

**INTERDEPARTMENTAL COMMITTEE
(IDC) ASSESSMENT FRAMEWORK**

**FOR REQUESTS TO PROTECT
INDICIA**

May 2009

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INDICIA PROTECTION FRAMEWORK

1. INTRODUCTION

1.1 Background

This framework provides a mechanism by which requests from sporting associations and sporting event organisers for indicia and images protection might be assessed.

Requests for indicia and images protection that have been received to date suggest that existing intellectual property and competition legislation may not provide adequate mechanisms for the protection of indicia in particular cases, and that in certain circumstances, greater or more specific indicia protection may be desirable to prevent incidents of ambush marketing which can adversely affect an organisation's ability to raise revenue.

1.2 Objectives

The objectives of the framework are:

- To support the Government in assessing requests for indicia protection by providing guidance as to what non-legislative and legislative mechanisms are available and what assistance could be provided that balances the interests of sporting associations and sporting event organisers against the broader public interest and the interests of affected third parties; and
- To create an environment in which sporting associations / sporting event organisers can operate with more confidence in raising funds, for example, by licensing the use of indicia and images to attract sponsors.

1.3 Key Stakeholders

The Inter-Departmental Committee (IDC) to review requests for indicia protection will include the following agencies:

- The Department of Health and Ageing (DoHA);
- IP Australia;
- The Treasury;
- The Australian Customs Service (Customs);
- The Department of Innovation, Industry, Science and Research (DIISR)
- The Attorney-General's Department (AGs); and
- The Department of Prime Minister and Cabinet (PM&C).

1.4 Scope

Requests for indicia protection received will be assessed against the framework on a case by case basis.

Requests may come from sporting associations / sporting event organisers, including (but not limited to):

- Peak Australian sporting organisations (such as Surf Life Saving Australia);
- Australian organisers of international pre-eminent events (such as organisers of the Olympics, Paralympics, Commonwealth Games or other major multi-sport or single sport events);
- Not-for-profit organisations as well as commercial entities; and
- Internationally based organisations or international organisers of sporting events.

2. PROCEDURAL MATTERS

2.1. Process for Submission and Progression of Requests

Requests for assessment under the framework from sporting associations and sporting event organisers (as outlined above) seeking assistance with indicia protection issues, will be directed to the Minister for Sport.

The Minister will then forward requests to DoHA. DoHA will be responsible for convening and chairing IDC meetings to consider the requests. The IDC will comprise of representatives from relevant agencies.

The IDC will take into consideration a number of issues (see item 2.2) in making its assessment.

Upon reaching an agreement as to the outcome of the assessment of the request, including a recommended way forward under the framework, a submission will be made by DoHA to the Minister for Sport for approval. The submission will include any mechanisms available under the framework to address indicia protection issues (see item 3.1 and/or 3.2).

In the case that the IDC considers that the requestor has made out a *prima facie* case for the enactment of additional special indicia legislation, a submission will be made by DoHA and IP Australia seeking the approval of both the Minister for Sport and the Minister for Innovation, Industry, Science and Research.

The Minister for Sport will advise the organisation of the outcome of the request, and provide advice on the contact officer in DoHA with responsibility for handling the request and any next steps.

In the event that agreement cannot be reached in the IDC forum a resolution will be pursued in accordance with standard procedure.

2.2. Process for Assessment of Requests

Assessment of requests will take into consideration key issues, including:

- The specific concerns of the sporting association / sporting event organiser with regard to the existing protection of its indicia and images and problems encountered or anticipated in enforcing that protection;
- Efforts taken by the sporting association or event organiser to raise awareness of its protected indicia and images;
- The expected remedy the sporting association / sporting event organiser is seeking from the Government together with supporting reasoning;
- Whether the sporting association / sporting event organiser is a pre-eminent body;
- The existing intellectual property strategy the sporting association / sporting event organiser has in place and the steps taken to protect or enforce those intellectual property rights; and
- The magnitude of the harm the sporting association / sporting event organiser has suffered (or anticipates suffering) unless the Government intervenes in some way, including:
 - threats to the integrity of the association / event organiser as a consequence of ambush marketing and its ability to attract future sponsors; and
 - threats to the association / event organiser in terms of the potential erosion of their revenue base through lack of sponsorship fees.

The IDC will then consider a full range of mechanisms that may be available to the requesting party (as outlined at item 3).

