

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.