



Australian Government

Department of Infrastructure
and Regional Development



Kingston and Arthur's Vale
Historic Area – Norfolk Island

Visual Identity Guidelines

August 2017

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Acknowledgments

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Introduction

Consistent, recognisable branding is an important element in effective communication.

The Kingston and Arthur's Vale Historic Area (KAVHA) Norfolk Island Visual Identity Guidelines set out our branding standards, including specifications and technical information, on logo applications.

The Guidelines have been developed to ensure quality control and consistency in the messaging which is essential in promoting client awareness and trust.

Enquiries regarding the Visual Identity Guidelines should be directed to the Director, Publications and Internal Communications, Corporate Services.

Email: publishing@infrastructure.gov.au

The Logo

The brand includes the Australian Government logo, comprising the Commonwealth Coat of Arms (Conventional Version 3A Solid) with the words 'Australian Government' (Times New Roman Bold) and the KAVHA Norfolk Island brand.

The logo has been constructed to conform with established identity application principles and is appropriate for most publishing requirements.

The logo is only available in one layout, horizontal inline.

Inline



For more information on the Australian Government logo go to <<https://www.dpmc.gov.au/resource-centre/government/australian-government-branding-guidelines-use-australian-government-logo-australian-government-departments-and-agencies>>.

Positioning

The logo should always have prominence over and above other images and graphic elements. Where possible, the logo should be placed at the top of the item it appears on.

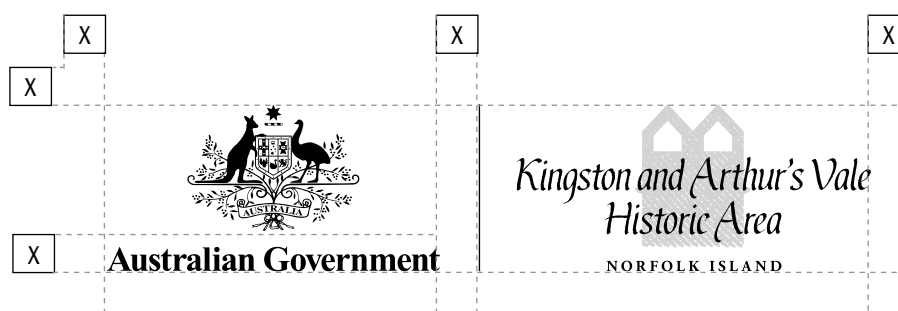
An individual logo must appear only once in a document.

The logo in its entirety must not be used as decorative or artistic element or as a watermark.

Isolation zone

An isolation zone has been established to ensure that the dignity of the logo is not jeopardised through crowding. This zone is defined as 'X' and is based upon the distance between the bottom of the Commonwealth Coat of Arms and the capital 'A' in Australian Government. Please note this zone should be seen as a minimum dimension, and it applies to every form and application of the logo.

Inline logo – isolation zone



Minimum size

The minimum width of the Commonwealth Coat of Arms should be 20mm. However, on items such as name badges and ID cards where it may not be possible for the minimum width to be adhered to, the Commonwealth Coat of Arms may be altered in width but must remain recognisable. Consistency of construction of this design is critical to the intention of establishing and maintaining a single recognition device for the Australian Government.



Correct application of the logo

The logo can be reproduced in one colour only – black.

- The logo can also be reversed – white on dark background.
- The logo should not be reproduced in more than one colour.

Correct application

Positive



Reversed



Incorrect application of the logo

It is essential that any use of colour does not compromise the integrity of the logo. In every application of the logo, it must not:

- be reproduced in different colours within one publication.
- appear in a tint or light colour on a light background colour.
- appear as a dark colour on a dark background.

Incorrect applications

Positive



Reversed



Colour Palette

Colour plays an integral role in developing consistent and coherent communications and is used to differentiate and represent settlement period.

The colour palette has been divided into primary colours, secondary colours and the Department's corporate colour.

The correct use of these primary and secondary colours is critical to the success of KAVHA Norfolk Island brand communications.

These colours apply in all print and reproduction circumstances and for coated and uncoated paper stocks. These colours can be reproduced in four colour process (CMYK), spot colour (PMS) or RGB values where appropriate. CMYK and RGB equivalents for the PMS colours are shown on the following page.

All colours should be tested for independent print devices and projectors prior to production. Proofs should be used to check colours prior to offset print production. Colour for all reproduction methods should be matched as closely as possible to Pantone® standards.