The outcomes of the assessment process may include the following options for recommendation:

1. That the Government take no further action;
2. That an option not involving Commonwealth legislation (as outlined in section 3.1 below), or use of existing legislative options (as outlined in item 3.2 below), is appropriate in order to secure the interests of the sporting association or event organiser;
3. That the Government consider implementing special indicia protection legislation to protect the interests of the sporting associations / sporting event organisers.

Generally, the process for assessment of requests under the framework will follow the steps outlined below:

(a) Initial Assessment

The IDC will work with sporting associations / sporting event organisers to determine the relevant mechanisms to pursue. In the first instance, the full range of non-legislative measures will be explored. The IDC will meet to consider the request and the full range of available mechanisms (see item 3), and will make an appropriate recommendation to Government.

At this initial assessment stage, the IDC will only consider whether the requestor has established a *prima facie* case for assistance with its indicia protection. In reaching its assessment, the IDC may find it necessary to consult further with the requestor in order to gather additional information relevant to its consideration. This further consultation would be carried out by DoHA on behalf of the IDC members. IDC members will not engage in a process of public consultation with additional stakeholders at this stage.

(b) Assessment for requests for Special Indicia Protection legislation

If special indicia protection legislation was sought by the requestor, the IDC will consider whether it had made out a *prima facie* case for that special legislation. Additional consultation with the requestor might be appropriate in assessing this.

In assessing use of this measure, consideration will be given to the Government's principles of good regulatory process, particularly the first principle (see Attachment A). Consideration will also be given to the comment in paragraph 1.4 of *The Legislation Handbook* that "Legislation should not be proposed simply to give a matter "visibility". The limited drafting resources of the Office of Parliamentary Counsel (OPC) and the time available for government business in Parliament must be used for proposals which cannot proceed without legislation".

As a general principle, the present legislative environment (detailed in item 3.2 of this framework) provides a level of protection for indicia and images which is expected to provide an adequate balance between protecting the interests of sporting associations / sporting event organisers and the interests of other affected parties. The IDC may recommend that the use of existing legislative options (as outlined in item 3.2 below), is appropriate in order to secure the interests of the sporting associations / sporting event organisers.

Under the framework, it is highly unlikely that the IDC will recommend that special indicia protection legislation is appropriate for sporting associations / sporting event organisers unless they were pre-eminent peak organisations or organisers and a *prima facie* case was made.

If the organisation is a pre-eminent or peak sporting association / sporting event organiser requesting special legislation, then the IDC will consider if they sufficiently demonstrate a need for additional legislative protection.

Where new special indicia protection legislation is sought by a sporting association / sporting event organiser, then there is an onus on that sporting association / sporting event organiser to demonstrate a need for this legislation. Factors that could appropriately be addressed could include:

- Why they considered additional legislation would address their specific concerns;
- What other methods they have tried;
- Why the use of existing measures have had little effect; and
- Why other measures would not be as effective as special indicia protection legislation.

This would require a sporting association / sporting event organiser to:

- Outline the strategies they have in place to enforce rights under existing intellectual property and other legislation;
- Identify areas where the rights available under this legislation do not adequately protect their or their sponsors' interests, for example, if they do not provide adequate protection against ambush marketing; and
- Demonstrate why special legislative protection may be appropriate and the need for the additional legislation, for example, by providing evidence of the scale of harm resulting from ambush marketing and how special legislation would address ambush marketing concerns and be enforced.

If a sporting association / sporting event organiser can establish such factors, the IDC will recommend to the Minister for Sports, and the Minister for Innovation, Industry, Science and Research the consideration of enactment of special indicia protection legislation, and would nominate a lead agency to progress the development of that legislation. Upon receiving approval from the Ministers, the nominated lead agency would commence the process of legislative and policy development, including wide-ranging public consultation on the potential impacts of that legislation.

3. MECHANISMS TO BE CONSIDERED UNDER THE FRAMEWORK

The mechanisms available under the framework to address indicia protection issues include:

- Measures that do not involve Commonwealth legislation, including education campaigns and awareness raising (eg. of common law rights), pro bono legal assistance, alternate sources of funding, and potential support from State and Territory agencies;
- Making use of existing general intellectual property and competition legislation;
- Existing special indicia protection legislation; and
- Special indicia protection legislation.

3.1. Measures that do not involve Commonwealth legislation

Measures that do not involve Commonwealth legislation considered under the framework include:

(a) Education campaign/s to raise awareness of indicia issues and the need to obtain a licence for some indicia use, including the existence of common law rights.

