

IP Australia  
03 MAY 2005



TGAC  
TGXB



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2004/1891  
Your Ref: TM170  
Contact officer: Claire Woods  
Contact phone: 02 6243 1236

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
ph (02) 6243 1111  
fax (02) 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

29 April 2005

The Registrar of Trade Marks  
IP Australia  
PO Box 2000  
WODEN ACT 2606

Dear Registrar

**Certification Trade Mark Application No. 953037**

The Australian Competition and Consumer Commission (the ACCC), in accordance with the provisions of the *Trade Marks Act 1995*, has completed its final assessment of Certification Trade Mark (CTM) No. 953037.

A certificate detailing the ACCC's assessment is attached, as well as a certified copy of the rules. The applicant has been notified.

If you have any queries on this matter, please contact Claire Woods on 02 6243 1236.

Yours sincerely

David Hatfield  
Director  
Adjudication Branch





Australian  
Competition &  
Consumer  
Commission

**Final Assessment of Certification Trade Mark Application 953037 lodged by the  
Australian National Training Authority**

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 are competent to certify the 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 *Trade Practices Act 1974* (the Act); the principles relating to unconscionable conduct set out in Part IVA of the Act; and the principles relating to unfair practices, product safety and product information set out in Part V of the Act.

Signed..... (Deputy Chair)

Date..... 28 / 04 / 2005 .....

**RULES GOVERNING CERTIFICATION  
AND USE OF TRADE MARK**



Certified copy  
pursuant to section 175(2)(b)  
of the *Trade Marks Act 1995*

\_\_\_\_\_  
Commissioner

28/04/05  
Date

**Background**

1. In 2001, a National Review of Group Training was established to provide advice to the Australian National Training Authority Ministerial Council on future directions, issues and options for governments in the area of group training services. On 24 May 2002 the ANTA Ministerial Council agreed that the National Standards for Group Training Organisations be adopted and that these Standards become the quality arrangements for group training in each State and Territory from 1 January 2003.

**Eligibility**

2. The GROUP TRAINING logo (GT Logo) depicted above is the subject of Australian trade mark application 953037 in classes 9, 16, 35, 41 and 42 and is owned by Australian National Training Authority (ANTA), of AMP Place, 10 Eagle Street, Brisbane, Queensland, 4000, AUSTRALIA.
3. ANTA is an Australian Government statutory authority providing a national focus for vocational education and training.
4. The GT Logo is a certification trade mark and is the distinguishable mark of quality for promoting and certifying Group Training Organisations (GTOs) who have met the National Standards for Group Training. The GT logo can only be used by GTOs who have met the National Standards for Group Training (National Standards) and have been registered by a State or Territory Training Authority (STA).
5. A GTO that has received notification from the appropriate STA that it has met the National Standards, is listed on the national database and is licensed, subject to these rules, to use the GROUP TRAINING logo in its signage, documentation and advertising. This licence will continue until terminated as set out below.

**Termination**

6. If a GTO becomes insolvent or bankrupt its licence to use the GT Logo will immediately cease (see Upon Termination section below).
7. If a GTO receives a withdrawal of recognition notice from an STA, subject to these rules, it may no longer be entitled to use the GT Logo in relation to its services. In order to maintain its licence, the effected GTO must, within 30 days, take immediate measures to amend its procedures and restore full compliance with National Standards. Written

notice of amended procedures or other ameliorative measures must be given to the STA in writing within the 30 day period.

8. In their discretion, the STA or ANTA may attend the place of business of the GTO to review its procedures, interview appropriate personnel or review its files and written records. The results of any review together with a full description of any perceived shortcomings or irregularities and any recommendations or requirements for corrections or improvements issued by the STA or ANTA will be put in writing and presented to the GTO.
9. If, after review, it is found that the GTO is again in full compliance, its licence to use the GT Logo will continue. If a review finds that full compliance has not been achieved, the STA or ANTA may either terminate the GTO's licence immediately or recommend a further period of time within which compliance must be attained.

