



# FASEA Certification Mark Rules

October 2020 v1.0



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# Introduction

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The Financial Adviser Standards and Ethics Authority (FASEA) is a Commonwealth entity that was established in April 2017 to set standards for the ethical conduct, educational qualifications, and ongoing training of licensed Financial Advisers in Australia. FASEA's powers and responsibilities are set out under the Corporations Act 2001 (the Act).

These rules set out the requirements that must be met by applicants and the ongoing standards that must be maintained in order to use the following Certification Marks:

- FASEA Accredited Education
- FASEA Exam Compliant
- FASEA Education Compliant
- FASEA Exam and Education Compliant

The Certification Marks demonstrate that the higher education provider, industry association or adviser have been assessed by FASEA as having met the standards as prescribed in Section 921B of the Act.



# Ownership

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The FASEA Certification Marks are copyrighted material and are registered trade marks owned by FASEA.

FASEA is responsible for controlling the use of the Certification Marks. The Certification Marks cannot be used without FASEA approval.

Unauthorised use is prohibited and may lead to legal action being taken.

# Application for certified status

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## FASEA Accredited Education

For a **Higher Education Provider** or **Professional Association** who is seeking certification of **FASEA Accredited Education**, an application needs to be made to FASEA and the following conditions must be met:

- HEP or Professional Association must have submitted an application to have a degree or course approved.
- FASEA will undertake the assessment of the degree or course which is required to meet FASEA's defined curriculum and a set of standards contained in FASEA's *FPS002 Program and Provider Accreditation Policy* (available on the FASEA website [www.fasea.gov.au](http://www.fasea.gov.au)).
- FASEA employees will undertake the assessment and have been trained in assessing HEP or Professional Association eligibility, processing an application and issuing the Certification Mark.
- When the degree/course is approved the HEP or professional Association will be notified, the course will be listed on the FASEA website.
- The **FASEA Accredited Education** Certification Mark can be used by those HEP and Professional Associations who have received notification of their course being approved and listed on the FASEA website.
- If a course is subsequently reviewed and removed from the list of approved courses, then the Certification Mark is no longer able to be used.

## FASEA Exam Compliant

For a **Financial Adviser** who is seeking certification of **FASEA Exam Compliant**, an application needs to be made to FASEA and the following conditions must be met:

- Financial Adviser will need to have passed the FASEA Exam.
- The Exam is a requirement that Financial Advisers must meet as per Section 921B of the Corporations Act.
- The Exam tests the practical application of a Financial Adviser's knowledge in the following competency areas:
  - Financial Advice regulation and legal requirements
  - Financial Advice Construction
  - Applied ethical and professional reasoning
- Financial Advisers will be assessed using *FPS006 Examination Policy* (available on the FASEA website).
- Financial Advisers are notified by FASEA when they have passed the Exam.
- Delegates of FASEA will undertake the assessment and have been trained in assessing exams. FASEA employees will then process the application and issue the Certification Mark.
- Financial Advisers who have provided consent and who have passed the Exam have their details listed on FASEA's *Financial Adviser Exam List* (available on the FASEA website).
- Financial Advisers on the *Financial Adviser Exam List* are able to use the **FASEA Exam Compliant** Certification Mark.

## FASEA Education Compliant

For a **Financial Adviser** who is seeking certification of **FASEA Education Compliant**, an application needs to be made to FASEA and the following conditions must be met:

- Financial Adviser must have met the education requirements as per Section 921B of the Corporations Act.
- That is, a Financial Adviser must have completed a bachelor or higher degree, or equivalent qualification, approved by the standards body under section 921U.
- Details of the education pathways are set out in *FPS001 Education Pathways Policy* (available on the FASEA website).
- When FASEA has undertaken an assessment of the education pathway the Financial Adviser will be notified that they can use the Certification Mark.
- FASEA employees will undertake the assessment and have been trained in assessing eligibility, processing an application and issuing the Certification Mark.

## FASEA Exam and Education Compliant

For a **Financial Adviser** who is seeking certification of **FASEA Exam and Education Compliant**, an application must be made to FASEA. If the conditions for both Education and Exam (as noted above) have been met, the Financial Adviser will be notified that they can use the Certification Mark.

