



# **Industry, Science and Tourism Legislation Amendment Act 1997**

**No. 91, 1997**





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**An Act to amend various Acts relating to matters  
dealt with by the Department of Industry, Science  
and Tourism, and for other purposes**



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**An Act to amend various Acts relating to matters  
dealt with by the Department of Industry, Science  
and Tourism, and for other purposes**

[Assented to 30 June 1997]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Industry, Science and Tourism  
Legislation Amendment Act 1997*.

## **2 Commencement**

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

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- (2) The amendments of the *Coal Tariff Legislation Amendment Act 1992* made by Schedule 1 are taken to have commenced immediately after the commencement of subsection 2(1) of that Act.
  - (3) The amendment of the *Science and Industry Research Act 1949* made by Schedule 1 commences on 1 July 1997.
  - (4) The amendments of the *Trade Marks Act 1995* made by Schedule 1 are taken to have commenced on 1 January 1996.

### **3 Schedule(s)**

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.



## **Schedule 1—Amendments**

### *Australian Science and Technology Council Act 1978*

#### **1 Title**

Omit “and Technology”, substitute “, Technology and Engineering”.

#### **2 Section 1**

Omit “*and Technology*”, substitute “, *Technology and Engineering*”.

#### **3 Section 3 (definition of *Council*)**

Omit “and Technology”, substitute “, Technology and Engineering”.

#### **4 Section 4**

Omit “and Technology”, substitute “, Technology and Engineering”.

#### **5 Section 5**

Omit “and technology” (wherever occurring), substitute “, technology and engineering”.

#### **6 Section 5**

Omit “and technological” (wherever occurring), substitute “, technological and engineering”.

#### **7 Subsection 10(2)**

Omit “Governor-General”, substitute “Minister”.

#### **8 At the end of subsection 10(2)**

Add “The Minister must not make an appointment without the approval of the Prime Minister.”.

#### **9 Subsection 10(6)**

Omit “Governor-General”, substitute “Minister”.

#### **10 Section 14**

Omit “Governor-General”, substitute “Minister”.

**11 Subsection 16(1)**

Omit “Governor-General”, substitute “Minister”.

**12 Subsection 16(2)**

Omit “Governor-General”, substitute “Minister”.

**13 Transitional—appointments**

The amendments of subsection 10(2) of the *Australian Science and Technology Council Act 1978* made by this Schedule apply to appointments made after the commencement of this item.

**14 Transitional—determinations**

- (1) This item applies to a determination that was:
  - (a) made by the Governor-General under subsection 10(6) of the *Australian Science and Technology Council Act 1978*; and
  - (b) in force immediately before the commencement of this item.
- (2) The determination has effect, after that commencement, as if it had been made by the Minister under that subsection as amended by this Schedule.

***Australian Tourist Commission Act 1987***

**15 Subsection 14(3)**

Repeal the subsection.

**16 Subsection 42(3)**

Repeal the subsection.

***Australian Tourist Commission (Transitional Provisions) Act 1987***

**17 The whole of the Act**

Repeal the Act.

***Bounty (Machine Tools and Robots) Act 1985***

**18 Subsection 16(11A)**

Omit “Comptroller”, substitute “CEO”.

***Coal Tariff Legislation Amendment Act 1992***

**19 Subsections 2(3) and (4)**

Repeal the subsections, substitute:

(3) Section 5 commences on 26 June 1993.

**20 Subsection 5(1)**

Repeal the subsection.

***National Measurement Act 1960***

**21 After section 8**

Insert:

**8AA Co-ordinated Universal Time**

The Organisation is to maintain, or cause to be maintained, Co-ordinated Universal Time (UTC) as determined by the International Bureau of Weights and Measures.

***Patents, Trade Marks, Designs and Copyright Act 1939***

**22 Section 4**

Omit “Papua, the Territory of New Guinea and Norfolk Island, as if each of those Territories”, substitute “Norfolk Island, as if that Territory”.

Note: The heading to section 4 of the *Patents, Trade Marks, Designs and Copyright Act 1939* is altered by omitting “Territories” and substituting “Norfolk Island”.

***Resource Assessment Commission Act 1989***

**23 Paragraph 14(b)**

Omit “and Technology”, substitute “, Technology and Engineering”.

***Science and Industry Research Act 1949***

**24 Section 9AB**

Repeal the section.

***Trade Marks Act 1995***

**25 Section 6 (definition of *Comptroller*)**

Repeal the definition.

Note: The list entitled “List of terms defined in section 6” set out after the Table of Provisions of the *Trade Marks Act 1995* is altered by omitting “Comptroller”.

**26 Section 6**

Insert:

*Customs CEO* means the Chief Executive Officer of Customs.

Note: The list entitled “List of terms defined in section 6” set out after the Table of Provisions of the *Trade Marks Act 1995* is altered by inserting “Customs CEO” in the appropriate alphabetical position.

**27 Subparagraph 26(1)(d)(i)**

Omit “Comptroller”, substitute “Customs CEO”.

**28 Section 131**

Omit “Comptroller”, substitute “Customs CEO”.

**29 Section 132**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**30 Section 133**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

Note: The heading to section 133 of the *Trade Marks Act 1995* is altered by omitting “Comptroller” and substituting “Customs CEO”.

**31 Section 134**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**32 Subsection 135(1)**

Omit “Comptroller”, substitute “Customs CEO”.

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**33 Section 136**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**34 Section 137**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**35 Section 139**

Omit “Comptroller”, substitute “Customs CEO”.

**36 Section 140**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

Note: The heading to section 140 of the *Trade Marks Act 1995* is altered by omitting “**Comptroller**” and substituting “**Customs CEO**”.

**37 Section 141**

Omit “Comptroller”, substitute “Customs CEO”.

**38 Paragraph 142(a)**

Omit “Comptroller”, substitute “Customs CEO”.

**39 Section 143**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**40 Section 223**

Omit “Comptroller” (wherever occurring), substitute “Customs CEO”.

**41 Paragraph 261(2)(a)**

Omit “Comptroller”, substitute “Customs CEO”.

Note: The heading to section 261 of the *Trade Marks Act 1995* is altered by omitting “**Comptroller**” and substituting “**Customs CEO**”.

**Schedule 1** Amendments

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*[Minister's second reading speech made in—  
House of Representatives on 26 March 1997  
Senate on 16 June 1997]*

(38/97)

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I HEREBY CERTIFY that the above is a fair print of the Industry, Science and Tourism Legislation Amendment Bill 1997 which originated in the House of Representatives and has been finally passed by the Senate and the House of Representatives.

*Clerk of the House of Representatives*

IN THE NAME OF HER MAJESTY, I assent to this Act.

*Governor-General*  
1997

(38/97)