

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011

No. , 2011

(Innovation, Industry, Science and Research)

A Bill for an Act to amend the *Trade Marks Act 1995*, and for related purposes

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1 **A Bill for an Act to amend the *Trade Marks Act***
2 ***1995, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Trade Marks Amendment (Tobacco*
6 *Plain Packaging) Act 2011*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Schedule 1—Trade Marks Act 1995

Trade Marks Act 1995

1 At the end of subsection 231(2)

Add:

Note: Regulations can also be made in relation to the *Tobacco Plain Packaging Act 2011* under section 231A.

2 At the end of Division 3 of Part 21

Add:

231A Regulations may make provision in relation to the *Tobacco Plain Packaging Act 2011*

(1) The regulations may make provision in relation to the effect of the operation of the *Tobacco Plain Packaging Act 2011*, and any regulations made under that Act, on:

- (a) a provision of this Act; or
- (b) a regulation made under this Act, including:
 - (i) a regulation that applies a provision of this Act; or
 - (ii) a regulation that applies a provision of this Act in modified form.

Note: Section 28 of the *Tobacco Plain Packaging Act 2011* also sets out the effect of the operation of that Act on certain provisions of, and regulations made under, this Act.

(2) Without limiting subsection (1), regulations made for the purposes of that subsection may clarify or state the effect of the operation of the *Tobacco Plain Packaging Act 2011*, and any regulations made under that Act, on a provision of this Act or a regulation made under this Act, including by taking or deeming:

- (a) something to have (or not to have) happened; or
- (b) something to be (or not to be) the case; or
- (c) something to have (or not to have) a particular effect.

(3) Regulations made for the purposes of subsection (1):

- (a) may be inconsistent with this Act; and

- 1 (b) prevail over this Act (including any other regulations or other
2 instruments made under this Act), to the extent of any
3 inconsistency.