Primary colours





Secondary colours








Corporate colour




Primary colour palette specifications

Spot colour	CMYK	RGB	HTML
 PMS Black 7	0 0 15 82	61 57 53	3D3935 51 51 51
 PMS 7527 C	0 2 6 7	214 210 196	D6D2C4 204 204 204

Secondary colour palette specifications

Spot colour	CMYK	RGB	HTML
 PMS 364 C	65 0 100 42	74 119 41	4A7729 51 102 51
 PMS 307 C	100 16 0 27	0 107 166	006BA6 0 102 153
 PMS 723 C	17 56 96 3	179 105 36	B36924 204 102 51
 PMS 451 C	33 28 58 0	155 148 95	9B945F 153 153 102
 PMS 1815 C	0 90 100 51	124 37 41	7C2529 102 51 51

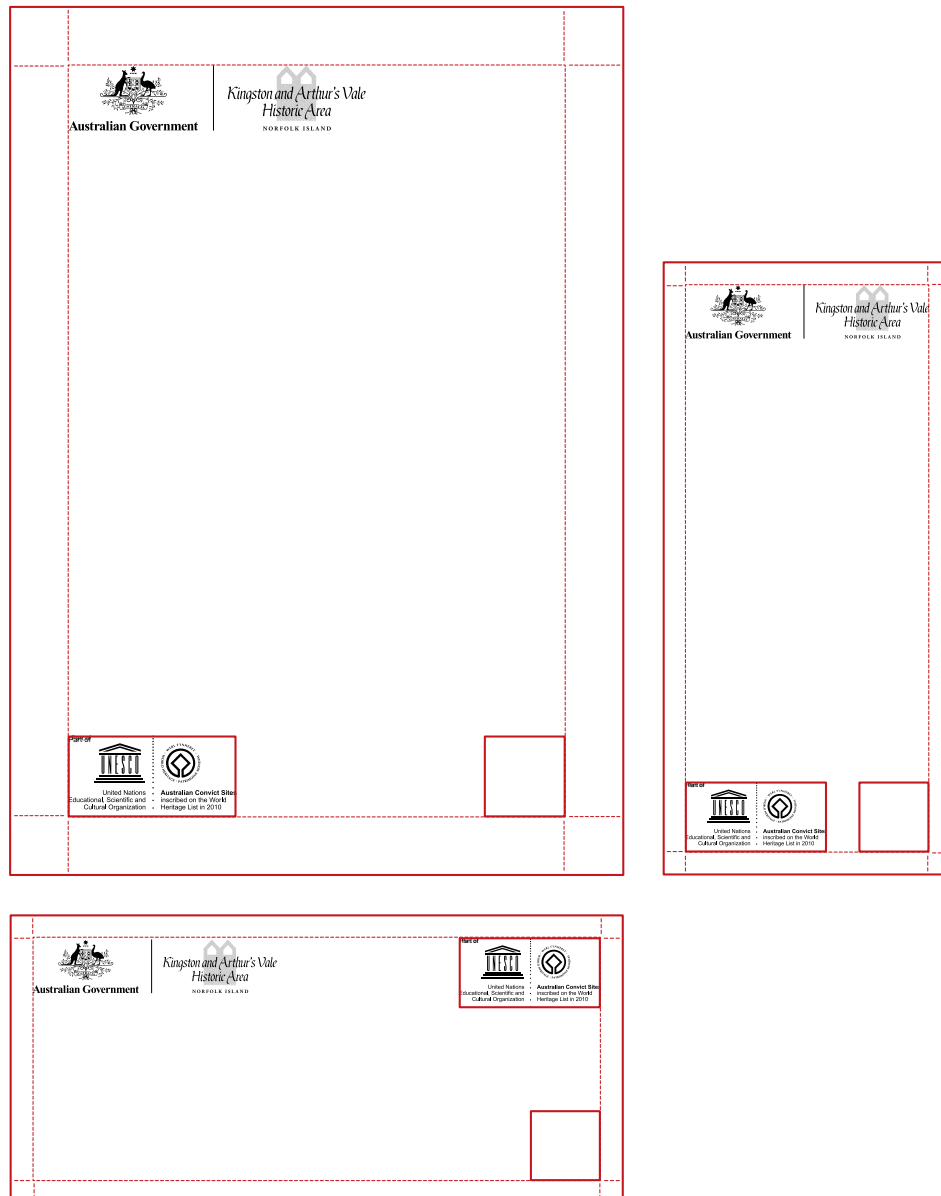
Corporate colour palette specifications

Spot colour	CMYK	RGB	HTML
 PMS 289 C	100 64 0 60	4 23 60	000033 0 0 51

Co-branding

All co-brand logos should be reproduced as black or white reversed out of the primary colour area; i.e., background colour.

