



# COMMERCIAL PURPOSE – GUIDANCE

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. Refer to the *case studies* provided on the following pages if you are unsure if your material is a claimable expense.
3. Check your material against the checklist and refer to the *Considerations*.
4. Submit the material to IPEA 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 that is not a prominent focus.
2. References (text or imagery) 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.

**Note:** any reference to a for profit business must be necessary in relation to the conduct of parliamentary business.

## 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.

## Case Studies

### SMALL BUSINESS TALK IN QUEANBERRA

I met with local business owners of 'Pizza Place'. Small and medium businesses are the backbone of the Australian economy and employ nearly half of all Australians.

Thank you to everyone at Pizza Place for meeting with me to discuss all things important to small business.



1. Multiple references to the business name or logo and is a prominent focus of the imagery.
2. Publication refers to small business '**Pizza Place**' in the context of factual issues faced by small businesses.
3. The article references '**Pizza Place**' to thank them for meeting to talk and does not directly encourage support of the business or promote their products or services.
4. The image includes contact information for the business '**Pizza Place**'.

**✗ This is not claimable as an office expense.**

### CELEBRATING SMALL BUSINESS

Small businesses are the backbone of Australia, employing nearly half of all Australians. Unfortunately, it is estimated that nearly 1 in 3 small businesses fail within the first year.

I caught up with the team at Burger Joint in Canberran to discuss their experience as small business owners. We discussed the challenges faced and reward of being a small business owner, including how they make their awesomely tasty burgers!



Burger Joint's Caroline and Sean

1. Business name or logo is a prominent focus of the imagery.
2. Publication refers to small business '**Burger Joint**' providing factual information on small business success.
3. The article indirectly encourages support of the individual business products and promotes their service stating, '*how they make their awesomely tasty burgers!*'.

**✗ This is not claimable as an office expense.**

The town of Deakin Flats have fought back following the devastation brought by the recent natural disasters.

Many businesses have remained closed as they rebuild, but today I joined the towns crown jewel butcher, Deakin Flats Prime Meats.

Despite being hit hard by the disasters the shop is now back on the map. It was a pleasure to visit this iconic local establishment and pick up some fabulous rib-eye steaks.

I encourage you all to support this local business.



Samantha Harris from Deakin Flats Quality Meats

1. Imagery does not include prominent business names or logos.
2. Business name mentioned in caption is incidental as it is factual information.
3. The article includes positive comments promoting the products stating, '*pick up some fabulous rib-eye steaks!*'.
4. The article directly encourages support of the business and purchase of goods stating, '*I encourage you all to support this local business!*'.

**✗ This is not claimable as an office expense.**



1. Business names have been included for the purpose of identifying and locating the Community Discussion Meetings.
2. Publication includes factual information/neutral tones and does not directly or indirectly support the listed businesses.

✓ **This is a claimable office expense.**



1. Although the publication mentions products provided by the café, it does not promote or use positive comments.
2. Business name has been included for the purpose of identifying and locating the mobile office.
3. The imagery has been included to assist constituents to identify and locate the mobile office. The logo is incidental.

✓ **This is a claimable office expense.**



1. The inclusion of the business name is used to notify constituents of the grant recipient.
2. Neutral tones and factual information are used in reference to the business.
3. Business names are mentioned, however there is no promotion, support or positive comments about the business' products or services.

✓ **This is a claimable office expense.**

**Not a claimable office expense Why?**



1. Multiple references to the business name or logo and is a prominent focus of the imagery with contact details.
2. Publication refers to small business '**Pizza Place**' providing factual information on small business success.
3. The article references '**Pizza Place**' to thank them for meeting to talk and does not directly encourage support of the business or promote their products or services.
4. The image includes contact information for the business '**Pizza Place**'.

**X This is not claimable as an office expense.**

**Claimable office expense**

**To make this a claimable expense:**



- The image has been cropped to make the member and constituent the focus of this image and the number of references to the business name reduced. A portion of the logo remains; however, it is no longer the prominent focus.
- Contact details of the business are no longer visible.



1. Business name or logo is a prominent focus of the imagery.
2. Publication refers to small business '**Burger Joint**' in the context of small business success in a positive tone.
3. The article indirectly encourages support of the individual business products and promotes their service stating, '*knowing how to make an awesomely tasty burger!*'.

