

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INDUSTRY, TECHNOLOGY AND REGIONAL DEVELOPMENT LEGISLATION
AMENDMENT BILL 1993

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government

(Circulated by authority of the Minister for Industry, Technology and Regional
Development, Senator the Hon Peter Cook)

The amendments of the Schedule to the Industry, Technology and Regional Development Legislation Amendment Bill 1993 are consequent on the amendments of the Bill agreed to in the Senate and will remove any unintended effects or ambiguities. They have no separate financial impact.

The effect of amendments 1 to 3, 7 to 9 and 12 to 15 will be to remove the remaining references to "regulations made under this Act or any other Act" as proposed by the Bill to be inserted in subsections 8(4) and (5), (5A), and 5(B) of the Designs Act; subsections 208(2) and (3), (4), and (5) of the Patents Act; and subsections 10(3A) and (3B), (3C), and (4) of the Trade Marks Act.

Amendments 4 and 15 will omit the now redundant changes proposed to be made to existing section 8A of the Designs Act and existing section 11 of the Trade Marks Act in the light of the proposed new sections 8A and 11, respectively.

Amendments 5 and 6, 16 and 17 will amend the proposed new section 8A of the Designs Act and section 11 of the Trade Marks Act, respectively, to make it clear that the meaning of "employee" in each of the two Acts will continue to have the same meaning as in the *Public Service Act 1922*.

Amendment 10 proposes an amendment of the delegation provisions of subsection 209(1) of the Patents Act with the same effect as the amendments proposed under the Bill to the delegation provisions of the Designs Act and Trade Marks Act (sections 8A and 11, respectively). That is, the Commissioner of Patents will only be able to delegate his or her powers or functions to prescribed employees or prescribed classes of employee.

Amendment 11 is consequent on amendment 10 and the proposed new subsection 207(2) of the Patents Act. Its effect will be to retain the existing definition of "employee" in the Patents Act but replace the reference in that definition to employment "under the control of the Commissioner" with employment "in the Patent Office".

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