The common law tort of passing off protects the proprietary right in the goodwill built up by the use of a trade mark, whether registered or not. It protects the business of one trader including its assets, goodwill and reputation and prevents others from gaining a commercial advantage through wrongfully taking the attributes of another's business if it causes, or is likely to cause, damage to that other person's business.

Establishing this cause of action requires (a) the subsistence of some reputation or goodwill on the part of the plaintiff; (b) deceptive conduct on the part of the defendant; and (c) the existence or threat of damage to the plaintiff as a result of that conduct. Passing off has been used in cases of image stealing, promotional merchandise and sponsorship arrangements.

(b) Providing contacts for not-for-profit proponents to seek pro bono legal advice (to assist an organisation to enforce and protect its common law and IP rights), (see Appendix 1 for list of contacts);

(c) Providing information on funding available from alternative sources, for parties who are seeking indicia protection to maintain or improve funding revenue (see Appendix 2); and

(d) Encouraging proponents to seek support from relevant State and Territory governments, about alternative methods to protect their commercial interests and to secure the adequate indicia and images protection. This could include seeking additional State and Territory ambush marketing legislation.

3.2. Making use of existing general intellectual property and competition legislation

In addition to common law protection, there is a range of Commonwealth legislation in place that provides a considerable degree of protection to sporting associations / sporting event organisers. These legislative measures strike a balance between the interests of parties that benefit directly from the legislation, the interests of other parties affected by the legislation, and the public interest.

(a) Intellectual property legislation

- *Trade Marks Act 1995*

Under the Trade Marks Act, the registered owner of a registered trade mark has the exclusive right to use, or to authorise others to use, that trade mark for the goods or services for which the trade mark is registered.

The Trade Marks Act defines a trade mark as a sign that is used or intended to be used to distinguish goods or services dealt with or provided in the course of trade by a person from the goods or services dealt with or provided by another. A trade mark can be a word, phrase, letter, number, sound, smell, shape, logo, picture, aspect of packaging or a combination of these. It is used to distinguish the goods and services of one trader from those of another.

To register a trade mark, an application must be made to IP Australia, a Commonwealth agency. The application is then assessed for compliance with provisions of the Trade Marks Act. In order to be registered, a trade mark must be capable of distinguishing the applicant's goods or services, and not be scandalous, likely to deceive or cause confusion, not be identical or deceptively similar to another mark, and its use must not be contrary to law.

Certain trade marks cannot be registered, for example, trade marks including representations of the Arms, a flag or seal of the Commonwealth or of a State or Territory, and signs the use of which is contrary to law, for example the word 'Anzac'. These signs are prescribed in the *Trade Marks Regulations 1995*.

Once a trade mark has been registered, provisions within the Trade Marks Act allow the owner to lodge a Notice of Objection to importation with Australian Customs. In general terms, such a Notice of Objection enables Customs to seize and deal with

imported goods that infringe, or appear to infringe, the notified registered trade marks, while the trade mark owner pursues legal action.

- *Designs Act 2003*

The Designs Act gives the registered owner of a registered design a series of exclusive rights in relation to that design over products for which the design is registered.

A design relates to the overall appearance of a product. The visual features that form the design include the shape, configuration, pattern and ornamentation which, when applied to the product, give the product a unique appearance. A registered design protects the visual appearance of a product, but does not protect the feel of the product or the way it functions.

In order to be registered, a design must be new and distinctive. A design is distinctive unless it is substantially similar in overall appearance to other designs already in the public domain. To register a design, an application must be made to IP Australia, a Commonwealth agency. The application is then assessed for compliance with provisions of the Designs Act.

Certain designs cannot be registered under the Designs Act, including designs that are protected under the *Olympic Insignia Protection Act 1987*, and certain designs relating to integrated circuits, for medals, relating to the word 'Anzac', for currency, for flags, Arms etc., and designs that are scandalous. These designs are proscribed in the *Designs Regulations 2004*.

- *Copyright Act 1968*

The Copyright Act may only afford limited indicia protection. Copyright protection is not dependent on the act of registration, unlike trade marks and designs. Copyright arises automatically once a work or other subject matter has been reduced to a material form (which may include electronic storage) by a 'qualified person', ie. an Australian national or resident or a foreign national or resident who is protected by virtue of our international arrangements.

It is possible that logos and insignia may be protected as 'original artistic works', even though they may be quite simplified. However it may be more difficult to claim copyright protection for three-dimensional objects such as mascots or dolls, unless they can be regarded as 'sculptures' or 'works of artistic craftsmanship'. It is also unlikely that there will be copyright protection as original literary works for single words or short phrases.

Provisions within the Copyright Act allow the owner of copyright material to lodge a Notice of Objection to importation with Australian Customs. In general terms, such a Notice of Objection enables Customs to seize and deal with imported goods that infringe, or appear to infringe, the notified copyright material, while the trade mark owner pursues legal action.

(b) Trade practices legislation

- *Trade Practices Act 1974*

Sections 52 and 53 of the *Trade Practices Act 1974* (TPA) prohibit the usage of words, signs or conduct, in trade or commerce, which falsely, or in a way which is misleading, suggests that a person or product has sponsorship, endorsement or approval.

States and Territories also have similar fair trading legislation.

Jurisdiction

The provisions of the TPA described below apply to corporations engaged in trade or commerce. Application of the TPA is restricted to corporations, and to businesses operating across state borders, by virtue of the Constitution. State and territory legislation is not similarly restricted.

All fair trading legislation applies to conduct ‘in trade or commerce’. This concept encompasses all the negotiation, bargaining, agreement, transport, delivery and other activities associated with commercial arrangements. Any misuse of sporting indicia for the purpose of commercial gain is very likely to fall within the definition of ‘trade or commerce’.

The application of specific provisions, as discussed below would depend largely on the facts of each particular case.

Section 52

Section 52 of the TPA is a broad prohibition which prohibits conduct that is misleading or deceptive, or likely to mislead or deceive. Section 52 does not require any positive act, and in certain circumstances can apply to acts of silence or omission. Importantly, section 52 is broader than other provisions, such as those under section 53, because it does not require any specific ‘representation’.

For example, section 52 has been given a sufficiently wide interpretation to include actions in ‘passing off’. To succeed in an action under section 52, the conduct must be shown to be likely to mislead or deceive members of the public in their capacity as consumers.

Under the common law, an action in ‘passing off’ was brought when a business, through use of particular, descriptions, packaging or otherwise, sought to ‘pass off’ their goods as those of the trader. It required that the trader’s product was ‘deceptively similar’ to that of another trader. Situations involving ‘ambush marketing’ would be unlikely to found such an action.

However, depending on the circumstances of the case, it is possible that if a business engaged in conduct that created in the mind of the consumer some association between their goods and those of some other business or event, when in fact no such association exists, this may give rise to an action under section 52.

Section 53

Section 53 of the TPA prohibits certain false or misleading representations. Of particular relevance are sections 53 (c) and (d), which provide that:

‘A corporation shall not, in trade or commerce, in connexion with the supply or possible supply of goods or services or in connexion with the promotion by any means of the supply or use of goods or services:

(c) represent that the goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have; and

(d) represent that the corporation has a sponsorship, approval or affiliation it does not have;’

Section 53 generally requires some positive representation or statement; however it is possible, in some circumstances, for a representation to be implied from words or conduct.

In regards to ‘ambush marketing’, there may be difficulties in applying this section, in particular attempting to specify with sufficient precision the representation that was being made.

Competition provisions

Part IV of the TPA contains provisions regulating restrictive trade practices. These provisions are designed to foster healthy competition in Australian markets, and some of them are particularly relevant to sporting associations and events in counteracting ‘ambush marketing’.

For example, section 45 of the TPA regulates contracts, arrangements or understandings that affect competition, including such arrangements as primary and secondary boycotts.

- Primary boycotts occur if two or more suppliers collude and refuse to supply another business.
- Secondary boycotts occur when two or more people hinder or prevent another party from dealing with a business.

Another example is the prohibition on third line forcing in subsections 47(6) and (7). Third line forcing occurs where a corporation supplies goods or services on the condition that the consumer also acquires another supplier’s goods or services.

Both these sections help create the necessary competitive conditions for markets to operate openly and effectively.

However, it may be that a strategy such as a boycott or third line forcing would assist a sporting event or association in protecting its indicia. For example, a

sporting event which allows its indicia to be used by one shoe manufacturer might wish to prevent other businesses associated with the event from dealing with another shoe manufacturer.

