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**HOUSE OF REPRESENTATIVES**

**BILLS**

**Major Sporting Events (Indicia  
and Images) Protection Bill 2014**

**Second Reading**

**SPEECH**

**Wednesday, 14 May 2014**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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**Speaker** Zappia, Tony, MP

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**Mr ZAPPIA** (Makin) (10:53): I rise to speak on the Major Sporting Events (Indicia and Images) Protection Bill 2014 and, in doing so, I say from the outset that the Labor Party will be supporting this legislation.

The purpose of the Major Sporting Events (Indicia and Images) Protection Bill 2014 is to prevent the unauthorised commercial use of certain indicia and images associated with the following three sporting events: firstly, the Asian Football Confederation Asian Cup of 2015, with matches scheduled to be held from 9 January to 31 January 2015; secondly, the International Cricket Council Cricket World Cup 2015, to be jointly hosted with New Zealand from 14 February to 29 March 2015; and thirdly, the Gold Coast 2018 Commonwealth Games, to be held from 4 April to 15 April 2018. These are all very important events, not only for Australia but for sporting followers around the world and particularly with respect to the Commonwealth Games, an event that I have no doubt most Australians will be keenly looking forward to. There is a great deal of interest with respect to all of these events—not surprisingly—and I will return to some of those matters later on.

This bill is, in many ways, similar to previous legislation that was used for the Sydney Olympics and the Commonwealth Games in Melbourne—that is, the Sydney 2000 Games (Indicia and Images) Protection Act 1996 and the Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Act 2005. The most significant difference between this bill and the previous legislation is that the 2014 bill is designed as a generic piece of legislation which can be amended to apply to future sporting events by insertion of new schedules if and when required. Each of the three schedules in the 2014 bill have limited dates of application, so they will cease to have effect one year after the relevant sporting events have concluded. The legislation itself will not be repealed. In contrast, the Sydney games act and the Melbourne 2006 act were drafted to apply to just one event, with a sunset clause repealing the legislation 12 months after the respective games. That is a significant difference inasmuch as there will be no need to repeat this kind of legislation every time there is a major sporting event in Australia; you simply change the relevant schedules which apply to it. I believe that that is sensible; it saves the parliament time and it also provides, in my view, a degree of certainty for future events when they are being negotiated by all of the different parties.

Australia has a well-earned reputation for hosting major sporting events. I thought that was very much on display in the 2000 Olympic Games in Sydney and also in the Commonwealth Games in 2006 in Melbourne, where there was no doubt in my mind that the hosting of those games did Australians proud. The games were certainly a credit to all of those people who were involved in any way whatsoever. It is a reputation that we need to maintain if we are going to continue to bid for future games, and I have no doubt that we will. In order to maintain that reputation we need to ensure that all of those parties who have an interest in putting money towards the hosting of those events are properly and rightfully protected.

Labor understands the significant risks posed to the ability of organisers to attract commercial partners from what you might refer to as 'ambush marketers'—that is, those people who would seek to profit from creating an impression of being associated in some way with these major events when in fact they have no direct association whatsoever. Labor therefore supports the sensible protections in the bill provided by the commercial benefit test that applies to the use of material. Restrictions will of course apply only to unlicensed commercial use of the protected indicia and images. The aim of this test is to prevent an unauthorised user from applying the protected indicia and images to suggest a formal association with the events, which would allow them in turn to gain a commercial benefit. Labor also supports the exceptions in the bill that will, for example, recognise existing commercial arrangements, allow the use of indicia and images for the purpose of criticism and review and allow an athlete to make factual statements about their own achievements.

I want to talk more broadly about the importance of these events to Australia and, indeed, to any country that has the opportunity to host major world events. Today there is no doubt that these events are considered to be big business. They not only generate billions of dollars; they also cost billions of dollars to host. Therefore, there is a great deal of risk attached to them. They are important to the communities and the cities that host them,

because those cities inevitably get some kind of economic benefit from the event itself, whether it is in the form of increased tourism or in the form of additional expenditure with retail businesses. In fact, the events create a flow-on effect, with money flowing through to the entire community. So, not surprisingly, there is considerable competition between countries and between cities to host those events. We have seen in recent years that the events are not only better organised and better run than they might have been in the past but the facilities that are provided to the athletes themselves are much better than they might have been in years gone by. Athletes expect to have modern, up-to-date facilities that enable them, in turn, to perform at their best. So the competition for hosting these events is very fierce—and understandably so.

In order to pay for all those events, for the facilities that go with them and for the infrastructure that is required by the cities at the time, as we saw with both Sydney and Melbourne, considerable funds are required. Those funds come not only from the hosting governments but also from sponsorship that is paid by people who wish to be associated in one way or another with those events. For that sponsorship, obviously, something is expected in return. What is expected is the right to exclusive use of certain logos and images that will then be able to be marketed by those people who put the money up-front or, in the case of the media, for exclusive televising and broadcasting of those events. That in turn enables them to generate funds through their advertisers and so on. The bottom line is that considerable money is required—there is no doubt about that.

If people are going to put their money into a venture, regardless of what it is, they need to have certain rights and protections. This is no different to when someone puts a product out there and they have protections under our trademark and copyright laws. The sponsorship, however, is essential, because governments cannot do it alone anymore, and we know that without the influx of the money that is brought into these events by the private sector, it would not be possible today to host the kinds of events that we are referring to. These are not just national events but international events. If we are going to ask sponsors and partners to put money into the events, then those certainties have to be provided and that is exactly what this legislation does.

