



Speech by

Hon. Jann Stuckey

MEMBER FOR CURRUMBIN

Hansard Wednesday, 13 February 2013

COMMONWEALTH GAMES ARRANGEMENTS (BRAND PROTECTION) AMENDMENT BILL

Introduction

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (4.04 pm): I present a bill for an act to amend the Commonwealth Games Arrangements Act 2011 and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the State Development, Infrastructure and Industry Committee to consider the bill.

Tabled paper: Commonwealth Games Arrangements (Brand Protection) Amendment Bill 2013 [[2070](#)].

Tabled paper: Commonwealth Games Arrangements (Brand Protection) Amendment Bill 2013, explanatory notes [[2071](#)].

It gives me great pleasure to introduce this bill, the Commonwealth Games Arrangements (Brand Protection) Amendment Bill 2013, which will insert into the Commonwealth Games Arrangements Act 2011 a framework for the protection of the branding materials and goodwill of the Gold Coast 2018 Commonwealth Games. This bill is one part of an overall package designed to allow for community ownership and celebration of the games while protecting Commonwealth Games images, references or goodwill from diluting the value of the brand to sponsors. This would compromise sponsorship revenue, which forms a sizeable chunk of the games budget. It is prudent that we take reasonable steps to protect the government's significant investment in the games. The bill provides streamlined procedures for the enforcement of intellectual property associated with the Gold Coast 2018 Commonwealth Games—references such as 'Commonwealth Games' and 'Queen's Baton Relay' and images such as the games emblem and mascot. It also prevents people from falsely suggesting that they have a relationship with the games, whether as a sponsor, supplier or any other affiliation. It is critical that we have these fair but speedy enforcement options to give sponsors the confidence that their investment will be protected.

Australia has a sound legal framework for the protection of intellectual property. However, major sporting events such as the Commonwealth Games tend to attract a considerable number of people or businesses taking advantage of the publicity and goodwill surrounding the event for their own financial gain without sharing the costs as legitimate sponsors. To date, we are already aware of over 20 internet sites set up for commercial gain which imply official links to the games. As I said at the outset, the government is strongly committed to ensuring that Queenslanders can celebrate the Commonwealth Games in whatever reasonable way they wish.

The second part of the overall package will be an administrative regime of generic authorisations that will allow not-for-profit community uses, subject only to common-sense guidelines. Unlike the experiences of London, those in the community who have merely embraced the spirit of this major event will not be visited by the 'fun police' ordering them to cease and desist. I can assure Queenslanders that, as long as there is no realistic concern for legitimate sponsors and no risk that the public might be confused about whether there is an official connection with the games, their celebrations will be allowed.

To further remove any doubt, the minister will retain the authority to authorise, following proper consultation, the use of a protected term so long as it is not for a commercial purpose. In short, there will be swift action where anyone seeks to profit from a dishonest use of any games branding materials or from conduct that wrongly implies that they have a sponsorship-like arrangement. The public expects nothing less. But genuine, grassroots celebrations will not just be allowed; they will be encouraged. The Commonwealth Games belong to the people of the Gold Coast and the people of Queensland! There are protections for anyone who has already established a legitimate use of any of the protected references or images or anything similar. There are also exceptions for genuine news reporting, criticism or review, research, education and the like.

The civil remedies—injunctions, corrective advertising, damages and account of profits—co-exist with the criminal sanctions. They operate independently as civil remedies, heard and decided by courts exercising civil jurisdiction and to a civil standard. The bill also gives police the power to seize goods or advertising materials marked with protected references or images in or near games venues and other key locations during the critical period from January to April 2018.

The power extends to electronic devices that contain unauthorised references or images. The power requires a reasonable belief by the police officer that the reference or image is being used, or is intended to be used, in contravention of the bill. There is a post-seizure framework to ensure natural justice for people from whom goods, materials or devices are seized.

These provisions will expire at the end of 2018. The justification for these special measures will have passed by that time. The bill expressly provides that other existing rights and remedies are not affected by the provisions, so any breach of intellectual property occurring after that time will be able to be enforced in the usual way.

The bill is modelled on the brand protection legislation passed by the Victorian parliament for the Melbourne 2006 Commonwealth Games. Our understanding of the Melbourne experience is that there were a number of breaches. However, the existence of the enhanced remedies was sufficient to secure compliance after informal discussion with the offending party on every occasion. I hope the same can be the case here. I commend the bill to the House.

First Reading

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (4.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the State Development, Infrastructure and Industry Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the State Development, Infrastructure and Industry Committee.

Portfolio Committee, Reporting Date

 **Hon. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (4.12 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the State Development, Infrastructure and Industry Committee report to the House on the Commonwealth Games Arrangements (Brand Protection) Amendment Bill by 12 March 2013.