



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Economic and Regional Development
Title of Cabinet paper	Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022	Date to be published	10 October 2022

List of documents that have been proactively released

Date	Title	Author
August 2022	Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022	Office of the Minister for Economic and Regional Development
25 August 2022	Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022: LEG-22-MIN-0142 Minute	Cabinet Office

Information redacted

NO

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IN CONFIDENCE

Office of the Minister for Economic and Regional Development
Chair, Cabinet Legislation Committee

MAJOR EVENTS MANAGEMENT (FIFA WOMEN'S WORLD CUP AUSTRALIA & NEW ZEALAND 2023) ORDER 2022

Proposal

- 1 I propose that the Cabinet Legislation Committee approve the submission to the Executive Council of the Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022 (the Order).
- 2 The purpose of the Order is:
 - 2.1 to declare the FIFA Women's World Cup Australia & New Zealand 2023 (the Event) to be a 'major event' pursuant to section 7 of the Major Events Management Act 2007 (the Act);
 - 2.2 to declare the emblems and words associated with the Event to be 'major event emblems and words' pursuant to section 8 of the Act; and
 - 2.3 to declare the protection period for the Event pursuant to section 9 of the Act.
- 3 The Order is attached at Annex One.

Issue identification

- 4 Major events risk being 'ambushed', where an unapproved advertiser creates an unauthorised association with the event to gain exposure. I consider the FIFA Women's World Cup Australia & New Zealand 2023 meets criteria under the Major Events Management Act to be declared a 'major event', to help address ambush marketing and other issues associated with the running of major events, such as ticket scalping and pitch invasion.

Executive Summary

- 5 The Major Events Management Act is designed to address ambush marketing and certain other issues associated with the running of major events, such as ticket scalping and pitch invasion.
- 6 Ambush marketing is when an unapproved advertiser 'ambushes' an event by creating an unauthorised association with the event to gain exposure.
- 7 FWWC2023 Pty Ltd, an Australian proprietary company established by the Event owner, Fédération Internationale de Football Association (FIFA), to deliver the Event, has applied for the Event to be declared a 'major event' under the Act and has requested that certain associated words and emblems are declared 'major event words and emblems'.

- 8 The Event meets the criteria under the Act to be declared a 'major event'. I recommend that the Governor-General, by Order in Council, declare the FIFA Women's World Cup Australia & New Zealand 2023 to be a 'major event' under the Act and that the words and emblems set out in Schedules 1 and 2 of the Order are declared 'major events words and emblems' for the purposes of the Act.

Major Events Management Act 2007

- 9 The Act provides protections for declared 'major events' in order to –
- 9.1 obtain maximum benefits from the event for New Zealand and New Zealanders;
 - 9.2 prevent unauthorised commercial exploitation at the expense of major event organisers and sponsors; and
 - 9.3 ensure the smooth running of the event.
- 10 Sections 7 and 8 of the Act establish processes and criteria, and considerations, for events, and their associated emblems and words, to be declared 'major events' and 'major event words and emblems' by Order in Council.

Process for the declaration of a 'major event' (section 7 of the Act)

- 11 Following the receipt of an application by an event organiser, I may recommend that the Governor-General, by Order in Council, declare the event to be a 'major event'.
- 12 In making this recommendation, I must be satisfied that the event organiser has the capacity and intention to successfully and professionally stage and manage the event, and to use all practicable measures available under existing law to prevent unauthorised commercial exploitation of the 'major event' and to protect its intellectual property rights and other legal rights.
- 13 The Act also requires that I take into account whether the event will:
- 13.1 attract a large number of international participants or spectators, therefore generating significant tourism opportunities;
 - 13.2 significantly raise New Zealand's international profile;
 - 13.3 require a high level of professional management and coordination;
 - 13.4 attract significant sponsorship and international media coverage;
 - 13.5 attract large numbers of New Zealanders as participants or spectators; and
 - 13.6 offer substantial sporting, cultural, economic, or other benefits for New Zealand and New Zealanders.

- 14 I am required to consult the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation.

