

which it is registered if the trade mark was one in relation to which sub-section (4.) of section thirty-three of this Act applied and it is shown—

- (a) that the mark was registered without any *bona fide* intention on the part of the applicant for registration that it should be used in relation to those goods by the body corporate or registered user concerned; and
- (b) that, up to the date one month prior to date of application to the Court, there was in fact no *bona fide* use of the trade mark in relation to those goods by the body corporate or by the person who was for the time being registered user of the trade mark.”; and
- (b) by inserting in sub-section (2.), after the word “proprietor”, the words “or registered user”.

11. Section one hundred A of the Principal Act is amended by inserting after the word “proprietor” the words “or a registered user”.

Remedy in case of groundless threats of legal proceedings.

COMMONWEALTH CONCILIATION AND ARBITRATION.

No. 77 of 1948.

An Act to amend the *Commonwealth Conciliation and Arbitration Act 1904-1947*, as amended by the *Judges' Pensions Act 1948*.

[Assented to 17th December, 1948.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Conciliation and Arbitration Act 1948*.

Short title and citation.

(2.) The *Commonwealth Conciliation and Arbitration Act 1904-1947**, as amended by the *Judges' Pensions Act 1948*†, is in this Act referred to as the Principal Act.

(3.) The *Judges' Pensions Act 1948* is amended by omitting from the third column of the Schedule the words “*Commonwealth Conciliation and Arbitration Act 1904-1948*”.

* Act No. 13, 1904; as amended by No. 28, 1909; No. 7, 1910; No. 6, 1911; No. 5, 1914; No. 18, 1914; No. 35, 1915; No. 39, 1918; No. 31, 1920; No. 29, 1921; No. 22, 1926; No. 8, 1927; No. 18, 1928; No. 43, 1930; Nos. 45 and 54, 1934; Nos. 14 and 30, 1946; and No. 52, 1947.

† Act No. 65, 1948.

(4.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Conciliation and Arbitration Act 1904-1948.*

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

3. Section thirteen of the Principal Act is repealed and the following section inserted in its stead:—

Limitation of
jurisdiction of
Conciliation
Commissioners.

“ 13. A Conciliation Commissioner shall not be empowered to make an order or award—

- (a) altering the standard hours of work in an industry ;
- (b) altering the basic wage or the principles upon which it is computed ;
- (c) altering the period which shall be granted as annual leave with pay ; or
- (d) determining or altering the minimum rate of remuneration for adult females in an industry.”.

4. Section twenty-five of the Principal Act is repealed and the following section inserted in its stead:—

Jurisdiction of
Court with
respect to
certain matters.

“ 25. The Court may, for the purpose of preventing or settling an industrial dispute, make an order or award—

- (a) altering the standard hours of work in an industry ;
- (b) altering the basic wage or the principles upon which it is computed ;
- (c) altering the period which shall be granted as annual leave with pay ; or
- (d) determining or altering the minimum rate of remuneration for adult females in an industry.”.

MENTAL INSTITUTION BENEFITS.

No. 78 of 1948.

An Act relating to Mental Institution Benefits.

[Assented to 17th December, 1948.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Mental Institution Benefits Act 1948.*