

Smart & Skilled Consumer Protection Policy

Australian Consumer Law

Gimbal Training maintains compliance with the national Competition and Consumer Act 2010 (Cth) and associated Australian Consumer Law (ACL) requirements as specified in the Act and enacted in the Fair-Trading Act 1987 & Fair-Trading Regulations 2012 (NSW). The ACL protects clients and ensures fair trading in Australia. Under the ACL clients have the same protections, and businesses have the same obligations and responsibilities, across Australia.

Gimbal Training has implemented this Consumer Protection Policy and aligned Consumer Protection Strategy to protect the needs and interests of all clients. These arrangements are in line with the NSW Consumer Protection Strategy:

www.training.nsw.gov.au/forms_documents/smartandskilled/contract/consumer_protection_strategy.pdf

Gimbal Training's General Manager will perform the role of the designated Consumer Protection Officer:

Gimbal Training General Manager
Andrew Pevats: Andrew.Pevats@imbalgroup.com.au

Guarantee

As a course services provider, Gimbal Training supplies services and guarantees that these services will be:

- Provided with due care and skill;
- Fit for the specified purpose; and
- Provided within a reasonable time.

Gimbal Training ensures it uses an acceptable level of skill or technical knowledge and takes all necessary care to avoid loss or damage when providing course services.

Gimbal Training does not provide any guarantee that:

- A student will successfully complete a training product on its scope of registration; or
- A training product can be completed in a manner which does not meet the requirements of the Standards for s 2015; or
- A student will obtain an employment outcome where this is outside the control of Gimbal Training.

Testimonials and other References

Where Gimbal Training refers to another person or organisation (such as testimonials or photos) in marketing or advertising material, it has gained consent from the person or organisation for the use of that reference. This includes references via text, statements, logos and photos. Gimbal Training ensures all testimonials are true and correct before using them to endorse products.

All Gimbal Training students provide consent to the use of photos and other images that are taken at Gimbal Training learning activities and events, through the relevant release clause in the Gimbal Training Enrolment Form. Usage in these instances is generally one off, group images for general operational and promotional purposes.

Students can 'opt out' of this release if they wish, with all 'opt-outs' recorded in the:

Student Enrolment Form

Various Gimbal Training contractual arrangements with government stakeholders, enterprise clients and other third parties may routinely include consent for the use of information and images in marketing collateral, including the use of organisational logos and other trademarks.

For more specific advertising and marketing purposes, client consent is obtained and recorded using the Student Enrolment Form.

Consumer Protection Strategy

Gimbal Training Obligations

Gimbal Training ensures it:

- Provides the training and support necessary to allow students to achieve competency;
- Provides a quality training and assessment experience for all students;
- Provides a clear and accessible feedback and consumer protection system, including a designated and identified consumer protection officer;
- Maintains procedures for protecting consumers' personal information – please refer to the Privacy section of this manual for further information;
- Has established, documented and accessible consumer feedback and complaints handling policies and procedures; and
- Provides clients with details of these pathways for resolving or escalating complaints.

Clients Rights and Obligations

Gimbal Training clients have the right to:

- Expect that the quality of your training meets the standards, regulations and requirement set down by the Australian Skills Quality Authority (ASQA) and relevant government subsidy body (where applicable);
- Be informed about the collection of personal information and be able to review and correct that information; and
- Access Gimbal Training's consumer protection complaints process.

Clients' obligations include:

- Providing accurate information to Gimbal Training; and
- Behaving in a responsible and ethical manner.

NSW Smart & Skilled

Gimbal Training includes the Smart and Skilled website details and 1300 number on all NSW relevant public information, enrolment forms and client induction material so that all students are aware of their rights and options for making a complaint or providing feedback about their training.

www.smartandskilled.nsw.gov.au

Phone: 1300 772 104

Publicly Available

All Gimbal Training consumer protection information and approaches is made available to all clients by being publicly published on the Gimbal Training website and included within the relevant handbook for each stakeholder group.

Statement of Fees

Gimbal Training's Statement of Fees is transparent – expressed in plain language, legible and clear - and clearly states:

- The client's cooling-off and termination rights;
- The full terms of the agreement;
- The total fees payable, including fees for all additional items;

Gimbal Training's

- Business address (not a post box number);
- Australian Business Number (ABN) or Australian Company Number (ACN); and
- Fax number and email address.

Consumer Protection Complaints

If an individual feel that Gimbal Training has breached its obligations in the undertaking of marketing and sales activities, they may raise a complaint. We encourage individuals to discuss the situation with their Gimbal Training representative in the first instance, before making a complaint.

The complaints handling process is as follows:

1. The individual should make the complaint including as much detail about the issue as possible, in writing to Gimbal Training:

Gimbal General Manager

Andrew Pevats: Andrew.Pevats@imbalgroup.com.au

2. Gimbal Training will investigate the circumstances included in the complaint and respond to the individual as soon as possible (and within 30 calendar days) regarding its findings and actions following this investigation.

3. After considering this response, if the individual is still not satisfied they may escalate their complaint directly to the relevant Consumer Protection Agency for investigation:

Jurisdiction Contact Details

New South WalesNSW Office of Fair Trading

13 32 20

www.fairtrading.nsw.gov.au

Smart & Skilled Subsidised Students

Smart & Skilled Subsidised Students can also contact the Smart and Skilled customer support centre to seek assistance, ask for advice, make a complaint or provide feedback.

13 28 11 or 1300 77 21 04

enquiries@smartandskilled.nsw.gov.au

Support is also available in person at a State Training Services Centre:

www.training.nsw.gov.au/about_us/sts_contacts.html

4. Alternatively, a complaint may also be lodged with the ASQA complaints handling service for complaints against s:

Australian Skills Quality Authority

www.asqa.gov.au

Phone: 1300 701 801

Promotional Methods

Gimbal Training internal representatives maintain compliance with a range of regulatory requirements when undertaking promotional activities.

Electronic Marketing

The Spam Act 2003 prohibits the sending of unsolicited commercial electronic messages—known as spam—with an Australian link. A message has an Australian link if it originates or was commissioned in Australia or originates overseas but was sent to an address accessed in Australia.

The Spam Act 2003 defines a commercial electronic message as:

- Offers, advertises or promotes the supply of goods, services, land or business or investment opportunities;
- Advertises or promotes a supplier of goods, services, land or a provider of business or investment opportunities; or
- Helps a person dishonestly obtain property, commercial advantage or other gain from another person.

The Act classifies an electronic message as 'commercial' by considering:

- The content of the message;
- The way the message is presented; and
- Any links, phone numbers or contact information in the message that leads to content with a commercial purpose—as these may also lead the message to be defined as 'commercial' in nature.

Messages sent without consent

As an educational institution, Gimbal Training representatives can send messages to past and current students without their consent, but only if the messages relate to goods or services supplied by Gimbal Training.

Identification

All commercial electronic messages sent by Gimbal Training representatives accurately identify Gimbal Training as the organisation that authorised the sending of the message. Information provided includes:

- Clear and accurate information on Gimbal Training that authorised the sending of the message — including the correct legal name of the organisation and an Australian Business Number; and
- Accurate information about how the recipient can contact Gimbal Training.

Gimbal Training ensures that this information remains correct and valid for at least 30 days after the message is sent.

Prospective Client Expressions of Interest & Registrations

All Gimbal Training promotional activities conducted by internal representatives are aimed at providing initial general-purpose information to prospective clients, to secure initial interest and/or a registration for further information.