I note that, as part of the legislation, the Customs department has the authority to seize infringing goods in accordance with the Trade Marks Act 1995 and the Copyright Act 1968. One might well ask, 'Well, why don't we simply rely on those acts?' The fact is that those acts do not go far enough in terms of protecting the rights that have been agreed to between the Commonwealth and the states at the time they were putting together their submissions for the hosting of the events. They expect certain protections, and this legislation delivers on the agreements that were reached between the various parties at the time that the bids were being put into place.

The use of logos and the like is undoubtedly a problem that occurs not only when it comes to the hosting of major sporting events but also in the badging of sporting apparel and the like. We have seen examples in so many places of the world where those logos are used illegally by manufacturers in order to profit from the legitimate work of others. The same applies when it comes to the goods that are likely to be sold in conjunction with the sporting events that are referred to in this legislation. We all know from going to these sporting events that products are sold with images, logos and the like, and that have been specifically made as souvenir items for the events. The last thing we want to do is in any way allow people to undermine people who have legitimately invested in those products by sponsoring the event.

The hosting of these kinds of events has two elements to it. One is, clearly, the economic benefits that go to the hosting city—and the hosting country for that matter. The other is what it does for the promotion of sports in Australia and throughout the world. For athletes who want to participate in sports at the highest level, being able to participate in a world recognised event is probably the height of their ambitions. If they are going to do that we want to make sure that we put on an event that enables them to be properly recognised for their performance. I think Australia has done that very well in the past, but we need to continue to do that. When it comes to the peak of their performance competitions, supporting those athletes goes far beyond just making sure that we have the best event possible; it also goes to the support that they require in their journey towards becoming an elite athlete.

I note that in the budget last night there were \$22.8 million of cuts to the Australian Sports Commission. I am not quite sure how this is going to flow out, because the Australian Sports Commission runs a number of programs. It will be interesting to see how this money that has been cut filters its way through our sporting communities. I have no doubt that the \$22.8 million of cuts to the Australian Sports Commission will have an impact on athletes in this country. I am not really surprised that we have seen those cuts, although I am very much disappointed, because I suspect that our athletes are not overly well supported in comparison to the support that I am aware of that is given to athletes in other countries.

These \$22.8 million of cuts to the Sports Commission were on top of more than \$17 million in funding cuts, by the government, which on coming to office reversed sporting communities funding that had been committed to by the previous Labor governments. This was sporting communities funding that went to local sporting clubs in and around Australia for the upgrading of their facilities. I have got no doubt that members of this place would be very much aware of the importance—

**Mr Dutton:** Mr Deputy Speaker, I rise on a point of order. I would like you to draw the member back to the bill that is before the House, which bears no relevance to the nonsense comments that he is making now. I think that is entirely within the standing orders, and I would ask you to enforce the standing orders.

The DEPUTY SPEAKER ( Mr Mitchell ): You are introducing argument to me. You have had your point. The member for Makin will continue.

**Mr ZAPPIA:** In response to the minister's interjection, the bill is about the support that the government gives to sporting events by way of this legislation. If we are talking about sporting events, then I believe it is totally appropriate to talk about the support we give to sportsmen and sportswomen of this country through other measures that this government has responsibility for.

As I was saying, prior to the 2013 election, the previous Labor government had committed some \$17 million by way of sporting communities funding to sporting communities around the country. This supported local clubs, particularly by upgrading their facilities, many of which are owned by local councils. My view is that it is important, if we are going to support and host events of the type that are referred to in this legislation, that we go the whole way and that we in fact support our sportsmen and sportswomen from when they are juniors right through to when they become athletes on the world stage. I am disappointed to think that not only did the budget cut \$22.8 million from the Australian Sports Commission last night, but that was in addition to the \$17 million that they cut from the Sporting Communities initiative.

Only on Saturday night I attended an AGM and a presentation night of the Salisbury Athletic Club in my electorate of Makin. The issue of funding and fundraising and finances of the club was an important issue to that club, just as it is to every other club that I visit on a fairly regular basis throughout my electorate. Raising funds and having good facilities for them is not easy, and they depend very much on the support that this federal government provides through the budget and on what their state and local governments also provide. But what is indeed interesting, with respect to the cuts made under the Sporting Communities initiative of the previous government—the \$17 million I referred to earlier—is that they cut in some places but not in all. It was interesting that, for example, they did not cut and in fact kept the \$10 million for the upgrade of the Brookvale Oval. And guess where that is? It is in the Prime Minister's electorate. They also, from recollection, did not cut the \$7 million plus upgrade of the recreation centre in the electorate of the member for Sturt, the leader of government business in this place and the Minister for Education. So they were very selective where they made those cuts.

As I have said from the outset, the government supports this legislation because it is important legislation with respect to Australia's ability to bid for sporting events in this country. Our obligations to support sporting events in this country go beyond this legislation and embrace a whole range of responsibilities that I believe the government has. I have said in the past, and I will say it again, that my view is that we ought to do more for the sporting people in this country. We ought to do more for the clubs that support the athletes throughout the country, most of whom are volunteers. This being National Volunteer Week, it is a tremendous opportunity to support and acknowledge all of the tireless work that volunteers around this country do towards shaping these athletes so that they can go on to represent us in these international events. I support the direction of money into our grassroots sports to a much larger extent than we have done in the past. We will not have elite athletes if we do not get them started on the right footing from when they are young. That is why we should be committing even more money to funding our grassroots sports communities and why I deplore the cuts that have been made by this government to sporting organisations around the country.

With those comments, as I have said from the outset, Labor will support this legislation because it is good legislation. Whilst I am on my feet, I wish well not only to the organisers of the events that I referred to earlier on—the Asian Cup, the Cricket World Cup and the Commonwealth Games—that are coming up in the years ahead but also to all of the athletes who are in training for those events right now. If they are fortunate enough and good enough to compete in them, I wish them well with the events at the time.