




Speech By
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MEMBER FOR INALA

**COMMONWEALTH GAMES ARRANGEMENTS (BRAND PROTECTION)
AMENDMENT BILL**

 **Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (4.11 pm): I rise to make a contribution to the Commonwealth Games Arrangements (Brand Protection) Amendment Bill 2013. The opposition will not be opposing the bill and wishes to place on the record our ongoing support for the Commonwealth Games on the Gold Coast. Being awarded the Commonwealth Games was a wonderful achievement of the previous government. All Queenslanders understand the benefits in tourism that will flow from delivering this world-class event on the Gold Coast. The games will bring major tourism and economic benefits to Queensland and the Gold Coast region, and we were happy to see the government provide its ongoing support to the games.

I thank the research staff and members of the State Development, Infrastructure and Industry Committee for their work in relation to this bill. I particularly wish to thank the committee members who have made a number of significant and valid recommendations for the consideration of the House. I note that the Minister for Tourism, Major Events, Small Business and the Commonwealth Games introduced this legislation into the parliament and she is sharing responsibility for the games with the Deputy Premier. I note the work the Deputy Premier began last year. It was the Deputy Premier who introduced the bill which established the Commonwealth Games Infrastructure Authority. The bill essentially put in place the groundwork for the major infrastructure build and planning of the games. The jobs that will flow from delivering these infrastructure projects can only benefit the Gold Coast community.

The debate in this place is often robust, but I can assure those opposite that the spirit of this debate is delivered in a bipartisan manner. We need to work together to ensure a successful Commonwealth Games for the benefit of the entire Queensland community. It is important to view this legislation in context. This kind of legislation has been introduced for the Sydney Olympic Games, the Melbourne Commonwealth Games, various world cup events, the London 2012 Olympic Games and will even be used into the future at the Glasgow Commonwealth Games to be held in 2014.

Clearly we are not reinventing the wheel here in relation to brand protection at major sporting events, which is why it is a little surprising so many recommendations have been submitted by the committee. The stated aims of this bill are to protect sponsorship revenue for the Commonwealth Games and to protect the brands of companies that invest as sponsors of the games.

The chair of the State Development, Infrastructure and Industry Committee clearly lists the mechanisms for achieving the aims of the bill which are: prohibiting unauthorised use of certain images and references for commercial or promotional purposes; prohibiting conduct falsely inferring an association with the games; providing for an administrative regime of authorisations for not-for-profit community purposes; and providing for a standard practice for resolving breaches informally if possible and appropriate, with proceedings usually a last resort.

I note that during the Commonwealth Games in Melbourne not one person was prosecuted in relation to the Victorian legislation. I also note the underlying aim of this legislation is to resolve breaches through an informal process with formal proceedings literally as a last resort. I think this legislation seeks to strike the right balance by providing informal processes as well as providing a sufficient deterrent for those who would seek to damage the reputation of the Commonwealth Games, the sponsors and our great state by providing both civil and criminal sanctions.

The committee recommended that the bill be amended to consider ambush marketing, which includes the situation where a company or brand associates itself with a major event without paying for the rights to that event. Ambush marketing has become especially prevalent with the reach of the internet. The potential for photographs and videos of marketing stunts to go viral and cause considerable damage to the reputation of brands and revenue streams for the games requires the careful consideration of the parliament.

I am aware of some criticisms of the legislation that state that the laws are too heavy-handed and that they may affect the larrikin nature of Australian culture which should be on display for international visitors to enjoy during the games. The direction to resolve breaches informally, combined with the recommendation put forward by the committee to amend the bill to include a schedule listing all the Commonwealth Games images and references to provide adequate guidelines and warnings for business and individuals, should ease some concern.

The minister needs to ensure adequate training is provided to those from the various organisations tasked with enforcing the legislation. International relationships and other business interests could be adversely affected through either ill-considered action or inaction by the relevant authorities which may be outside the formal control of the minister—for example, customs of the New South Wales police. Considerable sums of money and reputations are at stake and could damage the reputation of the host of the games.

I would ask the minister for some clarification on how these training issues will be managed and what advice she has received on how this will be achieved given the obvious jurisdictional issues which I will now discuss. The major concerns of the committee generally relate to the negotiations and working relationships required with the federal government to achieve positive outcomes for the Commonwealth Games. Upon viewing the committee recommendations, argument could be made that further negotiation with the Commonwealth should have been made prior to introduction of the bill. I hope the government will take on board the recommendations of the State Development, Infrastructure and Industry Committee and take this as an opportunity to improve and build on these relationships. It is also important to note a number of cross-jurisdictional issues that affect the bill.

I recall that the minister addressed some recommendations. I think they were recommendations 4 and 5. She said that she would forward them to the Commonwealth for further consideration. I seek some clarification from the minister on that. The minister is actually confirming that that was the case. I thank the minister for that clarification.

I turn to the cross-jurisdictional issues that affect this bill. The Gold Coast is very close to the New South Wales border and if those seeking to profit from the exploitation of the Commonwealth Games decide to operate over the border in New South Wales they could defeat the purpose of the bill. The committee expressed a preference for the Commonwealth introducing legislation to ensure that issues were covered uniformly. The committee went even further when it said—

The committee encourages the Department to actively progress the issue of national uniform legislation and give particular attention to enforceability of a consistent regime in Queensland and New South Wales.

I support action by the Commonwealth government that may close this potential loophole. Making the federal and state jurisdictional issues even more complex is the existing and sometimes overlapping federal legislation. Those aggrieved by breaches of the law relating to this bill may wish to use the Australian Consumer Law or the federal legislation that relates to broadcasting over the internet to remedy the issues that impact upon their businesses. The committee believes these negotiations with the federal government and federal government departments should be commenced immediately. I give support to the committee's recommendations given the complex civil, criminal and jurisdictional improvements required of the bill.

I note the jurisdictional issues do not only relate to the New South Wales border issues and federal law issues. The international nature of the event and the use of internet domains and websites, which are often hosted overseas, add further complexity to the jurisdictional issues. The games will be upon us before we know it and work is required behind the scenes to ensure its success. Everyone can be assured that we here in the opposition will support any measures that will

assist the games organisers. The responsibility to drive these reforms, however, rests with the Minister for Tourism, Major Events, Small Business and the Commonwealth Games, who is responsible for delivering these necessary reforms and negotiations.

The committee report makes a number of criticisms with the process that has led to the introduction of the bill. This event is a community event and should enjoy a high level of community consultation so that the community have some sort of ownership over the event. One source of revenue is the sponsorship of the games which we are discussing today, but it is important not to forget another source of revenue which is selling tickets for the games.

The criticism from the committee that the department 'had not consulted with any outside stakeholders', and this included the Gold Coast Chamber of Commerce, who I would have thought would have been a key stakeholder, is surprising. The department also indicated that it had not sought any advice from the Law Society or other key stakeholders in relation to the jurisdictional issues that I previously mentioned, and I do believe that consulting the Law Society could have aided in this exercise.

Finally, I support recommendations that community and stakeholder engagement strategies are placed front of mind in relation to any further amendments that may be required in relation to this bill. I think we all understand that community and stakeholder engagement will allow the community to develop ownership and pride associated with the Commonwealth Games. I ask the government to take the community on this ride with them, on this journey, which will only see positives both in the short and long term, not just for the Gold Coast but for all of Queensland. The opposition will be supporting this bill. I commend the bill to the House.