

# Certification Rules for Australian trade mark no. 2141756

These are the certification rules which govern the use of Australian trade mark number 2141756 filed in the name of Master Electricians Association, Queensland Industrial Organisation of Employers.

## 1. Definitions and interpretation

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### 1.1 Rules

In these Rules the following definitions apply:

- (a) **Alternative Safety System** means a safety system approved by MEAQ, excluding ME Safety Essential and ME Safety Pro.
- (b) **Application** has the meaning given to that term in clause 4.1.
- (c) **Assessor** means a person appointed as an assessor by MEAL who meets the assessor requirements in clause 5.1.
- (d) **Code of Conduct** means the Code of Conduct of MEAQ which the Member has agreed to abide by.
- (e) **Code of Ethics** means the code of ethics of MEAL which the Member has agreed to abide by.
- (f) **Constitution** means the constitution of MEAL or MEAQ which the Member has agreed to abide by.
- (g) **Continuing Professional Development** is a range of ongoing learning and development activities that enhance individual skills, knowledge and competence running on a 12-month cycle, with a minimum requirement of 12 continuing professional development points to be attained annually.
- (h) **Continuing Professional Development Requirement** means the minimum annual Continuing Professional Development a Member is required to complete as prescribed by MEAL or MEAQ from time to time.
- (i) **Disputant** has the meaning given to that term in clause 13.1.
- (j) **Dispute Application** has the meaning given to that term in clause 13.2.
- (k) **Guideline of Using Trademark** means the Guideline of using trademark of MEA which the Member has agreed to abide by.
- (l) **Major Finding** means a nonconformity that affects the capability of a system to achieve the intended results, including a systemic failure or a failure to meet the relevant standards of regulations.
- (m) **Master Program** means the master program MEA provides.
- (n) **MEA** means the Master Electricians Australia.
- (o) **MEAL** means the Master Electricians Australia Limited ACN 163 222 642.

- (p) **MEAQ** means the Master Electricians Association, Queensland Industrial Organisation of Employers ABN 40 669 256 171.
- (q) **ME Safety Essential** means the ME Safety Essential system approved by MEAL.
- (r) **ME Safety Pro** means the ME Safety Pro system approved by MEAL.
- (s) **Member** means a member of MEAL or MEAQ.
- (t) **Membership Terms and Conditions** means the Membership & Subscription Terms and Conditions of MEAL and MEAQ which the Member has agreed to be bound.
- (u) **Periodic Assessment** means the assessment of Members' safety systems for ME Safety Essential, ME Safety Pro or an Alternative Safety System that is conducted at a time and date agreed to by the Member and assessor.
- (v) **Random Spot Check** means the assessment of the Members' safety systems for ME Safety Essential, ME Safety Pro or an Alternative Safety System that is conducted at random and at least once every five years for each Member.
- (w) **Responsible Person** means a person nominated by the Review Committee on a case-by-case basis and is responsible for managing a dispute pursuant to clause 13. A Responsible Person cannot also be an Assessor involved in assessing a dispute pursuant to clause 13.
- (x) **Review Committee** means the review committee comprised of the chairperson of MEA, the Chief Executive Officer of MEA and at least two MEA board members.
- (y) **Rules** means these certification rules.
- (z) **Serious Complaint** means a complaint made to MEAL or MEAQ about a Member's conduct, where such conduct could:
  - (i) damage the MEA brand; or
  - (ii) breach the Code of Conduct.
- (aa) **Services** means:
  - (i) electrician services; installation, maintenance and repair of air conditioning and heating equipment, electrical apparatus and appliances, electrical items and equipment, fire alarms, hot water systems, household items and equipment, industrial apparatus and instruments, burglar alarms, lighting systems, security systems and apparatus, data communications networks, telecommunication apparatus and instruments, data network apparatus and instruments; suppressing interference in electrical apparatus and appliances; electrical wiring services and cabling services; maintenance and repair of electronic installations; maintenance of electronic testing devices; residential, commercial and industrial installation and repair of electrical and computer wiring and cabling; laying of cables; installation of cable television systems; diagnosis of electrical, wiring and cabling faults; diagnostic electrical maintenance services; provision of information and advice in relation to all of the foregoing services, including on-line; and
  - (ii) energy auditing; quality audits; safety testing and tagging of electrical equipment; inspecting the condition of electrical equipment; electrical product testing and monitoring services; inspecting and testing of commercial, domestic and industrial electrical apparatus and installations; electrical quality control testing; technical diagnostic testing services; testing services for the certification of quality standards; advisory services relating