The TPA does contain notification and authorisation processes whereby the Australian Competition and Consumer Commission may approve what would otherwise be anti-competitive breaches of the law. For example, subsection 88(7) provides for the authorisation of boycotts on public interest grounds. These options may be effective alternatives for sporting organisations to protect their indicia without requiring the development of special indicia protection legislation.

(c) Special Indicia Protection Legislation

There are three instances where the Australian Government has provided a sport organisation / sporting event organiser with specific legislative protection for indicia and images. This legislation was enacted in recognition of the extremely high profile of these events and organisations and the value an association with them can bring to a business.

- The *Olympic Insignia Protection Act 1987* (OIP Act) provides the Australian Olympic Committee with ongoing copyright and design protection for the Olympic rings and various Olympic designs, and with ambush marketing protection for the terms Olympic, Olympics, Olympic Games, Olympiad and Olympiads. The Explanatory Memorandum to the *Olympic Insignia Protection Amendment Bill 2001* states that the OIP Act has enabled the AOC to raise its own funding and be independent of government financial assistance since 1992. The OIP Act also provides for a Notice of Objection to importation to be lodged with Australian Customs to provide protection from infringement at the border;
- The *Sydney 2000 Games (Indicia and Images) Protection Act 1996* provided short-term ambush marketing protection for the Sydney 2000 Olympics and Paralympics, covering a wide range of expressions related to the Games. This Act also provided for a Notice of Objection to importation to be lodged with Australian Customs to provide protection from infringement at the border. This Act ceased on 31 December 2000; and
- The *Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Act 2005* (M2006 Act) provided short-term ambush marketing protection for the 2006 Commonwealth Games. This Act also provided for a Notice of Objection to importation to be lodged with Australian Customs to provide protection from infringement at the border. This Act ceased on 30 June 2006.

In addition, other Commonwealth legislation that protects specific words or insignia includes:

- The *Corporations Act 2001* and the *Corporation Regulations 2001* – a company name cannot be registered if, in the context in which the name is proposed to be used, it suggests a connection with Sir Donald Bradman which does not exist;

- *Scout Association Act 1924* – makes unauthorised use of the expression “Scout Association”, and some insignia associated with the scout association, an offence;
- *Protection of the Word ‘Anzac’ Regulations 1921* – restricts use of the word ‘Anzac’ without the Minister’s consent and requires the Registrars of Trade Marks and Designs to refuse to register trade marks or designs containing the word ‘Anzac’; and
- The *Advance Australia Logo Protection Act 1984* – provides the Advance Australia Company with a monopoly in the copyright and design of the 'Advance Australia' logo.

Some State governments have existing indicia protection legislation and have enacted legislation to protect sporting events and organisers from ambush marketing:

- Victoria has enacted legislation to prevent ambush marketing including banning aerial advertising within the view of 2006 Commonwealth Games venues and the *Australian Grand Prix Act 1994* which makes unauthorised use of grand prix insignia an offence;
- In December 2006, Queensland passed amendments to the *Major Sports Facilities Act 2001* legislation to restrict aerial and other forms of advertising around major sporting facilities;
- The *Olympic Arrangements Act 2000* (NSW), *inter alia*, restricted aerial advertising and advertising on buildings and structures for the duration of the 2000 Sydney Olympic Games; and
- In 2007, the Victorian Government passed legislation outlawing certain aerial ambush advertising – *Major Events (Aerial Advertising) Act 2007*. This legislation makes it an offence to “engage in aerial advertising within eyesight of a protected event, unless appropriate authorisation has been granted.” Protected events include the AFL Grand Final, the Formula One Grand Prix, the Boxing Day Test and the Australian Open Tennis. Other events may “be considered protected events under the legislation through consultation with government”.

The ambush marketing provisions of the OIP Act (Chapter 3 of that Act) and the M2006 Act were reviewed in 2007. The review found that these Acts have generally been effective in achieving their stated aims, and that on balance their impact has been positive, but was not able to determine the extent to which other factors, such as changes in marketing practices and practical anti-ambushing strategies, may also have contributed.

The review also noted that there is a view that these two Acts do not extend legislative protection against ambush marketing. Nevertheless, the review concluded that the Acts have provided greater clarity regarding the existence and scope of organisers’ entitlements, particularly when compared with causes of action under the *Trade Practices Act 1974* (Cth).

The review also flagged that issues of competition and freedom of expression will be important should the Government consider enacting further ambush marketing legislation.

