

MAJOR EVENTS (AERIAL ADVERTISING) BILL 2009

Second Reading

Resumed from 18 March.

MR M.P. MURRAY (Collie-Preston) [3.02 pm]: I will speak briefly to the Major Events (Aerial Advertising) Bill 2009. It is certainly a bill that needs to be passed. By not having this legislation in place we are jeopardising some of the major sporting events that are sponsored by major companies. Such events are being infiltrated by other sponsors who move in and advertise a product that is in competition with those produced by the companies that have provided the money to host the event. This is being done either in the street or, as is the case at major sporting events, on a banner attached to a plane circling the event. I thank the minister for bringing on this bill. If it is not passed, Western Australia will lose events, sporting or otherwise, to the east coast. In other Australian states the sponsors of events have exclusive rights, but currently in Western Australia that is not the case.

Western Australia cannot afford to lose any events. We probably need a few more major events. The sponsors of the Red Bull Air Race are able to advertise their wares, but we must prevent sponsors of other companies encroaching on that event and advertising their wares. If we do not do that, Western Australia will lose that major event, which is one of the biggest events in this state. It creates a lot of publicity for this state around the world. The spectator numbers are between 200 000 and 300 000, and the event is given worldwide coverage on cable TV. We need every inch of that publicity.

I would like this bill passed through the Parliament. I recall an event at Subiaco Oval that was sponsored by the Ford motor company and a plane was flying over the oval dragging a banner advertising the Holden motor company. It was totally unfair, unprofessional and inappropriate. I commend the bill to the house.

MS A.R. MITCHELL (Kingsley) [3.04 pm]: I support the Major Events (Aerial Advertising) Bill 2009 because it will provide regulation, management of and control over aerial advertising at major events in Western Australia. Having been involved in the conduct of a number of major events and having had the opportunity to attend a number of major events, there is no doubt that having these events in Western Australia is absolutely critical. They do not come easily. We must make sure that we keep as many of them as we can in Western Australia.

We need these events for a number of reasons. We often hear about the economic reasons, which are important. However, there are a number of other aspects that Western Australia greatly benefits from by having these events. I refer to the social benefits of these events. For example, when people are brought together, it is a great opportunity for them to interact and develop a rapport, which leads to other benefits in the long run. It often comes back through the development of the activity. If it is a sporting event, it leads to the development of the sport at a lower level. It also results in the development of people, many of whom are actually involved in the conduct of the event.

Securing major events in Western Australia depends on many things. I guess most people tend to think of only sponsors. Major financial investment of an event is absolutely critical. It does not come lightly and normally does not involve just a single sponsor. It is easy to think of sponsorship as something simple that comes along because it is just another commercial venture and is something that we do not have to work very hard at to obtain. I can assure members that people who invest financially in these events are certainly acquiring a great deal more than they used to. The demands on the event organisers from these people are extreme. At the same time we need them and must look at what we can do for them.

This bill will greatly help those people who are trying to secure financial investment in these events to continue to come, or to come, to Western Australia. The bill sends a very clear message to those people who may consider it a wonderful opportunity to get cheap advertising. They simply want to exploit an event or a rival company or take advantage of a large crowd that has been brought together for this event to get their message across. Currently there is no protection for sponsors of major events in Western Australia, and this bill is vital to this state's economy, reputation and spectators' enjoyment.

Similar legislation has been introduced in Victoria to protect that state's major events that we know well- the Grand Prix, Australian Open Tennis, AFL Grand Final, the Melbourne Cup and the 2006 Commonwealth Games. Temporary legislation was introduced in New South Wales for the Sydney 2000 Olympics. Queensland has similar legislation and South Australia has legislation on track, if it has not been enacted at this stage.

As a former director of Tennis Australia, I can recall situations of sitting in a stand and seeing a blimp go across the sky advertising a rival company, a plane flying over the venue advertising something else or a plane flying above with writing coming from it and wondering what it says. It is a real concern. Whilst I was attending the Australia versus South Africa test match at the Western Australian Cricket Association ground in 2008, a plane crossed the sky promoting a rival company to a sponsor of the event. It happens and it happens often, but many

members have probably not realised it. It is not very expensive to hire a plane for a couple of hours to drag a message across the sky. It is more expensive to hire a plane that will write a message across the sky that lasts for quite a while, but it can happen and it does happen.

