

Fit and Proper Person Declaration

Anyone who manages a Registered Training Organisation (RTO) including Executive Officers, Legally Responsible Officers, or Owners must satisfy Fit and Proper Person Requirements as outlined in Schedule 3 of the *Standards for Registered Training Organisations (RTOs) 2015 (Standards for RTOs)* and the *Vocational Education and Training (General) Regulations 2009*.

Meeting the Fit and Proper Person Requirements is a requirement for registration with the Training Accreditation Council (TAC).

It may be appropriate for high managerial agents, depending on their role within the organisation to also satisfy the Fit and Proper Person Requirements.

You must make a 'Fit and Proper Person Declaration' when the organisation:

- applies for initial registration, or
- applies for renewal of registration as an RTO, or
- employs a new executive officer/s, legally responsible officer, high managerial agent/s or owner/s.

When assessing whether a person meets the Fit and Proper Person Requirements the TAC may consider any matters relevant to the fitness and propriety of a person associated with the organisation.

TAC will notify the organisation in writing if additional declarations from other people associated with the organisation are required.

Fit and Proper Person Declaration

The *Standards for RTOs* include some definitions of terms used within Schedule 3 and outlines a range of matters TAC will have regard to when considering the fitness and propriety of a person. Please refer to the *Standards for RTOs* for specific compliance requirements.

This section provides guidance to applicants/RTOs when completing the TAC Fit and Proper Person Declaration Form.

Executive Officers/Legally Responsible Officers/Owners

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

Executive officers/legally responsible officers/owners must complete a declaration.

Examples of these people include:

- a director of the company
- a secretary of the company
- a chief executive of the RTO

The term owner includes:

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

High Managerial Agent/s

A high managerial agent is an employee or agent who represents the organisation in relation to the business of providing courses.

Examples of 'high managerial agents' that may need to complete a declaration include:

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

FIT AND PROPER PERSON DECLARATION

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

SECTION A

Your personal details

Full name:	
Date of birth:	
Telephone:	
Residential address:	

SECTION B

Your organisation's (RTO or application for initial registration) details

Name of legal entity:	
Trading name/s:	

SECTION C

Your relationship to the organisation (tick all that apply)

Executive officer/legally responsible officer <input type="checkbox"/>	This is any person who takes part in the management of your organisation. Examples include: <ul style="list-style-type: none">• a director of the company• a secretary of the company• a chief executive of an RTO
Owner <input type="checkbox"/>	An 'owner and executive officer' is: <ul style="list-style-type: none">• a person who owns 15% or more of your organisation• a person who is entitled to receive 15% or more of dividends paid by your organisation• any trustees of a trust associated with the organisation• a trustee of a trust associated with your organisation• relevant persons at 'associated entities'
High managerial agent <input type="checkbox"/>	This is any employee or agent who represents your organisation in relation to the business of providing courses.

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SECTION D

Personal history

1a.	<p>Have you ever been convicted of an offence against:</p> <ul style="list-style-type: none"> a law of the Commonwealth or of a State or Territory of Australia? a law of another country? 	<input type="checkbox"/> No <i>Go to Question 2.</i> <input type="checkbox"/> Yes <i>Continue to Question 1b</i>								
1b.	<p>Was the conviction in relation to a traffic-related infringement (e.g. speeding; driving without a seatbelt; driving while using a mobile device)?</p>	<input type="checkbox"/> No <i>Continue to Question 1c</i> <input type="checkbox"/> Yes <i>No further detail is required. Go to Question 2.</i>								
1c.	<p>Has the conviction been spent?</p>	<input type="checkbox"/> No <i>Continue to Question 1d</i> <input type="checkbox"/> Yes <i>Go to Question 2.</i>								
1d.	<p>Provide details about each offence:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">Type of offence:</td> <td></td> </tr> <tr> <td>Seriousness of offence:</td> <td></td> </tr> <tr> <td>Year the offence occurred:</td> <td></td> </tr> <tr> <td>Country the offence occurred in:</td> <td></td> </tr> </table>		Type of offence:		Seriousness of offence:		Year the offence occurred:		Country the offence occurred in:	
Type of offence:										
Seriousness of offence:										
Year the offence occurred:										
Country the offence occurred in:										
2.	<p>Have you ever been determined not to be a fit and proper person as prescribed under any law of the Commonwealth or of a State or Territory of Australia?</p>	<input type="checkbox"/> No <i>Go to Question 3</i> <input type="checkbox"/> Yes <i>Provide details below</i>								
<table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">When determination occurred:</td> <td></td> </tr> <tr> <td>Was the determination made in relation to a business within the education/training sector?</td> <td> <input type="checkbox"/> No <input type="checkbox"/> Yes </td> </tr> <tr> <td>Why the determination was made:</td> <td></td> </tr> </table>			When determination occurred:		Was the determination made in relation to a business within the education/training sector?	<input type="checkbox"/> No <input type="checkbox"/> Yes	Why the determination was made:			
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Was the determination made in relation to a business within the education/training sector?	<input type="checkbox"/> No <input type="checkbox"/> Yes									
Why the determination was made:										

