

# Fit and Proper Declaration

## Introduction

Anyone who manages a Registered Training Organisation (RTO) including Executive Officers, High Managerial Agents, Legally Responsible Officers, Owners, or Persons of Control and Influence must satisfy Fit and Proper Person Requirements (FPPR) 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 FPPR is a requirement for registration with the Training Accreditation Council (TAC).

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

- applies for initial registration; or
- applies for renewal of registration; or
- employs a new executive officer/s, legally responsible officer, high managerial agent/s, owner/s or person/s of control or influence.

When assessing whether a person meets the FPPR 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.

This declaration addresses the matters specified in Schedule 3 (*Standards for Registered Training Organisations Amendment (Fit and Proper Person) Instrument 2023*) of the Standards for RTOs and the persons to whom they will be applied.

When assessing whether the organisation and key personnel meet the FPPR, TAC may:

- conduct inquiries into any statement made in this declaration; and
- conduct enquiries into any other matter it considers appropriate in relation to the fitness and propriety of the organisation and relevant individuals associated with the organisation.

If TAC is not satisfied that an organisation or relevant person associated with it meets the FPPR, TAC may:

- suspend or cancel the organisation's RTO registration; or
- refuse to register an organisation's initial registration application.

## People who must meet the Fit and Proper Person Requirements

The FPPR apply to the following persons:

- an executive officer of the registered training organisation;
- a 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.

A person also includes a body politic or corporate (such as a company) as well as an individual or 'natural' person. It is a condition of registration that the 'person' registered as an RTO also must satisfy the FPPR.

### 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:

- director of the company;
- secretary of the company; or
- chief executive of the RTO.

Examples of 'executive officers' where TAC may request completion of a fit and proper person declaration include:

- compliance manager;
- marketing manager; or
- training manager.

### High managerial agent/s

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

Examples of 'high managerial agents' where TAC may request completion of a fit and proper person declaration include:

- consultant or employee with an ongoing role related to regulatory compliance;
- 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; or
- 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; or
- relevant persons in associated entities.

## Persons of control and influence

TAC 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 satisfies the FPPR.

### **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 of dividends paid from your organisation.

### **Relevant persons at 'associated entities' include:**

- any person who is a 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.

If you have any questions or require help completing the Fit and Proper Person Declaration, please feel free to contact the Training Accreditation Council:

Email: [tac@dtwd.wa.gov.au](mailto:tac@dtwd.wa.gov.au)

Phone: (08) 9224 6510

## SECTION A: Your Personal Details

Your personal details	
Full name:	
Date of birth:	
Telephone:	
Residential address:	

## SECTION B: Your Organisation Details

Your organisation's details	
Name of legal entity:	
Trading name/s:	
ABN (if applicable):	
ACN (if applicable):	

## SECTION C: Your relationship to the organisation

Your relationship to the organisation (tick all that apply)	
<input type="checkbox"/> <b>Executive officer</b>	<p>This is any person who takes part in the management of your organisation. Examples can include:</p> <ul style="list-style-type: none"> <li>• director of the company</li> <li>• secretary of the company</li> <li>• chief executive of an RTO</li> <li>• principal executive officer of a CRICOS provider</li> </ul> <p>An 'owner and executive officer' is:</p> <ul style="list-style-type: none"> <li>• a person who owns 15% or more of your organisation</li> <li>• a person who is entitled to receive 15% or more of dividends paid by your organisation</li> <li>• any trustees of a trust associated with the organisation</li> <li>• a trustee of a trust associated with your organisation</li> <li>• relevant persons at 'associated entities'.</li> </ul>
<input type="checkbox"/> <b>High managerial agent</b>	<p>This is any employee or agent who represents your organisation in relation to the business of providing a course.</p> <p>Examples can include:</p> <ul style="list-style-type: none"> <li>• consultant or employee with an ongoing role related to regulatory compliance</li> <li>• consultant or employee who represents your organisation at audit</li> </ul>

	<ul style="list-style-type: none"> <li>• an agent who recruits students on behalf of your organisation</li> <li>• people employed by third-party organisations who fulfil any of the roles described above on behalf of your organisation</li> <li>• people employed by third-party organisations who provide training and/or assessment on behalf of your organisation.</li> </ul>
<input type="checkbox"/> <b>Person of control or influence</b>	This is any person that exercises a degree of control or influence over the management or direction of the organisation.

