



# **Trade Marks Amendment (Tobacco Plain Packaging) Act 2011**

**No. 149, 2011**

**An Act to amend the *Trade Marks Act 1995*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Trade Marks Amendment (Tobacco Plain Packaging) Act 2011

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## **An Act to amend the *Trade Marks Act 1995*, and for related purposes**

[Assented to 1 December 2011]

The Parliament of Australia enacts:

### **1 Short title**

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

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## 2 Commencement

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

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	1 December 2011
2. Schedule 1	At the same time as section 28 of the <i>Tobacco Plain Packaging Act 2011</i> commences. However, if that section does not commence, the provision(s) do not commence at all.	1 December 2011

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

- (b) prevail over this Act (including any other regulations or other instruments made under this Act), to the extent of any inconsistency.
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*[Minister's second reading speech made in—  
House of Representatives on 6 July 2011  
Senate on 25 August 2011]*

(130/11)

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