

THIS bill originated in the Senate; and, having this day passed, is now ready for presentation to the House of Representatives for its concurrence.

ARTHUR ROBINSON & HEDDERWIC  
LIBRARY

HARRY EVANS  
*Clerk of the Senate*

The Senate  
Canberra, 9 February 1994

## A BILL

FOR

### **An Act to amend various Acts relating to matters dealt with by the Department of Industry, Technology and Regional Development, and for related purposes**

The Parliament of Australia enacts:

#### **Short title**

1. This Act may be cited as the *Industry, Technology and Regional Development Legislation Amendment Act 1994*.

#### 5 **Commencement**

2. This Act commences on a day to be fixed by Proclamation.

### **Amendment of Acts**

3. The Acts specified in the Schedule are amended as set out in the Schedule.

### **Transitional provisions**

4.(1) Regulations made for the purposes of subsection 48(1) of the *Designs Act 1906*, and in force immediately before the commencement of this Act, have effect after that commencement as if they had been made for the purposes of that subsection as amended by this Act. 5

(2) Regulations made for the purposes of subsection 108(1) of the *Trade Marks Act 1955*, and in force immediately before the commencement of this Act, have effect after that commencement as if they had been made for the purposes of that subsection as amended by this Act. 10

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**SCHEDULE**

Section 3

**AMENDMENTS OF ACTS**

***Designs Act 1906***

**Subsection 8(1):**

Omit the subsection, substitute:

“(1) There is to be a Registrar of Designs.

“(1A) The Registrar has such powers and functions as are conferred on him or her under this Act or any other Act.”.

**Subsections 8(4) and (5):**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act”.

**Subsection 8(5A):**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act,”.

**Subsection 8(5B):**

After “this Act” (wherever occurring), insert “or any other Act, or regulations made under this Act or any other Act”.

**Subsection 8(6):**

Omit the subsection.

**Section 8A:**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act”.

**Section 8A:**

Omit the section, substitute:

**Delegation by Registrar**

“8A. The Registrar may, by writing, delegate all or any of the Registrar’s powers under this Act or any other Act to:

- (a) a prescribed person, or a prescribed class of persons, holding or performing the duties of an Australian Public Service office in the Designs Office; or
- (b) a prescribed employee (within the meaning of the *Public Service Act 1922*), or a prescribed class of employees, employed in the Designs Office.”.

**SCHEDULE—continued**

**After subsection 37(1):**

Insert:

“(1A) The Registrar may, in accordance with the regulations, amend or alter an entry in the register to correct a clerical error or an obvious mistake.

“(1B) An amendment or alteration under subsection (1A) may be made:

- (a) on the request made in the prescribed manner by the owner of a registered design; or
- (b) on the Registrar’s own initiative.”.

**Subsection 48(1):**

Omit from subsection (1) “, with a view to the fulfilment of a treaty, convention, arrangement or engagement between the Commonwealth and another country,”.

***Industry Research and Development Act 1986***

**Paragraph 28(2)(a):**

Omit “30 June 1994”, substitute “31 December 1995”.

**Paragraph 31(2)(a):**

Omit “30 June 1994”, substitute “31 December 1995”.

***Patents Act 1990***

**Subsection 207(2):**

Omit the subsection, substitute:

“(2) The Commissioner has such powers and functions as are conferred on him or her under this Act or any other Act.”.

**Subsections 208(2) and (3):**

After “this Act” (wherever occurring), insert “or any other Act, or regulations made under this Act or any other Act”.

**Subsection 208(4):**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act,”.

**Subsection 208(5):**

After “this Act” (wherever occurring), insert “or any other Act, or regulations made under this Act or any other Act”.

**SCHEDULE**—continued

**Subsection 209(1):**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act”.

**Schedule 1 (definition of “employee”):**

Omit the definition, substitute:

“ ‘**employee**’ means a person, other than the Commissioner or a Deputy Commissioner, who:

- (a) is a prescribed officer or employee, or within a prescribed class of officers or employees, within the meaning of the *Public Service Act 1922* and is employed in the Patent Office; or
- (b) is not such an officer or employee but is a prescribed person, or within a prescribed class of persons, who perform services in the Patent Office, for or on behalf of the Commonwealth;”.

***Trade Marks Act 1955***

**Subsection 10(1):**

Omit the subsection, substitute:

“(1) There is to be a Registrar of Trade Marks.

“(1A) The Registrar has such powers and functions as are conferred on him or her under this Act or any other Act.”.

**Subsection 10(2):**

Omit the subsection.

**Subsections 10(3A) and (3B):**

After “this Act” (wherever occurring), insert “or any other Act, or regulations made under this Act or any other Act”.

**Subsection 10(3C):**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act,”.

**Subsection 10(4):**

After “this Act” (wherever occurring), insert “or any other Act, or regulations made under this Act or any other Act”.

**Subsection 10(5):**

Omit the subsection.

**SCHEDULE—continued**

**Section 11:**

After “this Act”, insert “or any other Act, or regulations made under this Act or any other Act,”.

**Section 11:**

Omit the section, substitute:

**Delegation by Registrar**

“11. The Registrar may, by writing, delegate all or any of the Registrar’s powers under this Act or any other Act to:

- (a) a prescribed person, or a prescribed class of persons, holding or performing the duties of an Australian Public Service office in the Trade Marks Office; or
- (b) a prescribed employee (within the meaning of the *Public Service Act 1922*), or a prescribed class of employees, employed in the Trade Marks Office.”.

**Subsection 108(1):**

Omit “, with a view to the fulfilment of a treaty, convention, arrangement or engagement between the Commonwealth and another country,”.





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