent-General by virtue of sub-section (1).
- (3) Until the Minister under section 5 (1) fixes remuneration and other terms and conditions in respect of the office of Agent-General, the person holding that office by virtue of sub-section (1) does so on the same terms and conditions on which he held office under the **Agent-General's Act 1958** immediately before that commencement of this Act.

- (4) All officers holding an appointment under section 8 of the **Agent-General's Act 1958** immediately before the commencement of this Act must be taken to have been appointed under section 11 (a) of this Act on the same terms and conditions as those that applied to their appointment under that Act immediately before that commencement and with the benefit of all rights then accrued.

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No. 6193.

14. *Repeal of Agent-General's Act*

The Agent-General's Act 1958 is repealed.

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