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Statutory Rules 1997 No. *K*¹

65/

**Sydney 2000 Games (Indicia and Images)
 Protection Regulations**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
 acting with the advice of the Federal Executive Council, make the
 following Regulations under the *Sydney 2000 Games (Indicia and
 Images) Protection Act 1996*.

Dated *K* 1997.

19 March/

K WILLIAM DEANE/
 Governor-General

By His Excellency's Command,

K
 Minister for Industry, Science and Tourism

J. MOORE/

Citation

1. These Regulations may be cited as the Sydney 2000
 Games (Indicia and Images) Protection Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act
 1901*, s. 48.]

Interpretation

2. In these Regulations, unless the contrary intention appears:

“**Act**” means the *Sydney 2000 Games (Indicia and Images) Protection Act 1996*;

“**approved form**” means a form approved by the Chief Executive Officer of SOCOG for the provision in which the expression appears;

“**authorised person**” means a person authorised by the Chief Executive Officer of SOCOG for regulation 3.

Changes to entries in the register

3. (1) For paragraph 17 (1) (e) of the Act, the following particulars are prescribed in connection with a request for a correction of an entry in the register:

- (a) name of licensed user;
- (b) nature of the correction sought;
- (c) reasons for the correction;
- (d) details of changes required to be made;
- (e) signature of the person making the request;
- (f) date of the request.

(2) The Chief Executive Officer of SOCOG or an authorised person may correct an error in an entry in the register.

(3) An error in an entry in the register must be corrected by the Chief Executive Officer of SOCOG or an authorised person if a request for the correction has been made in an approved form by:

- (a) the Chief Executive of SPOC; or
- (b) a licensed user; or
- (c) an authorised agent of the licensed user.

(4) A licensed user who changes his or her registered name or address must notify the Chief Executive Officer of SOCOG of the change in an approved form.

What fees are payable and to whom

4. (1) The maximum fee that SOCOG can require is:
 - (a) for paragraph 16 (4) (b) of the Act (supply of a copy of the register (or part of the register))—\$10; and
 - (b) for subsection 18 (2) of the Act (certified copy of particulars contained in an entry in the register)—\$100.
- (2) The fees mentioned in subregulation (1) are payable to SOCOG.
- (3) For paragraph 23 (4) (b) of the Act, the fee for a copy of the copy of the register (or part of the register) is \$10.
- (4) The fee mentioned in subregulation (3) is payable to the Australian Industrial Property Organisation.

Notice of objection to importation

5. For paragraph 32 (2) (a) of the Act, a notice is to be given with the following documents:
 - (a) a clear copy of each image or indicium for which the objector has given notice;
 - (b) a document given under subsection 18 (1) of the Act for each entry to which the objection relates;
 - (c) if the objector is a licensed user:
 - (i) written consent of the licensing body given under section 26 of the Act; or
 - (ii) if the licensing body has neither given nor refused consent under section 26 of the Act—a copy of the written request for consent under section 26 of the Act.

[NOTE: Consent is taken to have been given in defined circumstances after a written request for consent is made—see section 27 of the Act.]

Modification of the Act in its application to Christmas Island

6. Division 2 of Part 4 of the Act in its application to Christmas Island is modified as set out in Schedule 1.

Modification of the Act in its application to Cocos (Keeling) Islands

7. Division 2 of Part 4 of the Act in its application to Cocos (Keeling) Islands is modified as set out in Schedule 2.

Modification of the Act in its application to Norfolk Island

8. Division 2 of Part 4 of the Act in its application to Norfolk Island is modified as set out in Schedule 3.

SCHEDULE 1

Regulation 6

**MODIFICATION OF DIVISION 2 OF PART 4 OF THE ACT—
CHRISTMAS ISLAND**

1. Section 29 (Definitions)

1.1 Definition of *CEO*:

Omit the definition, substitute

“*Comptroller* means the Comptroller of the Indian Ocean Territories Customs Service.”.

1.2 Definition of *designated owner*:

Omit “Australia”, substitute “Christmas Island”.

1.3 Definition of *designated owner*:

Omit “*Customs Act 1901*”, substitute “*Customs Act 1901 (C.I.)*”.

2. Section 33 (Comptroller may seize goods)

2.1 Paragraph 33 (1) (a):

Omit “Australia”, substitute “Christmas Island”.

2.2 Paragraph 33 (1) (b):

Omit “*Customs Act 1901*”, substitute “*Customs Act 1901 (C.I.)*”.

2.3 Subsection 33 (3):

Omit “Commonwealth” (twice occurring), substitute “Territory of Christmas Island”.

3. Section 39 (Power of Comptroller to retain control of goods)

3.1 Omit “of the Commonwealth”, substitute “in force in Christmas Island”.

4. Section 40 (Insufficient security)

4.1 Omit “Commonwealth” (twice occurring), substitute “Territory of Christmas Island”.

SCHEDULE 1—continued**5. Section 41 (Territory of Christmas Island not liable for loss etc. suffered because of seizure)**

5.1 Omit “Commonwealth”, substitute “Territory of Christmas Island”.

6. References to CEO

6.1 The following provisions of Division 2 of Part 4 of the Act are modified by omitting “CEO” (wherever occurring) and substituting “Comptroller”:

- (a) subsections 30 (1) and (2);
- (b) subsections 31 (1) and (2);
- (c) subsections 32 (1) and (6);
- (d) subsections 33 (2), (3) and (4);
- (e) subsections 34 (1), (2), (4) and (5);
- (f) subsections 35 (1) and (2);
- (g) subsections 36 (1), (2), (3);
- (h) subsections 37 (2), (5) and (6);
- (i) section 38;
- (j) section 39;
- (k) section 40;
- (l) section 41.

