

House of Representatives
Supplementary Order Paper

Tuesday, 16 August 2011

Trade Marks (International Treaties and
Enforcement) Amendment Bill

Proposed amendments

Hon Simon Power, in Committee, to move the following amendments:

Clause 17

New section 134F(2): to insert after “Justice” (line 29 on page 18) “of the Peace”.

New section 134F(2): to insert after “Registrar” (line 30 on page 18) “of a District Court”.

New section 134H(1): to insert the following paragraph after *paragraph (a)* (after line 4 on page 20):

“(ab) must be in the prescribed form (if any); and

New section 134WA(2): to omit this subsection (lines 26 to 31 on page 31) and substitute the following subsection:

“(2) An application by an enforcement officer for an order under **subsection (1)** must—

“(a) be in writing; and

“(b) be in the prescribed form (if any); and

“(c) be made on oath; and

“(d) set out, in reasonable detail, the grounds for the application; and

“(e) provide details of the documents in respect of which the order is sought.

New section 134WB(2): to insert the following paragraph above *paragraph (a)* (after line 7 on page 32):

“(aa) must be in the prescribed form (if any); and

Clause 21

New section 155D(2): to omit this subsection (lines 26 to 31 on page 40) and substitute the following subsection:

- “(2) An application by a customs officer for an order under **subsection (1)** must—
- “(a) be in writing; and
 - “(b) be in the prescribed form (if any); and
 - “(c) be made on oath; and
 - “(d) set out, in reasonable detail, the grounds for the application; and
 - “(e) provide details of the documents in respect of which the order is sought.

New section 155E(2): to insert the following paragraph above *paragraph (a)* (after line 5 on page 41):

- “(aa) must be in the prescribed form (if any); and

New section 155G(2): to insert after “Justice” (line 25 on page 41) “of the Peace”.

New section 155G(2): to insert after “Registrar” (line 26 on page 41) “of a District Court”.

Clause 31

New section 134F(2): to insert after “Justice” (line 20 on page 56) “of the Peace”.

New section 134F(2): to insert after “Registrar” (line 21 on page 56) “of a District Court”.

New section 134H(1): to insert the following paragraph after *paragraph (a)* (after line 34 on page 57):

- “(ab) must be in the prescribed form (if any); and

New section 134WA(2): to omit this subsection (lines 20 to 25 on page 69) and substitute the following subsection:

- “(2) An application by an enforcement officer for an order under **subsection (1)** must—
- “(a) be in writing; and
 - “(b) be in the prescribed form (if any); and
 - “(c) be made on oath; and
 - “(d) set out, in reasonable detail, the grounds for the application; and
 - “(e) provide details of the documents in respect of which the order is sought.

New section 134WB(2): to insert the following paragraph above *paragraph (a)* (after line 1 on page 70):

- “(aa) must be in the prescribed form (if any); and

Clause 35

New section 144C(2): to omit this subsection (lines 10 to 15 on page 78) and substitute the following subsection:

- “(2) An application by a customs officer for an order under **sub-section (1)** must—
- “(a) be in writing; and
 - “(b) be in the prescribed form (if any); and
 - “(c) be made on oath; and
 - “(d) set out, in reasonable detail, the grounds for the application; and
 - “(e) provide details of the documents in respect of which the order is sought.

New section 144D(2): to insert the following paragraph above *paragraph (a)* (after line 26 on page 78):

- “(aa) must be in the prescribed form (if any); and

New section 144F(2): to insert after “Justice” (line 11 on page 79) “of the Peace”.

New section 144F(2): to insert after “Registrar” (line 12 on page 79) “of a District Court”.

Explanatory note

This Supplementary Order Paper—

- makes changes to provisions concerning the issue of search warrants to enforcement officers and customs officers to clarify that the references to “Justice” and “Registrar” in those provisions are references to a Justice of the Peace and a Registrar of a District Court;
- provides for forms to be prescribed for—
 - applications that may be made by enforcement officers and customs officers for search warrants and orders to produce documents;
 - orders to produce documents.