PARLIAMENT OF AUSTRALIA
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

NATIONAL FITNESS AMENDMENT BILL 1979

Date Introduced: 21 February 1979
House: House of Representatives
Presented by: Hon. R.J. Ellicott, Minister for Home Affairs

Short Digest of Bill

Purpose

To enable the proceeds from the commercial opportunities offered by the "Life Be In It" program to be returned to the Commonwealth through the National Fitness Trust Fund.

Background

The "Life Be In It" program was introduced nationally in 1977. Under an Agreement between Commonwealth, State and Territory Ministers the funding of national aspects of the program is the responsibility of the Commonwealth government which has undertaken to allocate $600,000 a year for 3 years. During this period the Commonwealth allocation is to be supplemented by all royalties received from the use under licence of the "Life Be In It" message; the message is used on T-shirts, posters, car stickers and so on. At present, rights to the message are owned by the Victorian government and to enable payment into the National Fitness Fund, under the existing legislation, it is necessary for royalties to be paid to Victoria by licensees and then paid by Victoria as gifts to the Fund.

The Department of Home Affairs advises that this method is unsatisfactory and is to be replaced. Either rights to the message will be transferred to the Commonwealth for the duration of the national program to enable licensing arrangements to be made direct; alternatively Victoria will agree with licensees for royalties to be paid into the Fund. The existing legislation does not permit either of these courses.

Provisions

Section 4 of the Act creates the trust fund called the National Fitness Fund; moneys to be paid into the Fund are specified in sub-section 4(3). Clause 3 substitutes a revised sub-section 4(3) in line with current drafting practice; the moneys paid into the Fund are now to include
the proceeds of licensing arrangements for industrial property rights such as copyright in a registered design or trade marks.

Clauses 4 and 5 make drafting alterations, in line with current practice.