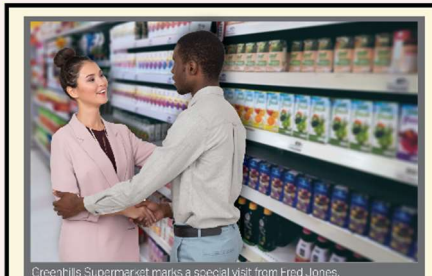
**X This is not claimable as an office expense.**



- The positive tone promoting a product sold by '**Burger Joint**' has been removed.
- The photo does not include the '**Burger Joint**' logo as a prominent focus, as it is obscured.



**Not a claimable office expense Why?**



Greenhills Supermarket marks a special visit from Fred Jones.

Greenhills Supermarket is a local favourite in our region, serving their traditional range of tasty organic juices.

Like many businesses it has faced the impacts of the pandemic. But, with restrictions easing you can also now make a visit. Scan the QR code to check out the range of juices before you visit.

Our local businesses are the backbone of Australia. We should all rally around them. For more information on supporting and buying Australian Made, visit: [australianmade.com.au](http://australianmade.com.au)

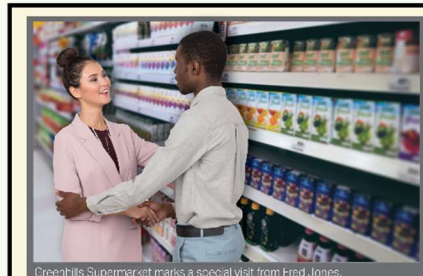


1. Imagery does not include prominent business names or logos.
2. Business name mentioned in caption and item is mentioned in positive tone promoting a product made and sold by the business.
3. The article directly encourages the support of Australian Made and provides a weblink to Australian Made which is a not-for-profit.
4. The QR code takes the reader directly to the business website.

**✗ This is not claimable as an office expense.**

**Claimable office expense**

**To make this a claimable expense:**



Greenhills Supermarket marks a special visit from Fred Jones.

Greenhills Supermarket is a local favourite in our region, serving their traditional range of tasty organic juices. Like many businesses it has faced the impacts of the pandemic. But, with restrictions easing you can also now make a visit. Scan the QR code to check out the range of juices before you visit.

Our local businesses are the backbone of Australia. We should all rally around them. For more information on supporting and buying Australian Made, visit: [australianmade.com.au](http://australianmade.com.au)

- The positive comments promoting a product sold but the business has been removed.
- The directive to encourage support for this business has been removed.
- The QR code to the business website has been removed.



Tax relief for local breweries and the hospitality industry supporting jobs and the economy. ... see more

1. Imagery includes prominent business names or logos.
2. Business name is not mentioned in caption and reference is issue-based, stating, 'Tax relief for local breweries and the hospitality industry supporting jobs and the economy'.
3. The article has repeated images of the business name and logos of products sold by the business, which are not considered incidental.

**✗ This is not claimable as an office expense.**



Tax relief for local breweries and the hospitality industry supporting jobs and the economy. ... see more

- The business name and repeated logos have been removed/cropped out.
- The beer tap images have been blurred so that the branding and product names are obscured.
- Alternatively, choose a photograph that does not prominently display branding of the products.

**Not a claimable office expense Why?**



1. Business name or logo is a prominent focus of the imagery.
2. Publication directly encourages support of local businesses in the City of Happytown.

**✗ This is not claimable as an office expense.**

**Claimable office expense**

**To make this a claimable expense:**



- The image has been cropped to make the member and constituent the focus of this image. A small portion of the logo remains; however, it is no longer the prominent focus.



1. Business name or logo is a prominent focus of the imagery.
2. Wording relates solely to an issue without reference to any business names.

**✗ This is not claimable as an office expense.**



- The image has been changed to remove the business name and logo.

**Not a claimable office expense Why?**



1. Business name or logo is a prominent focus of the imagery, 'The Money Dude'.
2. Publication directly promotes a community event for applying for government grants which was facilitated by a business.