to the safety of electrical products; provision of information and advice in relation to all of the foregoing services, including on-line.

- (bb) **Silver Master Electrician** means an entity that is approved as a “Silver Master Electrician” pursuant to these Rules.
- (cc) **Silver Master Electrician Mark** means the following trade mark:



- (dd) **Term** means five years.
- (ee) **Tenure** means the accrued period of time during which a Member was an active and valid Member of MEAL or MEAQ.
- (ff) **Wiring rules** means the Australian Standard AS/NZS 3000:2018, Electrical installations.

## 1.2 Interpretation

In these Rules, headings are for convenience only and do not affect interpretation, and unless the context requires otherwise:

- (a) the singular includes its plural and vice versa;
- (b) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (c) a reference to a clause or paragraph is to a clause or paragraph in these Rules;
- (d) a reference to legislation (including subordinate legislation) or a provision of it is to that legislation or provision as amended, re-enacted or replaced, and includes any subordinate legislation issued under it.

## 2. Rules

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These Rules apply to MEAQ, MEAL, each entity applying to be a Silver Master Electrician, and each entity approved as a Silver Master Electrician.

## 3. Certification eligibility

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A Member is eligible to be certified as a Silver Master Electrician if the Member:

- (a) is a licensed electrical contractor;
- (b) holds a current financial membership with MEAL or MEAQ;
- (c) has:

- (i) subscribed to, implemented and is using ME Safety Essential or ME Safety Pro and has successfully completed each Periodic Assessment and Random Spot Check during the Term to MEAL's satisfaction; or
- (ii) implemented and is using an Alternative Safety System recognised by MEA for a minimum of six months, continues to use the system and has successfully completed each Periodic Assessment and Random Spot Check to MEAL's satisfaction; or
- (iii) completed the Master Program and all bi-annual assessment commencing 1 year after completion of the Master Program to MEAQ or MEAL's satisfaction;;
- (iv) been a Member for 10 years and has completed, and continues to complete the Continuing Professional Development Requirement each year to MEAL's satisfaction.

## **4. Application process**

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### **4.1 Application**

In order to be certified pursuant to these Rules and be entitled to use the Silver Master Electrician Mark, the Member must submit a written application to MEAL or MEAQ (**Application**) which will be given to an Assessor for review.

### **4.2 Obligations of Members**

A Member submitting an Application must:

- (a) provide complete and accurate information in the Application;
- (b) provide relevant information to process the Application as requested by the Assessor;
- (c) take any actions recommended by the Assessor in respect of their Application within the agreed timeframe;
- (d) where the Member was previously approved as a Silver Master Electrician: provide evidence of their current and past compliance with the Rules; and
- (e) agree to be bound by the Constitution, the Code of Conduct, and the Membership Terms and Conditions.

### **4.3 Review of Application**

- (a) An Assessor will review the Application.
- (b) If the Assessor identifies a one or more Major Findings in the Application, the Assessor will:
  - (i) inform the Member of any appropriate corrective actions to the Application as the Assessor deems appropriate, and the deadline for completing these corrective actions;
  - (ii) review any additional evidence provided by the Member and the results of any corrective action submitted by the Member and make a recommendation to MEAL for the appropriate certification, if any, of the Member as a Silver Master Electrician; and

- (c) If the Assessor does not identify a Major Finding the Assessor will make a recommendation to MEAL in respect of the Application to accept the Member as a Silver Master Electrician.

