



## Fit and Proper Person Requirements 2011

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I, Chris Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations, make these Standards under subsection 186(1) of the *National Vocational Education and Training Regulator Act 2011*.

Dated 26<sup>th</sup> June 2011

CHRIS EVANS

Minister for Tertiary Education, Skills, Jobs and Workplace Relations

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## **Part 1 Preliminary**

### **Division 1 Arrangements on commencement**

#### **FPPR 1 Name of legislative instrument**

This legislative instrument is the *Fit and Proper Person Requirements 2011*.

#### **FPPR 2 Commencement**

This legislative instrument commences on the later of 1 July 2011 or the day after registration on the Federal Register of Legislative Instruments.

#### **FPPR 3 Definitions**

In this legislative instrument, unless the contrary intention appears:

*Act* means the *National Vocational Education and Training Regulator Act 2011*

*course* has the meaning given by section 3 of the Act.

*executive officer* has the meaning given by section 3 of the Act.

*high managerial agent* has the meaning given by section 3 of the Act.

*National Register* has the meaning given by section 3 of the Act.

*National VET Regulator* has the meaning given by section 3 of the Act.

*NVR registered training organisation* has the meaning given by section 3 of the Act.

*registered training organisation* has the meaning given by section 3 of the Act.

*registration* is formal registration by the National VET Regulator under the Act. A person covered by the Act must be registered in order to deliver and assess nationally recognised training and issue nationally recognised qualifications.

- 3.2 The requirements of this legislative instrument apply to NVR registered training organisations. The National VET Regulator will also consider these requirements when deciding whether to grant an application for initial registration or renewal of registration.
- 3.3 The requirements of this legislative instrument may be referred to by the abbreviation 'FPPR'. For example, this is FPPR 3.3.

## Part 2                      Fit and Proper Person Requirements

### FPPR 4    Criteria for suitability for registration

In assessing whether a person, who is an applicant for registration as an NVR registered training organisation, an applicant for renewal of registration as an NVR registered training organisation or who is an NVR registered training organisation, meets the Fit and Proper Person Requirements, the National VET Regulator must have regard to the following considerations:

- (a) whether the person has been convicted of an offence against a law of the Commonwealth or of a State or Territory and if so, the seriousness of the offence;
- (b) whether the person has ever had his, her or its registration on the National Register cancelled or suspended;
- (c) whether the person has ever had a condition imposed on his, her or its registration on the National Register;
- (d) whether the person has ever breached a condition of registration in Subdivision B of Division 1 of Part 2 of the Act;
- (e) whether the person has ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors;
- (f) whether the person has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
- (g) whether the person was involved in the business of the provision of courses by another provider who is covered by any of the above paragraphs at the time of any of the events that gave rise to the relevant prosecution or other action;
- (h) whether the person has ever provided a State or Territory registering body and/or the National VET Regulator with false or misleading information or made a false or misleading statement to a State or Territory registering body or the National VET Regulator, and whether the person knew that the statement made or information provided to the State or Territory registering body or VET Regulator was false or misleading;
- (i) whether the person has ever been found not to be a fit and proper person for the purposes of the *Education Services for Overseas Students Act 2000*;
- (j) whether the public is likely to have confidence in the person's suitability to be involved in an organisation that provides or assesses national qualifications; and
- (k) any other relevant matter.

**FPPR 5 Persons subject to Fit and Proper Person Requirements**

A person mentioned in FPPR 4 does not meet the Fit and Proper Person Requirements if the National VET Regulator is satisfied that, having regard to the matters provided in paragraph FPPR 4 (a) to (k), one or more of the following people do not meet the Fit and Proper Person Requirements:

- (a) an executive officer of the person referred to in FPPR 4;
- (b) a high managerial agent of the person referred to in FPPR 4; or
- (c) any person or entity which exercises a degree of control or influence over the management or direction of the registered training organisation.