FASEA employees will undertake the assessment and have been trained in assessing eligibility, processing an application and issuing the Certification Mark.

When a Financial Adviser is using the **FASEA Exam and Education Compliant** Certification Mark, they can no longer use the **FASEA Education Compliant** and **FASEA Exam Compliant** Certification Marks.

# FASEA Certification Marks

Use of the FASEA Certification Marks is strictly limited to those institutions and Financial Advisers who meet the conditions of use set out in these rules.

Subject to compliance with the following standards and conditions of use, they can use the Certification marks to promote

relevant FASEA accreditations digitally or in print.

Wherever possible, the Certification Marks should appear in full colour on a white background. Where it is not possible to use the full colour Certification Marks, the monochrome Certification Marks (for

application on a light background) or reverse monochrome Certification Marks (for application on a dark background) may be used. The monochrome and reverse monochrome Certification Marks are governed by the same standards as the full colour Certification Marks.

**Never attempt to recreate the Certification Marks and always use the master artwork supplied.**

**FASEA Exam Compliant** Certification Mark



**FASEA Education Compliant** Certification Mark



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**Please note**

While the *FASEA Exam Compliant* Certification Mark is used as an example on the following pages, all four FASEA Certification Marks (and their respective monochrome variations) are governed by the same standards.

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**FASEA Exam & Education Compliant** Certification Mark



**FASEA Accredited Education** Certification Mark



## Exclusion zone

The exclusion zone is the minimum distance required between the Certification Marks and other graphic elements.

This ensures that they are not crowded by, or incorrectly connected to, any other graphic elements or logos.

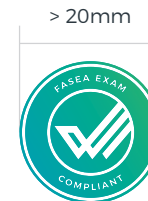
The exclusion zone is determined on all sides as  $\frac{1}{4}$  of the Certification Mark's diameter (x).



## Minimum size

To maintain legibility, the Certification Marks should not be reproduced at a size smaller than 20mm wide (for print applications) or 60px wide (for digital applications).

**Permission must be obtained to use the Certification Marks at a smaller size or with a smaller exclusion zone, eg. the reproduction of the logo on a pen.**



# Usage rules

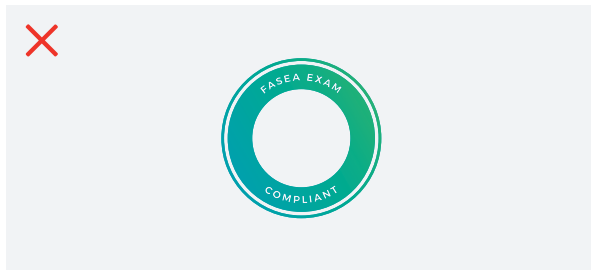
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FASEA certification marks must be reproduced correctly.

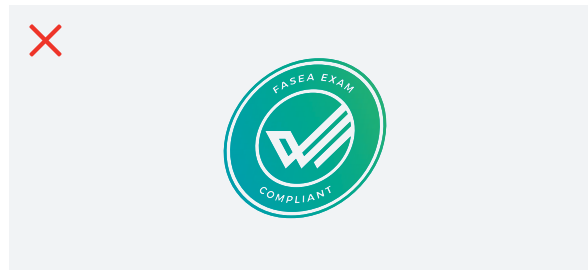
The Certification Marks should only be rendered using the master artwork files and must never be altered, recreated or distorted in any way. To preserve their integrity, the following executions must be avoided.

