

Fit and Proper Person Requirements

Dr Russell Docking

A spiral-bound calendar is visible in the bottom-left corner of the slide. It shows a grid of dates with columns for Friday (FRI), Saturday (SAT), and Sunday (SUN). The dates 5, 6, 7, 12, 13, 14, 19, 20, 21, 25, 26, 27, and 28 are visible in their respective cells.

What will be discussed

- Fit and Proper Person Requirements (FPPR)
- The changes to the requirements and their intent
- Requirements for Standard 7.1 and Schedule 3
- Demonstrating compliance with the FPPR
- The process of review
- Responsibility for ongoing compliance
- Questions – Menti code **4184 9123**

Fit and Proper Persons

The VET Regulator may have regard to whether the public is unlikely to have confidence in the person's suitability to be involved in an organisation that provides, assesses or issues nationally recognised qualifications.

(Schedule 3 – Fit and Proper Person Requirements, Section 7)

Fit and Proper Persons

Standard 7.1 requires “executive officers, high managerial agents and any persons who exercise a degree of control or influence over the management or direction of the RTO” to have sufficient **authority** to ensure compliance with the Standards (a), and to be **fit and proper persons** (b & c).



The changes to the requirements and their intent

These changes have been driven by a need to ensure the integrity of RTOs operating, and seeking to operate, in the VET sector, identified through a number of Government reviews; and

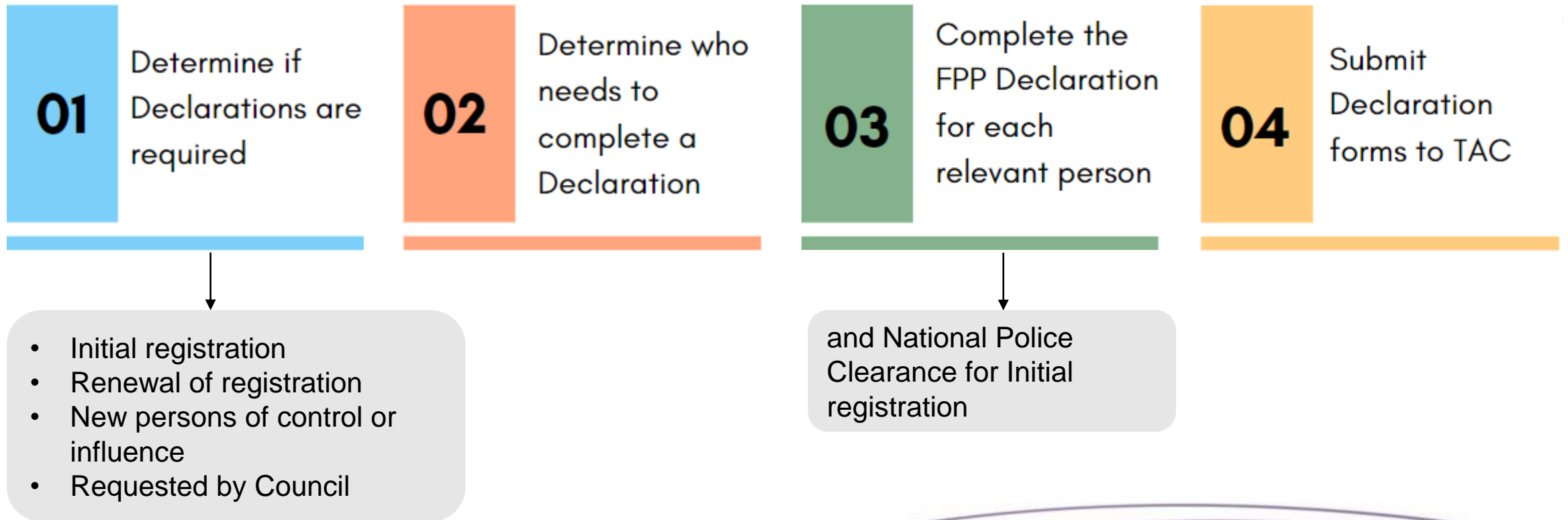
To broaden the range of matters VET Regulators may have regard to when assessing fit and proper persons to reduce the risk of inappropriate RTO behaviours that negatively impact the integrity of Australia's VET sector.

Requirements for Standard 7.1 and Schedule 3

Clause 7.1 now extends the list of those who must meet FPPR before they are appointed and extends the application of FPPR beyond the initial declaration to ensure that the FPPR continue to be met.

Schedule 3 reflects these changes and extends the VET Regulator's ability to determine FPPR compliance across compliance with the law, management history, financial record, false or misleading information, previous conduct and involvement.

Demonstrating Fit and Proper Person compliance



Who needs to complete a Declaration?

Anyone who takes part in the management of the RTO or is partly responsible for the management or decision making of the RTO, has an ongoing role related to regulatory compliance, represents your RTO at audit, or recruits students on behalf of the RTO.

- Executive Officers
- High managerial agents (including consultants)
- Owners with at least a 15% share of the RTO and/or its dividends
- Persons of control or influence

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List examples of Fit and Proper Persons at your RTO

0 responses



Council's Stages of Review

01

Submission of Declaration

Declarations can be submitted via:

- the RTO Portal as part of the evidence to support an application; or
- via email tac@dtwd.wa.gov.au

For Initial Registration Applications a current national police clearance (issued within 6 months of submitting a FPPD) must be included for each FPPD.



Council's Stages of Review

01

Submission of
Declaration

02

Initial Review

- TAC Secretariat reviews declarations & documents.
- Prior convictions are assessed individually and are not automatic disqualifiers.
- If there are no concerns applications will progress.
- Applications with concerns may require further information.



Council's Stages of Review

01

Submission of
Declaration

The RTO/organisation will be formally advised in writing of the concerns identified and request the organisation to provide a response within 10 business days.

02

Initial Review

03

Further Information
Required



Council's Stages of Review

01

Submission of
Declaration

02

Initial Review

03

Further Information
Required

04

Council Consideration

- Council reviews all information.
- Council may find the person does or does not meet the FPPR or request more information.
- If the Council is not satisfied that the FPPR are met then they may suspend/cancel registration or refuse the application.
- Council's decisions can be appealed.



Standards for ongoing compliance

Standard 7.1 (a) requires that “the RTO ensures that its executive officers, high managerial agents and any persons who exercise a degree of control or influence over the management or direction of the RTO are vested with sufficient authority to ensure that the RTO complies with the RTO Standards at all times.


Standards 7.1 (b) & (c) require that these people meet the FPPR prior to appointment and continue to meet the FPPR whilst in that role.

Ongoing compliance

- RTOs must have a process to ensure those in managerial roles continually meet the "Fit and Proper Person" (FPPR) requirements set by the Standards.
- This applies to existing staff and any new hires assuming managerial positions.
- The RTO needs to inform TAC of any changes promptly



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Questions

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Contact TAC



Locked Bag 16
OSBORNE PARK DC WA 6916



(08) 9224 6510



tac@dtwd.wa.gov.au



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