

Advertising Protocols for Declared Events

Policy

The Authority is responsible for the management, operation, use and promotion of major sports facilities. The Major Sports Facilities Act 2001 ("**the Act**") requires that in performing these functions, the Authority have regard to both sound commercial principles and the requirements of the tenants of the facilities. The Act seeks to ensure major events can be attracted to Authority venues by protecting advertising and branding arrangements between hirers, tenants, naming rights sponsors and other commercial partners involved in the event.

The concept of "Ambush Marketing" relates to organisations that display advertisements in the vicinity of event venues but where the organisation has no bona fide association with the event nor made any financial contribution to the staging of the event. Ambush marketing activities have the potential to undermine the commercial arrangements the Authority and its stakeholders have negotiated in regard to the conduct of major events and the returns, in terms of the value of advertising exposure, to all stakeholders. The protection of these commercial arrangements is necessary because of the extent to which major events are dependant on these revenues for their viability. An eroding of the commercial value of sponsors investment (through such things as ambush marketing) would see a retreat from the market of companies and organisations willing to sponsor major events, making them unaffordable to the average sports fan.

It is considered imperative the Authority and its commercial partners work together to minimise the impact of ambush marketing by enacting a process for approval of advertising activities at high profile events. To this end the Major Sports Facilities Act 2001 creates offences and penalties for individuals and organisations that undertake unauthorised marketing activities at certain "declared events" conducted at Authority venues.

Definitions

Ambush marketing: is commonly defined as the unauthorised association by businesses of their names, brands, products or services with a sports event or competition through any one or more of a wide range of marketing activities. The definition is not limited to sporting events and is equally applicable to the arts, community-based and other events.

Declared event: is an event conducted at an Authority venue that is declared by the Governor in Council as an event where advertising will be regulated.

Declared period: means the period preceding, during and after an event for which advertising is regulated.

Advertisement: An advertisement, for the purposes of this policy is an advertisement in airspace, or on a building or other structure that is within sight of a major sports facility during a declared period for the facility. Advertising does not require authorisation if it is on:

- a building or structure within site of an Authority venue that is displayed on more than a temporary basis; and
- an aircraft within site of an Authority venue, if the aircraft is on a scheduled commercial flight.

Declaring an Event

In accordance with section 30E of the Major Sports Facilities Act 2001, the Authority may submit proposals to the State Government for the Governor in Council to declare an event for advertising purposes where the event is deemed to satisfy one or more of the following criteria:

- i. Attendance at the event is expected to be greater than 85% of venue capacity, or,
- ii. The event is of state, national or international significance; and,
- iii. The event is expected to attract extensive media coverage by way of free to air television, pay television, radio, print media or the World Wide Web.

In the first week of December each year Venue Managers will inform the General Manager (Operations) or his/her delegate of scheduled events for which there are confirmed bookings in the next 12 months period that meet one or all of the above criteria. Venue Managers will also inform the General Manager (Operations) of events which meet one or all of the above criteria and which are booked after December and scheduled within that 12 month period, as soon as practical after they are booked.

General Manager (Operations) will assess each event in accordance with any one or all of the above criteria and determine whether declaring an event will protect the interests of stakeholders for advertising purposes.

General Manager (Operations) may, either on the recommendation of a Venue Manager or at his or her own instigation, determine that an event should be

declared even if it does not meet the above criteria, if there are features of the event or the relevant user of the venue which reasonably justify advertising restrictions.

Where it is determined an event should be declared, the General Manager (Operations) would recommend the Chief Executive submit a request to the Department of Premier and Cabinet for the Governor in Council to declare the event.

Roles and Responsibilities

Venue Managers are responsible for informing the General Manager (Operations) of upcoming events that meet one or all of the criteria for declaring an event for advertising purposes.

The General Manager (Operations) will be responsible for evaluating whether an event should be declared for advertising purposes.

Once an event has been declared, the General Manager (Operations) will instruct Venue Managers to inform key stakeholders of the declaration. Venue Managers will also be required to ensure declared events are easily identified in each venue's event schedule (including event schedules posted on the Authority's web site).

The General Manager (Operations) in conjunction with Venue Managers will be responsible for assessing applications for authorised advertising at declared events and advising applicants of the outcome of their application.

Business Application

Declared period

The Governor in Council is required to declare events at least 28 days prior to the start of the declared period (usually the commencement of the event). In order to minimize the possibility of declared events being targeted for unapproved advertising activities in the period immediately preceding an event, the Authority may on occasions request events be declared for a period of time prior to the commencement of and during the event.