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Do not alter the Certification Marks



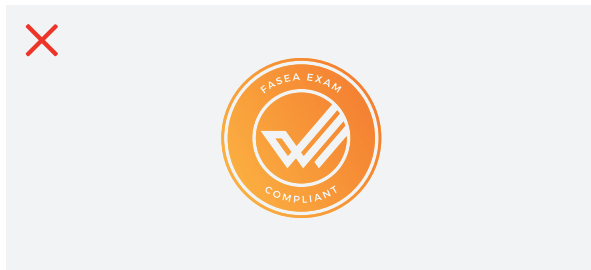
Do not distort the Certification Marks



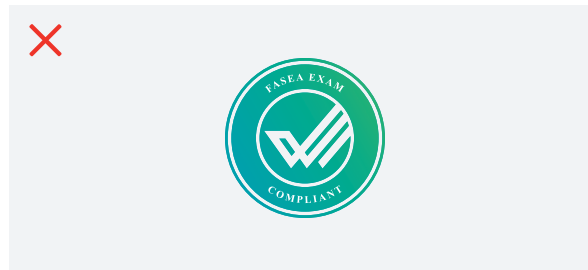
Do not use on a photographic background



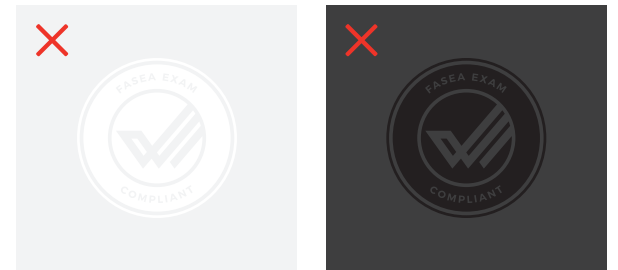
Do not change the colours



Do not change the typeface



Do not apply monochrome Certification Marks incorrectly



# Conditions of use

## Higher Education Providers

Higher Education Providers (HEPs) may only use the *FASEA Accredited Education Certification Mark* once they have received formal written communication from FASEA on the approval of their course.

Use of the Certification Mark by HEPs must adhere to the following requirements:

- The Certification Mark **can** be used to promote Institutions, Education Providers and Courses;
- The Certification Mark **can** be used on marketing material to promote courses that are FASEA approved; and
- The Certification Mark **can** be used on marketing material to promote courses that are undergoing re-accreditation until such time that the outcome is advised by FASEA. If the outcome is unfavourable, the Certification Marks must be removed immediately.
- The Certification Mark **cannot** be used on marketing material to promote courses that are pending FASEA approval, or for which approval has not been given or has been withdrawn.

Higher Education Providers will receive formal notification from FASEA when their course has met the approved degree or course as prescribed by the Education Standard. A copy of the Standard is available on the FASEA website [www.fasea.gov.au](http://www.fasea.gov.au).

Higher Education Providers must notify FASEA of any change in circumstances which could affect their continued use of the Certification Mark.

## Professional Associations

Professional Associations (PAs) may only use the *FASEA Accredited Education Certification Mark* once they have received formal written communication from FASEA on the approval of their course as Recognition of Prior Learning (RPL) for credit.

Use of the Certification Mark by PAs must adhere to the following requirements:

- The Certification Mark **can** be used to promote Institutions, Education Providers and RPL Courses; and
- The Certification Mark **can** be used on marketing material to promote courses that are FASEA approved.
- The Certification Marks **cannot** be used on marketing material to promote courses that are pending FASEA approval, or for which approval has not been given or has been withdrawn.

Professional Associations will receive formal notification from FASEA when their course has met the approved degree or course as prescribed by the Education Standard. A copy of the Standard is available on the FASEA website [www.fasea.gov.au](http://www.fasea.gov.au).

Professional Associations must notify FASEA of any change in circumstances which could affect their continued use of the Certification Mark.

## Financial Advisers (Relevant Providers)

Existing Financial Advisers **can** use the *FASEA Education Compliant Certification Mark* once they have been assessed by FASEA as having met the Education Requirements.

Existing Financial Advisers **can** use the *FASEA Exam Compliant Certification Mark* once they have been notified by FASEA that they have passed the FASEA Exam.

Existing Financial Advisers **can** use the *FASEA Exam and Education Compliant Certification Mark* once they have been notified by FASEA as having passed the FASEA Exam and assessed by FASEA as having completed the FASEA Education Requirements.

FASEA will undertake this assessment through reference to the Exam and Education Standards that are available on the FASEA website [www.fasea.gov.au](http://www.fasea.gov.au).

Existing Financial Advisers **cannot** use the Certification Marks and must cease immediately if they have been notified by their licensee and/or regulatory body that they have been banned from providing advice or are subject to disciplinary action.

