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*M. J. Lopez* 18 April 2012  
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Commissioner Date

The Commonwealth of Australia  
Rules for the use of  
**THE T-QUAL MARK CERTIFICATION TRADE MARK**

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## 1. Background

1.1 The National Tourism Accreditation Framework was developed by government and industry to promote quality experiences for tourism consumers by recognising sustainable and capable tourism operators nationally.

This framework provides the opportunity for existing quality and accreditation programs and large tourism organisations with an internal quality assurance system in place, to come together under one umbrella and apply for T-QUAL Accreditation. T-QUAL Accreditation allows accredited operators and organisations to be easily identified and recognised by consumers and other businesses through a common national symbol, the T-QUAL Mark.

1.2 T-QUAL Accreditation, also known as the National Tourism Accreditation Framework (NTAF), is a nationally agreed approach by the tourism industry and governments that aims to ensure a quality customer experience across the tourism industry. It does this by:

- Promoting and marketing the quality message to customers
- Licensing eligible Australian organisations that operate in a tourism or tourism related industry and either run an accreditation Program, or apply a Quality Standard to their national operations
- Providing a framework for promoting and recognising quality Australian tourism services
- Demonstrating that Australia takes tourism seriously and is committed to continuous improvement
- Bringing together diverse stakeholders from across a wide range of industry sectors
- Providing a forum for discussion about what quality means and how it can be achieved

As part of the commitment by the Australian Government to the NTAF, the Department of Resources, Energy and Tourism (RET) provides administrative and policy support. Tourism Australia (TA) carries out the marketing program.

1.3 The Tourism Quality Council of Australia (TQCA) sets overall policy for T-QUAL Accreditation under the direction of the Australian Government Minister for Tourism, the Minister Assisting the Minister for Tourism and State and Territory Tourism Ministers. Appointed by the Minister for Tourism, the TQCA is an independent body with strong industry membership. The TQCA meets periodically to consider applications for a licence to use the TQUAL Mark. The TQCA is supported by RET and TA.

1.4 T-QUAL Accreditation offers the opportunity to apply for a licence to co-brand with the T-QUAL Mark to Australian tourism organisations that:

- Run a Program that rates or accredits Operators
- Operate nationally and apply a Quality Standard to their operations, Business

### Units and Related Tourism Entities.

A successful applicant may be granted a Master Licence by the TQCA. The licence will allow use of the T-QUAL Mark administered by RET on behalf of the Australian Government by:

- A Program and its accredited individual tourism Operators
- A Large Tourism Organisation and its Operations, Business Units and Related Business Entities, including brands, subsidiaries and franchisees that have the Quality Standard applied to them.

A licence to use the T-QUAL Mark also means the licensee has the authority to allow Operators or Related Business Entities (a third party) that meet the Program's assessment criteria or the Organisation's Quality Standards to display the T-QUAL Mark.

### 2. Purpose

2.1 The Certification Trade Mark will be the same as the Australian registered trade mark 1416901.

2.2 The T-QUAL Mark is the Certification Trade Mark that will be used to symbolise that a Program or Quality Standard and those Operators, operations, Business Units or Related Business Entities have met the T-QUAL Accreditation standard. It will provide consumers with a recognisable symbol that represents quality in the goods and services offered in the tourism industry.

2.3 These rules apply to:

- Organisations that run an accreditation program and large tourism organisations that apply a Quality Standard that are granted a Master Licence to use the T-QUAL Mark by the TQCA.
- Accredited Operators, Business Units, or Related Business Entities that have signed a Sub-Licence with a Master Licensee.