#### 4.4 **Suspension of Application**

- (a) A Member's Application, may be suspended in the event of any of the following **(Suspended event)**:
  - (i) the Member cannot meet the applicable legislation, including because it has failed to:
    - (A) hold a current financial contractor's licence;
    - (B) hold all other business relevant licences; or
    - (C) comply with the Wiring Rules.
  - (ii) Serious Complaints have been made against the Member by industry, community, MEAQ or MEAL staff;
  - (iii) the Member provides misleading information in the Application or to the Assessor;
  - (iv) any other condition or act deemed inappropriate by MEAL, including breach of any provision of:
    - (A) the Constitution; or
    - (B) the Membership Terms and Conditions; or
    - (C) the Code of Conduct.
  - (v) the Member fails to submit evidence for Major Findings within agreed time limits.
- (b) Where a Member's Application is suspended:
  - (i) the Member's Silver Master Electrician certification will be invalid; and
  - (ii) the Member will not be permitted to use in any way the Silver Master Electrician certification or the Silver Master Electrician Mark,for the duration of the suspended period.
- (c) Where a Member's Application is suspended and the Member fails to remedy the Suspended event, MEAL may terminate the Member's Application.

#### 4.5 **Outcome of Application**

Following a recommendation by the Assessor under clause 4.3, MEAL will notify the Member of the outcome of their Application.

## **5. Assessor**

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### **5.1 Assessor requirements**

MEAQ may appoint a person to be an assessor if that person:

- (a) has at least 10 years of work experience in the electrical industry;
- (b) is knowledgeable on safety and technical standards, safety management systems and process approach assessing;
- (c) demonstrates sound problem solving and judgement skills; and
- (d) demonstrates sound interpersonal communication skills.

### **5.2 Obligations of Assessors**

A person appointed as an Assessor is responsible for:

- (a) assessing Applications, including ensuring that all criteria are fulfilled and maintained by the Member;
- (b) providing any recommendations to the Member in respect of their Application;
- (c) requesting further information from the Member for the purposes of reviewing the Application;
- (d) assessing the Member's compliance with the Rules; and
- (e) making recommendations to MEAL in respect of an Application, including any relevant findings.

## **6. Use of the Silver Master Electrician Mark**

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### **6.1 Approval**

- (a) If a Member is approved as a Silver Master Electrician, that Member has a non-exclusive, limited, revocable, non-assignable license to use the Silver Master Electrician Mark for the Services, for the Term, according to the terms and conditions contained in these Rules.
- (b) The Member is prohibited from using the Silver Master Electrician Mark for any goods, or services which are not included in the Services.

### **6.2 Ownership of the Silver Master Electrician Mark**

The Silver Master Electrician Mark remains the property of MEAL.

### **6.3 Permitted uses of the Silver Master Electrician Mark**

A Silver Master Electrician may use the Silver Master Electrician Mark on all marketing material and stationery, including:

- (a) letterhead, brochures and presentations;
- (b) internet website, email signatures and signage;
- (c) business card, uniforms and vehicles;

- (d) advertising and social media; and
- (e) other items and material which MEAL has approved.

#### 6.4 **Conditions of use of the Silver Master Electrician Mark**

- (a) A Silver Master Electrician must only use the Silver Master Electrician Mark:
  - (i) in accordance with these Rules and the Guideline of Using Trademark;
  - (ii) whilst holding a valid Silver Master Electrician certification;
  - (iii) in accordance with any style guides (including sizing, colours, file types and versions) issued by MEAL; and
  - (iv) without tampering with, or changing the appearance of, the Silver Master Electrician Mark.
- (b) A Silver Master Electrician must not permit the use of the Silver Master Electrician Mark by any third party.
- (c) MEAL may impose further conditions on the use of the Silver Master Electrician Mark by a Silver Master Electrician that are not inconsistent with these Rules by giving written notice to the Silver Master Electrician of such conditions.