We need to support the events that are being held in Western Australia. We need to support the people who are trying to generate these events and hold these events, and the sponsors are requiring that support. The provisions of this bill are clear and concise. The bill will protect the sponsors of major events, which is so vital to current and potential events in Western Australia.

MR J.C. KOBELKE (Balcatta) [3.09 pm]: I want to thank the Minister for Sport and Recreation and the government for bringing on the Major Events (Aerial Advertising) Bill 2009. This legislation was drafted when I was the Minister for Sport and Recreation. It is quite important legislation. Therefore, we wish to give our full support to it and, as I said, indicate our thanks to the current government for proceeding with it. I wish to talk a bit about the history of the legislation and then deal with some of the specific elements within the bill. As the minister indicated in his second reading speech, legislation was introduced prior to the 2000 Sydney Olympics and the 2006 Commonwealth Games in Melbourne to try to deal with the issue of ambush advertising. It was put on the agenda for Western Australia prior to the cricket tour by England for the Ashes, which is almost three years ago.

Mr T.K. Waldron: Two and a half years.

Mr J.C. KOBELKE: It was two and a half years ago. At that time there was real concern that ambush advertising would provide a platform for competitors of the major sponsors of the tour. Those major sponsors were reluctant to commit large amounts of sponsorship dollars to promote their product through that cricket tour if there was a likelihood of their being upstaged and having the limelight taken from them by competitors who would use unorthodox methods to get their message across, which we refer to in this bill as ambush advertising, using planes, blimps or other means. There was pressure on Australia. Legislation of this form rather than specific legislation was mooted. Queensland moved to introduce legislation after the Ashes test series finished. I do not think it was introduced in time. At that stage we said that we would introduce legislation also. If there is any criticism, it is that the then government took a bit longer and the legislation did not get high enough priority to get through. The English test that was played here in Perth was a great game. Members will recall the fantastic innings by Adam Gilchrist. That test saw Australia retain the Ashes. It was a fantastic series and a fantastic test at the Western Australian Cricket Association ground in Perth. To my knowledge, we did not have any advertising that tried to take anything away from the sponsors. There were no problems, even though we were late in introducing the legislation. Nonetheless, it would have been better to introduce it earlier.

If the advertisers, promoters and sponsors are going to put together packages to fund international events, they need to have a level of certainty that when they commit money for an event and they seek to get promotional advantage out of it, they will not be undermined by a competitor. Clearly, major sporting events are very important for Western Australia. We do not want to have a situation in which we are bidding for, say, an international cricket game, a rugby international or some other international event, and we cannot offer the same level of certainty to the promoters and the sponsors that they would get if they took that event to another Australian city. It is absolutely critical that we have protections in the form of this legislation so that we can assure our key sporting bodies when they are seeking to gain and promote events coming to Western Australia that they will be able to do that with certainty and so that the sponsors and the advertisers know that their rights are protected.

I will give an example that does not involve ambush advertising. Members might remember that about three or four years ago—it might be longer; I am not too good on the dates—the Rugby World Cup was supposed to be held in New Zealand. The contractual arrangements required that the New Zealand stadiums be “clean” stadiums, meaning that when an event is on and the sponsors come in, they have the right to the advertising. There were one or more grounds in New Zealand where the contractual arrangements for that ground meant that another company—a competitor—had the advertising rights. Because it could not sort out that legal problem, New Zealand lost the rights to hold the World Cup and Australia got it by default. New Zealand is planning for the next World Cup in 2011. I was in Auckland a few weeks ago and looked at the new stadium being developed at Eden Park. It will be a fantastic stadium. The developers made it very clear that it will be a clean stadium. They will not have the issue of competition for the advertising space between different companies. That is not related to aerial advertising but it is an example of where we need to give certainty to the advertisers when trying to gain and promote these major international events. That is an issue that would relate to Subiaco Oval, which the current government has pushed aside. If we have a major multipurpose stadium, one of the key issues is that it would have to be a clean stadium in terms of the contractual arrangements for the ownership and the tenancing of that stadium.