#### **Upon Termination**

10. When its licence to use the GT Logo is terminated for any reason, the GTO must immediately cease using the GT Logo in its signage and advertising and in any written publications which it distributes. It must immediately dispose of any written material in its possession which depicts the GT Logo and cease holding itself out as being certified to use the GT Logo.

#### **Specification and Guidelines for Use**

11. The strength of any corporate logo is in the consistency of its usage. To assist you with strengthening the identity of the GT Logo, these guidelines have been produced.
12. A GTO may only display the GT logo once it has received official notification from the appropriate STA that it has met the National Standards.
13. GTOs that have received official notification and registration and are eligible to use the GT logo will be listed on the National Group Training Register. A GTO must not falsely claim or imply that it is registered.
14. Continued use of the logo requires a successful audit which will be conducted by STAs against the National Standards every three years. As indicated above, deregistration of a GTO requires immediate cessation of the use of the logo.
15. Proven breaches of these guidelines by a registered GTO may result in the withdrawal or cancellation of a GTO's registration and licence to use the GT Logo. See "Termination" section above.

#### **Use of the GTO logo**

16. A GTO is able to use the GT logo on corporate documentation and advertising material. When using the GT logo, a registered GTO must use its legal name as it appears on its registration certificate.
17. A GTO must also ensure that the GT logo is not the primary logo on any advertising. That is, the GT logo must be used in conjunction with the organisation's name and/or logo and it must be clear that the GT logo is not the logo of your organisation.
18. In particular, these rules govern the usage of the logo on:

- signage

- advertisement and promotional information in any medium (print, television, radio, Internet, etc);
  - promotional and marketing material (eg brochures, course handbooks, prospectuses);
  - corporate stationery;
  - certificates, statements of attainment and other testamurs; and
  - transcripts of results.
19. In using the GT logo, GTOs will not use the logo to falsely promote any other services of their organisation. The GT logo may only be used to promote the activities of a GTO and generic corporate activities.

#### **Logo Details**

20. The GT logo consists of two circular images, one inlaid in the other, with a descriptor. The letters "gf" are insider the smaller circle and the words "quality group training" are inside the larger circle. Under no circumstances is the image to be used without the descriptor. The typeface used for the descriptor is Meta Plus bold.
21. The complete GT logo may be varied in size. The size and position of the GT logo on the final product is at the reasonable discretion of the product designer. Although the size of the logo may be varied, the proportions of the image and the descriptor in relation to each other may not be varied. Under no circumstances is the image to be produced in a mirror image or be rotated.

#### **Reproduction of the GT logo**

22. GTOs can obtain a copy of the GT logo from their registering STA.

#### *One colour version*

23. When the logo is produced in black and white, it is necessary to use the black and white version of the logo and not simply reproduce the coloured version in black and white.

[display black and white logo]

24. It is also possible to print a specific black and white version on a strong (dark) background. If GTOs wish to use this version, they should contact their STA.

#### *Two colour version*

25. Where the GT logo can be reproduced in colour, it should appear in the configuration shown below.

[display colour logo]

26. The following are the only colours that can be used:

- Purple PMS 518
- Orange PMS 1375

27. To ensure consistency, use of other colours in not permitted.

28. The GT logo remains the property of the Australian National Training Authority and can only be used in compliance with the certification rules and standards.