### 3. Definitions

Assessment Criteria	Principles that applicants must ensure are addressed in the assessment processes for their Program or Quality Standard
Brand	The name, usually protected by a Trade Mark, attached to a type of product manufactured by a particular company.
Business Unit	An internal element or segment of an organisation or company representing a specific business function. Also called department, division, or a functional area
Franchisee	An individual who purchases a franchise, the franchise being permission granted by a business owner (the franchisor) to another person (the Franchisee) to market the franchisor's goods or services, along with rights to use the franchisor's trademarked name and business model to do business. The Franchisee must follow certain rules and guidelines already established by the franchisor, and in most cases the Franchisee must pay an ongoing franchise royalty fee to the franchisor
Large Tourism Organisation	An organisation that operates nationally (in at least 3 Australian States or Territories), in a tourism or tourism related industry, that has a Quality Standard in place that is applied to its operations, Business Units and, where present, extended to its Related Business Entities
Licensee	An organisation granted a licence by the TQCA to use the T-QUAL Tick
NTAF	National Tourism Accreditation Framework
NTAF Licence	A licence issued by the TQCA to use the T-QUAL Tick
NTAF Annual Statement	The NTAF Annual Statement requires the information described in Schedule 3 of the Master Licence, including information such as complaints handling, results of any program or quality standard reviews and adherence to codes of conduct.
NTAF Assessment Criteria	The criteria outlined in Section 12 of this document
Operator	An organisation, individual or company which is a member of a Program
Program	A scheme or program that accredits, rates or otherwise certifies the quality of businesses or individuals operating in a tourism or tourism related industry in Australia
Quality Standard	Quality standards, procedures or systems that are put in place by a Large Tourism Organisation or an industry certifying body that ensure the Organisation, its operations, Business Units and Related Business Entities, meet the NTAF assessment criteria (tourism, ongoing financial viability, governance and administration, quality, assessment processes and verification) and may include, but is not limited to, ISO 9001:2008 certification
Related Business Entities	Franchisees, Subsidiaries and related entities as defined in section 9 of the <i>Corporations Act 2001</i>

RET	Commonwealth Department of Resources Energy and Tourism
Statutory Declaration	A statement executed in accordance with the <i>Statutory Declarations Act 1959</i> which is declared to be true in the presence of an authorised witness qualified according to the list at Attachment A
Subsidiary	A company controlled by a holding or parent company. Companies often conduct their business operations through a corporate group structure consisting of one or more wholly-owned subsidiaries. Under this arrangement, the financial condition of the parent company and its wholly owned subsidiaries are reported together in consolidated financial statements. Despite this form of financial reporting, a parent company is not obligated to pay creditors of the subsidiary in the event of delay in payment or default by the subsidiary
TA	Tourism Australia
TQCA	Tourism Quality Council of Australia
T-QUAL Accreditation	Term used to describe the accreditation given to a Program or Large Tourism Organisation's Quality Standard that has qualified to operate under the NTAF
T-QUAL Mark	Also known as the T-QUAL Tick, it is a Certification Trade Mark which Tourism Australia, on behalf of the Commonwealth of Australia, promotes and monitors

#### 4. Certification Standards

4.1 Applicants must meet the criteria under the following headings, Tourism, Ongoing Financial Viability, Governance and Administration, Quality, Assessment Process and Verification, to be considered for a Master Licence. Master Licence holders must maintain these standards through the life of their licence.

#### Tourism

1. Operate a Program or apply a Quality Standard in a tourism or tourism related industry recognised and approved by the TQCA (see Attachment A of this document)
2. Provide a clear description of the scope of products/services the applicant accredits, or industry sector the applicant operates in
3. Provide details of the applicant's business/company registration and ABN/ACN details

#### Ongoing Financial Viability

4. Demonstrate the applicant's ongoing financial viability, either:
  - a. with a track record of at least 12 months operation; or
  - b. as a start up Program or Large Tourism Organisation with demonstrated linkages to the tourism industry and be able to support your business operations over the longer term

#### Governance and administration

5. Demonstrate that the applicant has appropriate governance and administrative structures and processes covering:

- a. record keeping
- b. control of the use of the T-QUAL mark
- c. assessment of general compliance, appeals processes and disciplinary actions (that provide for natural justice)
- d. protection of confidentiality
- e. protection against anti competitive behavior
- f. conflicts of interest
- g. protection of personal information in accordance with privacy laws

