



**Government
of South Australia**

Department of the Premier and Cabinet Circular

**DPC CIRCULAR 023 – PRIVATE SECTOR ENDORSEMENTS ON
GOVERNMENT PUBLIC COMMUNICATIONS**

July 2006

Introduction

This Circular outlines guidelines relating to advertising, promotion or implied endorsement of private-sector companies by the Government.

The guidelines aim to ensure the impartiality and transparency of Government and to prevent implied or unintentional endorsement of private sector entities.

The key principle is that Government materials should not be available for free promotional opportunities by paid contractors.

Principle

Official Government public communications should:

- Only include information and images that the Government has formally endorsed; and
- Not identify a non-Government entity unless the Government has formally agreed to endorse, sponsor or advertise that entity through a sponsorship agreement.

Overview

These guidelines aim to prevent any perceived conflict of interest, implied favoured treatment or endorsement by the Government of products or services by commercial companies.

The Prudential Management Framework states, under the principle of Probity: *In all commercial relationships between Government and private sector entities, the conduct of the Government and its agencies must be such that the perception of its actions does not allow for the erosion of confidence in the integrity and fairness of the processes of public sector institutions.*

Under *the Unauthorized Documents Act 1916*, the Government's official symbol, the Piping Shrike, should not be used for commercial purposes. A non-Government entity should not be identified or appear on Government communications without Ministerial approval.

The Government's official symbol should not be used on non-government materials unless the Government of South Australia has entered into a sponsorship agreement with the non-government entity.

All sponsorship proposals where there is significant Government funding, and/or a perceived strong association with Government need to be approved by the Premier's Communications Advisory Group. Media sponsorships need to be negotiated in conjunction with the Master Media Scheme.

Guidelines

Government reports, publications and other materials, including electronic publications such as websites, CD roms, emails, email signature blocks and broadcast items must comply with the following guidelines.

- Government publications, forms or like materials are not permitted to carry advertisements for private-sector companies or other non-government bodies. This includes logos or words that could be interpreted as a form of advertising, promotion or government endorsement of a private-sector company or other non-government body.
- A private-sector company contracted to provide goods or services to an agency is not automatically entitled to have its name or logo publicly displayed on government publications or materials except to the extent required by law (copyright, electoral laws etc).
- Reference to environmentally "friendly" production such as the use of recycled paper or vegetable-based inks should be publicised without commercial references.
- Acknowledgement of sponsorship, partnership, or funding arrangements can be made through logos or words, provided it is clearly identified or easily recognised as such.
- Free email signature blocks downloaded from the internet that contain company acknowledgement and/or hot links to company home pages are not permitted.

- Private sector or non-government agency sponsorship or advertising (including any form of words or acknowledgment) is not permitted for:
 - Corporate stationery, forms, annual reports, or like materials
 - Departmental or agency corporate uniforms (except for specific event promotional clothing)
 - External corporate signage on buildings or near vicinity
 - Government fleet vehicles – except for advertising on public transport vehicles or sponsored promotional vehicles for events or projects or promotion of government projects (eg. Crime Stoppers, Neighbourhood Watch).
 - Government web home or content pages (this does not preclude acknowledgement of sponsorship arrangements for programs/events on web pages devoted to that project.)
- Government publications/directories that contain paid advertising (information brochures) should carry a disclaimer that the Government does not endorse featured advertisers.
- Commercial banner advertisements are not permitted on Government websites unless they promote and link to other Government entities.
- No other form of company product or service endorsements (through words, logos or graphic devices or through the inclusion of keywords in Website metadata) which could be interpreted as advertising, promotion, or endorsement are to be placed or published on Government websites.
- Hot links to private company home pages are only permitted where a sponsorship or partnership agreement has been entered into between the two parties as part of the sponsorship/partnership agreement.
- Permitted logos under copyright or other legal provisions or other forms of acknowledgement of paid service providers should not provide a direct hot link to a private-sector company's website.
- Where a Government agency's role is to provide a factual data base of industry co-ordination or community information, (eg. SA Tourism, SA Central, Arts SA, Department of Trade and Economic Development, Office for Volunteers etc.) hot links to related external websites are permitted.

Provision of Editorial Comment

Statements from Government agencies supplied to private companies for media releases and editorial for newspaper articles, trade journals and other publications about products or services supplied to the South Australian Government should be factual and contain no statements which could imply endorsement of services, products or commercial entities.

Standard Crown Law contracts stipulate: The Contractor must not make or permit to be made a public announcement or media release about any aspect of this Agreement unless (the Agency) first gives the Contractor its written consent.

Summary

Government agencies are advised to make it clear to contractors that the provision of services does not automatically give private sector agencies free promotional opportunities on government materials.

Government agencies should consider intellectual property and copyright issues before commissioning work and refer to individual departmental policies. Agencies are advised to consult with their Accredited Purchasing Units or legal departments if entering into legally binding agreements with third parties for the provision of materials and services.

The Government's intellectual property policy is available on the Prudential Management Group's Intranet site at <http://intra.sa.gov.au/site/pmg/Policies/IntellectualPropertyPolicy.html>

For further advice or assistance please contact:

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