## SECTION D: Your Personal History

In section D, if you have answered yes to any questions and you need to provide details for more than one occurrence, please attach a separate document providing the relevant details.

Personal History		
1a.	Have you ever been found guilty of an offence (regardless of whether a conviction was recorded or not) against: <ul style="list-style-type: none"> <li><input type="checkbox"/> a law of the Commonwealth or a State or Territory of Australia?</li> <li><input type="checkbox"/> a law of another country?</li> </ul>	<input type="checkbox"/> No <i>Go to Question 2</i> <input type="checkbox"/> Yes <i>Continue to Question 1b</i>
1b.	Have you ever been ordered to pay a pecuniary penalty, under: <ul style="list-style-type: none"> <li><input type="checkbox"/> a law of the Commonwealth or of a State or Territory of Australia?</li> <li><input type="checkbox"/> a law of another country?</li> </ul>	<input type="checkbox"/> No <i>Continue to Question 1c</i> <input type="checkbox"/> Yes <i>Provide evidence of this and go to Question 1c</i>
1c.	Where a conviction was recorded, has the conviction been spent?	<input type="checkbox"/> No <i>Continue to Question 1d</i> <input type="checkbox"/> Yes <i>Provide evidence of this and go to Question 1d</i>
1d.	Has the pecuniary penalty been paid in full?	<input type="checkbox"/> No <i>Continue to Question 2</i> <input type="checkbox"/> Yes <i>Provide evidence of this and go to Question 2</i>

Provide details and supporting documentation for each offence:	
Type of offence:	
Year the offence occurred:	
Country the offence occurred in:	
Value of pecuniary penalty:	
Year pecuniary penalty was imposed:	
<input type="checkbox"/> A separate document listing additional occurrences is attached.	
2.	<p>Are you currently involved in proceedings before a court or tribunal as either of the following:</p> <p><input type="checkbox"/> Directly involved as a party</p> <p><input type="checkbox"/> Other involvement (eg witness, third party)</p> <p><input type="checkbox"/> No <i>Go to Question 3</i></p> <p><input type="checkbox"/> Yes <i>Provide details below and go to question 3</i></p>
Provide details and supporting documentation for each matter before the court or tribunal:	
Type of proceeding (court or tribunal):	
Nature of matter (civil, criminal, other):	
<input type="checkbox"/> A separate document listing additional occurrences is attached.	
3.	<p>Have you ever been found not to be a fit and proper person for the purposes of one or more of the following:</p> <p><input type="checkbox"/> <i>Vocational Education and Training Act (General) Regulations 2009</i></p> <p><input type="checkbox"/> <i>National Vocational Education and Training Regulator Act 2011</i></p> <p><input type="checkbox"/> <i>Australian Education Act 2013</i></p> <p><input type="checkbox"/> <i>Education Services for Overseas Students Act 2000</i></p> <p><input type="checkbox"/> <i>Higher Education Support Act 2003</i></p> <p><input type="checkbox"/> <i>Tertiary Education Quality and Standards Agency Act 2011</i></p> <p><input type="checkbox"/> <i>VET Student Loans Act 2016</i></p> <p><input type="checkbox"/> subsidy funding arrangements with a State or Territory for the provision of education</p> <p><input type="checkbox"/> any other law of the Commonwealth or of a State or Territory.</p> <p><input type="checkbox"/> No <i>Go to question 4</i></p> <p><input type="checkbox"/> Yes <i>Provide details below and go to question 4</i></p>

	When determination occurred:	
	Was the determination made in relation to a business within the education sector?	<input type="checkbox"/> No <input type="checkbox"/> Yes
	Why the determination was made:	
	<input type="checkbox"/> A separate document listing additional occurrences is attached.	
4	Have you ever been disqualified from managing corporations under Part 2D.6 of the <i>Corporations Act 2001</i> ?	<input type="checkbox"/> No <i>Go to Question 5</i> <input type="checkbox"/> Yes <i>Provide details below and go to question 5</i>
	Period of disqualification:	
	Amount of fines payable (if applicable):	
	Was the company that this disqualification relates to an RTO, CRICOS provider or a business in the education sector?	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<input type="checkbox"/> A separate document listing additional occurrences is attached.	
5a.	Have you, or any company that you were a director of, ever: <ul style="list-style-type: none"> <li><input type="checkbox"/> been insolvent or bankrupt</li> <li><input type="checkbox"/> taken steps to take the benefit of a law for the relief of bankrupt or insolvent debtors</li> <li><input type="checkbox"/> compounded with one or more creditors</li> <li><input type="checkbox"/> made an assignment of your remuneration for the benefit of one or more creditors</li> <li><input type="checkbox"/> been under external administration (within the meaning of subsection 600H (2) of the <i>Corporations Act 2001</i>).</li> </ul>	<input type="checkbox"/> No <i>Go to Question 5b</i> <input type="checkbox"/> Yes <i>Provide details below and go to question 5b</i>
5b.	Do you, or any company that you are a director of: <ul style="list-style-type: none"> <li>• have outstanding debts to the Commonwealth.</li> </ul>	<input type="checkbox"/> No <i>Go to Question 6</i> <input type="checkbox"/> Yes <i>Provide details below and go to question 6</i>