6. Agree to take required actions to ensure that the applicant's information is kept current on the NTAF Database including:

- a. the Program's accreditation status for all Operators; or
- b. the Large Tourism Organisation's accreditation status for all operations, Business Units or Related Business Entities

7. Agree to, and be capable of reporting against, the Key Performance Indicators

Quality

8. Have a complaints handling policy:

- a. including resolution facilitation; and
- b. reporting on numbers and outcomes (see sections 28-31 of the Guidelines for Applicants)

9. Have policies regarding continuous improvement and review, including a mechanism for regular reviews and moderation/benchmarking

10. Have an established Code of Conduct which:

- a) ensures that accredited Operators, operations, Business Units or Related Business Entities formally agree to conduct themselves in a way that protects the quality and enhances the reputation of the Australian tourism industry
- b) reflects the sector the applicant represents or operates in
- c) has a commitment to the delivery of quality products and services
- d) promotes a commitment to providing accurate information in dealing with consumers and business partners, particularly with advertising material
- e) requires Operators or Related Business Entities to establish a complaints handling procedure

Or

As a Large Tourism Organisation, have an established and monitored Quality Standard in place that meets the NTAF criteria that applies to all operations, Business Units and Related Business Entities, including brands, subsidiaries, and franchisees that would use the T-QUAL Mark

#### Assessment Process

11. Employ robust and defensible assessment processes which ensure that quality principles/criteria are being met by participating Operators, operations, Business Units, or Related Business entities
12. Provide details of the applicant's assessment process and the method used to ensure consistency and impartiality
13. Demonstrate that your Program or Quality Standard includes criteria designed to ensure that all Operators, operations, Business Units or Related Business Entities, operating under the Program or Quality Standard:
  - a. are able to ensure a positive customer experience particularly in: levels of service; provision of the product to the market; and presentation of facilities; and
  - b. are well managed, sustainable, have a complaints handling process and dispute management system; are committed to continuous improvement and the promotion of the NTAF
14. Show evidence that your Program or Quality Standard requires all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard to provide:
  - a. evidence of Business Registration and ABN or ACN details (where applicable)
  - b. a description of the product or service offering
15. Demonstrate that your organisation requires all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard, to comply with applicable legal and regulatory obligations including Compliance with all Trade Practices Act, consumer affairs and Occupation Health and Safety obligations
16. Demonstrate that all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard are required to agree to adhere to the Programs Code of Conduct, Quality Standard or specified standard of practice
17. Demonstrate that all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard are required to hold all relevant licences
18. Demonstrate that it confirms all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard hold all relevant insurances; including public liability and workers compensation insurance where applicable by law
19. Demonstrate that all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard:
  - a. Have customer service policies and procedures in place and have in place a program to ensure that these are



adhered to

- b. Have customer feedback and complaints policies and procedures

20. Demonstrate that it encourages all Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard it accredits, certifies or rates to operate their businesses on an environmentally sound basis