We have found that companies seeking to gain some advantage to promote their product have been willing to adopt unorthodox methods so that they can raise the profile of their company or product over another competing company that is a major sponsor for an event. I can remember being at one of the grand finals at the Melbourne Cricket Ground a few years ago. Members are probably aware that for some years Toyota has been a major sponsor of the Australian Football League. The big Toyota logo was on the MCG but a big blimp with Holden all over it was hovering right above the ground. Although the legislation in Victoria related to the Commonwealth Games in 2006, it did not have legislation that related to an AFL grand final. I do not know whether that was fixed.

We do not see that we are impeding competition in any way. Clearly, companies need the ability to compete when they promote their products. When it comes to a major sporting event, it is of real significance to Perth or whichever city gets those major events. It is not just the case that Australians generally, including Western Australians, take their sport very seriously and therefore sport is important in getting those events here; it is an industry. People will come from all around Australia and from South Africa and New Zealand for a major event in Perth. We missed out on having a game of the Rugby League World Cup last year. It was predicted that large numbers of English people would come to Perth if we got an event. Unfortunately, we offered some money and we did not get it. The point I am making is that there is a large spin-off into tourism and the economy in getting these major events. For those reasons we need to make sure that the business basis for getting these events is absolutely certain. We do not want the uncertainty that comes from having unfair competition when companies can bid to become major sponsors or lower level sponsors. They get the benefit of raising their profile and selling their product but they are doing it in a way that enables these major events to take place with all the spin-off benefits from that, including the sporting, tourism and business advantages to the host city.

We want to continue to attract major events to Perth. We have been successful in past years. The Red Bull Air Race was an outstanding success. I congratulate the government for being able to roll that event over. There is an 18-month gap between the last event and the next one, rather than 12 months, but that was done because of international scheduling. Sponsors put millions of dollars into this event. They need to know that they have some certainty. We have had great success in getting major international golf events to Perth. Again, this is an outdoor sport in which there is the potential for ambush advertising, with people putting things up in the sky.

I have made a few comments outlining why this legislation is important. I can give no examples of an event in Western Australia in which someone has been able to use ambush advertising in a major way and cause some embarrassment and potentially undermine the confidence of sponsors and advertisers. In this competitive world of getting major events to a city such as Perth, we cannot give that certainty. That is why this legislation is important.

As I said earlier, there is not just one model of this type of legislation in the various states. This legislation has picked up on some of the models that have been used elsewhere. It is not as though we have invented it. I think we have a very good model. I do not say that just because I was involved in the initial stages of putting it together. However, I will comment on some aspects of the bill. Although the minister's speech covered the necessary parts of the bill, it did not go into much detail on how this legislation will work. The bill defines aerial advertising, the activity to which the bill is targeted, as including —

- (a) advertising by sky writing or sign-writing by an aircraft; or
- (b) advertising on a banner or other sign towed by or attached to an aircraft; or
- (c) advertising on an aircraft, other than its normal markings or livery identifying the manufacturer of that aircraft; or
- (d) advertising on —
 - (i) a hang glider, parachute, paraglider or similar device, other than its normal markings; or
 - (ii) a banner or sign attached to a hang glider, parachute, paraglider or similar device;or
- (e) advertising on a banner or sign attached to a person suspended from a hang glider, parachute, paraglider or similar device; or
- (f) a laser or digital projection of an advertisement into the sky;

We can see from that definition that the bill very much relates to items that are put up in the air, and in most cases it relates to an item that would involve flight of some form. However, the bill relates also to people using modern laser or digital projection technology to project various symbols. That is actually what the term “aerial advertising” captures. If the bill intends that aerial advertising cannot be used in ambush advertising, where would it apply? How would the legislation designate the time or place that this prohibition would come into

effect? Would people seeking to stage a major event, who have some concern about the impact on them of aerial advertising that would be against the interests of their sponsors, make an application, accompanied by an application fee, if any fee is prescribed, to the chief executive officer of the relevant department? I hope the minister can answer those questions at the conclusion of the debate, which will be in only a few minutes, rather than us going into consideration in detail.

Mr T.K. Waldron: Is that something you have asked me?

Mr J.C. KOBELKE: No, I have not asked the question; I am just getting the minister's attention. The question I have for the minister refers to clause 4(c), which clearly allows for an application fee. I am seeking the minister's current thinking on an application fee, which is a matter of policy. When I was the Minister for Sport and Recreation, I had a clear view on the application fee. I believe that there should be a fee. The minister may believe it should be based simply on cost recovery. What is the basis of the minister's policy on whether to apply an application fee? I am not asking for a dollar figure necessarily, just his guidance on an application fee.

As I indicated, people or companies will submit an application when they are planning a major event and want the protection afforded by this Major Events (Aerial Advertising) Bill when it becomes law. When they make that application, it will be incumbent on the minister to decide whether he will grant the event the status referred to in the bill. The bill requires that before making the order the minister must satisfy himself of three criteria. The first criterion is that the event is a major event at an international or national level. Clearly we are not saying that this legislation would apply to a local gymkhana or some low-level game, such as one of the football games in the minister's electorate.

Mr T.K. Waldron interjected.

Mr J.C. KOBELKE: The minister might think such an event should have that very high status and be covered by the bill because the minister might be the major sponsor, having put \$50 or \$100 on the bar!

Clearly, the event must be a major event at the international or national level. The second criterion is that the event must involve commercial arrangements that are likely to be adversely affected by unauthorised aerial advertising—that may be irrelevant for an event at the new Perth Arena or some other such venue. The third criterion is that the minister must be satisfied that the operations of the event are likely to be adversely affected by aerial advertising that is not authorised by the event organiser. Those are the three criteria of which the minister must be satisfied before he can make such an order for the protection afforded under the bill.

Clause 5 also refers to certain conditions to which the minister must have regard. I take the words “must have regard to” to mean that they are not conditions that the minister must be fully satisfied of, but conditions that he must take into account. The first condition that the minister must have regard to is the number of people who might attend the event; the second is the likely media coverage of the event; the third is the projected economic benefit of the event to the state; and the fourth is the contribution of the event to the state's national and international profile as a host of major events. Again, the bill provides guidance to the minister on which matters to have regard to. Those matters may be outweighed in the minister's judgement by other matters, but he must have regard to them.

The issue clearly is that the bill is not seeking to make available this preclusion or protection across the state or for extended periods. An event order must specify the day or days on which the event is to be conducted, the place at which the event is to be conducted, the starting and finishing times for each day of the event, the organiser of the event, the manner in which the event organiser must publicise that the event is covered by the event order, and any condition to which the order is subject. Clearly, we do not want the bill to capture and penalise people for something because they were unaware they were precluded from flying a plane with a sign or doing something that they might do normally but were precluded from doing in the general area of an event covered by the bill. The minister, therefore, in making an order to preclude such aerial advertising must specify those conditions. The bill does say in clause 5(4) that failure to publicise that an event is covered by the event order does not render the event order void. Therefore, a person or company cannot use ignorance as an excuse for contravening the clear intention of the act. The minister then has quite clear criteria by which he will consider an application for an event order. He must have regard to a number of matters, and in specifying the event order he must lay out those matters and, as I said, any conditions to which the order is subject. There is therefore room for the minister, in granting the order, to potentially insert some special conditions.

[Member's time extended.]

Mr J.C. KOBELKE: I will not refer to the various parts of the bill; they are fairly standard and include proper and appropriate procedural matters. I do, however, want to comment on a couple of other matters, one of which is the level of penalty.

Clause 11, "Offence to display unauthorised aerial advertising", which is what we are talking about, provides for a penalty of \$250 000. That is quite a substantial amount of money. We are aware, of course, that courts quite often levy a penalty of only 10 per cent of the maximum fine, particularly for a first offence. If a court did that, it would be a fine of \$25 000. That is a substantial amount of money, but members should bear in mind that some companies might think it worth the risk to undertake unauthorised advertising at an international event that might have millions of people around the world watching, because of the coverage they would get. That would, of course, be material to the case. If a blatant breach of the act occurred and a successful prosecution were launched, the penalty imposed by the court for a conviction for that offence might be substantially more than 10 per cent of the full penalty of \$250 000. That is an important point in sending out the message that a breach of the requirements of major events aerial advertising would be taken very seriously. It is quite a large penalty. Of course, the targets of this legislation are basically corporations. It is not likely that an individual would ambush a major function, although it could happen. The bill will prevent major corporations from slipping money under the counter to individuals on the basis that individuals might get away with it by using a false position about themselves. That is covered in other parts; I will not go into that. The point I am seeking to emphasise is that the bill provides the potential for a very substantial fine for people who breach the act and seek to gain some commercial advantage and, by doing so, threaten to undermine the value of sponsorship of a major event. The bill also provides the potential for people to seek further costs from anyone who breaches the act, because part 3 of the bill allows for civil remedies. The civil remedies include injunctions to restrain conduct if people believe someone is likely to take action that contravenes the requirements of the act when an event order has been established. Part 3 also allows for action for damages, so there is the potential for civil damages if a particular promoter or one of its major sponsors felt it had lost financially because someone sought to engage in ambush advertising with some sort of aerial display. That promoter could potentially also take action to recover some of what it believes is its loss.