(d) Consideration for Special Legislation – the Protection of National Icons

In some instances the Government has considered that additional legislative protection was inappropriate. For example, following consideration of a report by The Advisory Council on Intellectual Property (ACIP) in December 2002,¹ the Government decided not to introduce a formal system of identifying and protecting the use of national icons.²

The report was in response to approaches made by organisations and individuals requesting special trade mark protection for symbols and identifiers which they believed to be ‘national icons’ (eg. *Waltzing Matilda* and the national anthem *Advance Australia Fair*).

At that time, the Government considered that the existing legislation provided a sufficient range of measures to protect national icons from inappropriate use and that an appropriate balance was provided between the interests of the public and those who owned rights in names or expressions. Iconic status alone was not enough to secure special protection legislation.

3.3 New special indicia protection legislation

The criteria the IDC will use to assess requests for new special indicia protection legislation against are set out in section 2.2(b) of this framework.

In deciding whether to proceed with any legislative change, it is incumbent upon the Government to consider whether the proposed legislation could potentially have a significant impact on business and individuals, or restrict competition. These issues are considered during the preparation of a Regulation Impact Statement (RIS) and could include an assessment of the potential impact on athletes, other sporting bodies and consumers. The Government may also wish to consider the potential impact of proposed special indicia protection legislation on freedom of expression.

It is possible that a measure involving any proposed special indicia protection legislation may comprise of a single Act of Parliament that will set out general principles (eg. that prescribed indicia and images cannot be used for commercial purposes by anyone other than authorised persons) and that regulations made under the Act would prescribe the specific indicia and images, the length of protection offered and a review mechanism. Previous special indicia protection legislation could be used as a guide. This approach will aim at reducing compliance costs were several instances of additional special protection legislation to be found to be appropriate, as there would be consistent obligations relating to the different indicia and images.

¹ <http://www.acip.gov.au/library/Icons%20ACIP%20Report%20to%20Parl%20Sec%20final.pdf>

² <http://www.acip.gov.au/library/Government%20response%20summary.pdf>

ATTACHMENT A

PRINCIPLES OF GOOD REGULATORY PROCESS

In its response to the report *Rethinking Regulation: Report of the Taskforce on Reducing Regulatory Burdens on Business*, the Government endorsed the following six principles of good regulatory process:

- Governments should not act to address ‘problems’ until a case for action has been clearly established.

This should include establishing the nature of the problem and why actions additional to existing measures are needed, recognising that not all ‘problems’ will justify (additional) Government action.

- A range of feasible policy options — including self-regulatory and co-regulatory approaches — need to be identified and their benefits and costs, including compliance costs, assessed within an appropriate framework.
- Only the option that generates the greatest net benefit for the community, taking into account all the impacts, should be adopted.
- Effective guidance should be provided to relevant regulators and regulated parties in order to ensure that the policy intent of the regulation is clear, as well as the expected compliance requirements.
- Mechanisms are needed to ensure that regulation remains relevant and effective over time.
- There needs to be effective consultation with regulated parties at all stages of the regulatory cycle.

The Government also announced its commitment to the more rigorous use of cost-benefit analysis when new regulations are being considered.

Further information can be found at: <http://www.finance.gov.au/obpr/proposal/gov-requirements.html>

APPENDIX 1 – LEGAL SOCIETY CONTACTS

| STATE | NAME | POSITION | ADDRESS | PHONE | WEBSITE | EMAIL |
|--------------|-----------------------------|---|--|--------------|---|--|
| NSW | Heather Sare | Pro Bon Contact, Bar Association | Selbourne Chambers 174 Phillip Street Sydney, NSW 2000 | 02 9232 4055 | www.nswbar.asn.au | legalassist@nswbar.asn.au |
| VIC | Emma Hunt and Paula O'Brien | Co-Directors of PILCH | PO Box 13121, Law Courts Melbourne, VIC 3000 | 03 9225 6687 | www.pilch.org.au | pilch@vicbar.com.au |
| QLD | Anthony Woodyatt | Coordinator QPILCH | GPO Box 1543 Brisbane, QLD 4001 | 07 3012 9773 | www.qpilch.org.au | contact@qpilch.org.au |
| WA | Michael Cole | Manager PILCH and Law Access | 89 St Georges Terrace Perth WA 6000 | 08 9322 4911 | www.lawsocietywa.asn.au | mcole@lawsocietywa.asn.au |
| SA | No organised pro-bono | Contact is through individual law firms | SA Law Society, 124 Waymouth Street Adelaide, SA 5000 | 08 8229 0222 | www.lawsocietysa.asn.au | email@lssa.asn.au |
| TAS | Martin Hagan | Pro Bon Contact Law Society | 28 Murray Street, Hobart, TAS 7000 | 03 6234 4133 | http://www.taslawsociety.asn.au/web/en/lawsociety.html | info@taslawsociety.asn.au |
| NT | Barbara Bradshaw | CEO NT Law Society | GPO Box 2388, Darwin NT 0801 | 08 8981 5104 | www.lawsocnt.asn.au | bbradshaw@lawsocnt.asn.au |
| ACT | Svetlana Todoroski | Pro Bon Contact Bar Association | 11 th floor, AMP Tower Canberra, ACT 2601 | 02 6257 1437 | www.actbar.com.au | actbar@netspeed.com.au |

