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| Fit and Proper Person Requirements Declaration |

**The Queensland Curriculum and Assessment Authority as delegate for the Australian Skills Quality Authority**

## About this declaration

In considering whether a training organisation is suitable for regulation as a training organisation (RTO), the *National Vocation Education and Training Regulator Act 2011* (the Act) requires that the Queensland Curriculum and Assessment Authority (QCAA), as delegate for the Australian Skills Quality Authority (ASQA), the national VET regulator (NVR), must consider whether the applicant complies with the VET Quality Framework.

A component of the VET Quality Framework is the Fit and Proper Person Requirements.

The Fit and Proper Person Requirements apply to the following persons:

* an executive officer of the registered training organisation
* high managerial agent of the registered training organisation or
* any person which exercises a degree of control or influence over the management or direction of the registered training organisation (RTO).

A person also includes a body politic or corporate (such as a company), an unincorporated association, or an individual or ‘natural’ person. It is a condition of registration that the ‘person’ registered as an RTO also must satisfy the Fit and Proper Person Requirements.

QCAA takes a risk-based approach to regulation and as such only the key people identified below are required to complete a Fit and Proper Person Declaration.

### Executive officer/s

An executive officer is any person who takes part in the management of your organisation or is partly responsible for the management or decision making for your organisation.

Examples of executive officers that must complete a Fit and Proper Person Declaration include:

* a director of the company
* secretary of the company
* a chief executive of the RTO.

### High managerial agent/s

A high managerial agent is an employee or agent who represents your organisation in relation to the provision of courses (where courses mean courses of vocational education and training).

Examples of high managerial agents where QCAA may request completion of a Fit and

Proper Person Declaration include:

* a consultant or employee with an ongoing role related to regulatory compliance
* a consultant or employee who represents your organisation at audit
* an agent who recruits students on behalf of your organisation
* people employed by third-party organisations who fulfil any of the roles described above on behalf of your organisation
* people employed by third-party organisations who provide training and/or assessment on behalf of your organisation.

### Owners and executive officers

The term owner and executive officer includes:

* any person who owns 15 per cent or more of your organisation
* any person who is entitled to receive 15 per cent or more of dividends paid by your organisation
* any trustees of a trust associated with the organisation
* relevant persons in associated entities.

### Persons of control and influence

QCAA may also consider whether any associated entity or relevant person that exercises a degree of control or influence over the management or direction of the registered training organisation satisfy the Fit and Proper Person Requirements.

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| Associated entities include:   * any entity (such as another company) that owns 15 per cent or more of your organisation * any entity that is entitled to receive 15 per cent or more dividends paid from your organisation.   Relevant persons at associated entities include:   * any person who is director of an associated entity * any person who owns 15 per cent or more or is entitled to receive 15 per cent or more of dividends paid from the associated entity * any person who may exercise control or influence on your organisation through their position in the associated entity. |

### Other considerations

#### Related persons

QCAA may also consider any persons related to those persons who fit the definitions of owners, executive officers, and high managerial agents, and who are involved in, or have previously been involved in, the operations of an RTO or CRICOS provider (known as related persons). Related persons do not usually complete a Fit and Proper Person Declaration as relevant information is requested in this declaration.

### Completing this declaration

Each natural person (referred to in the declaration as you), who is identified in the application for initial RTO registration or for renewal of registration or change of organisational details must:

* complete a separate declaration
* answer all of the questions in this declaration (expanding upon responses where required and providing any required additional documentation.

Please note that in addition to the criteria addressed within the questions in this declaration, QCAA may consider any other relevant matter when assessing whether a person meets the Fit and Proper Person Requirements.

### Submitting this declaration

This declaration is to be submitted with an application for initial RTO registration or renewal of RTO registration or change of organisational details.

Scan this declaration and then upload to the VET Application on the QCAA Portal.

Applications submitted without a signed and completed declaration will be considered incomplete and returned to you for completion.

### Help with this declaration

For assistance in completing this form, please complete a VETQ activity on the QCAA VET Application.

