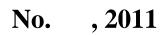
2010-2011

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Therapeutic Goods Legislation Amendment (Copyright) Bill 2011



(Health and Ageing)

A Bill for an Act to amend the *Copyright Act 1968*, and for related purposes

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A Bill for an Act to amend the *Copyright Act 1968*, and for related purposes

³ The Parliament of Australia enacts:

4 **1 Short title**

5	This Act may be cited as the <i>Therapeutic Goods Legislation</i>
6	Amendment (Copyright) Act 2011.

7 **2 Commencement**

This Act commences on the day after this Act receives the Royal Assent.

10 3 Schedule(s)

8 9

11	Each Act that is specified in a Schedule to this Act is amended or
12	repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect
 according to its terms.

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1 2 3	Schedule 1—Amendments		
4	4 Copyright Act 1968		
5	1 After section 44B		
6	Insert:		
7	44BA Acts done in relation to certain medicine		
8 9 10 11	(1) The following acts are not an infringement of any copyright subsisting under this Part in a work that is product information approved under section 25AA of the <i>Therapeutic Goods Act 1989</i> in relation to medicine:		
12 13	(a) an act that is done under that Act and that is in respect of product information in relation to:		
14	(i) restricted medicine; or		
15 16 17 18	 (ii) medicine in respect of which the applicant for the registration of that medicine under that Act has been given a notice of the kind referred to in subparagraph 25(1)(da)(ii) of that Act; or 		
19 20	(iii) medicine in respect of which subsection 25AA(2) or (3) of that Act applies;		
21 22	(b) an act that is ancillary or incidental to an act referred to in paragraph (a).		
23 24 25 26	(2) The following acts are not an infringement of any copyright subsisting under this Part in a work that is product information approved under section 25AA of the <i>Therapeutic Goods Act 1989</i> in relation to medicine:		
27 28 29	 (a) supplying, in Australia, some or all of any product information that is approved under that section in relation to medicine; 		
30 31 32	(b) reproducing, in Australia, some or all of the information referred to in paragraph (a);(c) publishing, in Australia, some or all of the information		
33 34 35	referred to in paragraph (a);(d) communicating, in Australia, some or all of the information referred to in paragraph (a);		

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1		(e) adapting, in Australia, some or all of the information referred
2		to in paragraph (a);
3		to the extent that the supply, reproduction, publication,
4		communication or adaptation is for a purpose related to the safe
5		and effective use of the medicine referred to in paragraph (a).
6		(3) An act done in Australia that is ancillary or incidental to a supply,
7		reproduction, publication, communication or adaptation referred to
8		in subsection (2) is not an infringement of any copyright subsisting
9		under this Part in the work referred to in subsection (2).
10		(4) For the purposes of this section, <i>medicine</i> , <i>product information</i>
11		and <i>restricted medicine</i> have the same meanings as in the
12		Therapeutic Goods Act 1989.
13	2 Ap	plication
14		Subsections 44BA(1), (2) and (3) of the <i>Copyright Act 1968</i> , as inserted
15		by this Act, apply in relation to acts done on or after the day on which
16		this item commences (regardless of whether the product information
17		referred to in subsection 44BA(1) or (2) of that Act was approved
18		before, on or after that day).
19	3 Co	mpensation for acquisition of property
20	(1)	If the operation of this Schedule would result in an acquisition of
20	(-)	property from a person otherwise than on just terms, the
22		Commonwealth is liable to pay a reasonable amount of compensation to
23		the person.
24	(2)	If the Commonwealth and the person do not agree on the amount of the
25	(-)	compensation, the person may institute proceedings in a court of
26		competent jurisdiction for the recovery from the Commonwealth of
20		such reasonable amount of compensation as the court determines.
28	(3)	In this item:
29		<i>acquisition of property</i> has the same meaning as in paragraph 51(xxxi)
30		of the Constitution.
31		<i>just terms</i> has the same meaning as in paragraph 51(xxxi) of the
32		Constitution.