I have not gone into all the technical details, but I have tried to cover the major provisions of the bill and how it is intended it should operate to provide what I think is quite essential protection for major sporting organisations, or even for the state government if it is the promoter and sponsor of an international event here in Western Australia. Not only will the bill offer protection to major events from ambush advertising that uses various equipment in the air, but also it will provide assurance when we are canvassing these events for Western Australia, more particularly for Perth when we talk about major international events, although we have had success in running international events in regional Western Australia. I am sure the minister is keen to try to do more of that.

This legislation is to provide certainty. I think it is one of those pieces of legislation that, hopefully, will get very little use. The fact that it exists means that, through the chief executive officer of the relevant department assigned to the promotion, the minister can offer a particular promoter or sporting body the coverage this legislation gives in the form of an event order. In issuing that event order, I think people will recognise the potential downside in seeking to undermine the promotion. As a result, when an event occurs, there will be no need to worry about it. If there is no system in place, that potential will always exist.

I have gone through some of the detail because it is no good simply introducing a system that we hope will work. There must be confidence that it will work if anyone challenges it. We live in a very dynamic world and a very competitive financial world. Someone will always come up with what they think is a new way of making money by selling a product and getting an advantage in a tricky way. I do not doubt some entrepreneurial types will seek to find a loophole and get through it. When we draft legislation, we can never be absolutely certain that the creative minds of people who seek advantage will not come up with something that has not been covered. I am sure that, given the advice the minister has received, this particular legislation covers all the loopholes we can currently foresee. But it always requires vigilance so that if someone comes up with a new technique to try to get around it, we can determine how that can be handled through regulations or variations or even by coming back to amend the bill. I hope that will not happen and, with this legislation, we will see protection for our major sporting bodies, as well as Eventscorp, so that we can continue to attract major events to Western Australia.

The attraction of major events is a big challenge. Melbourne is considered to be the sports capital of Australia; it invests huge amounts of money into its sporting infrastructure and into the promotion of events. All sorts of figures are quoted in the media, so I cannot vouch for their accuracy, but recently a figure quoted on the cost of holding the Formula 1 ING Australian Grand Prix was \$50 million a year. I do not know how true that is, but Melbourne is prepared to pay that sort of money. I am sure our Minister for Sport and Recreation or the Minister for Tourism would love to be able to spend \$50 million to attract an event. But the reality is that we cannot do that. We held two very, very successful world swimming championships here in Western Australia. We got in early and held them in the 1980s and 1990s. We have such a fantastic reputation internationally that we were granted a second series soon after the first one. They were a huge success, run on very small budgets. When Melbourne held the world swimming championships in its Rod Laver Arena, the tennis courts were converted to

a swimming pool at a huge cost. However, it was necessary to do so to attract the world swimming championships to Melbourne. Melbourne sees that as vital to its tourism industry because of the flow-on effects for its economy. Melbourne makes that investment in many ways. I will not go through a big list of them, but one other investment that is about to be completed is a major rectangular stadium. The old Olympic Park, which was the warm-up track for the 1956 Olympics, was pretty tired. It was still the major soccer stadium, although Telstra Dome, which has now been renamed with a new sponsor, has been used for major football events for a few years. Melbourne will have not only the Melbourne Cricket Ground but also, just across the road, a large rectangular stadium as well as the covered Docklands Stadium. Can the minister tell me the name of the new sponsor?

Mr T.K. Waldron: Etihad.