## Fit and Proper Person Declaration

SECTION A: Your personal details

|  |  |
| --- | --- |
| Your personal details | |
| Full name: | [Click & enter text] |
| Date of Birth: | [Click & enter text] |
| Telephone: | [Click & enter text] |
| Residential address: | [Click & enter text] |

SECTION B: Your organisation details

|  |  |
| --- | --- |
| Your organisation’s details | |
| Name of legal entity: | [Click & enter text] |
| Trading name/s: | [Click & enter text] |
| ABN: | [Click & enter text] |
| ACN (if applicable): | [Click & enter text] |

SECTION C: Your relationship to the organisation

| Your relationship to the organisation (tick all that apply) | |
| --- | --- |
| **Executive officer** | This is any person who takes part in the management of your organisation. Examples can include:   * a director of the company * a secretary of the company * a chief executive of the RTO * a principal executive officer of a CRICOS provider.   An owner and executive officer is:   * any person who owns 15 per cent or more of your organisation * any person who is entitled to receive 15 per cent or more of dividends paid by your organisation * any trustees of a trust associated with the organisation * relevant persons at associated entities. |
| **High managerial agent** | This is any employee or agent who represents your organisation in relation to the business of providing a course:   * a consultant or employee with an ongoing role related to regulatory compliance * a consultant or employee who represents your organisation at audit * an agent who recruits students on behalf of your organisation or people employed by third-party organisations who fulfil any of the roles described above on behalf of your organisation * people employed by third-party organisations who provide training and/or assessment on behalf of your organisation. |
| **Person of control or influence** | This is any person that exercises a degree of control or influence over the management or direction of the organisation. |

SECTION D: Related persons and their involvement with RTO/CRICOS providers

In Section D, if you answered yes to any questions and you need to provide details on more than one person, please attach a separate document providing the relevant details, for each person. The tile of the separate document should include the number of the question it relates to.

|  |  |  |
| --- | --- | --- |
| Related persons and their involvement with RTO/CRICOS providers | | |
| The term related person refers to:   * your spouse or de facto partner * your child, or a child of your spouse, or de facto partner * your parent, or the parent of your spouse or de facto partner * your sibling.   QCAA requires information about any related persons who are, or have previously been, involved in the operations of an RTO or a CRICOS provider.  This includes those related persons who hold/held any of the following roles/positions:   * an executive officer * a high managerial agent * a person that exercises degree of control or influence over the management or direction of the RTO or CRICOS provider. | | |
| 1. | Is any person related to you who is currently, or has previously been, involved in the operations of an RTO or CRICOS provider? | No  *Go to Question 5a.*  Yes  *Continue to Questions 2, 3 and 4.* |
| 2. | Full name of the related person: | [Click & enter text] |
| 3. | Your relationship to the person: | [Click & enter text] |
| 4. | Name of the RTO or CRICOS provider that the related person was/is involved with and their position title: | [Click & enter text] |
| A separate document listing additional persons is attached. | | |

SECTION E: Personal history —You and related persons

In Section E, if you answered yes to any questions and you need to provide details on more than one occurrence, please attach a separate document providing the relevant details.

| Personal history: You and any related persons | | | | |
| --- | --- | --- | --- | --- |
| 5a. | Have you or any related person ever been found guilty of an offence (regardless of whether a conviction was recorded or not) against:   * a law of the Commonwealth or a state or territory of Australia? * a law of another country? | | No  *Go to Question 8.*  Yes  *Continue to Question 5b.* | |
| 5b. | Have you or any related person ever been ordered to pay a pecuniary penalty, under:   * a law of the Commonwealth or a state or territory of Australia? * a law of another country? | | No  *Continue to Question 5c.*  Yes  *Provide evidence of this and go to Question 5c.* | |
| 5c. | Where a conviction was recorded, has the conviction been spent? | | No  *Continue to Question 5d.*  Yes  *Provide evidence of this and go to Question 5d.* | |
| 5d. | Has any pecuniary penalty been paid in full? | | No  *Continue to Question 6.*  Yes  *Provide evidence of this and go to Question 6.* | |
|  | Provide details and supporting documentation for each offence:   |  |  | | --- | --- | | Name of person who committed the offence: | [Click & enter text] | | Type of offence: | [Click & enter text] | | Year the offence occurred: | [Click & enter text] | | Country the offence occurred in: | [Click & enter text] |  |  |  | | --- | --- | | Name of person who committed the offence: | [Click & enter text] | | Value of pecuniary penalty: | [Click & enter text] | | Year the pecuniary penalty was imposed | [Click & enter text] | | Country the offence occurred in: | [Click & enter text] | | | | |
|  | A separate document listing additional persons is attached. | | | |
| 6. | Are you or any related person currently involved in proceedings before a court or tribunal as either of the following:  directly involved as a party  other involvement (e.g. witness, third party) | | | No  *Go to Question 7.*  Yes  *Provide details below and go to Question 7.* |
|  | Provide details and supporting documentation for each matter before the court or tribunal:   |  |  | | --- | --- | | Name of person that is party/third party to the proceedings: | [Click & enter text] | | Type of proceeding (court or tribunal): | [Click & enter text] | | Nature of matter (civil, criminal, other): | [Click & enter text] |   A separate document listing additional persons is attached. | | | |
| 7. | Have you or any related person ever been found not to be a fit and proper person for the purposes of one or more of the following:  the *National Vocational Education and Training  Regulator Act 2011*  the *Australian Education Act 2013*  the *Education Services for Overseas Students Act 2000*  the *Higher Education Support Act 2003*  the *Tertiary Education Quality and Standards Agency  Act 2011*  the *VET Student Loans Act 2016*  subsidy funding arrangements with the state or  territory for the provision of education  any other law of the Commonwealth or of the state or  territory | | No  *Go to Question 8.*  Yes  *Provide details below and go to Question 8.* | |
|  | |  |  | | --- | --- | | Name of person determined not to be fit and proper: | [Click & enter text] | | When determination occurred: | [Click & enter text] | | Was the determination made in relation to a business within the education sector? | Yes  No | | Why the determination was made: | [Click & enter text] |   A separate document listing additional persons is attached. | | | |
| 8. | Have you or any related person ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*? | | No  *Go to Question 9.*  Yes  *Provide details below and go to Question 9.* | |
|  | |  |  | | --- | --- | | Name of person disqualified: | [Click & enter text] | | Date qualification ended: | [Click & enter text] | | Period of disqualification: | From [choose date] to [choose date] | | Amount of fines payable (if applicable): | [Click & enter text] | | Was the company that this disqualification relates to an RTO, CRICOS or a business in the education sector? | No  Yes |   A separate document listing additional persons is attached. | | | |
| 9. | * 1. Have you or any related person, or any company that you or any related person were a director of, ever:   + been insolvent or bankrupt   + taken steps to take the benefit of a law for the relief of bankrupt or insolvent debtors   + compounded with one or more creditors   + made an assignment of your remuneration for the benefit of one or more creditors   + been under external administration (within the meaning of subsection 600H (2) of the *Corporations Act 2001*)   1. Do you or any related person, or any company that you or related person are a director of:   + have outstanding debts to the Commonwealth | No  *Go to Question 10.*  Yes  *Provide details below and go to Question 9.*  No  *Go to Question 10.*  Yes  *Provide details below and go to Question 10.* | | |
|  | |  |  | | --- | --- | | Name of person  declared bankrupt or insolvent: | [Click & enter text] | | Nature of bankruptcy or insolvency: | [Click & enter text] | | Value of unpaid creditors: | [Click & enter text] | | Year bankruptcy discharged: | [Click & enter text] |  |  |  | | --- | --- | | Name of person that has outstanding debts to the Commonwealth: | [Click & enter text] | | Description of outstanding debt to the Commonwealth: | [Click & enter text] | | Value of the outstanding debt to the Commonwealth: | [Click & enter text] |   A separate document listing additional persons is attached. | | | |

SECTION F: RTO and CRICOS provider history —You and any related persons

In Section F, if you answered yes to any questions and you need to provide details for more than one occurrence, please attach a separate document providing relevant details. The title of the separate document should include the number of the question it relates to.