Co-branded logos should be sized appropriately based on their own Guidelines. Extreme formats such as long or narrow artworks which require co-branding require the Australian Government logo and KAVHA Norfolk Island brand to be the prominent item to ensure the integrity of the brand is not compromised.



World Heritage

KAVHA is one of 11 historic sites which together form the Australian Convict Sites World Heritage Property. Collectively the sites are representative of the global phenomenon of the forced migration of convicts.

The World Heritage emblem identifies properties inscribed in the World Heritage List.

The World Heritage emblem should be used by property managers, where appropriate, for non-commercial projects to promote the World Heritage status of the property.

Guidelines for using the World Heritage emblem—specific to the Australian Convict Sites—are outlined in the *Australian Convict Sites Corporate Identity Guidelines* (see Attachment 1).

Use of the World Heritage emblem in Australia is at the discretion of the World Heritage Centre and is based on the approach endorsed by the World Heritage Committee. Approval for the use of the World Heritage emblem is exercised by the Australia World Heritage Focal Point within the Australian Government Department of the Environment. At least two weeks before proceeding with production, property managers should submit requests to the Australia World Heritage Focal Point <AustraliaWorldHeritage@environment.gov.au>.

For up-to-date information on the use of the emblem in Australia and the process for approval, refer to the Australian Government's website <<http://www.environment.gov.au/heritage/about/world/emblem-and-logo-usage>>.

(i) Standard version



(ii) Norf'k version



National Heritage

KAVHA was included on the National Heritage List in 2007.

The National Heritage List includes places of outstanding heritage significance to Australia including natural, historic and Indigenous places that contribute to Australia's national identity.

Use of the National Heritage Place logo is optional; however, its use is encouraged to promote KAVHA's significant national heritage values.

Vertical colour



Vertical monochrome



Horizontal colour



Horizontal monochrome



The Department of Infrastructure and Regional Development's General Manager, Norfolk Island Branch, is an approved user of the National Heritage Place logo and is authorised to use the logo to promote KAVHA's national heritage values.

The National Heritage Place logo must be used in accordance with the following guidelines:

- National Heritage Place Terms and Conditions for Logo Use (see Attachment 2); and
- Certification Rules for the National Heritage Place Logo Trade Mark (see Attachment 3).

Commercial use of the logo (i.e. selling goods or services for profit) requires formal written approval from the Department of the Environment and Energy (see Attachment 2).

Co-branding order – KAVHA

When possible, the Australian Government logo and the KAVHA Norfolk Island brand should be displayed on the top left corner of all collateral. When displayed with other logos and crests the Australian Government crest is to appear as the first logo on the top left of the strip.

Logo used alongside state and territory crests/logos



Logo used alongside state and territory crests/logos and private companies and alliances



All usage of the Australian Government logo and KAVHA Norfolk Island brand must be approved by the Director of the Publications and Internal Communications, Corporate Services.

Co-branding order – World and National Heritage Place logos

The National Heritage Place logo can be used with other logos relevant to KAVHA.

The National Heritage Place logo must be placed immediately to the reader's right of the relevant logo, separated by a single solid black line (see example below). The black line must be placed outside of the exclusion zone (see Attachment 2).



United Nations
Educational, Scientific and
Cultural Organization

Australian Convict Sites
inscribed on the World
Heritage List in 2010



Typography

Typefaces

The KAVHA Norfolk Island brand typefaces have been carefully chosen to create a harmonious and consistent approach across a variety of designed communications.

For these reasons, it is critical to the success of the KAVHA Norfolk Island Core Brand visual identity that the correct typefaces are used in the right instances.

No substitution of similar typefaces should occur.

Primary sans serif typeface

The primary sans serif typeface for the Department is Franklin Gothic Condensed and Franklin Gothic. This is the primary font family to be used on marketing, promotional and corporate material.

Franklin Gothic (Condensed)

ABCabc123

Primary sans serif typeface – Franklin Gothic Book Condensed

ABCabc123

Primary sans serif typeface – Franklin Gothic Medium Condensed

ABCabc123

Primary sans serif typeface – Franklin Gothic Demi Condensed

Franklin Gothic

ABCabc123

Primary sans serif typeface – Franklin Gothic Book

ABCabc123

Primary sans serif typeface – Franklin Gothic Medium

ABCabc123

Primary sans serif typeface – Franklin Gothic Demi

Primary serif typeface

Corporate A

ABCABC123

Support serif typeface – Corporate A Expert Light

ABCABC123

Support serif typeface – Corporate A Expert Regular

ABCabc123

Support serif typeface – Corporate A Light

ABCabc123

Support serif typeface – Corporate A Medium

Microsoft/PC equivalents

Both the primary sans serif typeface (Franklin Gothic Condensed) and the serif typeface (Corporate A) are supported by a PC equivalent selection of fonts. These are to be used in instances such as Microsoft Word documents and Microsoft PowerPoint presentations or other internal documents when the primary and support typefaces are not available.

