

Fit and Proper Person Requirements declaration

About this declaration

In considering a prospective TLC Training Partner's suitability, the Learning Collaborative requires the applicant demonstrate that they comply with Fit and Proper Person requirements.

The Partnering organisation is required to have this form completed by EACH PERSON WHO IS A SHAREHOLDER, EXECUTIVE OFFICER OR HIGHER MANAGERIAL AGENT, as defined below.

The Learning Collaborative may also consider the prior conduct of the Training Partner or an associate of the Partner's organisation.

The definitions given to of each of these position titles are provided below.

Executive officer—

- a. a person, by whatever name called and whether or not a director of the organisation, who is concerned in, or takes part in, the management of the organisation, or
- b. if the organisation is body corporate:
 - I. a person who, at any time during a period for which the organisation is registered, owns 15% or more of dividends paid by the organisation, or
 - II. a person who, at any time during a period for which the organisation is registered, is entitled to receive 15% or more of dividends paid by the organisation,
- c. an administrator, receiver or manager, or liquidator of the organisation (other than a receiver and manager, or liquidator, appointed by the court), or
- d. if the organisation is a body corporate—the administrator of a deed of company arrangement executed by an organisation, or
- e. if the organisation is a body corporate—a trustee or other person administering a compromise or arrangement made between the organisation and another person or other persons.

High managerial agent—

- a. an employee or agent of the organisation with duties of such responsibility that his or her conduct may fairly be assumed to represent the organisation in relation to the business of providing courses (where 'courses' mean courses of vocational education and training).

Assistance in completing this declaration

For assistance in completing this declaration, please contact enquiries@thelearningcollaborative.com.au or telephone 1300 136 780.

Fit and Proper Person Requirements declaration

Name:	
Position in organisation:	
Organisation Legal Name:	
Organisation Registration Number (if relevant):	

Questions	Yes	No
1. Have you ever been convicted of an offence against a law of the Commonwealth or of a state or territory of Australia?		
2. Have you ever been convicted of an offence against a law of a parliament of another country?		
3. 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, or of another country?		
4. Have you ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with your creditors or assigned your remuneration the benefit of creditors?		
5. Have you ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001 (Cth)?		
6. Have you ever been an executive officer or high managerial agent of an organisation at a time when its actions resulted in its registration being cancelled or suspended in part or in full: i. as a registered training organisation; or ii. as a higher education provider; or iii. as a registered provider under the Education Services for Overseas Students Act 2000 (Cth)?		
7. Have you ever been involved in the delivery of courses or other services by a registered training organisation at a time when its actions resulted in it being the subject of regulatory action described in questions 6 or 7?		
8. Have you ever been involved in the delivery of courses or other services for an organisation operating under an arrangement with a registered training organisation when the registered training organisation was the subject of regulatory action described in questions 6 or 7?		

Questions	Yes	No
9. Have you ever provided false or misleading information or made a false or misleading statement to: <ul style="list-style-type: none"> <li data-bbox="177 360 1182 427">i. a regulatory authority (or delegate) of registered training organisations; or <li data-bbox="177 427 1182 483">ii. a regulatory authority (or delegate) of higher education providers; or <li data-bbox="177 483 1182 562">iii. a regulatory authority (or delegate) of registered providers under the Education Services for Overseas Students Act 2000 (Cth). 		
10. Have you ever been an executive officer or high managerial agent of an organisation at a time when its actions resulted in it being determined to have breached a government training contract?		
11. Do you consider there to be any doubt about whether the public is likely to have confidence in your ability to provide, assess or issue nationally recognised qualifications?		

If you answered 'yes' to any of the questions 1 – 12 above, you must provide further details. If completing a paper-based version of this document, copy the table as many times as required.

Questions answered yes:	
Year event occurred:	
Details:	

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Year event occurred:	
Details:	

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,

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make the following declaration under the Statutory Declarations Act 1959:

1. I declare that the information I have provided in this Fit and Proper Person Requirements 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

(3)

4 Place

Declared at (4)

on (5)

of

5 Day

(6)

6 Month and year

Before me,

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

7

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

8

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 5 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.