



# Fit and proper person requirements declaration

This fit and proper person requirements declaration can be used for both the TEQSA and ESOS Acts.

Complete the template for each individual.

<b>Name:</b>		
<b>Governing body position</b>		
<b>Responsibilities</b>		
<b>Address at which individual ordinarily resides</b>		
1. Have you been convicted of an offence against, or ordered to pay a pecuniary penalty under, a law of the Commonwealth or of a state or territory (except a conviction that is spent under Part VIIC of the Crimes Act 1914 (Cwlth)?)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Are you currently involved in proceedings before a court or tribunal?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Have you ever been found guilty of an act of professional or academic misconduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
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 for the benefit of creditors?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Do you have any outstanding debts to the Commonwealth?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Have you ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001 (Cwlth)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. (a) Have you ever provided: (i) a state or territory registering body; and/or (ii) the National VET Regulator; and/or (iii) a tuition assurance administrator; and/or (iv) the Department of Education and Training, the Minister for Education or the Secretary; and/or (v) TEQSA; and/or (vi) an authority of a State or Territory that deals with subsidy funding arrangements for education with false or misleading information or statement?	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No	
(b) If the answer to 7(a) is yes, did you know that the statement made or information provided was false or misleading?		

<p>8. Have you ever been found not to meet the fit and proper person requirements for the purposes of:</p> <p>(i) the <i>Tertiary Education Quality and Standards Agency act 2011</i>;</p> <p>(ii) the <i>National Vocational Education and Training Regulator Act 2011 (Cwlth)</i>;</p> <p>(iii) the <i>Australian Education Act 2013</i>;</p> <p>(iv) the <i>Education Services for Overseas Students Act 2000</i>;</p> <p>(v) the <i>Higher Education Support Act 2003</i>;</p> <p>(vi) the <i>VET Student Loans Act 2016</i>;</p> <p>(vii) the <i>Higher Education Standards Framework (Threshold Standards) 2015</i>; and/or</p> <p>(viii) subsidy funding arrangements with a State or Territory for the provision of education</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>9. Do you consider there to be any matter that could lead the public to lack confidence in your ability, or that of the entity, to provide or assess higher education qualifications?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered 'yes' to any of the questions 1–9, additional information is required. For each question you answered 'yes' to, create a separate table and provide further details.

Question	
Details	

Have you ever been involved with a business that provided education which, at the time of that involvement:

<p>10. Was convicted of an offence against a law of the Commonwealth or of a state or territory?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>11. Had registration as a higher education provider, registration as a registered training organisation, accreditation of a higher education course, registration under the <i>Education Services for Overseas Students Act 2000</i>, or subsidy funding arrangements with a State or Territory for the provision of education, cancelled or suspended in part or in full?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>12. Had approval as an approved course provider, as an approved VET provider, or as an approved higher education provider cancelled or suspended in part or in full?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>13. Had a condition imposed on its registration as an education provider referred to in 11 and 12?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>14. Breached a condition that was applied to its registration or course accreditation?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>15. Was the subject of a winding up order or had an external administrator appointed?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>16. (a) Provided</p> <p>(i) a state or territory registering body; and/or</p> <p>(ii) the National VET Regulator; and/or</p> <p>(iii) a tuition assurance administrator; and/or</p> <p>(iv) the Department of Education and Training, the Minister for Education or the Secretary; and/or</p> <p>(v) TEQSA; and/or</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

(vi) an authority of a State or Territory that deals with subsidy funding arrangements for education with false or misleading information or statement?  (b) If the answer to 16(a) is yes, did the entity know that the statement made or information provided was false or misleading?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you answered 'yes' to any of the questions 10–16, additional information is required, such as the nature of the conduct and your involvement in the matter. For each question you answered 'yes' to, create a separate table and provide further details of the breach and the entity it relates to.

<b>Question</b>	
<b>Details</b>	

I have read and understand TEQSA's Privacy policy, including in relation to TEQSA's collection, use and disclosure of the information that I have provided in this document.

The material in this document is true and correct to the best of my knowledge and belief. I understand that giving false or misleading information is a serious offence.

**Signed by:**

**Witnessed by:**

Signature

Signature

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Print name

Print name

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Title

Title

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Date

Date

dd/mm/yyyy	dd/mm/yyyy
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