ABCabc123

PC Equivalent for Franklin Gothic Book Condensed typeface – Arial Narrow Regular

ABCabc123

PC Equivalent for Franklin Gothic Book Condensed typeface – Arial Narrow Bold

ABCabc123

PC Equivalent for Franklin Gothic Book Condensed typeface – Arial Regular

ABCabc123

PC Equivalent for Franklin Gothic Book Condensed typeface – Arial Bold

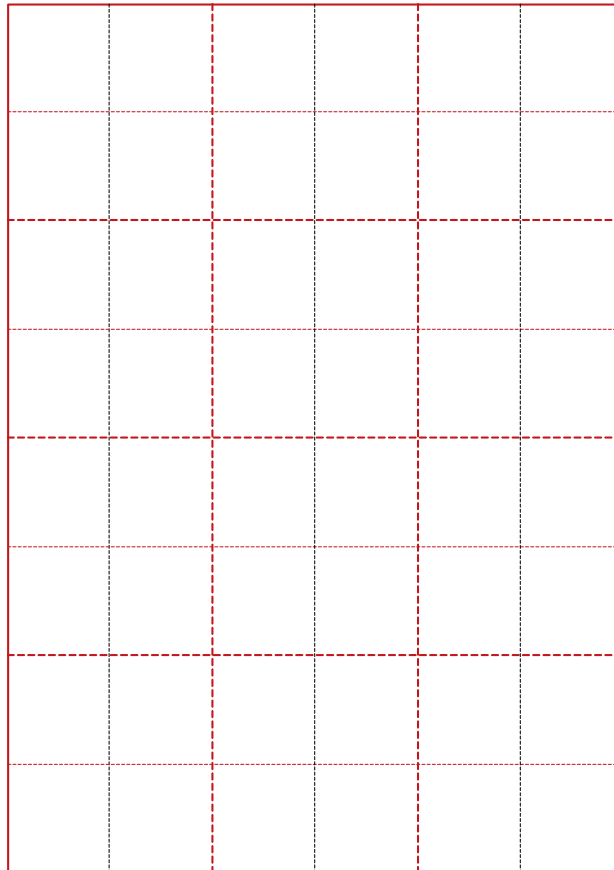
ABCabc123

PC Equivalent for Corporate A typeface – Georgia Regular

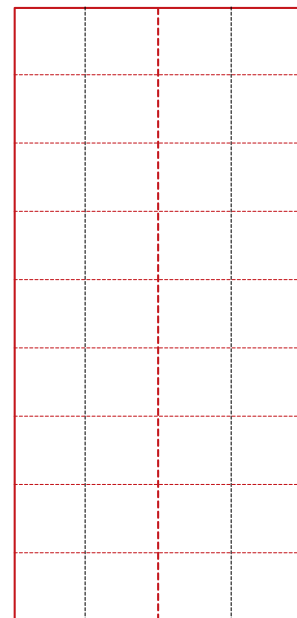
Grid structure

All layout grids are based on a grid that is square. Additional squares can be further added to create rectangles for some flexibility of elements.

Although the subject matter and audience may vary, a consistent approach must be applied to the visual elements within all communications.



A4 Book or Brochure



DL Brochure or Banner



Promotional Display

Attachment 1: Australian Convict Sites Corporate Identity Guidelines

[Version date: 6/8/2014]

To be read in conjunction with the Operational Guidelines for the Interpretation of the World Heritage Convention (Operational Guidelines) and any directions from World Heritage Centre.

Name

Australian Convict Sites World Heritage Property

Site Names

The names of the eleven sites are:

- ◆ Kingston and Arthur's Vale Historic Area, Norfolk Island
- ◆ Old Government House and Domain, New South Wales
- ◆ Hyde Park Barracks, New South Wales
- ◆ Brickendon-Woolmers Estates, Tasmania
- ◆ Darlington Probation Station, Tasmania
- ◆ Old Great North Road, New South Wales
- ◆ Cascades Female Factory, Tasmania
- ◆ Port Arthur Historic Site, Tasmania
- ◆ Coal Mines Historic Site, Tasmania
- ◆ Cockatoo Island Convict Site, New South Wales
- ◆ Fremantle Prison, Western Australia

World Heritage Emblem Use

The UNESCO and World Heritage emblems and associated ACS text must be used as shown in the two options below. Option (i) is the standard World Heritage emblem while option (ii) is the version containing Norfolk language text. It is up to the discretion of individual sites as to which emblem they choose to use. The Operational Guidelines and the *World Heritage Emblem Guidelines for use in Australia* must also be adhered to. For up-to-date information on the use of the emblem in Australia and the process for approval, refer to the Australian Government's website: <http://www.environment.gov.au/heritage/about/world/emblem-and-logo-usage>.