Mr J.C. KOBELKE: I do not even know what it produces.

Mr B.S. Wyatt: It's an airline.

Mr J.C. KOBELKE: I am told it is a United Arab Emirates airline.

Mr T.K. Waldron: I was not sure what it was either.

The point I am making is that, obviously, we need to be fairly selective in the events we pursue. There is a huge opportunity for masters events that can involve thousands of people. While I was the minister, we were successful in winning the rights for the World Masters Swimming Championships, which attracted more than 5 000 people. We did not run it at a profit; I think it incurred a small loss, but it was a great vehicle for selling Western Australia. It created huge flow-on effects. No money was contributed to it from Eventscorp, and I do not say that begrudgingly. It was run by the Sports Centre Trust, which should be congratulated because it did a fantastic job. The point is that the flow-on effect is the promotion of Western Australia and of our tourism industry and the jobs it creates in our hotels and in hospitality. Whoever is the government of the day needs to work very hard to get these events to Western Australia. It is always difficult to know how much to spend and what events to go after. It is an issue that requires cooperation between the Minister for Sport and Recreation and the Department of Sport and Recreation, along with the Minister for Tourism and Eventscorp, because it has most of the money for promoting and sponsoring these major events.

There will always be criticism from people who prefer one event over another. For instance, the World Rally Championship events that we ran here were a fantastic success, but it reached the stage at which the rate of return for the investment was not viable, and the previous government was not willing to continue to pour more and more money into a major event that had a diminishing rate of return. The decision therefore had to be made. Those sorts of decisions will always be contentious, but it is important that we sponsor these major international events so that the people of Western Australia can enjoy the sporting spectacles. They will certainly engage in them, as they always do. It is also very important for our tourism and hospitality industries and the flow-on effects. In that regard this legislation will give protection where necessary so that, in promoting those major events, we will not be disadvantaged by sponsors saying that they think the risk is too high because Western Australia cannot give that protection.

This legislation will give that necessary protection so that the Minister for Sport and Recreation and the Minister for Tourism can get on with promoting Western Australia as a location for major sporting events. I again congratulate the minister for bringing the Australian athletics championships to WA next year, which will be held in a fantastic new stadium. Of course, that brings me back to another problem that I will not go into now, which is that the money must be found to build the facilities or the events will not come to WA. Until the new multipurpose stadium is built in Subiaco, Western Australia will not be able to compete for the really big events that the people of WA want to see held here.

MR D.A. TEMPLEMAN (Mandurah) [3.40 pm]: I believe I am the last speaker for the opposition before the Minister for Sport and Recreation responds. I will make just a few comments on the Major Events (Aerial Advertising) Bill 2009. Obviously, we are all supporting the bill, but I have a couple of comments to which the minister may respond when he closes the debate shortly before four o'clock, which I know we are working towards.

The reason for this bill and what it seeks to achieve are very clear. In the minister's second reading speech he highlighted two key aims: to ensure the rights and privileges of the sponsors of major events, and to provide an incentive to any sponsor to continue to invest in major events. The importance of the bill is that it will facilitate us continuing to attract quality events to Western Australia.

In the second reading speech the minister also highlighted a number of processes that will need to be adhered to in accordance with the bill, which include, of course, the application process and the filling in of the application form, and the criteria that applicants will need to fulfil. This bill relates to aerial advertising. I always remember

going to a function in Peel a few years back at which the chief executive officer of Messages On Hold, who is a very interesting fellow, was a guest speaker. In his presentation he gave a run-down of the success of the ambush marketing process. I think we all know that whenever a goal is kicked at an Australian Football League game, the Message On Hold advertising is displayed.

Mr T.K. Waldron: Not so much now.

Mr D.A. TEMPLEMAN: I understand that an arrangement may have been put in place. He then presented a number of clips of events around the world, whereby at the US Open and the British Open golf championship events, people standing in the crowd have Messages On Hold umbrellas opened et cetera.

One of the things that interest me about this bill is not necessarily those who seek to use ambush marketing for a product, but as a means to protest and put across a political point. At a civil rights and censorship level, I am interested in what this bill might mean for someone who, for whatever reason, wishes to make a legitimate political statement at a gathering of a large number of people, such as at the Red Bull Air Race or the Skyworks show, which are major events that see some hundreds of thousands of people gather in and around the Swan River foreshore area. I would be interested in the minister's comments about whether this legislation may curtail the rights of somebody to make a political point.