Fit and Proper Person Declaration

3.	Have you ever been disqualified from managing corporations under Part 2D.6 of the <i>Corporations Act 2001</i> ?		<input type="checkbox"/> No Go to Question 4	
			<input type="checkbox"/> Yes Provide details below	
	Date disqualification ended:			
	Period of disqualification:	From:	To:	
	Amount of fines payable (if applicable):			
	Was the company that this disqualification relates to an RTO or a business in the education/training sector?	<input type="checkbox"/> No <input type="checkbox"/> Yes		
4.	Have you or any company that you were a director of, ever:		<input type="checkbox"/> No Go to Question 5	
	<ul style="list-style-type: none"> • become bankrupt or insolvent • 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. 		<input type="checkbox"/> Yes Provide details below	
	Nature of bankruptcy or insolvency:			
	Value of unpaid creditors:			
	Year bankruptcy discharged:			

SECTION E

RTO history

5.	Do you have a current or past association with:		<input type="checkbox"/> No Go to Question 6	
	<ul style="list-style-type: none"> • a current or former RTO, other than the organisation outlined in Section B of this declaration. • any organisation that has applied for registration with TAC or another VET Regulator (Australian Skills Quality Authority or Victorian Registration and Qualifications Authority). 		<input type="checkbox"/> Yes Provide details below	

Fit and Proper Person Declaration

Provide details of any current association:	
Legal name of RTO (or applicant):	
Trading name/s:	
Describe your association with the organisation:	
Start of your association with the organisation:	
Provide details of any past association:	
Legal name of RTO (or applicant):	
Trading name/s:	
Describe your association with the organisation:	
Period of your association with the organisation:	From: _____ To: _____
6.	<p>Were you associated with an RTO at the time of (or within 12 months prior to) a decision being made by TAC or another VET Regulator to:</p> <p><input type="checkbox"/> reject an application for initial registration as an RTO</p> <p><input type="checkbox"/> cancel registration</p> <p><input type="checkbox"/> suspend registration</p> <p><input type="checkbox"/> reject an application to renew registration</p> <p><input type="checkbox"/> determine that the provider breached a condition of registration</p> <p><input type="checkbox"/> impose a condition on registration and/or a decision under a government funding contract to cancel, suspend or not renew funding or other assistance.</p> <p><input type="checkbox"/> No Go to Question 7</p> <p><input type="checkbox"/> Yes Select all that apply and provide details below</p>

Fit and Proper Person Declaration

	<table border="1"> <tr> <td>Legal name of the RTO involved:</td> <td></td> </tr> <tr> <td>Describe your association with the organisation:</td> <td></td> </tr> <tr> <td>Period of your association with the organisation:</td> <td>From: _____ To: _____</td> </tr> </table>	Legal name of the RTO involved:		Describe your association with the organisation:		Period of your association with the organisation:	From: _____ To: _____
Legal name of the RTO involved:							
Describe your association with the organisation:							
Period of your association with the organisation:	From: _____ To: _____						
7.	<p>Have you ever been associated with an organisation at a time when it was determined to have breached a government training contract?</p> <p> <input type="checkbox"/> No <i>Go to Question 8</i> <input type="checkbox"/> Yes <i>Provide details below</i> </p> <table border="1"> <tr> <td>Name of organisation:</td> <td></td> </tr> <tr> <td>Year the breach occurred:</td> <td></td> </tr> <tr> <td>Any further details:</td> <td></td> </tr> </table>	Name of organisation:		Year the breach occurred:		Any further details:	
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Year the breach occurred:							
Any further details:							
8.	<p>Have you ever provided false or misleading information, or made a false or misleading statement to a VET Regulator?</p> <p> <input type="checkbox"/> No <input type="checkbox"/> Yes <i>Provide details below</i> </p> <p><i>Provide details including the nature of the false and misleading statement that was provided.</i></p>						

Statutory declaration

This statutory declaration cannot be completed online. Please print, complete and submit with the initial or renewal of registration application or email to tac@des.wa.gov.au.

I,

{full name, address and occupation of person making the declaration}

sincerely declare that to the best of my knowledge, the information I have provided in this Fit and Proper Person Declaration is true and accurate.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at

{place}

on

{date}

in the presence of -

{Signature of authorised witness}

{Name or authorised witness and qualification as such a witness}

} by

{Signature of person making the declaration}

Important

This declaration must be made before any person whom is authorised, under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

More than 40 occupational groups are able to witness statutory declarations, including teachers, engineers, chemists, doctors and public servants.

A full list of professions authorised to witness statutory declarations can be found at http://www.courts.dotag.wa.gov.au/files/Professions_witness_statutory_declarations.pdf