The FIFA Women's World Cup Australia & New Zealand 2023

- 15 FWWC2023 Pty Ltd (the Organiser) has submitted an application for the Event to be declared a 'major event' pursuant to section 7 of the Act.
- 16 The Event comprises the official draw in Auckland on 22 October 2022; the Play-Off tournament in New Zealand from 17 February 2023 to 23 February 2023; and the World Cup tournament from 20 July 2023 to 20 August 2023 co-hosted by New Zealand and Australia. It will be the largest women's sporting event in the world.
- 17 The official draw is a live event with a substantial broadcast audience. It will attract up to 600 international visitors, including the FIFA President and Secretary-General, FIFA officials, commercial affiliates, and representatives from all the qualified teams to date.
- 18 The Play-Off Tournament is a new tournament for FIFA. It will be held in Auckland and Hamilton, with 10 teams competing for the final three qualifying spots for the World Cup Tournament.
- 19 For the first time, the World Cup tournament will include 32 teams (the last tournament in France in 2019 only had 24 teams), with 16 teams based in New Zealand and 16 based in Australia for the group stage of the tournament. New Zealand will host 29 matches across Auckland, Hamilton, Wellington, and Dunedin.
- 20 The Event is a priority event for Government and is expected to provide long term benefits to New Zealand. It forms part of a broader and collective focus on women's sporting events, aligning with the Government's Women and Girls in Sport and Active Recreation strategy.
- 21 The Event has an anticipated global audience of 1.2 – 1.6 billion, providing New Zealand with significant profile opportunities. It is also expected to attract over 22,000 international visitors as well as significant domestic travel, with a forecasted total match attendance from domestic visitors (excluding locals) of around 155,200, generating significant tourism opportunities.
- 22 I have considered the application and consulted the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation as required under the Act. I am satisfied that the event organiser has the capacity and intention to successfully and professionally stage and manage the event, and to use all practicable measures available under existing law to prevent unauthorised commercial exploitation of the 'major event' and to protect its intellectual property rights and other legal rights. In my judgement, the information provided with the application addresses the requirements for the Event to be declared a 'major event'.

- 23 Accordingly, I consider it appropriate to recommend that the Governor-General, by Order in Council, declare the FIFA Women's World Cup Australia & New Zealand 2023 to be a 'major event' under the Act.

Process for the declaration of 'major event emblems and words' (section 8 of the Act)

- 24 The Act restricts the making of unauthorised representations, such as advertisements, that suggest there is an association between a 'major event' and goods or services, brands of goods or services, or people providing goods or services (section 10 of the Act). The purpose of this restriction is to protect the exclusive rights of sponsors to be associated with a 'major event'.
- 25 Pursuant to section 8 of the Act, I may recommend that the Governor-General, by Order in Council, declare certain emblems and words to be 'major event' emblems and words. If emblems and words are protected by such a declaration, the court may presume that a representation is in breach of section 10.
- 26 Before making a recommendation to the Governor-General that 'major event emblems and words' be declared, I am required to consider the extent to which the event's emblems and words require protection in order to:
- 26.1 obtain maximum benefits for New Zealanders; and
 - 26.2 prevent the unauthorised commercial exploitation at the expense of the organisers and sponsors of the event.
- 27 I am required to consult the Minister of Commerce and Consumer Affairs, the event organiser and any persons I consider are likely to be substantially affected by the recommendation.

FIFA Women's World Cup Australia & New Zealand 2023 words and emblems

- 28 Based on the advice of MBIE officials, including from the Intellectual Property Office of New Zealand (IPONZ), I have reviewed the words and emblems proposed by the Organiser to be granted protection. The Organiser has been consulted. I have also consulted the Minister of Commerce and Consumer Affairs.
- 29 I recommend that the words and emblems set out in Schedules 1 and 2 of the Order are declared 'major events words and emblems' for the purposes of the Act.

Protection for existing businesses and organisations for legitimate use of protected words

- 30 While the court may presume that a representation using protected words is likely to suggest there is an association with the 'major event', the Act provides protection for existing businesses, organisations and people that use them legitimately. For example, use is allowed if, in accordance with honest practices, the representation is made by an existing organisation continuing to carry out its ordinary activities. The Act also deters event organisers from bringing

unjustified proceedings by allowing the court to order payment of damages to the defendant.

Declaration of the protection period (section 9 of the Act)

- 31 Pursuant to section 9 of the Act, any Order in Council made under section 8 must declare a protection period for the 'major event'. The protection period is the period for which the protection against unauthorised association with the 'major event' applies. The protection period is not required to be limited to the period when 'major event' activities are to occur, but it may not end later than 30 days after the completion or termination of all 'major event' activities.
- 32 The Organiser has requested that the protection period starts as soon as possible, noting it considered ambush marketing risks would increase in the months leading up to the Event when promotional activities would increase.
- 33 I therefore propose that the protection period for the FIFA Women's World Cup Australia & New Zealand 2023 start when the Order comes into effect (expected to be on 29 September 2022) and end on 19 September 2023.

Timing and the 28-day rule

- 34 It is a requirement of Cabinet that the Order must not come into force until at least 28 days after they have been notified in the New Zealand Gazette. The Order will come into force on 29 September 2022, which is compliant with the 28-day rule.

Compliance

- 35 The Order will comply with, or have no implications for:
- 35.1 The principles of the Treaty of Waitangi;
 - 35.2 The rights and freedoms contained within the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 35.3 The principles and guidelines set out in the Privacy Act 2020;
 - 35.4 Relevant international standards and obligations; and
 - 35.5 The 2021 Legislation Guidelines adopted by the Legislation Design and Advisory Committee.

Financial Implications

- 36 The Order will have no direct financial implications.

Regulations Review Committee

- 37 There do not appear to be grounds for the Regulations Review Committee to draw the Order to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

- 38 The Order has been certified by Parliamentary Counsel as being in order for submission to Cabinet.

Regulatory Impact Analysis

- 39 A Regulatory Impact Statement is not required as the proposal is of a minor nature and does not require new policy approvals.

Publicity

- 40 The Order will be published in the Gazette on the Thursday following the Executive Council approval.

Proactive release

- 41 I propose that this paper is proactively released, subject to any redactions consistent with the Official Information Act 1982. MBIE will publish a copy of this paper on its website.

Consultation

- 42 The Minister of Commerce and Consumer Affairs, the Minister for Sport and Recreation and the Organiser have been consulted on the proposals in this paper.
- 43 Officials have consulted with the following agencies: Sport New Zealand, the New Zealand Customs Service, The Treasury, the Ministry for Culture and Heritage, Tourism New Zealand and New Zealand Trade and Enterprise.

Recommendations

I recommend that the Cabinet Legislation Committee:

1. **note** that I recommend that the Governor General, by Order in Council, declare the FIFA Women's World Cup Australia & New Zealand 2023 to be a 'major event' and certain associated emblems and words to be 'major event emblems and words' under the Major Events Management Act 2007;
2. **note** that before recommending the making of an Order in Council, I consulted with the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation and other persons as required under sections 7 and 8 of the Major Events Management Act 2007;
3. **note** that the Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022 will give effect to the recommendations referred to above;

4. **authorise** submission of the Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022 to the Executive Council; and
5. **note** that the Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022 will come into force on 29 September 2022.

Authorised for lodgement

Hon Stuart Nash
Minister for Economic and Regional Development

Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022

Order in Council

At Wellington this day of 2022

Present:
in Council

This order is made under sections 7, 8, and 9 of the Major Events Management Act 2007—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendations of the Minister for Economic and Regional Development made after the consultation required by, and in compliance with every other requirement for the making of those recommendations that is specified in, sections 7 and 8 of that Act.

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Order

1 Title

This order is the Major Events Management (FIFA Women's World Cup Australia & New Zealand 2023) Order 2022.

2 Commencement

This order comes into force on 29 September 2022.