### Scope and Significance

29. The key objective of the National Standards for GTOs is to strengthen the capacity of GTOs in achieving the three goals of group training; (1) to create additional apprenticeship and traineeship employment opportunities; (2) to provide for the continuity of that employment; and (3) to improve the quality and breadth of training available to apprentices and trainees.
30. The National Standards for GTOs provide the ongoing basis for a nationally consistent, robust group training service brand; assist GTOs to monitor and continuously improve their organisations' operations and strategic and financial planning; they also provide governments with a consistent basis for the recognition, support and monitoring of government funded GTOs.
31. The National Standards for GTOs were developed through the work of the Steering Committee for the National Review of Group Training, chaired by the ANTA CEO and including representatives from States and Territories, Group Training Australia, the Commonwealth, industry organisations and Australian Indigenous Training Advisory Council endorsed by Ministers for Vocational Education and Training in May 2002.
32. The National Standards for GTOs provide a standards-based recognition system that applies consistently across all States and Territories to GTOs seeking government funding. Compliance with the National Standards for GTOs is mandatory for those GTOs seeking eligibility for GTO government funding. Attached and marked "Annexure A" is a Figure demonstrating the Operation of the National Standards for GTOs.
33. There are eight Standards. Compliance with each of the Standards is necessary to comply with the National Standards for GTOs. Each Standard has a heading and a short statement of the principles behind the Statement. These eight Standards are discussed in detail below.

### The Eight National Standards

**Standard 1: Systems for group training services including management of hosting. The GTO has systems in place to plan for and provide quality group training services to apprentices, trainees and host employers.**

34. The GTO shall conduct an internal review of its compliance with the Standards at least annually.
35. The GTO shall document, implement and review annually policies and procedures as required by the Standards, for ensuring quality group training services consistent with the organisation's scale of operations.
36. The GTO shall document in a publicly available code of practice or similar document the service level requirements for staff providing group training services to apprentices, trainees and employers, including information on complaints handling, and shall review annually satisfaction with these service levels.
37. The GTO shall document and implement a policy and procedures for dealing with host employers, apprentices and trainees complaints, grievances and appeals in a constructive and timely manner, using a remedial approach where possible.

38. The GTO shall keep records of each complaint, grievance and appeal and its investigation and outcome.
39. The GTO shall have, and comply with, a written agreement with each employer that hosts an apprentice or trainee employed by the GTO and must maintain an index of these agreements. The agreement shall specify how each party to the agreement will discharge its responsibilities for compliance with the Standards and with legislative and regulatory requirements.
40. The GTO shall identify relevant group training operational data and shall be able to demonstrate how these data are used to plan and monitor performance of the GTO and in the improvement of services to employees, apprentices and trainees.

**Standard 2: Compliance with Commonwealth, State/Territory legislation and regulatory requirements. The GTO ensures that compliance with Commonwealth, State/Territory legislation and regulatory requirements relevant to its operations is integrated into its policies and procedures and that compliance is maintained.**

41. The GTO shall have a documented process for:
  - (a) identifying relevant Commonwealth and State or Territory legislation and related regulations applicable to its operations;
  - (b) integrating these requirements, and changes to these requirements, into the GTOs policies and/or procedures; and
  - (c) ensuring that staff are made aware of their obligations, related to their duties, under such legislation and regulatory requirements.

**Standard 3: Effective financial management procedures. The GTO shall have effective financial management procedures in place.**

42. The GTO shall have effective documented management procedures in place to:
  - (d) ensure that the GTO's financial management policy and procedures are maintained and reflect actual practice within the GTO;
  - (e) ensure staff and members of board, council or advisory committees of the GTO receive professional development or updates on financial management policy, procedures and reporting including income recognition procedures, debt management, methods of costing services and cost recovery and payroll;
  - (f) monitor and report on compliance with its financial management policy and procedures, for review as a basis for improvement; and
  - (g) ensure probity is maintained for all financial matters.
43. The GTO's accounts shall be certified, at least annually, by a qualified accountant with membership of Certified Practising Accountants of Australia or the Institute of Chartered Accountants of Australia and, on request, the report shall be made available to the STA that has recognised the organisation.
44. The GTO shall obtain, and make available if requested by the STA, a full audit report from a qualified independent accountant with membership of Certified Practising Accountants of Australia or the Institute of Chartered Accountants of Australia within 60 days of request.

45. The GTO shall ensure that it has insurance cover appropriate to its activities, including insurance for workers compensation, public liability, professional indemnity, building and contents.