(i) Standard version

Part of



(ii) Norf'k language version

Part of



An approved example of emblem (i) with ACS text is shown below:

AUSTRALIAN CONVICT SITES

Old Government House & Domain
[Parramatta Park] is one of 11 historic
sites that together form the Australian
Convict Sites World Heritage Property.



Nomenclature

Site text

AUSTRALIAN CONVICT SITES

[Property Name] is one of 11 historic sites that together form the Australian Convict Sites World Heritage Property.

World Heritage tag lines

The following text is permitted for use on banners, brochures and signage where a brief acknowledgement of the site's World Heritage status is required. In these cases, the words are not used with the UNESCO/WH emblems.



[Site Name] – World Heritage listed



[Site Name] – World Heritage site or



[Site Name] – World Heritage place

NOT



[Site Name] – World Heritage Property or



[Site Name] – World Heritage Area

Promotional statement

The following text is suitable as an introductory statement for individual site publications such as brochures, flyers, maps, visitor guides, exhibition catalogues or panels etc.

AUSTRALIAN CONVICT SITES

The Australian Convict Sites World Heritage Property is a series of eleven outstanding heritage places across Australia. Collectively they are representative of the global phenomenon of the forced migration of convicts.

The Australian Convict Sites World Heritage Property was inscribed on the UNESCO World Heritage List on 31 July 2010. The sites included in the serial listing are:

- ◆ Kingston and Arthur's Vale Historic Area, Norfolk Island (1788–1814 and 1824–55)
- ◆ Old Government House and Domain, Parramatta Park NSW (1788–1856)
- ◆ Hyde Park Barracks, Sydney NSW (1819–48)
- ◆ Brickendon-Woolmers Estates, Longford Tas (1820–50s)
- ◆ Darlington Probation Station, Maria Island National Park Tas (1825–32 and 1842–50)
- ◆ Old Great North Road, Wiseman's Ferry NSW (1828–35)
- ◆ Cascades Female Factory, Mount Wellington Tas (1828–56)
- ◆ Port Arthur Historic Site, Port Arthur Tas (1830–77)
- ◆ Coal Mines Historic Site, Norfolk Bay Tas (1833–48)
- ◆ Cockatoo Island Convict Site, Sydney NSW (1839–69)
- ◆ Fremantle Prison, Fremantle WA (1852–86)

Each site represents key elements of the story of forced migration of convicts and is associated with global ideas and practices relating to punishment and reform of criminal elements of society during the modern era. The eleven sites that form the Australian Convict Sites World Heritage Property are outstanding examples of this story in Australia's rich convict history, however, more than 3,000 other convict sites still remain around Australia. This is unique in the world today.

The transportation of convicts to penal colonies dates back to the 17th century and continued up until 1938. Britain, France, Spain, Portugal, the Netherlands, Russia and Argentina transported criminals to penal colonies across the world. British transportation to Australia was the world's first conscious attempt to build a new society on the labour of convicted prisoners. Some 160,000 men, women and children were transported to Australia over a period of 80 years between 1787 and 1868.

All of the eleven sites included in this World Heritage inscription are also listed on the Australian National Heritage List and are protected by Commonwealth, state and territory legislation and site management plans.

(343 words)

Attachment 2: National Heritage Place – Terms and Conditions for Logo Use

1. INTRODUCTION

Our heritage is what makes our country special. It is the places and their stories that help explain who we are, how we arrived here as a nation, and what we wish to pass on to future generations. The National Heritage List showcases the places and their stories found to be of outstanding heritage value to Australia. It includes such significant buildings as the Sydney Opera House, places linked to important historic events such as the Wave Hill Walk-Off Route, and places exemplifying Australia's diverse natural heritage such as the Australian Alps.

The National Heritage Place Logo (the **Logo**) provides a way to recognise the places in the National Heritage List. Its use will promote the recognition of our national heritage, and allow place owners and occupiers to highlight their part in our national story and the inclusion of their place in the National Heritage List.

The Logo must be used in accordance with:

- these Terms and Conditions, and
- the Certification Rules for the National Heritage Place Logo Trade Mark (the **Rules**). and

The Terms and Conditions apply to any use of the Logo by an Approved User. For information on becoming an Approved User, please see the Rules.

2. VISUAL REQUIREMENTS AND USE OF THE LOGO

Colour

The colour palette for the Logo consists of:

- Green: Pantone 370
- Yellow: cyan 2, magenta 50, yellow 100, black 0
- Red: cyan 18, magenta 100, yellow 100, black 8

Examples of the colour Logo are shown below.



Vertical



Horizontal

The Logo should be reproduced in colour where possible. When in colour, the Logo should be reproduced on a light or white coloured background. Reproduction of the colour Logo should, as far as possible, replicate the above colour palette.

The integrity of the Logo should not be compromised by a lack of contrast. For example, a light coloured Logo should not be used on a pastel or light coloured background, and a dark coloured Logo should not be used on a dark coloured background.

The Logo should never be placed over an image or heavily textured background.

Approval must be sought from the Department of the Environment and Energy (the **Department**) to reproduce the Logo in a colour that is inconsistent with the above specifications.

When full colour is not possible, a monochrome version of the Logo can be used. Examples of the monochrome Logo are shown below.



Vertical



Horizontal

Exclusion zone

To ensure maximum impact of the Logo and to maintain its integrity, the Logo must never be presented with other graphic elements. An exclusion zone must be maintained around the Logo to ensure it is clear of other images, text or graphics. The exclusion zone is defined as the height of the letter 'N' in the Logo. An example of the exclusion zone is shown below.



Minimum size

The Logo should be no smaller than 12 mm, as shown below.



Vertical



Horizontal

Incorrect use

The integrity of the Logo must be maintained at all times. Only Logo image files supplied by the Department should be used to reproduce the Logo.

The Logo should not be extracted from any document (including this document). The Logo must not be reversed, manipulated or altered in any way other than size. Any alteration of the Logo's size must ensure the Logo is scaled proportionately and in line with minimum size requirements.

The Logo proportions (height versus width) or the elements within the logo must not be altered. The number of colours, font and rotation of the National Heritage Place Logo must not be altered or skewed.

Examples of correct and incorrect use of the Logo are shown below.

Original Logo



NATIONAL
HERITAGE
PLACE

Vertical



NATIONAL
HERITAGE
PLACE

Horizontal

Altered Colours



Altered Proportions and Rotations



Insufficient contrast**Logo users**

The following people and organisations are authorised to use the Logo:

- Approved Users (for information on becoming an Approved User, please see the Rules).
- The Department of the Environment and Energy and the Australian Heritage Council, for approved communication materials promoting the National Heritage List (e.g. media releases and publications about listed places).

Examples of use

Examples of Logo use include:

- On plaques and signage at a National Heritage Place
- As a graphical element within print or digital media
- Within headers and footers on official stationery
- On official brochures produced about a National Heritage Place
- In media releases about a National Heritage Place

Commercial use

Commercial use of the Logo (i.e. selling goods or services for profit) requires formal written approval from the Department. Approval will only be granted if the applicant can demonstrate the commercial use will promote the National Heritage values of the place (for the National Heritage values of a place, see section 324D of the *Environment Protection and Biodiversity Conservation Act 1999* and regulation 10.01A of the *Environment Protection and Biodiversity Conservation Regulation 2000*). Approved commercial use will be governed by a formal written agreement between the Approved User and the Department.

Accessing the Logo

The Logo can be accessed by contacting the Heritage Branch of the Department. The Department will provide the Logo electronically to Approved Users in accordance with the Rules.

Co-branding

A National Heritage Place that has its own logo or logos is encouraged to also use the Logo on publications and promotional material. The Logo must be placed immediately to the reader's right of the relevant place's own logo, separated by a single solid black line (see example below). The black line must be placed outside of the exclusion zone (see Exclusions Zones above).



3. FURTHER INFORMATION – CONTACTING THE DEPARTMENT

If you require further information about using the Logo, please contact the Department using the following contact information.

Email (preferred contact method): heritage@environment.gov.au

Phone: Community Information Unit on 1800 803 772

Post:

Heritage Branch
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Attachment 3: Certification Rules for the National Heritage Place Logo Trade Mark

Definitions

In these Rules:

Department means the Australian Government Department of the Environment and Energy.

Certification Trade Mark means the National Heritage Place “horizontal” Logo trade mark subject of Australian Trade Mark Application **1751277**.

National Heritage List means the list maintained by the Australian Government Minister for the Environment and Energy under section 324C of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

National Heritage Management Principles means the management principles in Schedule 5B of the *Environment Protection and Biodiversity Conservation Regulations 2000*.