APPENDIX 2 - RELEVANT FUNDING / GRANTS SOURCES FOR SPORTING BODIES / SPORTING EVENT ORGANISERS

Sourced from:

www.grantslink.gov.au

www.ourcommunity.com.au

www.philanthropy.org.au

AUSTRALIAN GOVERNMENT PROGRAM FUNDING

- Australian Sports Commission

The Australian Sports Commission administers and funds sport nationally on behalf of the Australian Government. It is at the hub of an integrated national sporting system that encourages sport and physical activity for all Australians. Its focus is broad: from junior levels to elite performance and everyday recreational activity. Its aims include the development of elite sporting excellence as well as increasing community participation and sporting achievements by all Australians.

Organisation

Australian Sports Commission (ASC)

Contact Details

Postal: PO Box 176 Belconnen ACT 2616

Phone Details

Phone: (02) 6214 1111

Website

<http://www.ausport.gov.au/> Australian Sports Commission

- Australian Sports Foundation

The Australian Sports Foundation was established by the Australian Government to assist community organisations raise funds for the development of Australian sport.

Organisation

Australian Sports Foundation Ltd

Website

<http://www.asf.org.au/> Australian Sports Foundation

- Local Answers

Local Answers helps strengthen disadvantaged communities by funding local, small-scale, time limited projects that help communities build skills and capacity to identify opportunities and take action for the benefit of their members.

Organisation

Department of Families, Housing, Community Services and Indigenous Affairs

Website

<http://www.fahcsia.gov.au/sa/communities/funding/localanswers/Pages/default.aspx>

- Volunteer Small Equipment Grants

The Department of Families, Housing, Community Services and Indigenous Affairs, administers the Volunteer Grants Program which is part of the Australian Government's ongoing commitment to supporting volunteering, and building social inclusion and community participation in Australian communities.

This program provides funding for eligible not-for-profit organisations to support their volunteers and encourage volunteering by:

- **purchasing small equipment and sporting items** to help their existing volunteers and to encourage more people to become volunteers
- **contributing towards fuel costs** incurred in their volunteering work, such as when using their cars to transport others to activities, deliver food and assist people in need.

The Volunteer Grants Program replaced the previous Volunteer Small Equipment Grants Program.

Organisation

Department of Families, Housing, Community Services and Indigenous Affairs

Contact Details

Postal: Box 7788 Canberra Mail Centre ACT 2610

Phone Details

Phone: 1300 653 227

Website

<http://www.fahcsia.gov.au/sa/volunteers/progserv/Pages/VolunteerGrants.aspx>

The following are also Australian Government funding programs specifically available to Indigenous and/or Multicultural sporting organisers or event organisers:

- Indigenous Sport and Recreation Program

The Indigenous Sport and Recreation Program is an Australian Government program that consists of three elements, two which are administered by the Department of Health and Ageing (DoHA), and one which is administered under a Memorandum of Understanding between DoHA and the Australian Sports Commission. The objective of the program is to improve the health and physical well-being of Indigenous Australians by encouraging participation in sport and physical recreation activities. Activities supported by the program are wide ranging but generally focus on encouraging active participation; skills development, particularly through recognised accreditation programs; and access to equipment and facilities.

Organisation

Department of Health and Ageing

Contact Details

Postal: GPO Box 9848 Canberra ACT 2601

Phone Details

Phone: (02) 6289 5160

Website

<http://www.health.gov.au/internet/main/publishing.nsf/Content/sport-indigprograms>

- Diverse Australia Program

The Diverse Australia Program is an Australian Government initiative that evolved from the 'Living in Harmony' program which was established in 1998.

