



# FORM

## Fit and proper person declaration

### Introduction

Meeting the Fit and Proper Person Requirements 2011 and/or the Education Services for Overseas Students Act 2000 is a requirement of registration with the Australian Skills Quality Authority (ASQA) as either:

- a registered training organisation (RTO), or
- a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) provider.

If ASQA is not satisfied that an organisation or relevant people associated with it meet the Fit and Proper Person Requirements, ASQA may:

- impose a sanction, including cancellation, on the organisation's registration as an RTO and/or CRICOS provider
- refuse the organisation's initial application to become an RTO and/or CRICOS provider.

This form is a mandatory attachment to:

- an Application for initial RTO registration or to renew RTO registration
- an Application for initial CRICOS registration or to renew CRICOS registration
- a notification of a major change to RTO or CRICOS registration (Major changes may include changes to chief executive officer/principal executive officer/executive officer/high managerial agent; financial administration status; legal name or type of legal entity; or ownership, directorship and/or control (including sale of RTO business)).

ASQA may also request the completion of this form by an RTO or CRICOS provider at any time.

### How ASQA uses the information provided in this declaration

When assessing whether a person or the organisation meets the Fit and Proper Person Requirements ASQA may:

- conduct inquiries into any statement made in this declaration
- 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.



## Which people can ASQA consider as part of the fit and proper person assessment?

Any person who matches one or more of the descriptions in this section can be considered as part of a fit and proper person assessment of your organisation. ASQA takes a risk based approach to regulation and as such, completion of a Fit and proper person declaration is only mandatory where indicated below. ASQA will notify your organisation in writing if additional declarations from other people associated with your organisation are required.

### 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' where completion of a Fit and proper person declaration is mandatory include:

- a director of the company
- a secretary of the company
- a chief executive of the RTO
- a principal executive officer of the CRICOS provider.

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

- a compliance manager
- a marketing manager
- a training manager.

### High managerial agent/s

A high managerial agent represents your organisation in relation to providing courses.

Submitting an FPP declaration for 'high managerial agents' is not mandatory, unless specifically requested by ASQA.

Examples of 'high managerial agents' where ASQA 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, or
- people who fulfil any of the roles described above on behalf of your organisation in a third-party arrangement
- people who provide training and/or assessment on behalf of your organisation in a third-party arrangement.

### 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.



Completion of a Fit and proper person declaration is mandatory for all people who meet the definition of an 'owner and executive officer'.

**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

**Related persons**

ASQA can also consider any related persons to people who fit the definitions of owners, executive officers and high managerial agents, who are involved in or have previously been involved in the operations of an RTO or CRICOS provider. Related persons do not usually complete a fit and proper person declaration as relevant information is requested in this declaration.

**Help with your declarations**

For help completing a Fit and Proper Person Declaration:

- email [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au).
- call the ASQA Info Line on 1300 701 801 (Monday to Friday 9:00am – 7:00pm AEST).



# Fit and Proper Person Declaration

## SECTION A

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

## SECTION B

Your organisation's details	
Name of legal entity:	
Trading name/s:	

## SECTION C

You relationship to the organisation (tick all that apply)	
<b>Executive officer</b> <input type="checkbox"/>	This is any person who takes part in the management of your organisation. Examples can include: <ul style="list-style-type: none"><li>• a director of the company</li><li>• a secretary of the company</li><li>• a chief executive of an RTO</li><li>• a principal executive officer of a CRICOS provider</li></ul>
<b>High managerial agent</b> <input type="checkbox"/>	This is any employee or agent who represents your organisation in relation to the business of providing course.
<b>Owner and executive officer</b> <input type="checkbox"/>	An 'owner and executive officer' is: <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></ul>



	<ul style="list-style-type: none"> <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>
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## SECTION D

In section D, if you answer 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 title 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.

ASQA requires information about any related persons who are, or have previously been, involved in the operations of an RTO or a 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?	<input type="checkbox"/> No <i>Go to Question 5.</i>  <input type="checkbox"/> Yes. <i>Continue to Question 2</i>
2.	Full name of the related person	
3.	Your relationship to the person	
4.	Name of the RTO or CRICOS provider that the related person was/is involved with and their position title	

A separate document listing additional persons is attached.



## SECTION E

In section E, 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.