#### 6.5 **Prohibited uses of the Silver Master Electrician Mark**

A Silver Master Electrician must not use the Silver Master Electrician Mark:

- (a) in a misleading, deceptive, or ambiguous manner;
- (b) in a manner that would bring MEA, MEAL or MEAQ into disrepute or lessen industry trust in the MEA brand;
- (c) in a manner that breaches the Code of Ethics;
- (d) in any way connected with anything unlawful;
- (e) on goods, products or product packaging;
- (f) on test, calibration or inspection reports;
- (g) on training certificates; or
- (h) to indicate that the Silver Master Electrician:
  - (i) is employed by MEAL or MEAQ;
  - (ii) is a part of MEA in any capacity other than a Member or Silver Master Electrician; or
  - (iii) represents the views of MEA.

#### 6.6 **Destruction or return of materials**

The Silver Master Electrician must return or destroy all materials provided by MEAL upon MEAL's request.

## **7. Maintaining Silver Master Electrician certification**

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To maintain their current Silver Master Electrician certification, the Member must continue to fulfill all their requirements of Silver Master Electrician contained in these Rules.

## **8. Notification by Silver Master Electrician of breach of Rules**

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The Silver Master Electrician will notify MEAL promptly if it ceases to meet the eligibility requirements in these Rules or otherwise breaches these Rules.

## **9. Review of Silver Master Electrician certification**

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If the Silver Master Electrician:

- (a) fails to maintain the requirements of their Silver Master Electrician certification;
- (b) breaches the Code of Conduct; or
- (c) breaches these Rules,

the Member's Silver Master Electrician certification may be reviewed by MEAL and the certification may be suspended or terminated pursuant to these Rules.

## **10. Suspension of Silver Master Electrician certification**

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### **10.1 Suspension**

A Silver Master Electrician's certification may be suspended in the event of any of the following:

- (a) the Silver Master Electrician cannot meet the applicable legislation and/or standard;
- (b) Serious Complaints have been made against the Silver Master Electrician by industry, community or MEAQ or MEAL staff;
- (c) the Silver Master Electrician does not maintain the requirements of their Silver Master Electrician certification;
- (d) the Silver Master Electrician does not comply with the Rules;
- (e) the Silver Master Electrician provides misleading information that directly impacts decisions relating to their Silver Master Electrician certification;
- (f) the Silver Master Electrician has:
  - (i) failed to complete one or more of their Periodic Assessments; or
  - (ii) where they have failed a Periodic Assessment: failed to submit a plan for improvement actions under a Periodic Assessment, or failed to complete these improvement actions within the required timeframe;
- (g) the Silver Master Electrician has voluntarily requested a suspension of their Master Electrician certification; or
- (h) any other condition or act deemed inappropriate by MEAL, including breach of any provision of:



- (i) the Constitution; or
- (ii) the Membership Terms and Conditions; or
- (iii) the Code of Ethics.

#### 10.2 **Notice of suspension**

If the Silver Master Electrician certification is suspended, MEAL will provide written notice to the Silver Master Electrician explaining the detailed reasons of suspension and providing an appropriate time to resolve the issues that have resulted in the suspension.

#### 10.3 **Effect of suspension of Silver Master Electrician certification**

During the period that the Silver Master Electrician certification is suspended, that Silver Master Electrician is not permitted to use their Silver Master Electrician Mark and must remove all use of the Silver Master Electrician Mark immediately upon being advised that their Silver Master Electrician certification has been suspended, by written notice or otherwise.