It is primarily a community-based educational initiative for all Australians and aims to address issues of cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone.

The Diverse Australia Program provides funding, education and information to help organisations create a spirit of inclusiveness and helps ensure all Australians are treated fairly regardless of their cultural background or circumstance.

Organisation

Department of Immigration and Citizenship (DIAC)

Contact Details

Postal: PO Box 25 Belconnen ACT 2616

Phone Details

Phone: 1800 782 002

Website

<http://www.harmony.gov.au/> Living in Harmony

STATE SPECIFIC PROGRAM FUNDING

VICTORIA

- Grants Home - Department for Victorian Communities (Grants@DVC)

At Grants@DVC you'll find information about all the grant programs administered by the Department for Victorian Communities. On this site you can apply for grants online, download guidelines and applications forms, read about what community organisations have done with some successful grant applications and find hints and tips on how to apply for a grant.

Organisation

Victorian Government

Website

<http://www.grants.dvc.vic.gov.au/>

Grants Home - Department for Victorian Communities

NEW SOUTH WALES

- Community Builders - Funding Programs

Looking for funding for your community project? Here's a list of funding programs from federal, state and local government, as well as institutions, philanthropic trusts and companies.

Organisation

New South Wales Government

Website

<http://www2.communitybuilders.nsw.gov.au/funding/programs/>

Communitybuilders.nsw -

Funding & Awards - Funding Programs

- NSW Sport and Recreation - Grants Programs

The NSW Sport and Recreation manages millions of dollars each year in government grants to help build and develop sporting facilities, and assist the development of athletes, coaches, officials and sports administrators in NSW.

Organisation

New South Wales Government

Website

<http://www.dsr.nsw.gov.au/grants/>

Our grant programs - NSW Sport and Recreation

SOUTH AUSTRALIA

- SA Grants Directory

The Grants Directory offers easy access to information on a broad range of funding options available to the community through grant programs, philanthropic foundations etc.

Organisation

South Australian Government

Phone Details

Phone: 13 23 24

Website

NORTHERN TERRITORY

- Northern Territory Community Benefit Fund

The Community Benefit Fund was established to provide funding support for gambling-related research and amelioration programs concerned with problem gambling, as well as Community Benefit Grants which provide assistance for general community development and improvement purposes.

Organisation

Northern Territory Government

Phone Details

Phone: (08) 8999 5511

Website

<http://www.nt.gov.au/justice/policycoord/cbf/index.shtml>

Community Benefit Fund

QUEENSLAND

- Queensland Government Grants Portal

The Queensland Government provides grants and funding to individuals, businesses, not-for-profit organisations and local government. Find a grant by name, category, keyword or use the wizard if you are not sure what type of grant may be available to you.

Organisation

Queensland Government

Phone Details

Phone: 13 13 04

Website

<http://www.qld.gov.au/grants>

Queensland Government Grants: Find Grant By Wizard

TASMANIA

- Service Tasmania Online - Grants and funding

Links to a wide range of grants and funding programs available in Tasmania.

Organisation

Tasmanian Government

Website

<http://www.service.tas.gov.au/Nav/Heading.asp?Topic=Benefits%2C+assistance+and+grants&Heading=Grants+and+funding>

Service Tasmania Online: Grants and funding

WESTERN AUSTRALIA

- WA Grants Directory

The Grants Directory is a compilation of grants and other assistance programs available to communities and local governments in regional and metropolitan Western Australia. The Directory contains programs provided by the Western Australian and Australian Governments as well as private sector organisations.

Organisation

Western Australian Government

Website

<http://grantsdirectory.dlgrd.wa.gov.au/>

Grants Directory

- WA Lotterywest Grants

Lotterywest provides grants to not-for-profit community groups, and provides support to people with a disability through incorporated organisations for specific purposes. This site provides information on eligibility, applications, payment & acquittal and grant acknowledgment.

Organisation

Western Australian Government

Website

<http://www.lottery.wa.gov.au/asp/index.asp?pgid=390>

WA Lotterywest Grants

PRIVATE / PHILANTHROPY FUNDING

In addition, to these government grants programs, there are a number of private enterprise and community funds that are available to apply for. More information on funding provided by Corporates & Business, Trusts & Foundations, Private & Family Philanthropy (including PPFs), and Community Foundations, can be found at: <http://www.philanthropy.org.au/>.