| RTO and CRICOS provider history —You and any related persons | | | |
| --- | --- | --- | --- |
| 10. | Do you or any related person, have a current or past association with:   * a current or former RTO, CRICOS provider, higher education provider, other than the organisation outlined in Section B of this declaration * any organisation that has applied for registration with ASQA or state registering body   *(Association includes but is not limited to business dealings, employment, contracting, endorsement and/or the provision of services as a third-party.)* | | No  *Go to Question 11.*  Yes  *Provide details below and go to Question 11.* |
|  | |  |  | | --- | --- | | Provide details of any current association: | | | Name of person who has current association: | [Click & enter text] | | Legal name of RTO/CRICOS provider/higher education provider (or applicant): | [Click & enter text] | | Trading name/s: | [Click & enter text] | | Describe your association with the organisation: | [Click & enter text] | | Start of your association with the organisation: | [Click & enter text] |  |  |  | | --- | --- | | Provide details of any past association: | | | Name of person who has past association: | [Click & enter text] | | Legal name of RTO/CRICOS provider/higher education provider (or applicant): | [Click & enter text] | | Trading name/s | [Click & enter text] | | Describe your association with the organisation: | [Click & enter text] | | Period of your association with the organisation: | From [choose date] to [choose date] |   A separate document listing additional persons is attached. | | |
| 11. | * 1. Were you or any related person assocaied with an RTO, a CRICOS provider or higher education provider at the time of (or within 12 months prior to) a decision being made by ASQA or another VET regulator to:   reject an application for intial registration as a  RTO/CRICOS provider  cancel registration, in part or in full  suspend registration, in part or in full  reject an aplication to renew registration  determine that the provider breached a condition of  registration  had a condtion imposed on a registration, approval or arrangement  breached a condition imposed on a registration, approval or arrangement  issue an infringement notice. | | No  *Continue to Question 11b.*  Yes  *Select all that apply, provide details below and go to Question 11b.* |
| * 1. Were you or any related person associated with an RTO, a CRICOS provider or a higher education provider at the time of (or within 12 months) a decision being made to:   cancel, revoke, suspend or reject the person’s approval as an approved course provider for VET Student Loans (VSL)  cancel, revoke, suspend or reject the person’s approval as an approved VET provider for HECS-HELP, FEE-HELP, OS-HELP OR SA-HELP. | | No  *Continue to Question 11c.*  Yes  *Select all that apply, provide details below and go to Question 11c.* |
|  | * 1. Were you or any related person, ever a manager or director at a time that the registered higher education provider (within the meaning of the *Tertiary Education Quality Standards Agency Act 2011*) or registered provider(within the meaning of the *Education Service for Overseas Students Act 2000*), was determined to have breached a condition of its registration under the:   + *Education Services for Overseas Students Act 2000* or   + *Tertiary Education Quality and Standards Agency Act 2011*. | | No  *Continue to Question 11d.*  Yes  *Select all that apply, provide details below and go to Question 11d* |
|  | * 1. Were you or any related person associated with an RTO, a CRICOS provider, or a higher education provider at the time of (or within 12 months prior to) a decision being made by a state or territory funding body to:   cancel, revoke suspend, or reject subsidy funding arrangements with that body. | | No  *Continue to Question 12.*  Yes  *Select all that apply, provide details below and go to Question 12.* |
|  | |  |  | | --- | --- | | Name of person who had association: | [Click & enter text] | | Legal name of RTO/CRICOS provider or higher education provider involved: | [Click & enter text] | | Describe your association with the organisation: | [Click & enter text] | | Period of your association with the organisation: | From [choose date] To [choose date] |   A separate document listing additional persons is attached. | | |
| 12. | Have you or any related person ever been issued with an Immigration Minister’s suspension certificate? | | No  *Go to Question 13.*  Yes  *Provide details below and go to Question 13.* |
|  | |  |  | | --- | --- | | Name of person who was issued with an Immigration Minister’s suspension certificate: | [Click & enter text] | | Date the Immigration Minister’s suspension certificate was issued: | [Click & enter text] |   A separate document listing additional persons is attached. | | |
| 13. | Have you or any related person ever been associated with an organisation at a time when it is determined to have breached an Australian Government or state or territory government training contract? | No  *Go to Question 14.*  Yes  *Provide details below and go to Question 14.* | |
|  | |  |  | | --- | --- | | Name of person associated with the organisation: | [Click & enter text] | | Name of organisation: | [Click & enter text] | | Year the breach occurred: | [Click & enter text] | | Any further details: | [Click & enter text] |   A separate document listing additional persons is attached. | | |
| 14. | Have you or any related person ever been found to have provided false or misleading information to, or made a false or misleading statement including, but not limited to:   * A VET Regulator * the Tertiary Education Quality and Standards Agency * the TPS Director (within the meaning of the *Education Services for Overseas Students Act 2000*) including in the TPS Director’s capacity as the VSL Tuition Protection Director under the *VET Student Loans Act 2016* and the Higher Education Tuition Protection Director under the *Higher Education Support Act 2003* * the Minister, the Department or the Secretary * an authority of a state or territory that deals with subsidy funding arrangements for education * other public authority or agency. | | No  Yes  *Provide details below.* |
|  | |  |  | | --- | --- | | Name of person found to have provided or made false or misleading information: | [Click & enter text] | | Nature of the false or misleading information: | [Click & enter text] | | Date the decision of false or misleading information provided was made: | [Click & enter text] | | Any further details: | [Click & enter text] |   A separate document listing additional persons is attached. | | |