Applications

The Authority may, on written application by a person or organisation representative, authorise the display of an advertisement in airspace, or on a building or other structure, within sight of a major sports facility during the

declared period for the facility. The Authority will only consider applications where the applicant has received prior approval from the relevant Local Authority and the building/land owner and where the Authority is satisfied the display is appropriate for the declared event. To this end applications will only be considered for approval at declared events where the applicant is able to provide evidence of approval for their advertisement from the local council (where applicable) and the building or landowner (where an advertisement is to be installed in or on a building or piece of land within eyesight of the venue). The Authority in its consideration will seek the view of the hirer. Applicants who have gained the necessary approvals are to mark the relevant tick boxes on the application form (*Appendix 1*).

The Authority will be required to allocate significant resources to the processing and assessment of advertising applications for declared events. As a consequence a \$500 administration charge will apply to each application.

Application Forms can be downloaded from the Authority's web site. Applicants are encouraged to complete the application and submit the form by reply email to the following address:

mktapplication@msfa.qld.gov.au

Alternatively applications can be posted to:

General Manager (Operations)
Major Sports Facilities Authority
Level 11 Gabba Towers
411 Vulture Street
WOOLLOONGABBA QLD 4102

The process for assessing advertising applications for declared events is detailed below:

- Interested parties are to submit an advertising application form (*Appendix 1*) not less than twenty-one (21) days prior to the commencement of a declared event. Applications forms are available on the Authority's website.
- Upon receipt of an application and the \$500 administration fee the Authority will issue a receipt to the interested party.
- Applications will ordinarily be assessed within three (3) business days of the date the Authority receives the application.

In considering applications and determining whether a display is appropriate, the General Manager (Operations) is required to have regard to four criteria set out in the legislation –

1. any effect of the advertisement on the organisation or staging of the event;
2. whether there are any commercial arrangements about the proposed advertisement with the Authority or the event organiser;
3. whether the advertisement is consistent with other advertisements approved for the event or with advertisements under item 2; and
4. any effect of the advertisement on how the facility is perceived by persons intending or likely to stage events at the venue in the future.

The assessment process will include consultation with affected stakeholders, and will take into account whether the proposed advertisement conflicts with the commercial arrangements associated with the event.

The General Manager (Operations) may also impose conditions on the display of authorised advertising, including conditions about –

1. The period for which the advertisement is authorised;
2. The circumstances in which the advertisement can be displayed;
3. The persons who are authorised to display the advertisement; and
4. The types of advertisements that are to be displayed.

Notification

- Applicants will be notified in writing of the outcome of their application within five (5) business days of the Authority receiving the application. Notification will include advice of any conditions that must be complied with in undertaking authorised advertising.
- Applications to conduct advertising activities within sight of an Authority venue during declared events may be determined to be unsuccessful on the basis that the proposal negatively impacts on existing commercial arrangements, or the initial proposal does not provide sufficient information for the General Manager (Operations) to make an informed decision in regard to the application. As a consequence a pro forma letter (*Appendix 2*) has been developed for the purpose of informing unsuccessful applicants of the outcome of their application.
- Applicants who are successful will be requested to direct further matters related to their advertisement to the Venue Manager who will liaise with

stakeholders in regard to any implications of the approved advertisement. A pro forma letter has been developed in order to notify successful applicants (*Appendix 3*).

Review of a Decision

In assessing submissions lodged by people or organisations wishing to conduct advertising activities during declared events, the Authority recognises the rights of potential advertisers to resubmit to the Authority an advertising applications under certain circumstances.

Potential advertisers that have failed to gain approval for their advertisement can apply for review of their application where there is new information that was not supplied for the Authority's consideration in the first instance.

An application for review can also be made in relation to conditions imposed as part of authorising an advertisement.

Applications for review are required to be submitted within five (5) business days after the Authority's original decision on the application. The Authority will assess the review application and advise the applicant of the outcome within two (2) business days.

An "Advertising Application Flow Model" accompanies this policy and highlights the process for evaluation of applications in preparation for an event.

Enforcement

The Authority will be responsible for investigating complaints about non-compliance with the legislation during declared events. If evidence of an offence has occurred, the Authority will consult with affected stakeholders to determine whether to initiate legal proceedings. Any complaints about possible offences should be forwarded to the General Manager (Operations), along with any evidence supporting the complaint, eg, photographs.

References

- Major Sports Facilities Act (2001)

Advertising Application Flow Model