National Heritage Place means a place included in the National Heritage List by the Australian Government Minister for the Environment and Energy, in accordance with the EPBC Act.

National Heritage Place Logo means both the “horizontal” and “vertical” logo trade marks identified in the Terms and Conditions.

Terms and Conditions means the National Heritage Place Terms and Conditions for Logo Use set out in Appendix 1 to these Rules and intended to be read with these Rules.

1. General

- 1.1 The Certification Trade Mark provides public recognition that a place is a National Heritage Place or that a service/good (such as a publication, website or a publicity event) has been found to appropriately uphold and promote the Australian Government’s National Heritage List.
- 1.2 Beyond the public recognition referred to in clause 1.1, use of the Certification Trade Mark does not signify any endorsement by the Australian Government or the Department of the owner/occupier’s management or protection of the place, or of the service/good (such as a publication, website or a publicity event).
- 1.3 The Department may use or authorise use of the Certification Trade Mark to promote the National Heritage List and/or National Heritage Places including in media publications for the Australian Heritage Council and the Australian Government Minister for the Environment and Energy.
- 1.4 In order for a person or party to be approved by the Department to use the Certification Trade Mark, the proposed use must be consistent with the objectives outlined in clause 1.1.

- 1.5 Once approved to use the Certification Trade Mark in accordance with these Rules, the Department will grant an Approved User a royalty-free, non-exclusive, non-transferrable, revocable licence to use the Certification Trade Mark in Australia in accordance with the Terms and Conditions.
- 1.6 The licence referred to in clause 1.5 is conditional on:
- (a) the person or party agreeing to use the Certification Trade Mark for lawful and approved purposes;
 - (b) the person or party agreeing to abide by the Terms and Conditions; and
 - (c) the person or party agreeing to comply with any directions given to it by the Department.
- 1.7 Any restriction in these Rules on the right to use the Certification Trade Mark (including any such restrictions in clauses 1, 2 and 6.3) will apply to the Certification Trade Mark and to any variation thereof including the “vertical” form of the National Heritage Place Logo.

2. Requirements for use of the Certification Trade Mark

- 2.1 Use of the Certification Trade Mark must be approved by the Department in accordance with these Rules. Approval for its use may be withdrawn in writing by the Department at any time in accordance with the procedures specified below.
- 2.2 Use of the Certification Trade Mark must relate to:
- (a) a National Heritage Place or more than one National Heritage Places; or
 - (b) a specific geographical location within a National Heritage Place.
- 2.3 An Approved User is only permitted to use a version of the Certification Trade Mark which has been supplied to it from the Department and from no other source. For the avoidance of doubt, the Department does not permit use by any person of the Certification Trade Mark which has been obtained from another source.
- 2.4 The Certification Trade Mark must not be used in a manner deemed by the Department to be inappropriate, including without limiting the generality of this restriction, as follows:
- (a) in a manner that contravenes the Terms and Conditions as amended from time to time;
 - (b) in a manner that infringes the Department’s intellectual property and other rights in the Certification Trade Mark;
 - (c) in a misleading or deceptive manner, or in any way which is illegal;
 - (d) in any way that is likely to damage the reputation of the National Heritage List or the Australian Government;
 - (e) used or modified in any way that is likely to damage the reputation of the Certification Trade Mark itself.

3. Process to determine Approved Users of the Certification Trade Mark

- 3.1 The Department will determine who is to be authorised to use the Certification Trade Mark (**Approved User**).
- 3.2 An Approved User may be:
- (a) a body corporate; or
 - (b) an unincorporated body; or
 - (c) a body established by the Governor-General or by a Minister of State or the Commonwealth (including departments and agencies); or
 - (d) an incorporated company over which the Commonwealth exercises control; or
 - (e) a natural person who is an owner of a National Heritage Place.
- 3.3 Where the Approved User is a body (whether incorporated or not) and not a natural person, the name and contact details of a contact person for that body must be provided to the Department.
- 3.4 To seek authorisation to use the Certification Trade Mark, a party or person must apply to the branch of the Department responsible from time to time for administering the *Australian Heritage Council Act 2003* (the **Heritage Branch of the Department**).

