



## COMMERCIAL PURPOSE - FACTSHEET

Use this guide to help you determine whether your material is a claimable office expense.

### PRINCIPLE



**No commercial benefit should, or be perceived to, flow to you or another person, including a business, from the inclusion of material.**

*This means, a likelihood for financial gain, reward or positive consequence to the for-profit entity from inclusion.*

### REFLECT



*Is it necessary to refer to a for-profit business to conduct your parliamentary business?*

## Guidance criteria

To support parliamentarians to determine if the material contravenes the commercial purpose prohibition, refer [subsection 66\(4\)](#) of the *Parliamentary Business Resources Regulations 2017*.

If you need additional assistance, use the following criteria to assess your claim. To claim the material as an office expense, it **must not** include:

- Logos or branding of a for-profit entity, *unless* incidental
  - *Incidental* should be taken to mean that the logo or branding is not the prominent or intentional focus of the item or image.
  - Repeated mention of a for-profit business name, or placement of logos or branding, is generally not considered incidental.
- Promotion, support or positive comments about products, services, or for-profit events
  - *Event* should be taken to include, for example, a sale, community event or open day.
  - Factual information or information on issues-based matters discussed with a business are generally claimable.
- Instruction, encouragement, or directives in relation to the purchase of goods, services or attending the premises of a for-profit business.
  - Contact information for a for-profit business, such as location, address, phone number or social media link/website/QR code is considered to be advertising.
  - The name of a for-profit and basic address may be claimable if it is for the purposes of locating a pop-up or mobile office.

## Before you claim or incur expenses

1. Ensure the material does not include any item with an advertisement pursuing a commercial purpose (*outlined in the above criteria*).
2. Check your material against the checklist and refer to the *Considerations*.
3. Submit the material to MaPS for a pre-assessment.

If you submit a claim or incur expenses for office expenses that contravene your obligations, you may be liable to pay a loading as a penalty for an amount equal to 25% of the costs incurred.

## What **can** I claim?

The production or placement of the below material is **claimable**.



I enjoyed meeting many of you at Our Local over the weekend. It was great to hear your thoughts on the challenges small businesses face today.

1. Publications that include singular reference to a for-profit business.
2. References to businesses for the purpose of providing a parliamentarian's location, detailing past or future events, or government initiatives.
3. Imagery where the business name or logo is incidental.
4. No positive comments about the business products or services.

## What **can't** I claim?

The production or placement of the below material is **not claimable**.



I enjoyed meeting many of you at Our Local over the weekend! **Pop down for a great coffee to support small business.**

1. Direct or indirect statements to encourage support of individual businesses or promote their services.
2. Advertise any for-profit businesses or solicit sales on their behalf.
3. Imagery where the business name or logos is a prominent focus.

## Considerations

The condition on office expenses at subsection 66(4) of the PBR Regulations is absolute in nature and is not limited by the dominant purpose test. *This means, any contravening reference or item in the material results in the material **not** being claimable as an office expense.*

In some cases, the presence of business logos or business names are permissible. Where a logo or business name is referred to, the following considerations must be made:

- **Necessity**
  - Is the image or publication, including the logo or business name, necessary to conduct your parliamentary business?
  - Is providing the name of the business important to the purpose of the publication?
- **Context**
  - Is the logo or business name included to provide relevant information or background to the audience?
  - Is the logo or business name included to encourage the purchase of products or services?
  - Is the logo or business name included to raise brand awareness through publishing a trademark, company logo, image or slogan?
- **Focus**
  - Is the logo or business name incidental, and not the prominent and/or intentional focus of the publication?
- **Parliamentary Business Resources Obligations**
  - Is the logo or business name for the *dominant purpose* of parliamentary business and **not** either:
    - » providing a personal benefit to you or another person?
    - » pursuing the commercial purpose of you or another person?
  - Does the inclusion of a logo or business name provide *value for money* – uses public money efficiently, effectively and economically?
  - Is the inclusion of a logo or business name in *good faith* and *ethical* for conducting your parliamentary business?
  - Are you prepared to *publicly justify* the inclusion of the logo or business name of a for-profit entity using public money?

## Checklist

Complete the below checklist to assist you in your assessment of the publication before requesting a pre-claim assessment from Ministerial and Parliamentary Services (MaPS).

- All references to businesses are neutral/factual and do not promote individual businesses
- All business names and logos included in the publication are incidental
- The publication does not solicit support for individual businesses
- Your parliamentary business cannot be achieved without identifying the business within the publication
- The presence of the business name or inclusion of a business logo does not constitute an advertisement

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