Nature of bankruptcy or insolvency:	
Value of unpaid creditors:	
Year bankruptcy discharged:	
<input type="checkbox"/> A separate document listing additional occurrences is attached.	
Description of outstanding debt to the Commonwealth	
Value of the outstanding debt to the Commonwealth	
<input type="checkbox"/> A separate document listing additional occurrences is attached.	

## SECTION E: RTO Provider History

In section E, if you have answered 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.

RTO Provider History	
6. Do you have a current or past association with: <ul style="list-style-type: none"> <li><input type="checkbox"/> a current or former RTO, other than the organisation outlined in Section B of this declaration</li> <li><input type="checkbox"/> any organisation that has applied for registration with TAC or another VET Regulator (Australian Skills Quality Authority or Victorian Registration and Qualifications Authority).</li> </ul> <p><i>(‘Association’ includes but is not limited to business dealings, employment, contracting, endorsement and/or the provision of services as a third party.)</i></p>	<input type="checkbox"/> No <i>Go to question 7</i> <input type="checkbox"/> Yes <i>Provide details below and go to question 7</i>
Provide details of any current association	
Legal name of RTO (or applicant):	
Trading name/s:	
Start of your association with the organisation:	

	<p>Describe your association with the organisation:</p> <div style="border: 1px solid black; height: 80px; margin-top: 5px;"></div>							
	<p>Provide details of any past association</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Legal name of RTO (or applicant):</td> <td style="width: 70%;"></td> </tr> <tr> <td>Trading name/s:</td> <td></td> </tr> <tr> <td>Period of your association with the organisation:</td> <td></td> </tr> </table> <p>Describe your association with the organisation:</p> <div style="border: 1px solid black; height: 80px; margin-top: 5px;"></div>	Legal name of RTO (or applicant):		Trading name/s:		Period of your association with the organisation:		
Legal name of RTO (or applicant):								
Trading name/s:								
Period of your association with the organisation:								
	<input type="checkbox"/> A separate document listing additional occurrences is attached.							
7a	<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> <ul style="list-style-type: none"> <li><input type="checkbox"/> reject an application for initial registration as an RTO provider</li> <li><input type="checkbox"/> cancel registration, in part or in full</li> <li><input type="checkbox"/> suspend registration, in part or in full</li> <li><input type="checkbox"/> reject an application to renew registration</li> <li><input type="checkbox"/> determine that the provider breached a condition of registration</li> <li><input type="checkbox"/> had a condition imposed on a registration, approval or arrangement</li> <li><input type="checkbox"/> breach a condition imposed on a registration, approval or arrangement</li> <li><input type="checkbox"/> issue an infringement notice.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> No <i>Go to question 7b</i></li> <li><input type="checkbox"/> Yes <i>Select all that apply, provide details below and go to question 7b</i></li> </ul>						

