

# Commonwealth Games Arrangements Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 31

made under the

*Commonwealth Games Arrangements Act 2011*

## General Outline

### Short title

*Commonwealth Games Arrangements Regulation (No. 1) 2016*

### Authorising law

Section 80 of the *Commonwealth Games Arrangements Act 2011*

### Policy objectives and the reasons for them

The *Commonwealth Games Arrangements Act 2011* (the Act) prohibits the unauthorised use of certain images and references for commercial or promotional purposes, and prohibits conduct falsely inferring an association with the Gold Coast 2018 Commonwealth Games.

The *Commonwealth Games Arrangements Regulation 2013* (the Regulation) brings a number of Games references and images under the protection of the Act. They require the enhanced remedies provided in the Act to enable speedy and cost-effective enforcement, particularly close to and during the Games when existing Australian intellectual property laws will not be sufficient.

The *Commonwealth Games Arrangements Amendment Regulation (No. 1) 2016* (the Amendment Regulation) amends the Regulation to include the name and image of the Commonwealth Games mascot as a protected image and a protected reference for the Gold Coast 2018 Commonwealth Games.

A nation-wide competition to find a mascot for the Gold Coast 2018 Commonwealth Games was held in 2015. The mascot will be the personality for the Games, and will have a very high association with the Games. It will welcome 6,500 athletes and officials, and also thousands of international visitors to the Gold Coast for the Games.

The policy objective of this Amendment Regulation is to protect the Commonwealth Games mascot under the Act.

## **Achievement of policy objectives**

The policy objective will be achieved by including the name and image of the Games mascot as protected Games images and references in Schedules 3 and 4 of the Regulation.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the authorising law, as described above.

## **Inconsistency with policy objectives of other legislation**

There is no inconsistency with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The costs of implementing the Amendment Regulation are negligible.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

The Amendment Regulation strengthens existing frameworks to protect the Games mascot intellectual property. The Games mascot will also be protected by existing Australian intellectual property law, so the Amendment Regulation does not prohibit anything for which there is not already a legal remedy for intellectual property breaches.

By protecting the Games mascot under the Act, the Amendment Regulation will provide streamlined remedies for enforcement of the Games mascot intellectual property rights. The rationale for doing so is the large number of breaches that occur around major sporting events such as the Commonwealth Games, and the need to make timely enforcement realistically achievable for Games organisers.

## **Consultation**

Consultation occurred with the Gold Coast 2018 Commonwealth Games Corporation and the Queensland Productivity Commission. The Queensland Productivity Commission has advised a Regulatory Impact Statement is not required for the proposed Amendment Regulation, as it is of a machinery nature.

At the time the Amendment Regulation was being prepared, the Commonwealth Games mascot had not been released publicly.

All parties consulted support the Amendment Regulation.