**Standard 4: Effective administrative records management procedures. The GTO shall have effective administrative and records management procedures in place.**

46. The GTO shall document, implement and review policies and procedures to assure the accuracy, integrity, confidentiality and security of records during their storage, archiving and disposal.
47. The GTO shall review its administrative performance against its policies and procedures as part of its internal review (see 1(a)).

**Standard 5: Effective corporate governance. The GTO shall have appropriate structures and processes for decision making, accountability, and control of that GTO.**

48. A GTO shall be a legal entity recognised by the appropriate government agency.
49. The GTO shall document:
- (a) the ownership structure and control of the GTO;  
details of board and management team, their roles and responsibilities and the Chief Executive's role and responsibilities;  
key provisions for decision-making and accountability; and  
terms of reference of the board, council or advisory committee and members selection and induction procedures, including clarification of obligation and responsibilities.
50. The Chief Executive shall ensure that members of the board, council or advisory committee and staff are advised and updated about information in paragraph 49 to the extent necessary to effectively carry out their responsibilities.
51. The GTO shall have a business or strategic plan that:
- (a) is consistent with its scale of operations;
  - (b) sets out the strategic directions of the GTO;
  - (c) considers key stakeholders needs; and
  - (d) is reviewed and updated annually.
52. The GTO shall document and implement a risk management plan covering the identification, assessment and monitoring risk including compliance with the *National Standards for Group Training* and contractual arrangements with host employers.
53. The Chief executive of the Chair of the board, council or advisory committee shall inform the appropriate STA in writing of changes in circumstances where these may affect the ongoing employment status of all of their apprentices and trainees of the organisation, as soon as the GTO becomes aware of the situation.



54. The GTO shall have procedures to demonstrate that it manages its assets and facilities responsibly to safeguard, maintain and develop these resources through effective deployment, review and improvement of asset management policies and procedures.

**Standard 6: Access and equity.** The GTO shall apply access and equity principles to its operations.

55. The GTO's policies and procedures shall incorporate a statement on how access and equity principles or legislation were considered in the development of the policy or procedure.

56. The GTO shall:

- (a) develop and implement an access and equity policy that articulates strategies to improve outcomes for equity groups and better reflects local equity group demographics;
- (b) review the policy on a periodic basis to reflect contemporary legislation and practice with respect to equity groups;
- (c) include information on the access and equity policy in induction kits or equivalent for employers, apprentices and trainees;
- (d) ensure staff are trained in and comply with the GTO's access and equity policy; and
- (e) establish strategic relationships with organisations with relevant specialist equity skills.

**Standard 7: The skills of GTO staff.** Each member of the GTO staff who is involved in the provision of group training services is skilled for the functions they perform.

57. The GTO shall develop, document and implement a policy and procedures for the recruitment, induction, and ongoing development of each member of its staff who is involved in the provision of any aspect of group training service.

58. The GTO shall ensure that staff recruited are competent to carry out the duties of the position they are employed to fill, or that they are provided with adequate training to fulfil these competencies.

59. The GTO shall encourage and provide relevant opportunities for the professional development of staff on the vocational education and training system, with particular emphasis on the requirements for apprenticeships and traineeships, working with equity clients and working with other local networks.

60. The GTO shall maintain up-to-date records of qualifications, skills and experience of staff in management, payroll and field officer functions.

61. The GTO shall monitor and provide feedback to staff on their performance.

**Standard 8: Ethical practice.** The board, council or advisory committee of the GTO and its management and staff behave ethically in the provision of group training services.

62. The GTO shall disseminate clear and accurate information about its services and operations to each host employer, apprentice and trainee.

63. The GTO shall document in a code of practice or similar a policy statement on ethical practice for the board, council or advisory committee of the GTO and for its management staff, in the provision of group training services and in its relationships with other providers of group training services.
64. The GTO shall ensure that its clients and stakeholders have access to a document on how the GTO manages conflict of interest within its group training function and across other functions within the organisation or in related organisations.
65. The GTO's marketing and advertising plans and materials shall be accurate, define how key stakeholder relationships are managed and demonstrate that permissions, conditions and copyright requirements have been met.