



Australian Government

Department of the Prime Minister and Cabinet Office of Best Practice Regulation

Reference: 16450
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Mr David Learmonth
Deputy Secretary
Department of Health

Dear Mr Learmonth

Regulation Impact Statement – Major Sporting Events (Indicia and Images) Protection Bill 2014

Thank you for your correspondence of 17 March 2014 to Jason McNamara, Executive Director of the Office of Best Practice Regulation (OBPR), including the final Regulation Impact Statement (RIS) for the above-titled matter. I note that you have formally certified the RIS as required by the best practice regulation requirements.

The proposed legislation would extend the existing trademark and copyright protection offered to organisers and sponsors of major sporting events by protecting certain words, phrases and images associated with these events in an effort to reduce the likelihood of ambush marketing. Initially, the events protected would be the Asian Football Confederation Asian Cup 2015, the International Cricket Council Cricket World Cup 2015, and the Gold Coast 2018 Commonwealth Games.

The OBPR assesses details-stage RISs for consistency and adequacy – consistency relates to following the prescribed process and adequacy relates to the quality of the analysis.

I note the agency has been consistent with the RIS guidelines, having twice provided a certified final RIS (addressing all seven elements) to the OBPR for the two-pass assessment before the decision-maker considers the RIS.

I note our comments of 27 February 2014 on the initial draft have been appropriately addressed, as you confirmed in your letter certifying the final version of the RIS. I note that the final RIS is adequate as it does not contain obvious errors and has a degree of detail and depth of analysis that is commensurate with the magnitude of the problem and the size of the potential impact of the proposal.

The OBPR maintains a RIS website and the Government requires that details stage RISs be posted within 5 business days of a regulatory decision being publicly announced. We would appreciate you advising us when a decision on this proposal is announced, and forwarding a final copy of the details stage RIS in Microsoft Word .doc format in a form meeting the Australian Government's Web Content Accessibility Guidelines. We suggest liaising with your web services team to ensure these guidelines are met. The OBPR should

be consulted if the details stage RIS is amended. It is the agency preparing the RIS, not the OBPR, which is responsible for the content of the published details stage RIS.

The website provides a public comment facility on RISs posted on the site. The OBPR moderates this facility for offensive content but does not moderate debate.

Please retain this letter as a record of the OBPR's advice. Our reference number for this issue is 16450. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. J. Porter". The signature is written in a cursive style with a horizontal line underneath.

Darrell Porter
Deputy Executive Director
20 March 2014