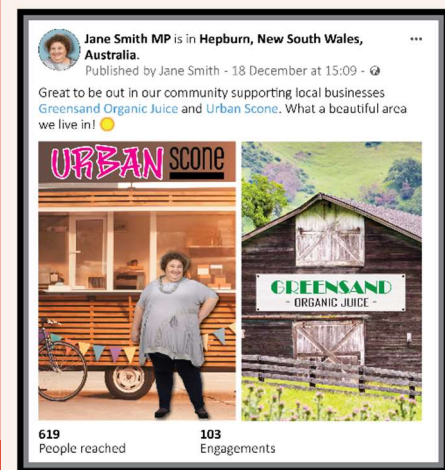
**X This is not claimable as an office expense.**

**Claimable office expense**

**To make this a claimable expense:**



- The image has been changed to remove the business name and logo.



1. Imagery includes prominent business names or logos.
2. Business name mentioned in caption includes weblinks directly to the businesses 'Greensand Organic Juice' and 'Urban Scone'.

**X This is not claimable as an office expense.**

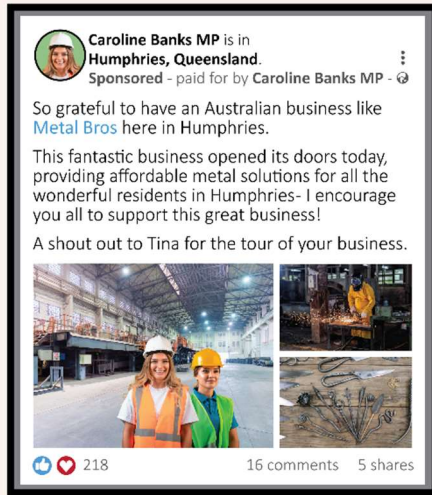


- The images have been changed or cropped to remove the business name and logo.
- The weblinks to the businesses 'Greensand Organic Juice' and 'Urban Scone' have been removed.

**Consider:** Is reference to a business necessary?

To remove any potential financial benefit or gain (or the perception) to these local businesses over other similar businesses, reference could be removed without losing the key message of being out and about supporting local businesses etc.

**Not a claimable office expense Why?**

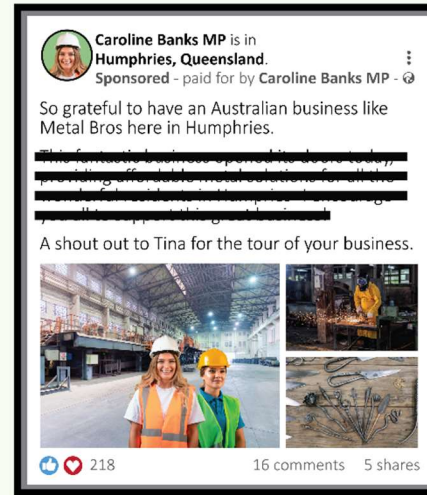


1. Imagery does not include prominent business names or logos.
2. Business name and product is mentioned in positive tone promoting a product made and sold by the business.
3. Business name includes a weblink directly to the business '**Metal Bros**'.

**✗ This is not claimable as an office expense.**

**Claimable office expense**

**To make this a claimable expense:**



- The positive tone promoting the business and products made and sold by the business have been removed.
  - The weblink to the for-profit business '**Metal Bros**' has been removed.
- Note:** You must also ensure that any captions on each individual image satisfy the guidance criteria.

**Social media video clip**



1. Video imagery repeatedly includes prominent business names or logos.
2. Business name mentioned throughout and includes support and positive comments about products made and sold by the business.
3. The video includes issues-based information on export success within Bigsville and 'supporting local manufacturing'.

**✗ This is not claimable as an office expense.**

**Social media video clip**



- Prominent or intentional display of a business name, image or logo of a business should be removed.
  - Change the focus of the video clip to local manufacturing generally within the electorate, so it becomes factual information on an issue.
  - Clips of products, types of services, global reach etc can be included without reference or inclusion of business names or logos.
- Note:** Reference to and images or logos of a single business must be incidental.

## 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 your own 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 Independent Parliamentary Expenses Authority (IPEA).

- 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

For further information or support | [ipea.gov.au](http://ipea.gov.au) | 02 6215 3000