7b	<p>Were you associated with an RTO at the time of (or within 12 months prior to) a decision being made to:</p> <p><input type="checkbox"/> cancel, revoke, suspend or reject the person’s approval as an approved course provider for VET Student Loans (VSL)</p> <p><input type="checkbox"/> cancel, revoke, suspend or reject the person’s approval as an approved VET provider for HECS-HELP, FEE-HELP, OS-HELP, or SA-HELP.</p>	<p><input type="checkbox"/> No Go to question 7c</p> <p><input type="checkbox"/> Yes Select all that apply, provide details below and go to question 7c</p>								
7c	<p>Were you ever a manager or director at a time that the registered higher education provider (within the meaning of the <i>Tertiary Education Quality and Standards Agency Act 2011</i>) or registered provider (within the meaning of the <i>Education Services for Overseas Students Act 2000</i>), was determined to have breached a condition of its registration under the:</p> <p>(a) <i>Education Services for Overseas Students Act 2000</i>; or</p> <p>(b) <i>Tertiary Education Quality and Standards Agency Act 2011</i>.</p>	<p><input type="checkbox"/> No Go to question 7d</p> <p><input type="checkbox"/> Yes Select all that apply, provide details below and go to question 7d</p>								
7d	<p>Were you associated with an RTO at the time of (or within 12 months prior to) a decision being made by a State or Territory funding body to:</p> <ul style="list-style-type: none"> <li>cancel, revoke suspend, or reject subsidy funding arrangements with that body.</li> </ul>	<p><input type="checkbox"/> No Go to question 8</p> <p><input type="checkbox"/> Yes Select all that apply, provide details below and go to question 8</p>								
<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Legal name of the organisation involved:</td> <td></td> </tr> <tr> <td>Period of your association with the organisation:</td> <td></td> </tr> <tr> <td colspan="2">Describe your association with the organisation:</td> </tr> <tr> <td colspan="2" style="height: 80px;"></td> </tr> </table> <p><input type="checkbox"/> A separate document listing additional occurrences is attached.</p>			Legal name of the organisation involved:		Period of your association with the organisation:		Describe your association with the organisation:			
Legal name of the organisation involved:										
Period of your association with the organisation:										
Describe your association with the organisation:										
8.	<p>Have you ever been issued with an Immigration Minister’s suspension certificate?</p>	<p><input type="checkbox"/> No Go to Question 9</p> <p><input type="checkbox"/> Yes Provide details below and go to question 9</p>								

	Date the Immigration Minister's suspension certificate was issued:							
<input type="checkbox"/> A separate document listing additional occurrences is attached.								
9.	Have you ever been associated with an organisation at a time when it was determined to have breached an Australian Government or State or Territory government training contract?	<input type="checkbox"/> No <i>Go to Question 10</i> <input type="checkbox"/> Yes <i>Provide details below and go to question 10</i>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">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:	
Name of organisation:								
Year the breach occurred:								
Any further details:								
<input type="checkbox"/> A separate document listing additional occurrences is attached.								
10	Have you ever been found to have provided false or misleading information to, or made a false or misleading statement including, but not limited to: <ul style="list-style-type: none"> <li><input type="checkbox"/> a VET Regulator</li> <li><input type="checkbox"/> the Tertiary Education Quality and Standards Agency</li> <li><input type="checkbox"/> the TPS Director (within the meaning of the <i>Education Services for Overseas Students Act 2000</i>), including in the TPS Director's capacity as the VSL Tuition Protection Director under the <i>VET Student Loans Act 2016</i> and the Higher Education Tuition Protection Director under the <i>Higher Education Support Act 2003</i></li> <li><input type="checkbox"/> the Minister, the Department, or the Secretary</li> <li><input type="checkbox"/> an authority of a State or Territory that deals with subsidy funding arrangements for education</li> <li><input type="checkbox"/> other public authority or agency.</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes <i>Provide details below</i>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Nature of the false or misleading information:</td> <td></td> </tr> <tr> <td>Date the decision of false or misleading information provided was made:</td> <td></td> </tr> <tr> <td>Any further details:</td> <td></td> </tr> </table>			Nature of the false or misleading information:		Date the decision of false or misleading information provided was made:		Any further details:	
Nature of the false or misleading information:								
Date the decision of false or misleading information provided was made:								
Any further details:								
<input type="checkbox"/> A separate document listing additional occurrences is attached.								

## Statutory declaration

This declaration cannot be completed on screen. Please print, complete and submit with the initial or renewal of registration application or email to [tac@dtwd.wa.gov.au](mailto:tac@dtwd.wa.gov.au).

Full name,  
address and  
occupation of  
person making  
the declaration

I, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

make the following declaration under the *Statutory Declarations Act 1959*:

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*.

Signature of  
person making  
the declaration

1 Place

Declared at <sup>1</sup>

2 Day

on <sup>2</sup>

of <sup>3</sup>

3 Month and year

4 Name of  
witness

in the presence of <sup>4</sup>

Signature of  
authorised  
witness

Name of  
authorised  
witness and  
qualification as  
such a witness

### 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:

<https://www.wa.gov.au/government/publications/authorised-witnesses-statutory-declarations>