Provisional Financial Advisers **cannot** use the Certification Marks until they have completed their professional year and have been authorised by their Licensee as a Relevant Provider.

Any misuse of a Certification Mark or failure to comply with the above standards and conditions of use may result in revocation of approval to use a Certification Mark and may lead to legal action being taken.

If FASEA directs a user to cease their use of a Certification Mark, the user must remove the Certification Mark immediately from all their print and digital materials.

Users are responsible for their use of the Certification Marks and agree to indemnify FASEA from all claims made by third parties arising from their use of a Certification Mark.

### PLEASE NOTE

Registered Training Organisations (RTOs) and non TEQSA approved Education Providers are **not permitted** to use the FASEA Certification Marks.



## Dispute resolution

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A request to review or appeal a decision which denies or revokes an approval to use a Certification Mark may be made in writing to the FASEA CEO who will undertake the review within 30 days.

Any dispute regarding an application for, or the misuse of a certification mark or which otherwise arises, will be reviewed in accordance with the process set out below.

Appeals must be made within ninety (90) calendar days of the date of notification of rejection of an application.

Persons making an appeal shall be responsible for any and all costs to themselves associated with their seeking a review or in making an appeal.

### **01. Administrative Review**

An initial check will be carried out to determine whether any errors have occurred and whether these can be easily rectified.

### **02. Management Review**

The CEO will review the application for review. The CEO may determine the issue or refer the issue to the Functions Review Committee.

### **03. Functions Review Committee**

The FRC excluding any members involved in the original assessment will undertake an assessment and make a formal recommendation to the CEO.

### **04. Provisions of Feedback**

The CEO will then notify the applicant in writing, stating the outcome and the procedures undertaken.

No fee is payable in connection with the request. Where a person is not satisfied with the outcome of the review, the user may seek a further review by the Commonwealth Ombudsman -

<https://www.ombudsman.gov.au/>

## Variations/waiver

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FASEA may vary these rules from time to time, provided that no such variation will have effect until approved by the Australian Competition and Consumer Commission and advertised in accordance with section 178 of the Trade Marks Act 1995 (Cth).

Failure or delay by the FASEA in exercising a power or right does not operate as a waiver of that power or right. A waiver is not effective unless it is in writing.

# Definitions

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In these rules, the following terms have the following meanings:

**Exam**

Means the FASEA exam as prescribed under Section 921B of The Act.

**Higher Education Provider**

Means an education provider providing qualifications at an AQF7 level or above as defined by TEQSA.

**Approved Degree**

Means a degree that is listed in the Corporations (Relevant Providers Degrees, Qualifications and Courses Standard) Determination 2020.

**Owner**

Means the Financial Adviser Standards and Ethics Authority ACN 618 495 828.

**TEQSA**

Means Tertiary Education Quality and Standards Authority.

**The Act**

Means The Corporations Act 2001.





**Financial Adviser  
Standards and Ethics  
Authority (FASEA)**

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[www.fasea.gov.au](http://www.fasea.gov.au)





**Final Assessment of Certification Trade Mark Applications 2117799, 2130697,  
2130720 and 2130733  
lodged by Financial Adviser Standards and Ethics Authority Ltd (FASEA)**

The Australian Competition and Consumer Commission (the ACCC), in accordance with the requirements of the *Trade Marks Act 1995*, has completed its Final Assessment of the above Certification Trade Mark (CTM) application.

The ACCC's Final Assessment is that it is satisfied that:

- (a) the approved certifiers demonstrate the attributes necessary to competently certify the goods or services in respect of which the CTM is to be registered;
- (b) the rules governing the use of the CTM would not be to the detriment of the public; and
- (c) the rules governing the use of the CTM are satisfactory having regard to the principles relating to restrictive trade practices set out in Part IV of the *Competition and Consumer Act 2010* (the Act) and the principles relating to unconscionable conduct (Part 2-2), unfair practices (Part 3-1), and safety of consumer goods and product related services (Part 3-3) in Schedule 2 (Australian Consumer Law) of the Act.

Signed

(Deputy Chair)

Date 26 November 2021