The Bill will amend the provisions of the Superannuation Act 1976 in relation to invalidity pensions payable under that Act and the Superannuation Act 1922 to persons who have not attained 65 years of age. It will require them to provide information to the Commissioner for Superannuation regarding any employment in which they are, or intend to be, engaged during the year. Invalidity pensions payable to such persons will be reduced on a dollar for dollar basis where the aggregate amount of the pension and income from personal exertion exceeds a prescribed limit. In setting that limit the Government will have regard to the position of persons in receipt of low pensions.

Provision is also made for invalidity pensions payable to persons who have not attained age 65 to be cancelled where that pension has been suspended for 12 months because the person failed to provide information on employment or failed to comply with a request to attend a medical examination which would establish whether or not he or she had been restored to health. The Bill provides that a person who became entitled to an invalidity pension on or after attaining his or her minimum retiring age—generally age 55—will have the option to forgo that pension and receive instead the age or early retirement pension which would have been payable if, at the date the person retired on invalidity grounds, he or she had retired on age grounds.

Taken together the new provisions concerning invalidity pension are expected to result in net savings of between $4.2m per annum and $7m per annum, depending on the level of the prescribed limit above which pension reductions will apply. Minimal offsetting costs and savings will result from other measures contained in the Bill, which I will now outline.

Consistent with changes in employment practices since the current Commonwealth scheme was introduced in 1976, the provisions concerning the preservation of superannuation rights are to be changed to enable persons to whom deferred benefits apply under the scheme to have access to those benefits on or after attaining the minimum retiring age—generally 55—that would have applied to them had they not ceased to be contributors. Under the existing provisions, such benefits become payable on or after a person attains age 60. Deferred benefits paid before age 60 will be payable at a reduced rate. The Bill provides for certain regulations under the Superannuation Act 1976 to be made with retrospective effect to enable those regulations to operate as originally intended. These provisions would be purely beneficial in nature and would extend intended rights to persons in certain situations that are presently not provided for in the legislation. In response to a recommendation made by the Auditor-General the Bill adds to the existing auditing provisions contained in the Superannuation Act 1976 so that the Superannuation Fund Investment Trust will be subject to standard auditing provisions applicable to the generality of statutory authorities.

Other provisions contained in the Bill may broadly be described as 'housekeeping' changes which have been identified in the 10 years since the current scheme was introduced. These are intended to ensure that the provisions operate in the manner originally intended, to clarify certain provisions and to improve the administration of the scheme. Detailed explanations of each new provision are contained in the explanatory memorandum. Passage of this Bill will complete a major overhaul of legislation relating to the Commonwealth Superannuation Scheme. It will place the scheme on a more efficient footing enabling it to operate in an equitable and economic manner which has due regard for the legitimate concerns of contributors and taxpayers alike. I commend the Bill to the House and present the explanatory memorandum to the Bill.

Debate (on motion by **Mr Tim Fischer**) adjourned.

OLYMPIC INSIGNIA PROTECTION BILL 1986

Bill presented by **Mr John Brown**, and read a first time.

Second Reading

Mr JOHN BROWN (Parramatta—Minister for Sport, Recreation and Tourism) (5.06)—I move:

That the Bill be now read a second time.

Purpose of the Bill

The purpose of this Bill is to protect the Olympic insignia—that is, the five interlocking rings and the other designs of the Australian Olympic Federation from use by persons not connected with the Olympic movement. The Bill also provides that these insignia shall not be registered under the Designs Act 1906. The Bill invests the Australian Olympic Federation with a monopoly in the insignia and provides that the insignia are not to be used in trade or commerce unless a licence for such use has been granted by the Federation.

Background

The Australian Olympic Federation is established under the charter of the International Olympic Committee—the IOC—in Australia. It is the responsibility of the Federation to promote the Olympic principles in Australia and to co-ordinate the massive effort required to ensure that Australia is effectively represented every four years at both the summer and winter Olympic Games by the best possible team of sports men and women in the country.

It is a task that the Australian Olympic Federation has undertaken for 90 years involving the attendance of Australian teams at every one of the 23 Olympiads. This great distinction is shared by only two other countries, Greece and Great Britain. I would like to point out that this has been achieved despite the horrendous pressure from the previous Government on the Federation and the athletes selected to represent Australia to boycott the 1980 Moscow Olympic Games. Has the previous Government been successful in its endeavours this great distinction would have been lost. Who, in this place, now remembers the nations that did not attend the Moscow Games? Who remembers the nations that boycotted the Los Angeles Games in retaliation, four years later?

The Federation's responsibility has, of course, increased greatly over the period of the modern Olympiads. The size of teams that the Federation has had to prepare has increased greatly. For example, in 1948 in London, Australia was represented by 88 athletes and officials whereas in 1984 in Los Angeles Australia was represented by 335 athletes and officials—a four-fold increase. The performance of Australians at the Olympics has been quite outstanding given the country's size and resources—right from the first modern Olympiad in 1896 when Edwin Flack won two gold medals, through to the champions in 1984, Glynnis Nunn, John Seiben, Dean Lukin and the team pursuit cyclists, Michael Grenda, Kevin Nicholls, Michael Turtur and Dean Woods.

The environment within which the Australian Olympic Federation has to set about its responsibilities has also changed dramatically over the years. The world of sport has become tougher and more competitive. The margin between success and failure is constantly shrinking with the pressures to improve and to win being greater than ever. It is the Federation's task to respond to these pressures in a way which strikes and sustains a balance between the desire to succeed and the no less important values and principles for which sport is rightly renowned. Indeed, it might be said that this is the challenge to Australian sport in 1986 and the years beyond. The Federal Government has been playing its part. We have taken up the challenge to offer more effective support to the sports community as it strives to realise its own high ambitions. Government funding to sport over the past three years has increased substantially.

This Government recognises the important contribution that the Australian Olympic Federation makes to Australian sport. The Federation has on its Board leading persons from all walks of life who are deeply committed to the furthering of all sport in Australia as well as the Olympic sports. The President, Kevan Gosper, is the managing director of the Shell Group of Companies. Phil Coles, a great Australian sportsman, is the Secretary-General. Mr Gosper and Mr Coles are also the Australian representatives on the International Olympic Committee and Mr Gosper only last week was elected to the IOC Executive. These two have taken over from Syd Grange and Judy Patching, who retired at the end of last year, and both of whom, on behalf of the Australian Government and all sports lovers, I would like to thank for their tireless and total commitment over the years in promoting Australia and the Olympic movement. I am sure that Kevan Gosper and Phil Coles will emulate their efforts and ensure the attainment of the Olympic ideals in Australia. Judy Patching is of course continuing his great effort for sport as the Secretary-General of the Oceania Olympic Committee. The Olympic movement is respected world wide and makes an important contribution to the spread of good will and better understanding amongst all nations. It thereby contributes greatly to world harmony and it is fitting that this contribution is recognised, especially in this year of world peace. Anybody who has been to an Olympic Games, and particularly those who have had the pleasure of seeing a closing ceremony, can hardly help but be impressed with the extraordinary show of affection and understanding between athletes of differing political persuasions, colours and creeds as they all join together in this marvellous communion of love for sport. It is my own belief that in many ways the Olympic Games are the greatest vehicle for peace, understanding and harmony in the world.

The Government supports the Federation's endeavours wholeheartedly. It makes a substantial financial contribution to the Federation and considers it to be a blue chip investment in Australia's sporting future. For the 1984 Games

the Government provided $1.4m towards the preparation of the Olympic team. This compares with $40,000 provided for the 1960 Rome Games. The total cost of preparing the Australian team for the 1984 Games was $5m and the Australian Olympic Federation was responsible for raising the balance of these funds. It did so through a range of marketing programs which involved the use of its various insignia. I note in passing that there was some criticism of the Government for providing in 1984 $1.4m of public funds to the Olympic Games team. I can remember suggesting at the time to a critic that the contribution was 10c per head of population for four years, which is 2½c per head of population per year—a pretty small charge to be levied on the public considering the enormous pride we felt from the involvement and certainly the success of our athletes at the 1984 Games.

With the escalating cost of participating in Olympic Games the Australian Olympic Federation must ensure a continuing flow of funds. To do this it has embarked on a major marketing program based on the licensing and franchising of the Olympic insignia. This campaign has proved very successful, with exclusive rights being granted to some 66 products of major international and national companies. This campaign will provide an ongoing and major source of funds and will help to ensure that Australia is represented in a fitting and proper way.

It may be seen as a measure of the success of the Australian Olympic Federation's marketing program that it has encountered problems with unscrupulous person whose use of the Olympic insignia suggests, deceptively, to the public that they, or their products, are associated with and help fund the Olympic movement. Given the Government's support for the Australian Olympic Federation, and the Federation's responsible efforts to ensure its own financial independence, such unauthorised and deceptive use must be prevented. The Government has decided that, as with the 'Advance Australia' logo and the bicentennial logo, legislation is necessary to aid in securing the rights of the Federation to its insignia and to prevent them from being used in a deceptive manner. It will also ensure that, if they are used deceptively the federation has a speedy and simple mechanism available to curtail such conduct. This is the purpose of this Bill. The ability to ensure exclusivity of use is also a matter of critical importance for the Federation when negotiating the best terms for its licensing agreements.

I add that this protection is not without precedent in Australia. Prior to the 1956 Games held in Melbourne the government of the day brought in legislation prescribing the Olympic Rings, the Olympic Motto and the words 'Olympic Champion' as prohibited trade marks. That is, they could not be registered under the Trade Marks Act 1955. That, however, does not prevent persons using them as unregistered marks and in these commercial times, when sponsorship plays such an important role, greater protection is required.

This certainly would have been the case with Brisbane had its bid for the 1992 Olympic Games been successful. Regrettably, it was not. Nevertheless, The Brisbane City Council and in particular the Lord Mayor, Alderman Sallyanne Atkinson, together with the Olympic Project Office under the control of John Coates, must be commended for their tremendous endeavours to win the Games for Australia. They showed real confidence in the ability of Brisbane and Australia to take on such a mammoth task. They were also well aware of the really significant benefits through tourism and increased employment which major sporting events such as the Olympics bring to both the national and local economies.

I note in passing that being a part of that Brisbane bid was one of the more enjoyable experiences of my life. I was a very proud Australian to stand before the Olympic Committee in Lausanne and be a small part of that effort, across the political borders of the State Government in Queensland, the Commonwealth Government in Canberra and the Brisbane City Council, all of differing political colours, together with enourmous amount of support from a whole range of private and public companies and seven of our former Olympic champions—Michael Wendon, Michelle Ford, Bill Hoffmann from the 1956 Games, John Konrads, Herb Elliott, Kevan Gosper and Phillip Coles—to present, on behalf of Brisbane and Australia, a very convincing case. I say without prejudice that the Brisbane bid was certainly the best. The only thing that defeated us was the politics of the International Olympic Committee. It decided that the Games should go back to Europe, and unfortunately that was the case. It certainly was a very proud moment for me. Anybody who has an opportunity to see the video that was put together by Brisbane for that bid, featuring a choir of Australian kids, would I am sure be very proud and would understand what a good case we put for Australia on the international market. It is a pity that there are critics of that bid. I have

noticed in recent days some criticism in the Press that had the Games been secured for Brisbane they would have been a financial disaster. I can assure the critics that that would not have been the case. The economic study that was done for the Brisbane Games was very convincing and very positive. There is no possibility that the Games could not have succeeded, despite criticism to the contrary. The time slot for television coverage in the United States of America would have been absolutely perfect. Finals run in the morning in Brisbane would have been shown on television in the United States at peak viewing time, and the United States is where the big TV money is. Australia was better placed than any country to guarantee the security, the safety and the peace of every visiting athelete and every visitor to the Games. It is a pity that the great Australian sport of knocking always takes over when Australia attempts to do something great.

Major Features of the Bill

The Bill provides that the Australian Olympic Federation has a monopoly in design in Australia with respect to the Olympic rings, thus ensuring its rights to use the rings in relation to any article. The Bill also provides that the Australian Olypic Federation has ownership of the copyright in the Olympic rings. These provisions will not, of course, impede the fair use of the rings for the purposes of disseminating information on the Olympic movement or its activities by the media.

The Bill makes provision for the Australian Olympic Federation to grant licences to use the insignia in return for a payment or other consideration. The Australian Olympic Federation is a voluntary organisation whose purpose is to promote Olympic sport in Australia. The Bill provides speedy and effective mechanisms to ensure the Australian Olympic Federation is not in a situation where it must devote scarce resources, through common law actions, to protect its rights. The Australian Olympic Federation, or the holder of a licence in relation to the insignia whose interests are affected, may bring action against an unauthoristed user of the insignia. The remedies available to the Federation include injunctions, damages and accounts of profits.

It is recognised that some persons use the Olympic rings in conjunction with their goods and have done so for a considerable period. These persons have never held themselves out as being connected with the Olympic movement and do not increase their activity in Olympic years when the Australian Olympic Federation's fund raising campaign is at its peak. The rights of these persons to use the insignia are recognised and the Bill expressly preserves existing property rights in the insignia.

The Australian Olympic Federation does not restrict its campaign to the Olympic rings. The Federation has developed a range of logos for which it grants licences. Honourable members would be familiar with Willy the koala. I have it on good authority that Willy, unlike some of his cousins, is very well behaved in public!. In addition to Willy, these logos include the Olympic rings and boomerangs and the Olympic rings and kangaroo.

The Bill has provision for these logos to be registered as Olympic designs. Registration provides similar protection to that provided for the use of the Olympic rings. It also provides similar remedies for their unauthorised use. As these designs may change over time, registration for each logo will be for a period of 12 years, after which registration may be renewed. The maximum number of designs that may be registered at any one time will be restricted to 10. This will ensure that when the Australian Olympic Federation no longer has a use for a logo it will pass into the public domain. It also minimises the administrative costs associated with the process of registration.

