

# TERMS AND CONDITIONS

## 1. BACKGROUND

- a. Council often runs competitions to assist with promotion, marketing of activities and development of skills within the community. In Council competitions are used for two purposes:
  - Provided as a prize for a skill-based activity (e.g. photographic competition)
  - Provided as an incentive to get involved (e.g.: to participate in a survey).
- b. As a rule of thumb, in NSW there are two types of competitions, games of skill and games of chance.
  - Games of Skill are competitions that require a user to answer a question or submit something (Showing 'Skill' in order to win), these typically do not require Trade Permits within Australia. These competitions are selected by a judge through a selection process where the best or most skilful entry decides the winner.
  - Games of Chance are competitions where chance or probability is taken into account following an entry and will generally require a trade permit pending what State the promotion is open to and the total value of the prize. These trade promotions have an element of chance, like a lottery.
- c. In NSW, Games of Skill do not require a permit. The NSW Office of Liquor and Gaming requires a permit for ALL Games of Chance regardless of total prize pool value and strict guidelines must be met. Exceptions: Games of Chance for a Christmas Party or Office Draw do not require a permit. Please refer to NSW Office of Liquor and Gaming for further information.

## 2. OBJECTIVE

- d. To deliver competitions that are appropriate, provide value and meet governance requirements.
- e. Competitions offered by Council will:
  - Be developed and approved based on a documented business case
  - Be delivered in an open and transparent way and consistent with Council's Code of Conduct
  - Provide clear documentation of processes, entries, results and agreements.

## 3. RESPONSIBILITIES

- f. Section Manager and Service Unit Manager must oversight the development and business case for the competition, the business case (Attachment 1) must include the following:
  - a) The description
  - b) The cost
  - c) The time frame
  - d) The purpose
  - e) The outcomes
  - f) The prizes
  - g) The processes
  - h) Other relevant information for making an informed decision.

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- g. Customer and Community Relations manage the Sponsorship framework and policies and approve all sponsorship requests and agreements.
- h. Directors must approve the running of competitions.

### 4. AUTHORITY TO APPROVE COMPETITIONS

- i. Directors can approve the running of competitions based on the business case provided and in accordance with these guidelines, the terms and conditions template (Attachment 2) and within their delegations.

### 5. TERMS AND CONDITIONS

- j. Attachment 2 is the standard terms and conditions that must be used as the basis for all competitions. The details will be amended to reflect the details of specific competitions and if material changes occur recommend that they be reviewed by General Counsel prior to implementation.
- k. Terms and Conditions must be clearly advertised and in simple language for the community to understand.
- l. Employees of Council and their immediate families are eligible to enter Council competitions where there is independence in the judging (eg: independent panel members, entries are anonymous etc) or a random judging process (eg: barrel draw). Outside of these conditions, Directors must approve the conditions.

### 6. ADVERTISING

- m. The following is required to be advertised on Council's website at minimum and on Shirewide where possible:
  - a. The competition
  - b. The terms and conditions
  - c. The judges
  - d. The winners.

### 7. PARTNERSHIPS / SPONSORSHIP

- n. It is recognised that partnerships or sponsorships are an opportunity to support the creation and management of competitions and add value, particular in the case of skills-based competitions. In most cases these will either be with businesses or not for profit community organisations.
- o. As part of normal community development processes, partnerships are crucial to achieve the delivery of activities, events and programs or build the capacity of the community. Community based not for profit groups that partner with Council to deliver a competition are done so due to their ability to engage with the relevant audience, to undertake programs (that they are funded for) or to build capacity of the community. Consideration must be given to the relevance of the partnership and any possible perception of favoured support to one agency.

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- p. Where there is an opportunity for a business to sponsor the competition, an Expression of Interest processes is recommended to call for sponsors to ensure that there is no real or perceived favouritism to a particular business. This can be a very simple one-page process which is advertised through Shirewide, networks and on Council's website, providing an open opportunity for any appropriate business to bid for the sponsorship. There may be some instances where there are only a small number of possible sponsors, eg newspapers, in those cases direct invitations to the EOI may be more appropriate.
- q. Businesses that are supporting a competition must have a formal sponsorship agreement, as detailed in the Sponsorship Framework, Policy and Procedures. This will document the arrangements, provide clarity on their role and how they will be represented. It is important that the agreement and arrangements will in no way imply, or be perceived to imply, products or services from that business are superior or favoured by Council.

### 8. PRIZES

- r. The type and value of prizes will be relevant to the competition and / or the value of the engagement process or the value of the contribution made by entrants along with the priority of the competition for Council.
- s. If purchasing prizes, they must meet Council's normal procurement policies and processes.
- t. If not purchased, prizes can be received through donations or a sponsorship agreement. This must be noted, recognised in documentation and clearly identified that Council has no connection to the prize and does not imply that the prizes or businesses where the prizes come from are superior or favoured by Council.
- u. Prizes must be signed for by the winning entrant at time of collection and must be collected within two months of informing the entrant. If not collected in that time the prizes will either be redistributed to other winners (where appropriate), returned or used for another competition.

### 9. JUDGING PANELS

- v. Some competitions include judging panels, these panels can consist of the following where appropriate:
  - e. Councillor representative
  - f. Council staff member
  - g. Independent judges (businesses, funding body representatives, individuals etc).
- w. Independent judges:
  - h. Must not (or their immediate family members) be an entrant in the competition
  - i. Benefit (or perceive to benefit) financially from any part of the competition.
- x. The judging process must be documented before judging occurs to ensure that there are no real or perceived claims of nepotism or favouritism.

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### **10. RECORD KEEPING**

- y. All entries and assessment must be recorded in TRIM.
- z. Judging panel is to co-sign their decision.

### **11. RELEVANT DOCUMENTS**

- Council's Code of Conduct
- Advertising policy and procedures
- Sponsorship Framework and Policies