[NOTE: The note following subsection 36 (3) should be amended by omitting “CEO” and substituting “Comptroller”.]

SCHEDULE 2

Regulation 7

**MODIFICATION OF DIVISION 2 OF PART 4 OF THE ACT—
COCOS (KEELING) ISLANDS**

1. Section 29 (Definitions)

1.1 Definition of *CEO*:

Omit the definition, substitute:

“*Comptroller* means the Comptroller of the Indian Ocean Territories Customs Service.”.

1.2 Definition of *designated owner*:

Omit “Australia”, substitute “Cocos (Keeling) Islands”.

1.3 Definition of *designated owner*:

Omit “*Customs Act 1901*”, substitute “*Customs Act 1901 (C.K.I.)*”.

2. Section 33 (Comptroller may seize goods)

2.1 Paragraph 33 (1) (a):

Omit “Australia”, substitute “Cocos (Keeling) Islands”.

2.2 Paragraph 33 (1) (b):

Omit “*Customs Act 1901*”, substitute “*Customs Act 1901 (C.K.I.)*”.

2.3 Subsection 33 (3):

Omit “Commonwealth” (twice occurring), substitute “Territory of Cocos (Keeling) Islands”.

3. Section 39 (Power of Comptroller to retain control of goods)

3.1 Omit “of the Commonwealth”, substitute “in force in Cocos (Keeling) Islands”.

4. Section 40 (Insufficient security)

4.1 Omit “Commonwealth” (twice occurring), substitute “Territory of Cocos (Keeling) Islands”.

SCHEDULE 2—continued

5. Section 41 (Territory of Cocos (Keeling) Islands not liable for loss etc. suffered because of seizure)

5.1 Omit “Commonwealth”, substitute “Territory of Cocos (Keeling) Islands”.

6. References to CEO

6.1 The following provisions of Division 2 of Part 4 of the Act are modified by omitting “CEO” (wherever occurring) and substituting “Comptroller”:

- (a) subsections 30 (1) and (2);
- (b) subsections 31 (1) and (2);
- (c) subsections 32 (1) and (6);
- (d) subsections 33 (2), (3) and (4);
- (e) subsections 34 (1), (2), (4) and (5);
- (f) subsections 35 (1) and (2);
- (g) subsections 36 (1), (2), (3);
- (h) subsections 37 (2), (5) and (6);
- (i) section 38;
- (j) section 39;
- (k) section 40;
- (l) section 41.

[NOTE: The note following subsection 36 (3) should be amended by omitting “CEO” and substituting “Comptroller”.]

SCHEDULE 3

Regulation 8

**MODIFICATION OF DIVISION 2 OF PART 4 OF THE ACT—
NORFOLK ISLAND**

1. Section 29 (Definitions)

1.1 Insert the following definitions:

“**Administration** means the Administration or government of the Territory of Norfolk Island as set out in subsection 4 (1) of the *Norfolk Island Act 1979*.”

“**Administrator** means the Administrator of Norfolk Island appointed under the *Norfolk Island Act 1979* and includes a person acting as the Administrator under that Act.”

1.2 Definition of **CEO**:

Omit the definition, substitute:

“**Collector** means the Collector of Customs appointed under section 1B of the Customs Act 1913 of Norfolk Island.”

1.3 Definition of **designated owner**:

Omit the definition, substitute:

“**designated owner**, in relation to goods imported into Norfolk Island, means the person identified as the owner of the goods in the entry made in relation to the goods under section 4A of the Customs Act 1913 of Norfolk Island.”

2. Section 33 (Collector may seize goods)

2.1 Paragraph 33 (1) (a):

Omit “Australia”, substitute “Norfolk Island”.

2.2 Paragraph 33 (1) (b):

Omit “*Customs Act 1901*”, substitute “Customs Act 1913 of Norfolk Island”.

2.3 Subsection 33 (3):

Omit “Commonwealth” (twice occurring), substitute “Administration”.

SCHEDULE 3—continued**3. Section 35 (Forfeiture of goods—by consent)**

3.1 Subsection 35 (2):

Omit “as the CEO directs.”, substitute “by the Collector in accordance with any direction of the executive member who administers the Customs Act 1913 of Norfolk Island.”.

4. Section 38 (Disposal of goods ordered to be forfeited)

4.1 Omit “as the CEO directs.”, substitute “as the Administrator directs.”.

5. Section 39 (Power of Collector to retain control of goods)

5.1 Omit “of the Commonwealth”, substitute “in force in Norfolk Island”.

6. Section 40 (Insufficient security)

6.1 Omit “Commonwealth” (twice occurring), substitute “Administration”.

7. Section 41 (Administration not liable for loss etc. suffered because of seizure)

7.1 Omit “Commonwealth”, substitute “Administration”.

8. References to CEO

8.1 The following provisions of Division 2 of Part 4 of the Act are modified by omitting “CEO” (wherever occurring) and substituting “Collector”:

- (a) subsections 30 (1) and (2);
- (b) subsections 31 (1) and (2);
- (c) subsections 32 (1) and (6);
- (d) subsections 33 (2), (3) and (4);
- (e) subsections 34 (1), (2), (4) and (5);
- (f) subsection 35 (1);

SCHEDULE 3—continued

- (g) subsections 36 (1), (2), (3);
- (h) subsections 37 (2), (5) and (6);
- (i) section 39;
- (j) section 40;
- (k) section 41.

[NOTE: The note following subsection 36 (3) should be omitted.]

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

1997. 26 March