In terms of financial impact I would like to assure honourable members that the ongoing financial cost to the Government of administering this legislation will be minimal. My own Department will have no on-going administrative costs. The Office of Patents, Trade Marks and Designs will incur costs associated with the registration of Olympic designs. However, given that the Australian Olympic Federation is the only eligible applicant, and that a maximum of 10 designs only will be registered at any one time, the administrative costs will be minimal and, in any case, will be offset by the payment of an appropriate fee for each registration. This fee is currently set at $65. This is the same as the amount charged for design registrations under the Designs Act 1906.

The Government firmly believes that the measures provided for in this Bill will greatly assist the Australian Olympic Federation in ensuring that it is able to field the best possible teams in Seoul and Calgary in 1988 and in subsequent Olympics. It is likely that the increased security of the Olympic designs will improve the Federation's capacity to raise funds from its marketing program and consequently reduce its call on Commonwealth financial as-

sistance. I commend this Bill to the House and table the explanatory memorandum.

Debate (on motion by **Tim Fischer**) adjourned.

NURSING HOMES AND HOSTELS LEGISLATION AMENDMENT BILL 1986

Second Reading

Debate resumed.

Mr WILSON (Sturt) (5.24)—Earlier in the day I began speaking on the Nursing Homes and Hostels Legislation Amendment Bill 1986 and had reached the point where I wanted to focus attention on the position of the patients in nursing homes. In Australia today there is a large number of nursing homes to cater for that group in the population who need nursing home care. In the main they are people who are in excess of 70 years of age. In many nursing homes the population exceed 80 years of age. So they are very old people, people who are frail, people who are very much in the evening of their lives. Some may ask whether they should be supported by their families. We need to recognise that their families, in many instances, are pensioners themselves because they are of the age of 60 or 65 and facing all the difficulties that confront people as they move from income that comes from participation in the work force to the limited income available to many people in our retired community.

The participating nursing homes are privately operated, operated for profit, but they are very much controlled by the Commonwealth Administration. Because of the high cost of providing nursing care, the Commonwealth over the years has provided support to patients in nursing homes. At present it costs, in round figures, $400 a week to maintain a patient in a nursing home. The practice of the Commonwealth has been to adjust the nursing home benefit to take account of rising nursing home costs. As the Minister for Social Security (Mr Howe) pointed out in his second reading speech, over the last 10 or so years the rate of increase in nursing home costs has far outstripped the ordinary consumer price index increase. Wages in nursing homes—and sometimes the standards of nursing home care—have been set higher by State governments, and therefore the costs have increased at a very rapid rate. Had there not been Commonwealth income-type support for the patients in nursing homes, many people would not have been able to afford to enter those nursing homes.

The practice has been for the Commonwealth each November to set the level of nursing home benefits applicable to each State at a level that would ensure that, within each State, 70 per cent of the beds in participating nursing homes would be available to pensioners who had no other income. The formula applied was to set a standard fee that the patient would have to pay. It was set at 87.5 per cent of the pension plus the rent allowance, the belief being—it was a proper belief—that anyone, even a nursing home patient, should be left with some discretionary income to purchase the necessary personal requisites one needs, even if one is a patient in a nursing home.

Over the years, pension adjustments have been made in November and sometimes they have been made in May and November, but now we are changing the dates for that. As a result of those adjustments the patients have had to pay an increased amount so that they continue to pay 87.5 per cent of their pension. More significantly, the problem has arisen that during the year the costs of operating nursing homes have varied. Homes have made application to the Government fee fixing bodies and have been allowed to increase their fees, so that, after a 12 month period, instead of there being 70 per cent of the nursing home beds available at a figure that pensioners could afford the percentage so available would be substantially reduced.

The Opposition is suggesting that the whole question should be examined to ensure that fee increases, pension increases and benefit increases are synchronised in a way that provides to the patients of nursing homes the ability to predict the sort of liability that will confront them. That would be easy if that were true in all parts of Australia, but unfortunately that is not so. The Government has frozen the amount of the nursing home benefits paid to certain States, notably the States of South Australia and Victoria. True though it may be that the fees payable in Victoria and South Australia are higher because the State governments have set higher standards of nursing care, and sometimes higher standards of accommodation, the Government has utterly failed the patients in nursing homes because it has failed to negotiate with the State governments to ensure that the State governments either relax their requirements and their conditions or, alternatively, put in the money to enable the patients in nursing homes to afford to pay the fees.

In South Australia nursing home fees have gone up by 10 per cent but the bill received by patients in nursing homes has gone up by 40 per cent because in the past the Commonwealth was paying three-quarters of the increased costs and