The QCAA as delegate for the Australian Skills Quality Authority (ASQA) is collecting the information on this form for your initial or continuing RTO registration or change of organisational details as part of legislative functions describe in the *National Vocational Education and Training Regulator Act 2011* and Data Provision Requirements 2012(pt.3). Under information-sharing arrangements in the NVR Act, information collected may be disclosed on the National Register of RTOs, and to various state, territory and federal government agencies and regulators, Ministers, occupational licensing, funding and industry bodies, overseas authorities and for ASQA marketing activities. Personal information will be accessed by authorised QCAA staff and handled in accordance with the *Information Privacy Act 2009* (Qld), and in respect of personal information supplied to and handled by Commonwealth agencies, the *Privacy Act 1988* (Cth).

Commonwealth of Australia

STATUTORY DECLARATION

*Statutory Declarations Act 1959*

|  |  |
| --- | --- |
| *1 Insert the name, address and occupation of person making the declaration* | I,1  make the following declaration under section 9 of the *Statutory Declarations Act 1959:* |
| *2 Set out matter declared to in numbered paragraphs* | 2  I declare that to the best of my knowledge, the information I have provided in this Fit and proper person declaration is true and accurate.  I believe that the statements in this declaration are true in every particular, and I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, the punishment for which is imprisonment for a term of 4 years. |
| *3 Signature of person making the declaration*  *4 Email address or telephone number of person making the declaration* | 3  4 |
| *5 Place*  *6 Day*  *7 Month* *and year* | Declared at 5 on 6 of 7  Observed by me, |
| *8 Signature of person observing the declaration being made* | 8 |
| *9 Full name, qualification and address of person observing the declaration being made*  *10 Email address and/or telephone number of person observing the declaration being made* | 9  10 |

**A statutory declaration under section 9 of the *Statutory Declarations Act 1959* may be made before–**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect Chiropractor Dentist

Financial adviser Financial Planner Legal practitioner

Medical practitioner Midwife Migration agent registered under Division 3 of Part 3 of the *Migration Act 1958*

Nurse Occupational therapist Optometrist

Patent attorney Pharmacist Physiotherapist

Psychologist Trade marks attorney Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Accountant who is:

1. a fellow of the National Tax Accountants’ Association; or
2. a member of any of the following:
   1. Chartered Accountants Australia and New Zealand;
   2. the Association of Taxation and Management Accountants;
   3. CPA Australia;
   4. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another

item in this list

Employee of the Australian Trade and Investment Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising the employee’s function at that place

Employee of the Commonwealth who is:

(a) at a place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising the employee’s function at that place

Engineer who is:

1. a member of Engineers Australia, other than at the grade of student; or
2. a Registered Professional Engineer of Professionals Australia; or
3. registered as an engineer under a law of the Commonwealth, a state or territory; or
4. registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

1. an officer
2. a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982*  with 5 or more years of continuous service
3. a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

1. the Parliament of the Commonwealth
2. the Parliament of a state
3. a territory legislature
4. a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

1. the Commonwealth
2. the external territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

1. a state or territory or a state or territory authority
2. a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior executive employee of a Commonwealth authority

Senior executive employee of a State or Territory

SES employee of the Commonwealth

Sheriff

Sheriff’s officer

Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution