

Nexgen Institute of Australia

PPI16 Fit and Proper Persons Policy and Procedure

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1. Table of Reference

Distribution	All staff and students
Related Entities	Active Transition Training Pty Ltd trading as: <ul style="list-style-type: none"> Nexgen Institute of Australia
Related Documents	<ul style="list-style-type: none"> FFP Declaration form Staff Induction Checklist FFPs Position Description ASQA FFP Declaration: https://www.asqa.gov.au/guidance-resources/resources-providers/forms/rto-registration Students Complaints and Appeals Form Student Handbook – International PPI20_Records_Management_Policy_and_Procedure
Statutory References	<ul style="list-style-type: none"> National Vocational Education and Training Regulator Act 2011 Standards for RTO's 2015 National Code of Practice 2018 Standard 8 ESOS Act 2000 ASQA Fit and Proper Person Declaration ASQA Schedule 3 Fit and Proper Person Requirements Users Guides to Standard 7, Clauses 7.1 -7.2
Legislative context	<ul style="list-style-type: none"> Education Services for Overseas Students Act 2000 (Cwlth). Corporations Act 2001 (Cwlth). Commonwealth Human Rights and Equal Opportunity Commission Act 1986 Commonwealth Disability Discrimination Act 1992 Commonwealth Disability Standards for Education 2005 Victorian Equal Opportunity Act 1995

2. Fit and Proper Persons Policy

Nexgen Institute of Australia (NIA) understands that as a Registered Training Organisation it must meet the Fit and Proper Persons Requirements (FFPR) of the VET Quality Framework.

In compliance with this requirement this policy will apply to Executive Officers, high managerial agents and/or any person or entity which exercises a degree of control or influence over the management or direction of the organisation (FFPs). Namely: CEO and RTO Manager.

We will ensure that all FFPs are:

- Vested with sufficient authority to ensure the RTO complies with the RTO Standards at all times, and
- Assessed by the RTO as being fit and proper persons, having regard to the Fit and Proper Person Requirements, prior to being appointed to the relevant positions, and
- Remain fit and proper persons throughout their time occupying relevant positions.

3. Procedure

- Each person designated as an FFP are to complete the FFP Declaration on employment or appointment.
- Anyone designated a FFP must inform the CEO or Chairperson of the Board if they have any change in circumstance which might affect their FFP standing
- A FFP Declaration must be completed If, at any time, a person procures more than 15 per cent of the RTO's ownership (either directly or through their ownership of another corporation).
- We will interview each designated FFP prior to submission of our Annual Declaration to ensure that there have been no changes in circumstance which may affect their ability to meet the requirements.
- The following criteria must be responded to by each individual making a Fit and Proper Person Declaration:
 - If they been convicted of an offence against a law of the Commonwealth or of a state or territory.
 - If they, or the entity, have had its registration on the National Register cancelled or suspended in part or in full.
 - If they or the entity have ever had a condition imposed on their registration as a training organisation on the National Register.
 - If they, or the entity, have ever breached a condition of registration in Subdivision B of Division 1 of Part 2 of the Act.

- If they, or the entity, have ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with creditors or assigned remuneration the benefit of creditors.
 - If they have ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001* (Cwlth).
 - If they, or the entity, have been involved in the business of the provision of courses by another provider who is covered by any of the above questions 1 – 6 at the time of any of the events that gave rise to the relevant prosecution or other action.
 - If they, or the entity, have ever provided a state or territory registering body and/or the national VET regulator with false or misleading information or made false or misleading statement to a state or territory registering body or the national VET regulator.
 - If the answer to 8(a) is yes, if they, or the entity, know that the statement made or information provided to the state or territory registering body or the national VET regulator was false or misleading?
 - If they have ever been found not to be a fit and proper person for the purposes of the *Education Services for Overseas Students Act 2000* (Cwlth).
 - If they consider there to be any doubt about whether the public is likely to have confidence in their ability, or that of the entity, to provide or assess national qualifications.
- We will advise ASQA regarding any changes that means a designated FFP no longer meets the requirements.
 - We will testify in our Annual Declaration that all FFPs have been reported to ASQA and that they continue to meet the Fit and Proper Person Requirements.
 - A signed and completed FFP Declaration will be submitted by each designated person with an application for initial RTO registration or renewal of RTO registration.

4. Evidence

We will ensure we retain evidence that identifies those designated as FFPS as follows:

Choose one of the following:

- As a Sole Trader, we are only required to declare our registered business structure.
- As we have multiple Persons in Authority, we will provide evidence in the forms of organisational charts, position descriptions, duty statements and delegation documents. These will be provided to ASQA on application for initial registration, renewal of registration, or when we notify ASQA of any new FFPs .

- We will retain copies of all FFP Declarations
- We are aware that ASQA may request evidence at any time.

5. Version Revisions

12 months from the date of this version, or as required.

6. Review Date

Version Number	Date	Reason for change	Prepared By	Approved By
V.3	27/06/2024	Updated and improved	RTO Manager (SC)	CEO (HH)