A very famous political point was made at the closing ceremony of the Sydney Olympics around the "sorry" issue and the apology to Indigenous Australians. The now federal Minister for the Environment, Heritage and the Arts, along with his band members, whipped off their shirts to show "Sorry" written on their bodies, which was a political statement about the government of the day. In the application form there will be criteria about restriction of airspace and all of those sorts of things, but I am interested in that civil rights aspect and about how the bill might impact on people who seek to make legitimate political and community-based statements and human rights-based statements. A lot of the organisations that make these statements are not publicly funded and rely on donations and contributions from the public, so it is not easy for them to get their message across, even if they have a legitimate message to put across. I am interested in that aspect and would like the minister's comments in his response, or as part of consideration in detail at a later time.

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [3.46 pm]: — in reply: First of all, I thank members for their comments and support for the bill. It is great that we seem to have universal support for this legislation. As the member for Balcatta mentioned, he tried to bring this bill on during the term of the last government. It is good to be able to get this bill on and get it through, because, as everyone has said, it is extremely important legislation. I will respond to each of the comments made by members.

I want to ensure that everyone understands that the main objective of this bill is to stop ambush marketing, to protect our major events, and to enable us to attract major events to our state. We want to be able to continue to do that into the future, and this bill will prevent damage that can happen that may affect our ability to attract events in the future. It is also very important, even more so now with the current economic conditions, that we protect sponsors who pay big money to get benefit from major events, whether it be sports events or rock concerts like the Big Day Out—they are part of this as well. Sponsors advertise to gain advantage for their own business or whatever they are promoting, and that also enables us to run our sporting, cultural and arts events. The member for Kingsley mentioned the extremely important social benefits et cetera that come from these events. All these things flow on, and it is important that we maintain those important events. Sponsorship is really important in the current economic conditions, but when times come good again and companies want to invest more, there will be even more opportunities for sports and cultural events.

As highlighted by the member for Mandurah, the key aims of the bill are to ensure that the rights and privileges of sponsors of a major event will be protected at law, as well as to provide further incentive to sponsors to continue to invest in major events in this state. In recent times, increased commerciality of major sporting and entertainment events has seen an increase in ambush advertising. Many examples have been given by members, and I witnessed it myself this year at test cricket, as well as at the Perth Cup. This legislation is timely. The impact of the advertising is quite significant, which many members have highlighted, and for a lot of events the sponsorship contract is reliant on exclusivity, and we do not want to erode that.

I thank the member for Collie-Preston for his support. He highlighted his wish to encourage us to seek more events, and I will speak more about that when I address the member for Balcatta's points. It was great to get his support; he is a good supporter of sport in the state, and I have worked with him quite closely on sporting matters.

The member for Kingsley highlighted the important social side of major events. I was really interested in her comments about the social dividends derived from sporting events. Major events are important because they encourage people to get involved at the grassroots level.

That is where a lot of the social benefits are. We talk a lot about the physical and mental health benefits of sport, and that is definitely true. But I also think that a lot of the social benefits are greatly underestimated and are becoming more and more important as society changes. Just yesterday I read a survey conducted by HBF that highlighted some of the attitudes of the i-generation. Those values came through quite strongly in the survey, which was quite pleasing for me to see.

The member also made some good points about ambushing events and he mentioned the other states. I think that most other states—I am not sure about Tasmania and the Northern Territory—have some form of legislation that deals with this matter, but it is not exactly the same as this legislation. We must ensure that we have legislation in place, because if we do not, we could be undermined. I was interested in the comments of the member for Kingsley, as a former director of Tennis Australia, about some of the things she has seen at major tennis events. Of course, that is extremely important.

I acknowledge the comments of the former minister, the member for Balcatta, who is at the back of the chamber having a chat. He went through the issues extremely thoroughly. I acknowledge his work on the bill when he was minister. We have taken forward the work that he did on the bill. I was very interested to hear his comments, of which there were many. He made a point about the Ashes test match. Cricket Australia highlighted its concerns, which was good. Other sports are involved as well. The member also referred to New Zealand losing the Rugby World Cup through its arrangements. If we are to ensure that we support hosting the Rugby World Cup in Australia, as has been proposed by the federal government, we need these laws in place so that we can provide guarantees to its sponsors. That is extremely important. The member also mentioned the Toyota AFL Grand Final.