#### 10.4 **Restoration of suspended Silver Master Electrician certification**

MEAL may restore a Member's suspended Silver Master Electrician certification where:

- (a) the Silver Master Electrician has provided MEAL with a written request for restoration;
- (b) where applicable, the Silver Master Electrician has provided evidence addressing the reasons for suspension of the Silver Master Electrician certification and responding, to the satisfaction of MEAL, to any request by MEAL for further information or evidence; and
- (c) MEAL has verified that the reasons for the suspension have been addressed and the relevant evidence has been verified,

in which case MEAL will advise the Silver Master Electrician of the restoration in writing.

### **11. Change of Tenure**

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#### 11.1 **Business merger or acquisition**

If a Silver Master Electrician has merged or acquired a business and a change of the Silver Master Electrician's ownership has occurred, but its Australian Business Number remains the same and the ME Safety Essential, ME Safety Pro or Alternative Safety System relevant to its Silver Master Electrician certification does not materially change, the Silver Master Electrician must make an application under clause 11.2 to maintain its Tenure under the new ownership.

#### 11.2 **Request to maintain Tenure**

A Silver Master Electrician may make a written request to maintain Tenure by providing MEAL with:

- (a) a description of the relevant business changes;
- (b) details of whether the ME Safety Essential, ME Safety Pro or Alternative Safety System relevant to its Silver Master Electrician certification is changing and if so, what is changing;

- (c) details of whether current business processes and policies are changing and if so, what is changing;
- (d) any changes to knowledge resources, including whether all staff are remaining; and
- (e) an explanation of why current membership Tenure should be continued or carried over to the new entity.

### 11.3 Review by Review Committee

The Review Committee will assess a request to maintain Tenure under clause 11.2. MEAL will advise the Silver Master Electrician in writing of the outcome of the Review Committee's assessment.

## 12. Terminating Master Electrician certification

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### 12.1 Terminating Silver Master Electrician certification

- (a) MEAL may withdraw a Silver Master Electrician certification if:
  - (i) the Silver Master Electrician fails to address issues arising from a suspension of the Silver Master Electrician certification within the agreed time;
  - (ii) the Silver Master Electrician has voluntarily requested a withdrawal; or
  - (iii) the Silver Master Electrician does not meet the requirements in these Rules.
- (b) The Silver Master Electrician will be issued a written notice confirming the termination of their Silver Master Electrician certification.

### 12.2 Effect of termination

Upon termination, the Silver Master Electrician certification is no longer valid and the Silver Master Electrician must immediately cease using:

- (a) the Silver Master Electrician certification;
- (b) the Silver Master Electrician Mark; and
- (c) any material which indicates that they are a Silver Master Electrician recognised by MEAL and/or holds a Silver Master Electrician certification.

## 13. Dispute of an Application or certification

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### 13.1 Dispute process

If there is any dispute by an Applicant or a Silver Master Electrician (**Disputant**) concerning their Silver Master Electrician certification, the Disputant must attempt to resolve this dispute by the dispute resolution procedure set out below before resorting to alternative avenues.

### 13.2 Lodging a dispute

If the Disputant decides a dispute has arisen, the Disputant must notify MEAL in writing (**Dispute Application**), setting out in sufficient detail the matter in dispute within 10 business days of the dispute arising, by:

- (a) emailing [dispute@mea.asn.au](mailto:dispute@mea.asn.au); or
- (b) letter to 57 Berwick Street, Fortitude Valley, Queensland 4006.

### 13.3 Initial handling of a Dispute Application

- (a) Dispute Applications lodged under clause 13.2 will be assigned to a Responsible Person and a written notice acknowledging receipt of the Dispute Application will be sent to the Disputant within 5 business days of receipt. The Disputant will also be informed of the dispute resolution process under clause 13.
- (b) Within 20 business days of the Dispute Application being lodged with MEAL, the Responsible Person will:
  - (i) review and assess the Dispute Application;
  - (ii) identify a potential solution to resolve the dispute;
  - (iii) notify the Review Committee to consider the potential solution for approval; and
  - (iv) contact the Disputant to notify them of the decision in respect of the Disputant's Dispute Application.

