

OLYMPIC INSIGNIA PROTECTION AMENDMENT BILL 2001

SECOND READING SPEECH

by

**The Hon Jackie Kelly MP
Minister for Sport and Tourism**

In April this year, the Prime Minister and I jointly released the Government's new sports policy - *Backing Australia's Sporting Ability: A More Active Australia*. This policy initiative was designed to build on Australia's outstanding sports achievements of recent years, not only on the fantastic achievements of the Olympic Games in Sydney but also on our world successes in cricket, rugby, netball, tennis, golf, and the list goes on.

This policy builds on the Olympic Athlete Program, which produced outstanding results at the Sydney 2000 Olympics, with a record haul of 58 medals, including 16 gold. However it goes beyond Olympic sports to assist our best athletes to reach new peaks of excellence by increased support for the athletes of all sports, their coaches, other support staff and those who are involved with competition at the elite level.

This policy also increases the pool of talent from which our future world champions will emerge by encouraging greater participation at the grassroots level. Through the Australian Sports Commission we will be building Active Australia Partnerships with Australian sport and the business sector to deliver new local sporting opportunities, including competitions and events. That means more football, netball, tennis, cricket, swimming, basketball and many other sports to many thousands of Australian families.

The result is a sports policy for *all* Australians, one that supports our elite athletes and also encourages greater community participation in sport, including in rural and regional areas, and especially by young people.

The Government has backed this policy with the necessary funding - we will be injecting an additional \$161.6 million into Australian sport over the next four years, bringing our total commitment to sport to a record level of close to \$550 million. A key aspect of the Government's sports policy is providing incentives for sporting organisations to deliver sporting excellence through self-sustaining, innovative funding arrangements. This is where this Bill fits in.

This Bill amends the *Olympic Insignia Protection Act 1987* to grant the Australian Olympic Committee ongoing protection for the expressions 'Olympic', 'Olympic Games' and 'Olympiad' against unauthorised commercial use for promotional or advertising purposes. These are referred to in this Bill as the 'protected Olympic expressions'.

The overall objective of this Bill is to help the Australian Olympic Committee - the AOC - generate greater levels of sponsorship revenue from the private sector to fund its Olympic programs by licensing the protected Olympic expressions for commercial use in advertising and promotions. This adds to the support given to sports by the Government and allows the Government funding at the elite level to go beyond Olympic sports.

This Bill supports the AOC's special capacity to raise revenue to support the Australian Olympic team's efforts in all future Olympic events. It will help Australia's athletes and support organisations to build on the extraordinary success of the Sydney Games.

The AOC is a unique organisation. It is the body recognised by the International Olympic Committee - the IOC - as the Australian National Olympic Committee. As such, the AOC is responsible for the protection and development of the Olympic Movement in this country, as well as the promotion of its goals and principles. Importantly, as Australia's National Olympic Committee, the AOC has sole responsibility for selecting the members of Australian Olympic teams under the IOC Olympic Charter.

The AOC's fundraising efforts complement the Government's own funding of sport, particularly in the area of elite sport, anti-doping programs and, of course, Olympics participation. This is illustrated by the significant financial support the AOC provides to National Sporting Organisations. Without the AOC's efforts in this regard, it is likely that the call on Government funds to support elite sporting objectives, especially for Olympic Games participation, would be significantly greater than is currently the case.

This Bill will further improve the AOC's fundraising capabilities by providing greater protection against ambush marketing - that marketing practice of associating a business with a high profile event without paying the fee to become an official sponsor. The value of the sponsorship and licensing arrangements the AOC is able to secure is directly influenced by the level of certainty it can provide to prospective sponsors regarding the exclusive nature of these arrangements. This Bill will increase the level of certainty by making it easier for the AOC to take action against unauthorised commercial use of the words 'Olympic', 'Olympic Games' and 'Olympiad'.

The Government is mindful, however, of the need to protect the interests of third parties. We recognise that the words form a part of our common language, and this Bill is not intended to prevent their general use. Also included in the legislation are specific provisions clarifying that use of the Olympic expressions for the purposes of criticism, review and the provision of information will not contravene the amended Olympic Insignia Protection Act.

Moreover, it is clear that in today's sophisticated marketing environment there will be many, many avenues that will enable people to refer to their Olympic involvement in advertising or promotion without actually having to use the protected Olympic expressions. For example, references to the 'Sydney Games', the 'Beijing Games' and the '2000 Games' all clearly refer to the Olympic Games and are not restricted by this legislation. I would also like to stress that the word 'Olympian' is not protected by this legislation and that this is specifically mentioned in the Bill.

The Bill protects the interests of Olympians in that it provides a specific exemption enabling them, or their commercial sponsors, to use the protected Olympic expressions to make factual statements about their Olympic achievements in any promotion or advertising context, provided the statement does not suggest an ongoing sponsorship of the Olympic movement. This would allow Olympians such as Natalie Titcume, a member of our bronze medal winning softball team and pride of the City of Penrith, to pursue commercial sponsors and promote her achievements unencumbered by this Bill.