3 Interpretation

In this order, **FIFA Women's World Cup Australia & New Zealand 2023** means the FIFA women's football tournament to be held in New Zealand and Australia, which comprises the—

- (a) official draw on 22 October 2022; and
- (b) Play-Off tournament from 17 February 2023 to 23 February 2023; and
- (c) World Cup tournament from 20 July 2023 to 20 August 2023.

4 FIFA Women's World Cup Australia & New Zealand declared to be major event

The FIFA Women's World Cup Australia & New Zealand 2023 is declared to be a major event.

5 FWWC2023 Pty Ltd is major event organiser

FWWC2023 Pty Ltd (an Australian proprietary company) is the major event organiser of the FIFA Women's World Cup Australia & New Zealand 2023.

6 Declaration of protection period

The protection period for the FIFA Women's World Cup Australia & New Zealand 2023 starts on 29 September 2022 and ends at the close of 19 September 2023.

7 Declaration of major event emblems

The emblems set out in Schedule 1 are declared to be major event emblems for the protection period for the FIFA Women's World Cup Australia & New Zealand 2023.

8 Declaration of major event words

The words or combinations of words, and words if combined with other words, set out in Schedule 2 are declared to be major event words for the protection period for the FIFA Women's World Cup Australia & New Zealand 2023.

Schedule 1 Major event emblems

cl 7

The major event emblems are as depicted below or as depicted below but in a different colour or as depicted below but without any of the words or figures.





**Major Events Management (FIFA Women's World Cup
Australia & New Zealand 2023) Order 2022**



Schedule 2 Major event words

cl 8

Part 1 Words and combinations of words

Beyond Greatness
Fédération Internationale de Football Association
FIFA
FIFA Women's World Cup
Football Women's World Cup
Women's World Cup Australia 2023
Women's World Cup New Zealand 2023

Part 2 Words if combined with other words

The words in an item in column A if used in combination with the words in an item in column B.

Column A	Column B
Football World Cup	23
FWWC	2023
WFC	Adelaide
World Cup Football	Agent
	Aotearoa
	Auckland
	Australia
	Bar
	Boorloo
	Brisbane
	Broadcaster
	Caterer
	Catering
	Champions
	Championship
	Club
	Commercial partner
	Cup
	Draw
	Dunedin
	Fan Festival

Column A**Column B**

Fanzone
Finalists
Football
Gadigal
Hamilton
Hospitality
Host
Hotel
Kirikiriroa
Licensed product
Licensee
Meaanjin
Melbourne
Merchandise
Merchandiser
Merchandising
Naarm
New Zealand
Official
Official Host City
Official Venue
Ōtepoti
Partner
Perth
Pub
Qualifier
Soccer
Sponsor
Store
Supplier
Supporter
Sydney
Tāmaki Makaurau
Tartanya
Te Whanganui-a-Tara
Ticketing
Tour
Touring
Tournament
Travel
Trophy
Venue
Wellington

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 29 September 2022, is made under the Major Events Management Act 2007 (the **Act**). It relates to the FIFA Women's World Cup Australia & New Zealand 2023, a football tournament and associated preliminary events, which will take place in New Zealand and Australia between 22 October 2022 and 20 August 2023. The protection period is from 29 September 2022 until 19 September 2023, approximately 3 weeks before the event starts up until 1 month after the event ends.

This order—

- declares the event to be a major event:
- identifies the major event organiser for the event:
- declares the protection period for the event:
- declares emblems and words to be, for that period, major event emblems and major event words.

Subpart 2 of Part 2 of the Act contains protections against ambush marketing by association. Those protections restrict, during the protection period for a major event, a person's ability to make a representation (for example, in an advertisement) suggesting that there is an association between the major event and goods or services, a brand of goods or services, or a person who provides goods or services. There is a presumption that a representation that includes a major event emblem or major event words suggests such an association.

The FIFA World Cup Qatar 2022, an international men's football competition, will be held during the protection period stated in this order for the FIFA Women's World Cup Australia & New Zealand 2023. The protections in this order apply only to the FIFA Women's World Cup Australia & New Zealand 2023 and do not apply in relation to the FIFA World Cup Qatar 2022.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the Ministry of Business, Innovation, and Employment.