Mr J.C. Kobelke: You also have a little problem in that you need a new stadium for that as well.

Mr T.K. WALDRON: The member also referred to the business and economic advantages, which are fairly obvious. The member is dead right. He mentioned the Red Bull Air Race, which also affects the state.

The member referred to the application fee. I do not think the application fee should be a prohibitive amount, but an application fee is needed, at least at first just to cover the administration costs. I do not envisage the costs being too high, but we will need an application fee. As we go on, that fee can be reviewed and we can see whether it is working.

Mr J.C. Kobelke: So you don't necessarily see cost recovery as a key criterion at the moment?

Mr T.K. WALDRON: Recovering the costs of administering these provisions is probably the key point at this stage.

The member for Forrestfield just talked to me about this, but the member for Mandurah referred to a form of aerial advertising that sent a message but did not promote other goods et cetera. Clause 3 on page 2 of the bill states —

In this Act —

advertising means bringing to the attention of the public or a section of the public —

- (a) the availability of goods or services; or
- (b) the name of a brand of goods or services or a person who provides goods or services;

The bill is quite specific about what advertising means. I do not think there would be an issue if someone had a sign that said “Save the Whales”. However, if the advertising promotes goods or services or lends itself to that in any way, the person will be liable.

The bill provides an exemption for emergency landings. There could be an emergency landing at the helipad at a test match that compromised Channel Seven, and that will be exempt under the bill.

Another point was raised about clause 5(2)(b), which relates to the matters that the minister must have regard to before making an event order. The member for Balcatta said that the minister must have regard to the number of people who might attend an event. An event might not be attended by a large number of people, such as a golf tournament, but there might be national or worldwide television coverage. Obviously, that would be taken into account, even though the event might not be attended by a large number of people.

The member for Balcatta also said that we must have good facilities to attract major events. I acknowledge that. Yes, we have put the stadium on hold for two years. We want good facilities. The facilities that will be opened soon are excellent facilities, and other facilities are under consideration at the moment. However, we must proceed in an economically responsible way. Some pressure is being put on us at the moment; there are things that we would like to do but we cannot do at the moment. I have no argument with what the member has said. Good facilities enable us to attract good events. We are working on different options for the FIFA World Cup in

soccer. I understand what the member has said. He also mentioned the masters swimming event. I do not know whether he is aware that the masters rowing event will be held at Champion Lakes.

The member for Mandurah referred to Messages On Hold. It has been very smart over the years. Obviously, aerial advertising covers air space.

The member for Balcatta mentioned the cleanskin grounds. Stadium management will address that matter. There will be occasions when people will slip in at various times and cause some issues, but generally stadium management ensures that the facilities are clean, and that is the way to go. I have covered the member's other point, which was also raised by the member for Forrestfield. I think that answers most members' queries.

Mr D.A. Templeman: There is also the protest issue.

Mr T.K. WALDRON: I have covered that issue. The bill refers to goods and services et cetera. I think it is fairly clear in the bill, unless somewhere down the track a court finds otherwise. I am not a legal person, but I think it is pretty clear. In fact, I think the bill is quite concise and clear about what it means. As the member for Balcatta said, legislation can be drafted thoroughly, but unusual situations can always arise. I think it is pretty clear in the bill.

Mr A.J. Waddell interjected.

Mr T.K. WALDRON: I think it would be covered under this legislation because it relates to goods and services, but I am not a legal person so I cannot give the member a legal answer. That is my intention; that is how I see it.

Several members interjected.

Mr T.K. WALDRON: It seems that members are keen for me to finish now. This reminds me of when I used to play football at Claremont with the Premier and I used to get dragged.

Mr C.J. Barnett: I have been waiting 30 years to drag you!

Mr T.K. WALDRON: I thank members for their comments and for their support for the bill. It is an important bill. It will give surety to sponsors, the sporting industry and those who organise concerts and big days out. It is a clear and concise bill.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr T.K. Waldron (Minister for Sport and Recreation)**, and transmitted to the Council.