**Verification**

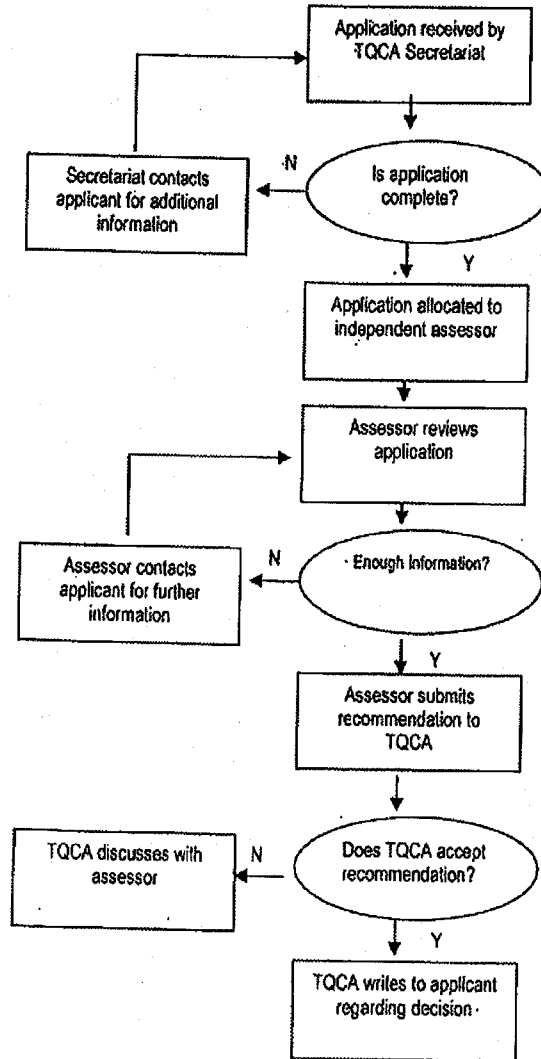
21. Conduct rigorous assessment of participating Operators, operations, Business Units or Related Business Entities operating under the Program or Quality Standard, against the Program's criteria or the Quality Standard at the place where the experience is delivered:

- a. at least every two years
- b. more frequently and as soon as practical where complaint statistics indicate a potential quality problem
- c. using inspectors who are professional, appropriately trained and qualified
- d. keep records of site inspections

**Exemptions**

22. Exemptions may be granted at the sole discretion of the TQCA where it is deemed that the applicant meets the criterion in another, but equally or more effective way.

## 6. T-QUAL Mark Certification Process



## **7. Exemptions to meeting Certification Standards**

7.1 The TQCA can approve exemptions for applications applying for T-QUAL Accreditation. Where an applicant meets or exceeds the requirements for a specific criterion but in another way, the independent assessor may exercise flexibility by recommending that an exemption, or approval with conditions, be considered by the TQCA. T-QUAL Accreditation customer commitment is to 'deliver on the quality promise' to the consumer and this will continue to be the focus by the TQCA when considering exemptions.

7.2 The independent assessor may exercise flexibility where:

- it is determined that the applicant has strong internal policies and procedures that would meet or exceed the specific criteria but in another way;
- the applicant substantially meets all other assessment criteria; and
- the assessor considers that by offering the applicant an exemption, there would be no compromise on the level of quality offered by organisations Program and its Operators or, a Large Tourism Organisation's Quality Standard and its operations, Business Units, or Related Business Units.

## **8. Cost**

8.1 An administration licence fee of \$1500, including GST, is payable annually over a two year licence by the applicants.

## **9. Attributes of Certification Trade Mark Assessors**

9.1 The assessors used by a NTAF Master Licensee to audit their Operators, Business Units or Related Business Entities operations, who have signed a sub-licence to use the T-QUAL Mark, must use inspectors who are professional, appropriately trained and qualified.

9.2 Assessors used by RET to assess applications for NTAF Master Licensees are required to have:

- Previous performance in comparable projects;
- Demonstrated relevant experience, qualifications and skills of personnel to be responsible for the performance of the contract. In relation to the NTAF, qualifications as an ISO 9000 assessor or lead auditor would be considered favourably;
- Knowledge of the Australian Tourism Industry and/or extensive knowledge of the governance and planning of other relevant accreditation frameworks;
- Demonstrated understanding of the project, including knowledge of the logistical and organisational issues faced by the inbound tourism industry;
- Excellent written skills, including a demonstrated ability to write concise and readable content; and
- Ability and resources to deliver outcomes within stated timeframes.

## **10. T-QUAL Mark Protection measures**

10.1 The Master Licensee, must only grant sub-licences of its rights under the Master Licence to use the Trade Marks under a written agreement that meets the following requirements and contains obligations on each Operator or Related Business Entity in relation to:

- the ownership and protection of the Trade Marks;
- the use of the Trade Marks;
- obligatory action on termination or expiry that are at least equivalent to the obligations imposed on the Master Licensee under its agreement;
- ensuring that the Operator, Business Unit or Related Business Entities have the same awareness and obligations as the Master Licensee under the Master Licence clause;
- obliging the Operator, Business Unit or Related Business Entities to provide all information to the Master Licensee as required to enable the Master Licensee to comply with its obligations under this agreement;
- providing that it is not capable of assignment by the Operator, Business Unit or Related Business Entity;
- preventing the Operator, Business Unit or Related Business Entity from further licensing its rights in respect of all or any part of the Trade Marks.