The Bill also provides a similar exemption for National Sporting Organisations, the Australian Sports Commission, which includes the Australian Institute of Sport, and State and Territory sports institutes and academies. These organisations play a pivotal role in the training and development of our elite athletes and the Government is keen to ensure that they are able to continue their legitimate fundraising and promotional activities. I am pleased to note that the AOC has already concluded a memorandum of understanding with the Sports Commission regarding the use of the protected Olympic expressions to ensure that the objectives of both the Sports Commission and the AOC are maximised.

A further exemption in the Bill relates to coaches, physiotherapists and other non-athlete members of an Olympic team who have assisted an Olympian at an Olympic event. These parties will be able to use the protected Olympic expressions in factual statements about that assistance in the promotion of their own similar services.

It must be noted that this Bill is not intended to affect business opportunities that may arise as a result of an Olympic involvement. Staging the 2000 Olympic Games in Australia has created significant opportunities for Australian business, and the Government is committed to assisting industry in capitalising on these opportunities. As well as the obvious tourism boost, the Olympics have provided other benefits. In my electorate of Lindsay, for example, the impressive Sydney International Regatta Centre will be a lasting legacy for the people of Western Sydney. Located only a couple of kilometres from the centre of Penrith, the Regatta Centre is an integral part of Western Sydney, regularly attracting over 40,000 visitors per month. It recently hosted the 2001 Australian Masters Rowing Championships, which was strongly supported by the people of Lindsay.

A specific exemption will not apply to venues that have hosted an official Olympic event. Generally the purpose of this legislation is not to prevent the use of the protected Olympic expressions in place names or addresses in promotions of commercial activity - as long as that use does not suggest an association with the Olympic movement. This means that Olympic venues can market themselves as they seek to utilise their world class facilities in hosting other events in the post-Olympics environment. However, if venue managements wish to use a protected Olympic expression to suggest an Olympic involvement then, quite rightly, they would need to reach an agreement with the AOC.

Those who have supplied goods or services to a past Olympic Games will be able to use the protected Olympic expressions in factual statements about that supply in promotions of their similar goods or services. This exemption complements other Government initiatives designed to make the most of the positive publicity from the Sydney Games. Of particular note in this regard is Austrade's recently announced *Reflection Sydney 2000 Games* program, which will showcase the companies that helped to stage the Sydney Games.

This is particularly important to me, as the Minister for Sport, in recognition of the Government's *Game Plan 2006-- Sport and Leisure Industry Strategic National Plan*. A key objective of Game Plan is an export target of \$1.3 billion by 2006. Sport and leisure companies will be able to market their intention to bid for supply of their world class goods and services to future Olympic Games - as long as it is clear there is no ongoing sponsorship association with the Olympic movement. I would add that this type of prospective use of the Olympic expressions would also be available to athletes, teams and support organisations.

I would emphasise, however, that the legislation will not override any commercial arrangements or contracts relating to the use of the protected Olympic expressions.

Certain existing legal rights to use the protected Olympic expressions will continue unaffected - this means, for example, that a business name which includes the word 'Olympic' can still trade under that name. This means that businesses like Olympic Locksmiths at Penrith, in my electorate of Lindsay, will be able to continue using their name unaffected by this Bill.

However, if a business name or a trademark or design includes a protected Olympic expression and has a registration date from today onwards, or a company name incorporating a protected Olympic expression was used today or after today in relation to a business, the owner of the registration or company name will need to ensure that its use does not contravene the provisions of this Bill. That is, it must not be used in an advertising or promotion type activity in a manner that would suggest a sponsorship association with the Olympic movement without the AOC's authorisation.

To ensure the smooth implementation of this legislation over the long term, the Government intends to undertake an evaluation of its effectiveness immediately after the 2004 Olympic Games. The review will identify any fine-tuning necessary to ensure that the legislation meets the Government's objectives without impacting on the legitimate rights of third parties.

The attainment of sporting excellence is a national priority. This is well illustrated by the Australian public's response to the Sydney Olympic Games. The Government is committed to a sports policy that continues to deliver the kind of world class sporting performances that we are becoming used to seeing from our elite athletes. The AOC, because of its special association with the preparation of Olympic athletes and the administration of Olympic related competition in this country, is a major contributor to the achievements of Australian sportsmen and women. The measures included in this Bill will help ensure that Australia's current high status as an Olympic competitor is enhanced and that Australia's position as a supporter of the world Olympic Movement is also protected and extended.

This Bill strikes the right balance between ensuring the AOC is able to support Australia's Olympic efforts and enabling our Olympic athletes, teams, support organisations and other sporting interests to attract valuable sponsorships to further the development of sport in Australia.