4. Approved Certifier to assess the proposed use of the Certification Trade Mark

- 4.1 The Department will appoint an appropriate person as a delegate of the Australian Government Minister for the Environment and Energy (**Approved Certifier**) to assess applications for use of the Certification Trade Mark.
- 4.2 The Approved Certifier will be an officer within the Heritage Branch of the Department holding the classification of Executive Level 2 or higher.
- 4.3 The Approved Certifier will assess the application to determine if the proposed use:
- (a) relates to the types of use set out in clause 2.2; and
 - (b) is in accordance with the National Heritage Management Principles, and
 - (c) has been agreed by the place owners, and, if it relates to a place where Indigenous people have a right or interest, then to those Indigenous people; and
 - (d) otherwise complies with the Terms and Conditions.
- 4.4 When assessing an application for use of the Certification Trade Mark, the Approved Certifier:
- (a) must ensure that the application has been made in the correct form and otherwise complies with clauses 1.4 and 2 of these Rules; and
 - (b) may consult the Australian Heritage Council for advice; and
 - (c) may have regard to information or advice from any source;
 - (d) must respond to the applicant within a reasonable period from the date of the application time (such period to be determined at the discretion of the Department) advising the applicant whether or not the application has been approved or rejected.

- 4.4 If the Approved Certifier determines that an application to use the Certification Trade Mark should be rejected, the Approved Certifier must provide the unsuccessful applicant with written reasons for the determination.
- 4.5 An unsuccessful applicant who wishes to have the Approved Certifier's determination reviewed may apply in writing for a review. Such review will be conducted by another officer of the Heritage Branch of the Department who holds the same classification as, or a higher classification than, the Approved Certifier who made the original determination and who had no involvement in making the original determination.

5. Register of Approved Users

- 5.1 The Approved Certifier will maintain a Register of Approved Users (**the Register**). The Register will include the date approved for use, contact details of the Approved User, the National Heritage Place in relation to which the Logo will be used, any conditions to which the Approved User is subject; and any sanction (other than a caution or termination) that has been imposed by the Department on the Approved User.
- 5.2 In accordance with the Department's obligations under the *Privacy Act 1998*, information on the Register will be treated only for the purpose to which the information is relevant, and only for the purpose for which it was obtained, and not disclosed to another person unless an exemption is first obtained.

6. Procedure for resolving a dispute

6.1 Dispute resolution

- 6.1.1 Subject to clause 6.2, the parties agree not to commence any legal proceedings in respect of any dispute arising under these Rules which has not been resolved by informal discussion until the procedure provided by this clause 6 has been followed.
- 6.1.2 The parties agree that any dispute arising under these Rules, including disputes about whether a place meets the certification requirements as a National Heritage Place and other disputes concerning a determination by an Approved Certifier, will be dealt with as follows:
 - (a) the party claiming that there is a dispute will send the other a written notice setting out the nature of the dispute;
 - (b) the parties will try to resolve the dispute within a reasonable period of time (such period to be determined at the discretion of the Department) through direct negotiation, including by referring the matter to persons who have the authority to intervene and direct some form of resolution (such persons to include an officer of the Department, other than the Approved Certifier who made the original determination, who holds the classification of Executive Level 2 or higher);

- (c) if the parties are unable to resolve the dispute under clause 6.1.2(b) within a reasonable period of time (such period to be determined at the discretion of the Department), either party may refer the matter to a mediator;
- (d) if the parties cannot agree on a mediator, then the parties agree that a Delegate of the Minister can nominate the mediator;
- (e) the mediator may decide the time and place for mediation;
- (f) the parties must attend the mediation and try to resolve the dispute.

6.1.3 If within a reasonable period of time of notice of a dispute being given by either party under clause 6.2.1(a) (such period to be determined at the discretion of the Department):

- (a) there is no resolution of the dispute;
- (b) there is no agreement on submission of the dispute to mediation or some other form of alternative dispute resolution procedure; or
- (c) there is a submission to mediation or some other form of alternative dispute resolution procedure, but there is no resolution within a reasonable period of time (as determined by the Department) following the submission, or within such further extended time as the parties may agree in writing before the expiration of that reasonable period of time, then either party may commence legal proceedings.

6.2 When clause 6.1 does not apply

6.2.1 Despite the dispute resolution procedures in Clause 6.1, a party may seek urgent injunctive relief from an appropriate court, where failure to obtain such relief would be likely to cause irreparable damage to the party concerned.

6.2.2 Clause 6.1 also does not apply where:

- (a) action is taken by the Department because of a breach or suspected breach of clause 2 of these Rules; or
- (b) an authority of the Commonwealth, a State or Territory is investigating a breach or suspected breach of the law by any person whether that person be an Approved User or not.

6.3 Obligation to cease use of the Certification Trade Mark

6.3.1 If directed and notified in writing by the Department to do so, an Approved User or a person using the Certification Trade Mark who is not an Approved User must cease use of the Certification Trade Mark as specified in the Department's notice until the Department issues a further written notice to the person.

7. Contact details for the Department

7.1 Contact details for the Department are set out in the Terms and Conditions.