10.2 The Master Licensee must notify the Commonwealth in writing of any material change to its policies and procedures that relate to its ability to meet the T-QUAL Accreditation standards.

10.3 The Commonwealth may, at reasonable times and on giving reasonable notice (which shall not to be less than 10 Business Days) to the Master Licensee: access the premises of the Master Licensee and to the extent relevant to the performance of this agreement;

- require the provision by the Master Licensee, its employees, agents or subcontractors, of records and information in a data format and storage medium accessible by the Commonwealth by use of the Commonwealth's existing computer hardware and software; and
- inspect and copy documentation, books and records, however stored, in the custody or under the control of the Master Licensee, its employees, agents or subcontractors, but only the extent necessary to conduct an audit contemplated.

10.4 The Master Licensee must:

- ensure that all Operators, Business Units or Related Business Entities comply with their terms; and
- provide all Operators, Business Units or Related Business Entities with the National Tourism Accreditation Framework Visual Identity Guidelines and Commonwealth audit requirements.

## **11. Sub-licence Infringement**

11.1 The Master Licensee will conduct an audit of sub-licence holders at least every two years, unless otherwise specified in the master licence.

11.1 The Master Licensee must notify the Commonwealth of any actual or suspected infringement of the Trade Marks of which the Master Licensee becomes aware.

11.2 The Commonwealth will determine, in its sole discretion, whether Trade Mark infringement proceedings should be taken, how such proceedings will be conducted, and in whose name those proceedings or other actions should be performed.

## 12. Review Procedure

12.1 Where the TQCA makes an adverse decision about an application for T-QUAL Accreditation, the TQCA is to provide written reasons for the decision to the applicant. An adverse decision is a decision to grant only a conditional licence or accreditation, or to reject an application for a licence or accreditation. The basis for such decisions is contained in the NTAF Guidelines for Applicants. The applicant may apply to the TQCA Secretariat (run by RET) for a review of the adverse decision and may provide written material for the TQCA to take into account in a review of the decision.

12.2 A committee of the TQCA will conduct a review itself, or refer the matter to an external arbiter appointed for this purpose. Once it has made a decision in writing agreeing with or varying the original decision, the TQCA must provide written reasons for the committee's decision to the applicant.

12.3 An applicant may complain to the Commonwealth Ombudsman about an adverse decision of the review committee.

12.4 Judicial review under section 39B of the *Judiciary Act 1903* is available where an applicant considers there to have been an error of law in the TQCA's handling of an application.

12.5 The procedure for resolving all other disputes about the Certification Trade Mark will follow the procedure outlined in 12.

## 13 Extension Option

13.1 Not less than three months prior to the expiry of the Initial Term, the Commonwealth acting on behalf of the TQCA, may in its sole discretion provide the Master Licensee written notice of:

- the process to extend the Master Licence agreement for a further period; the licence fees payable during the extension period; and
- any other additional terms or conditions on which the Master Licence agreement will be extended.

13.2 The Master Licensee may in its sole discretion determine whether to agree to extend the term of the Master Licence agreement on the terms set out in the Extension Option by giving written notice to that effect to the Commonwealth not less than six weeks from the date the Extension Option was issued by the Commonwealth.

13.3 If the Master Licensee does not agree to extend within the period specified in the Master Licence agreement, the agreement will then terminate on the expiry of the Initial Term.

**14. Recertification**

14.1 Should the TQCA decide not to exercise the extension option under clause 13.1 and instead decide that recertification is appropriate, the Master Licensee will be invited to reapply for certification 60 days before the expiry of the Master Licence term.