



ACT
Government

Suburban Land
Agency

Sponsorship Policy 2024

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Purpose

This policy aims to ensure that consistent and defensible decisions are made by the Suburban Land Agency (SLA) when considering and managing sponsorship requests and opportunities.

Sponsorship is a commercial arrangement in which a sponsor provides a contribution in cash or in kind to support an activity/event/initiative in return for certain benefits that may be in the form of cash, product or service ('in-kind' support), the provision of specific expertise, or a combination of these.

Scope

This policy applies to all sponsorships offered to, requested by, or entered into by SLA regardless of the value of the sponsorship. It may also include memberships with industry associations, support of community and non-commercial organisations or purchase of stall space at events from any corporate, professional, non-commercial or government entity.

This policy categorises sponsorship into two forms:

1. **Outgoing sponsorship** - may arise where SLA is presented with an opportunity to provide sponsorship to a corporate sector entity, professional entity or non-commercial entity; and
2. **Incoming sponsorship** - may arise where SLA is presented with an opportunity to receive sponsorship by a corporate sector entity, private individual or another Government agency.

Sponsorship, for the purpose of this policy, does not include:

- program-based grants or other forms of grant support (these are executed using a Deed of Grant),
- donations or gifts which impose no obligations on the recipient,
- joint ventures or partnership arrangements, in which development of a program of activities and/or associated risks are shared between SLA (or the Territory) and commercial partners,
- partnership between SLA and other ACT Government directorates (these are executed using an MOU or Collaboration Agreement),
- procurement of consultancies, or
- scholarships.

Policy Statement

This Policy sets out the principles and decision-making process to be used by SLA when considering and/or entering into sponsorship arrangements. Staff within SLA must comply with this policy when considering and managing sponsorships.

Guiding Principles

The Agency's sponsorships must:

- align with SLA's vision, principles, and strategic priorities,

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- be entered into with entities and activities who will maintain and enhance the Agency’s reputation and will not diminish or damage the Agency’s reputation,
- involve fair and transparent arrangements and accountabilities,
- be free from actual or perceived current and/or potential future conflicts of interest,
- provide returns or benefits (in cash or in-kind) that positively position SLA and develop its stakeholder relationships, defray existing costs or allow SLA to do more to deliver against our mandate and be assessed on a value for money basis,
- value for money should not be interpreted as the highest dollar or in-kind value of the sponsorship and will take into account the real cost of servicing the sponsorship,
- be consistent with the wider context of the ACT Government’s strategic objectives,
- be entered into ethically and fairly, in accordance with the ACTPS Policies and Procedures,
- not provide personal benefit to the SLA’s employees, and
- not imply conditions that limit (or can be seen to limit) the ability of SLA to carry out its functions. This means that the sponsorship does not ‘endorse’ a company, an event, a policy, etc (unless it is within the role of SLA to do so).

Sponsorship requests/proposals

SLA administers a formal outgoing sponsorship program. All requests/proposals are to be considered by SLA in accordance with this policy and the SOP.

SLA will generally seek sponsorship proposals at the commencement of the calendar year for agreements in the financial year. Additional opportunities may be considered throughout the year, subject to budget availability. Sponsorship opportunities should be widely advertised by SLA and include details of the opportunity, potential benefits to sponsors, due date for proposals, the format required, the assessment criteria and the selection method.

Procurement advice should be sought for relevant activities.

All sponsorship proposals/requests must be submitted in writing (or via email) to SLA.

Assessment Criteria

The following criteria is to be followed when assessing sponsorship opportunities (both incoming and outgoing sponsorships).

Summary	Objective	Measurable outcome
Value	<ul style="list-style-type: none"> • The proposal provides a mix of financial and/or non-financial benefits that align with one or more of the Agency’s strategic priorities. • Provide a well measured mix of marketing and brand benefits to the Agency. 	<ul style="list-style-type: none"> • Will result in marketing, communications and/or ‘association’ opportunities, or increased community engagement or education. • Benefits and evaluation method are clearly described, and metrics agreed - e.g. number of attendees, post sponsorship survey results, media coverage,

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	<ul style="list-style-type: none"> • Add value to the Agency’s brand equity and elevate the SLA brand. • The Sponsorship should align with the good reputation and values of the Agency and the ACT Government. 	social media metrics, database relevance, size and quality, speaking and thought leadership opportunities for SLA etc.
Risk	<ul style="list-style-type: none"> • Does not conflict with the Agency’s principles, ACT Government’s strategic priorities and existing ACT Government partners. • The risks to the Agency can be mitigated or managed. 	<ul style="list-style-type: none"> • Undertake a risk management assessment (including conflict of interest or influence) to determine what the risks are for the Agency and whether these can be managed or mitigated.
Effectiveness	<ul style="list-style-type: none"> • Is a suitable and feasible arrangement. 	<ul style="list-style-type: none"> • Undertake an assessment of the suitability and feasibility of the arrangement including the resources required to manage the sponsorship arrangement, roles and responsibilities. • Clear statement that adequate resources are available and in budget. • Unsuitable activities may include: <ul style="list-style-type: none"> ○ projects/activities involving gambling, ○ any activity that may be construed as being sexually, racially or otherwise discriminatory, ○ events heavily branded by previous sponsors, ○ political activities, and ○ religious activities.
Competency	<ul style="list-style-type: none"> • The organisation is aligned with the Agency's vision as per the SLA Strategic Plan. • Financial resources are adequate. 	<ul style="list-style-type: none"> • Assessment of the public image of the proposed sponsored organisation including its mission, objectives and practices. • Assess the adequacy of the financial resources of the proposed sponsored organisation.

Procurement	<ul style="list-style-type: none"> The proposed Sponsorship is 'value for money'. 	<ul style="list-style-type: none"> To be assessed in accordance with section 22A the Procurement Act and Government Procurement Regulation 2007 (see Annexure A).
ICAC principles	<ul style="list-style-type: none"> The proposed sponsorships recognise the Independent Commission Against Corruption's (ICAC's) 'sponsorships principles'. 	<ul style="list-style-type: none"> Assess against the ICAC principles (see Annexure A). Any variations from these principles are to be documented and assessed.

Sponsorship Documentation

Sponsorship agreements are legally binding contracts. They must be executed in writing in a format commensurate with the complexity and/or value of the sponsorship. The assessment processes and reasons behind all decisions must be documented. It is the Agency's preference that any contract entered into is compliant with the Territory's requirements therefore sponsorship agreements should be requested for review early in the process as legal advice may be sought for more complex arrangements.

Sponsorship Monitoring and Reporting

The management of Sponsorships will be monitored by the relevant Senior Executive, Committee or Board and the relevant Audit and Risk Committee.

Sponsorships are to be reported in the Agency's Annual Report.

An accountable officer is to be assigned to monitor and manage each sponsorship. They are responsible for ensuring that financial accountability requirements are met and for providing an evaluation report.

Records Management

The Agency is required to ensure that records generated from the requirements of this policy are accurately filed, stored and managed in accordance with the *Territory Records Act 2002* and Environment, Planning and Sustainable Development Directorate Records Management Program.

Records will include requests for sponsorship, supporting evidence provided, the recommendation and decision, and any correspondence between the Agency and the requesting organisation.

Evaluation

Outcome Measures	Method	Responsibility
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All sponsorships are within the scope of this policy and have been managed in accordance with this policy.	Bi-annual file sampling of sponsorship requests and considerations.	Stakeholder Engagement team
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Annexure A

Related Documents

Legislation

Annual Reports (Government Agencies) Act 2004
 Government Procurement Act 2001
 Government Procurement Regulation 2007
 Public Sector Management Act 1994
 Government Procurement Amendment Act 2024

Policies and procedures

ACTPS Code of Conduct
 ACTPS Code of Ethical Behaviour
 ACTPS Integrity Policy 2010
 EPSD Portfolio Fraud and Corruption Prevention Plan and
 EPSD Portfolio Fraud and Corruption Control Plan, and
 EPSD Portfolio Sponsorship Procedure.
 ICAC Sponsorship in the Public Sector 2006

Definition of Terms

Incoming Sponsorship means a commercial arrangement in which the Agency receives a contribution.

Outgoing Sponsorship means a commercial arrangement in which the Agency provides a contribution.

Procurement means the process of acquiring goods, services, works or property by purchase, lease, rental or exchange; and the process of disposing of goods, works or property by sale.¹

Procurement Act means the *Government Procurement Act 2001* as varied from time to time.

¹ Section 2A – *Government Procurement Act 2001*

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Public Tender means a procurement process whereby the Agency publicly advertises a procurement (sponsorship) opportunity for all interested proponents.

Sponsorship means a commercial arrangement in which a sponsor provides a contribution in cash or in-kind to support an activity in return for certain specified benefits.

Additional Provisions

Procurement Act - Value for money

22A Procurement principle - value for money

- (1) A territory entity must pursue value for money in undertaking any procurement activity.
- (2) Value for money means the best available procurement outcome.
- (3) In pursuing value for money, the entity must have regard to the following:
 - (a) probity and ethical behaviour,
 - (b) management of risk,
 - (c) open an effective competition,
 - (d) optimising whole of life costs, and
 - (e) anything else prescribed by regulation.

Further assistance and advice on procurement is available from Shared Services Procurement (<http://www.procurement.act.gov.au/home>) and should be sought for sponsorships valued over \$25,000.

ICAC Sponsorship principles

Extracted from <http://www.icac.nsw.gov.au/documents/preventing-corruption/cp-publications-guidelines/1289-sponsorship-in-the-public-sector/file>

- 1. A sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, a public sector agency's ability to carry out its functions fully and impartially.**

Sponsorship should not hinder or influence the way an agency operates. An agency should continue to carry out its functions fully and impartially, regardless of the sponsorship agreement or the interests or business of the sponsor or sponsorship recipient. Agencies should ensure this principle is fully understood by all other parties in the sponsorship arrangement.

- 2. There should be no actual conflict between the objectives and/or mission of the sponsored agency and those of the sponsor 1.**

Before entering into a sponsorship arrangement, an agency should ensure that the values and objectives of the potential sponsor or sponsorship recipient or its parent company do not conflict with those of the agency. There should be provision in the sponsorship agreement for an agency to terminate the agreement during the term of the agreement if these values or objectives change in a way that could pose a conflict of interest for the agency.

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3. In general, a public sector agency with regulatory or inspection responsibilities should not seek, or accept sponsorship from people or organisations which are, or may be, subject to regulation or inspection by the agency during the life of the sponsorship. Where adhering to this principle would unduly limit the agency’s sponsorship prospects, the agency should develop alternative strategies to ensure it can carry out its regulatory or inspection responsibilities in relation to sponsors in an open, fair, accountable and impartial manner.

The Commission believes that, in general, agencies should not accept sponsorship from or grant sponsorship to parties subject to or likely to be subject to their regulation or inspection. However, it is recognised that agencies may have difficulty attracting sponsorship if they adhere to this principle in all cases. For example, an agency may find that sponsorship for a particular event or activity is only forthcoming from parties it regulates or inspects or is likely to regulate or inspect. When considering whether to enter into a sponsorship arrangement with such a party, the agency should consider the best interests of the public, public accountability, public perceptions and the potential risks as well as the potential benefits. Agencies that enter into such arrangements should take appropriate action to manage the risks, for example:

- The agency should record the circumstances resulting in this decision and its decision-making process.
- The agency should have a policy and procedures in place to ensure it carries out its functions in regard to such parties in a fair, accountable, open and impartial manner. At a minimum, the agency should ensure that the people or division involved in the sponsorship arrangement have no involvement in the regulation or inspection of the party or in general. The agency could also consider using an independent person or body outside the agency that can carry out the regulatory functions impartially and provide a report to the agency. To promote transparency, agencies should consider placing this policy on their website.
- Agencies involved in sponsorship activities should also have procedures in place in the event that a sponsor or sponsorship recipient becomes subject to the agency’s regulation or inspection while the sponsorship arrangement is in effect. The procedures should ensure the agency carries out its functions in regard to this party in a fair, accountable, open and impartial manner. The sponsorship agreement should give the agency the option of terminating or suspending the sponsorship arrangement in such cases if it is appropriate.
- All parties should understand clearly that the sponsorship arrangement has no bearing on the agency’s exercise of its regulatory or inspectorial functions. This should be clearly stated and acknowledged in all documentation including the sponsorship agreement and the agency website.

4. Sponsorship of a public sector agency or activity should not involve explicit endorsement of the sponsor or the sponsor’s products.

The act of entering into a sponsorship arrangement with a sponsor or sponsorship recipient in itself sends an implicit message of endorsement of the sponsor and its products by the agency. This credibility is one reason that the private sector seeks to sponsor government agencies. Agencies cannot control this perception and for

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this reason must be careful in their choice of sponsors or sponsorship recipients. However, agencies can take steps to ensure they do not explicitly endorse a sponsor or sponsorship recipient or their products and the sponsorship agreement should clearly state this.

An example of explicit endorsement would be a school that receives sponsorship from a stationer stating to students that particular stationery products are superior to others.

5. Where sponsorship involves the sponsor providing a product to the agency, the agency should evaluate that product for its fitness for purpose against objective criteria that are relevant to the agency's needs.

Agencies should be careful not to accept a sponsor's products simply because they are offered free of charge: this could result in implicit endorsement of a sub-standard product. The agency should ensure the product is of the type and quality that it requires before it agrees to accept sponsorship.

6. It is inappropriate for any employee of a public sector agency to receive a personal benefit from a sponsorship.

This principle should be included in the agency's code of conduct. Sponsorship should not benefit individual staff but must be used in the public interest. Where a benefit provided by a sponsor is used by an individual staff member, for example, attendance at a conference, the agency should minimise the possibility of perceptions that a personal benefit was given to an individual public official. For example:

- The sponsorship should be offered to and negotiated with the agency, not the individual public official.
- The agency, not the sponsor, should select the individual to receive the benefit (such as attendance at a conference).
- If there is a regulatory relationship with the sponsor, the individual selected should not be involved in that regulatory function.

7. In most circumstances, the public interest is best served by making sponsorship opportunities widely known. To this end sponsorships should be sought and granted by using broadly based, open processes that are not limited solely to invited sponsors.

The ICAC maintains that open tendering is the most appropriate method in most cases, particularly if there is keen interest in sponsorship, or the event or activity that is attracting the sponsorship interest is particularly significant. However, the Commission accepts that open tendering can sometimes be problematic for a number of reasons. For example, a one-off opportunity of considerable benefit that requires quick action may be lost to the agency during the time taken by a tender process.

While open tendering may not always be appropriate, agencies should still strive to maintain an open approach to sponsorship that provides equality of opportunity to would-be sponsors and maximises the potential public benefit.

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They should select the most open strategy that is appropriate for the particular circumstances. See the section “Seeking sponsorship or receiving unsolicited proposals” on pages 29 and 30 for examples of such strategies.

In some cases, for example if sponsor interest is poor or restricted to potential sponsors with highly specialised characteristics, agencies may determine that dealing directly with potential sponsors is most appropriate.² In such cases, they should record the nature of the circumstances, their decision-making process and their strategies for addressing the potential corruption risks.

Unsolicited proposals from potential sponsors pose additional risks for agencies; for example, it is often difficult to assess the value of the proposed sponsorship if you cannot compare it with the market. Agencies should assess all such unsolicited proposals carefully and ensure that both the potential sponsor and the proposal meet all the agency’s requirements. If possible they should commission an independent market scan to obtain an indication of market value. If an agency decides to accept the proposal, it should record the circumstances in the same way as it would when dealing directly with potential sponsors.

Open processes should also be used for the granting of sponsorship for the same general reasons as apply to seeking sponsorship.

8. Public sector agencies should assess sponsorship proposals against predetermined criteria which have been published in advance or which are circulated to organisations that submit an expression of interest.

Agencies that are interested in attracting sponsorship should develop general criteria against which they will assess potential sponsors. They should make this information widely available, for example on the agency website. They should include these general criteria plus any additional criteria specific to a particular sponsorship opportunity with the tender or expression of interest information packages.

Agencies should also fully document their assessment process and the reasons for their decisions.

9. A sponsorship arrangement is a contract and should be described in a written agreement.

Sponsorship agreements are legally binding contracts and should be prepared and administered by staff who are appropriately trained. This training should include basic contract administration and commercial dealings with the private sector. We have provided guidance in this publication on the sorts of matters that could be covered by sponsorship agreements (see pages 27 and 42).

10. All sponsorship arrangements should be approved by the CEO or another designated senior officer of the agency and described in the agency’s annual report in a form commensurate with the significance of the sponsorship.

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In larger or decentralised agencies, sponsorship may be undertaken at regional or even local levels as well as centrally. Such agencies should therefore clarify the circumstances in which regional or local managers may approve or grant sponsorship and ensure that these managers have the appropriate delegations to enter into sponsorship agreements.

These agencies should also maintain a database of sponsorships. Where a centralised database is not practical, regional and local managers with the delegation to approve sponsorships should be required to maintain their own sponsorship databases and the agencies should have reporting systems that allow this data to be collected for internal audit programs and annual reports.

Document Governance

Position or Business Area	Role	Responsibility
SLA Board	Document Approver	Approving Authority
SLA Board Audit and Risk Committee	Document Sponsor	Authorising policy position and intent
SLA Engagement team	Document Owner	To draft, amend and implement the policy

Version Control

Version	Date	Amendment Details
1.0	May 2013	Land Development Agency (LDA) Sponsorship Policy and Guidelines
2.0	November 2018	Board approved SLA Sponsorship Policy and Guidelines
3.0	August 2020	Reviewed Sponsorship Policy
4.0	October 2020	Revised Sponsorship Policy present to SLA Board
5.0	September 2022	Sponsorship Policy and Sponsorship SOP reviewed and presented to BARC and SLA Board for approval
6.0	October 2024	Sponsorship Policy and Sponsorship SOP reviewed and presented to BARC and SLA Board for approval

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