### 13.4 Dispute tracking

- (a) The Disputant can track the progress of their Dispute Application by:
  - (i) emailing [dispute@mea.asn.au](mailto:dispute@mea.asn.au); or
  - (ii) calling MEA on 1300 889 198.
- (b) MEAL will provide the Disputant with an update on their dispute within 5 business days of receiving the request under clause 13.4(a)

### 13.5 Escalating a dispute

The Disputant may escalate a dispute to the Review Committee by written notice to the Review Committee within 10 business days of:

- (a) where the dispute has not been resolved within the agreed time: the date on which the decision was due to be made; or
- (b) where the Disputant is dissatisfied with the outcome of the dispute process under clause 13.3: the date on which the decision was made.

### 13.6 Review of escalated dispute

Within 20 business days of receipt of a request under clause 13.5, the Review Committee must:

- (a) respond to the Disputant acknowledging receipt of the request in writing;
- (b) conduct a full assessment of the dispute, including, but not limited to:
  - (i) reviewing all relevant documentation provided by the Disputant;
  - (ii) reviewing all the information and evidence provided by the Disputant;

- (iii) reviewing the assessment of the Dispute Application;
  - (iv) reviewing all the communication records between the Disputant and MEAL;  
and
  - (v) interviewing relevant people involved in the dispute; and
- (c) notify the Disputant in writing of the outcome of the dispute.

#### **13.7 Timeframes for dispute resolution**

The timeframes specified in clause 13 may be extended by agreement between the Disputant and the Review Committee.

### **14. Register**

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MEAL may keep a register of Silver Master Electricians at its office which will include the names, contact details and relevant dates for when each Silver Master Electrician was approved to use the Silver Master Electrician Mark.

### **15. Liability**

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All uses of the Silver Master Electrician Mark is the responsibility of the Silver Master Electrician and do not result in liability of MEAL or MEAQ. The Silver Master Electrician agrees to hold MEAL and MEAQ free from all claims of third parties arising from its use of the Silver Master Electrician Mark.

### **16. Amendment**

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These Rules may be amended at any time by MEAL, subject to the provisions of the *Trade Marks Act 1995* (Cth).



# Certification trade mark rules checklist

Complete this checklist to help ensure your application to register a certification trade mark (CTM) covers all the requirements in s.173 of the *Trade Marks Act 1995* (Cth). The ACCC must check your CTM rules against these requirements and assess them against the requirements in s.175 of the Trade Marks Act.

1. Note the page or paragraph numbers in your CTM rules that address each requirement in the checklist below.
2. Send the completed checklist with your application and CTM rules to the Registrar of Trade Marks, IP Australia. They will send the checklist, your application and the CTM rules to the ACCC for assessment.

**Name of applicant:** Master Electricians Australia

**Contact name:** Sharon McClelland

**Contact number:** 0427 684 425

**Contact email address:** SMcClelland@MEA.asn.au

**Name/Description of proposed certification trade mark:** Silver Master Electrician

<b>Content required for certification trade mark rules</b>	<b>Page/paragraph number references for this content in CTM rules</b>
<b>Please note your rules must address each of these requirements</b>	
A description of certification requirements that goods or services must meet before they can carry the mark	3
The process for determining if goods or services meet the certification requirements	4
The attributes a person must have to become an approved certifier who is able to decide whether goods or services meet the certification requirements	5
The requirements that a certification trade mark owner or approved user must meet to use the mark	6.4
Any other requirements about the use of the mark that a certification trade mark owner or approved user must follow	7
The procedure for resolving disputes about: whether goods or services meet the certification requirements	9
any other issue relating to the certification trade mark	13

## More information

For more details, see the:

- [Certification trade marks page](#) on the ACCC website
- [Trades Marks Act 1995 \(Cth\)](#) the Australian Government ComLaw website
- [Trade Marks page](#) on the IP Australia website