Personal history—You and any related persons										
5.	<p>Have you or any related person ever been convicted of an offence against:</p> <ul style="list-style-type: none"> <li>a law of the Commonwealth or of a state or territory of Australia?</li> <li>a law of another country?</li> </ul>	<input type="checkbox"/> No <i>Go to Question 6</i>								
		<input type="checkbox"/> Yes. Continue to Question 5b								
5b.	<p>Was the conviction in relation to a traffic-related infringement (e.g. speeding; driving without a seatbelt; driving while using a mobile device)? If yes, no further detail is required—go to question 6.</p>	<input type="checkbox"/> No <i>Continue to Question 5c</i>								
		<input type="checkbox"/> Yes. <i>Go to Question 6</i>								
5c.	<p>Has the conviction been spent?</p>	<input type="checkbox"/> No <i>Continue to Question 5d</i>								
		<input type="checkbox"/> Yes. <i>Go to Question 6</i>								
5d.	<p>Provide details about each offence:</p> <table border="1"> <tr> <td>Name of person who committed the offence:</td> <td></td> </tr> <tr> <td>Type 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> <p><input type="checkbox"/> A separate document listing additional persons is attached.</p>	Name of person who committed the offence:		Type of offence:		Year the offence occurred:		Country the offence occurred in:		
Name of person who committed the offence:										
Type of offence:										
Year the offence occurred:										
Country the offence occurred in:										
6.	<p>Have you or any related person 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 7</i>								
		<input type="checkbox"/> Yes <i>Provide details below</i>								
	<table border="1"> <tr> <td>Name of person determined not to be fit and proper:</td> <td></td> </tr> <tr> <td>When determination occurred:</td> <td></td> </tr> </table>	Name of person determined not to be fit and proper:		When determination occurred:						
Name of person determined not to be fit and proper:										
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 persons is attached.											
7.	Have you or any related person ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001?	<input type="checkbox"/> No <i>Go to Question 8</i>  <input type="checkbox"/> Yes <i>Provide details below</i>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Name of person disqualified:</td> <td></td> </tr> <tr> <td>Date disqualification ended:</td> <td></td> </tr> <tr> <td>Period of disqualification:</td> <td>From: Click or tap to enter a date. To: Click or tap to enter a date.</td> </tr> <tr> <td>Amount of fines payable (if applicable):</td> <td></td> </tr> <tr> <td>Was the company that this disqualification relates to an RTO, CRICOS provider or a business in the education sector?</td> <td> <input type="checkbox"/> No  <input type="checkbox"/> Yes           </td> </tr> </table>		Name of person disqualified:		Date disqualification ended:		Period of disqualification:	From: Click or tap to enter a date. To: Click or tap to enter a date.	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
Name of person disqualified:												
Date disqualification ended:												
Period of disqualification:	From: Click or tap to enter a date. To: Click or tap to enter a date.											
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 persons is attached.											
8.	Have you or any related person, or any company that you or any related person were a director of, ever: <ul style="list-style-type: none"> <li>• become bankrupt or insolvent</li> <li>• taken steps to take the benefit of a law for the relief of bankrupt or insolvent debtors</li> <li>• compounded with one or more creditors</li> <li>• made an assignment of your remuneration for the benefit of one or more creditors.</li> </ul>	<input type="checkbox"/> No <i>Go to Question 9</i>  <input type="checkbox"/> Yes <i>Provide details below</i>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Name of person declared bankrupt or insolvent:</td> <td></td> </tr> <tr> <td>Nature of bankruptcy or insolvency:</td> <td></td> </tr> <tr> <td>Value of unpaid creditors:</td> <td></td> </tr> <tr> <td>Year bankruptcy discharged:</td> <td></td> </tr> </table>		Name of person declared bankrupt or insolvent:		Nature of bankruptcy or insolvency:		Value of unpaid creditors:		Year bankruptcy discharged:			
Name of person declared bankrupt or insolvent:												
Nature of bankruptcy or insolvency:												
Value of unpaid creditors:												
Year bankruptcy discharged:												
	<input type="checkbox"/> A separate document listing additional persons is attached.											





## SECTION F

In section F, 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.

### RTO and CRICOS provider history—You and any related persons

9.	<p>Do you or any related person, have a current or past association with:</p> <ul style="list-style-type: none"> <li>• a current or former RTO, CRICOS provider, higher education provider, other than the organisation outlined in Section B of this declaration.</li> <li>• any organisation that has applied for registration with ASQA or a state registering body.</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 10</i>  <input type="checkbox"/> Yes <i>Provide details below</i>
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Provide details of any current association:

Name of person who has current association:	
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Legal name of RTO/CRICOS provider/higher education provider (or applicant):	
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Trading name/s:	
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Describe your association with the organisation:	
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Start of your association with the organisation:	Click or tap to enter a date.
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Provide details of any past association:

Name of person who has past association:	
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Legal name of RTO/CRICOS provider/higher education provider (or applicant):	
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Trading name/s:	
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Describe your association with the organisation:	
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	Period of your association with the organisation:	From Click or tap to enter a date. To Click or tap to enter a date.								
<input type="checkbox"/> A separate document listing additional persons is attached.										
10.	<p>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 ASQA or another VET regulator to:</p> <p><input type="checkbox"/> reject an application for initial registration as an RTO/CRICOS provider</p> <p><input type="checkbox"/> cancel registration, in part or in full</p> <p><input type="checkbox"/> suspend registration, in part or in full</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</p> <p><input type="checkbox"/> issue an infringement notice</p> <p>And/or a decision under a state funding contract to:</p> <p><input type="checkbox"/> cancel, suspend or not renew funding or other assistance.</p>	<p><input type="checkbox"/> No <i>Go to Question 11</i></p> <p><input type="checkbox"/> Yes <i>Select all that apply and provide details below</i></p>								
<table border="1"> <tr> <td data-bbox="225 1189 668 1283">Name of person who had association:</td> <td data-bbox="668 1189 1497 1283"></td> </tr> <tr> <td data-bbox="225 1283 668 1413">Legal name of the RTO/CRICOS provider/higher education provider involved:</td> <td data-bbox="668 1283 1497 1413"></td> </tr> <tr> <td data-bbox="225 1413 668 1507">Describe your association with the organisation:</td> <td data-bbox="668 1413 1497 1507"></td> </tr> <tr> <td data-bbox="225 1507 668 1601">Period of your association with the organisation:</td> <td data-bbox="668 1507 1497 1601">From: Click or tap to enter a date. To: Click or tap to enter a date.</td> </tr> </table> <p><input type="checkbox"/> A separate document listing additional persons is attached.</p>			Name of person who had association:		Legal name of the RTO/CRICOS provider/higher education provider involved:		Describe your association with the organisation:		Period of your association with the organisation:	From: Click or tap to enter a date. To: Click or tap to enter a date.
Name of person who had association:										
Legal name of the RTO/CRICOS provider/higher education provider involved:										
Describe your association with the organisation:										
Period of your association with the organisation:	From: Click or tap to enter a date. To: Click or tap to enter a date.									
11.	<p>Have you or any related person ever been issued with an Immigration Minister's suspension certificate?</p>	<p><input type="checkbox"/> No <i>Go to Question 12</i></p> <p><input type="checkbox"/> Yes <i>Provide details below</i></p>								
<p><i>Provide details including the name of the person, date the Immigration Minister's suspension certificate took effect, who the certificate was issued to, the reason why the Immigration Minister's suspension certificate was issued.</i></p>										



12.	<p>Have you or any related person ever been associated with an organisation at a time when it was determined to have breached a Australian Government or state or territory government training contract?</p>	<input type="checkbox"/> No <i>Go to Question 13</i>  <input type="checkbox"/> Yes <i>Provide details below</i>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; padding: 2px;">Name of person associated with the organisation:</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Name of organisation:</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Year the breach occurred:</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Any further details:</td> <td style="padding: 2px;"></td> </tr> </table>			Name of person associated with the organisation:		Name of organisation:		Year the breach occurred:		Any further details:	
Name of person associated with the organisation:										
Name of organisation:										
Year the breach occurred:										
Any further details:										
<input type="checkbox"/> A separate document listing additional persons is attached.										
13.	<p>Have you or any related person ever provided false or misleading information, or made a false or misleading statement to:</p> <ul style="list-style-type: none"> <li>• a state, territory or Australian Government agency or department</li> <li>• a regulatory authority of RTOs (or a delegate of such an authority)</li> <li>• a regulatory authority of higher education providers (or a delegate of such an authority)</li> <li>• a regulatory authority of registered providers under the <i>Education Services for Overseas Students Act 2000</i> (or a delegate of such an authority).</li> </ul>	<input type="checkbox"/> No  <input type="checkbox"/> Yes <i>Provide details below</i>								
<p><i>Provide details including the name of the person and the nature of the false and misleading statement that was provided.</i></p>										



## Statutory declaration

This declaration cannot be completed on screen. Please print the declaration and complete using a blue or black pen.

Commonwealth of Australia  
STATUTORY DECLARATION  
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration I,<sup>1</sup> \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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 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*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration \_\_\_\_\_  
\_\_\_\_\_

4 Place Declared at <sup>4</sup> \_\_\_\_\_ on <sup>5</sup> \_\_\_\_\_ of <sup>6</sup> \_\_\_\_\_

5 Day

6 Month and year Before me, \_\_\_\_\_

7 Signature of person before whom the declaration is made (see over) \_\_\_\_\_  
\_\_\_\_\_

8 Full name, qualification and address of person before whom the declaration is made (in printed letters) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.



**A statutory declaration under 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:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	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:
  - Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
  - 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 the Australian Trade 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 his or her function in that place
  - Employee of the Commonwealth who is:
    - a. in a country or place outside Australia; and
    - b. authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
    - c. exercising his or her function in that place
  - Fellow of the National Tax Accountants' Association
  - 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 of a court
  - 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 Chartered Secretaries Australia
  - Member of Engineers Australia, other than at the grade of student
  - Member of the Association of Taxation and Management Accountants
  - Member of the Australasian Institute of Mining and Metallurgy
  - Member of the Australian Defence Force who is:
    - a. an officer, or
    - b. a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service, or
    - c. a warrant officer within the meaning of that Act
  - Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants



- Member of:
  - a. the Parliament of the Commonwealth, or
  - b. the Parliament of a State, or
  - c. a Territory legislature, or
  - d. a local government authority of a state or territory
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
- Notary public
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- Permanent employee of:
  - a. the Commonwealth or a Commonwealth authority, or
  - b. a State or Territory or a State or Territory authority, or
  - c. a local government authority,with five or more years of continuous service who is not specified in another item in 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 Service employee of:
  - a. the Commonwealth or a Commonwealth authority, or
  - b. a State or Territory or a State or Territory authority
- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution