



Industry, Technology and Regional Development Legislation Amendment Act 1994

No. 58 of 1994

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

[Assented to 9 April 1994]

The Parliament of Australia enacts:

Short title

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

Commencement

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

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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.

(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.

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”.

Subsection 8(5A):

After “this Act”, insert “or any other Act”.

Subsection 8(5B):

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

Subsection 8(6):

Omit the subsection.

Section 8A:

Omit the section, substitute:

Delegation by Registrar

“8A.(1) 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, or a prescribed class of employees, employed in the Designs Office.

“(2) In this section:

‘**employee**’ has the same meaning as in the *Public Service Act 1922*.”.

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

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SCHEDULE—continued

(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”.

Subsection 208(4):

After “this Act”, insert “or any other Act”.

Subsection 208(5):

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

Subsection 209(1):

Omit “to an employee”, substitute “or any other Act to a prescribed employee, or a prescribed class of employees”.

Schedule 1 (paragraphs (a) and (b) of the definition of “employee”):

Omit “under the control of the Commissioner”, substitute “in the Patent Office”.

Trade Marks Act 1955

Subsection 10(1):

Omit the subsection, substitute:

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

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SCHEDULE—continued

“(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”.

Subsection 10(3C):

After “this Act”, insert “or any other Act”.

Subsection 10(4):

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

Subsection 10(5):

Omit the subsection.

Section 11:

Omit the section, substitute:

Delegation by Registrar

“11.(1) 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, or a prescribed class of employees, employed in the Trade Marks Office.

“(2) In this section:

‘employee’ has the same meaning as in the *Public Service Act 1922*.”.

Subsection 108(1):

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

[Minister’s second reading speech made in—
Senate on 16 December 1993
House of Representatives on 2 March 1994]