

Fit and Proper Person Policy and Procedure

1. Purpose

The Higher Education Standards Framework 2015 sets out the requirement that all of the EIA's Directors, Managers and others of influence in the organisation are fit and proper persons.

This policy complies with the Higher Education Standards Framework (Threshold Standards) HES 2015 in the Tertiary Education Quality and Standards Agency Act 2011 by the Commonwealth of Australia, specifically to Section 6.1 and 6.2.

2. Scope

This policy applies to EIA's Directors, Managers and others of influence in the organisation.

3. Responsibility

The General Manager/Executive Manager of Operations is responsible for the implementation of this policy and procedure, ensuring that all people of influence or who hold a Director, Manager or Managerial Agent position complete the Fit and Proper Person Requirements declaration form.

4. Policy Statement

4.1 EIA is committed to the effective governance of the company to ensure that all stakeholders have full confidence in our ability and suitability to become a provider of quality higher education. This includes meeting the compliance requirements of the Higher Education Standard Framework 2015. It is essential that the organisation is governed by the fit and proper persons who ensure compliance with all Acts, Regulations, Codes of Practice and Standards appropriate to Higher Education and the Corporations Act 2001.

4.2 In determining whether a person is a fit and proper person, TEQSA will be concerned if a person is:

- convicted of an offence against a law of the Commonwealth or a State or Territory;
- found to have breached a condition of any previous higher education registration protocols, at any higher education provider in which you have been employed as key personnel or member of a governing body;
- found guilty of an act of professional or academic misconduct;
- 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;
- disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001 (Cth);

- deliberately given TEQSA false or misleading information, including false or misleading information to a State or Territory registering body anywhere in Australia;
- failed the fit and proper person requirements of the National Vocational Education and Training Regulator Act 2011 (Cth);
- unsuitable and insufficient provider of higher education qualifications;
- been key personnel or member of a governing body of an entity while any of the following applied to the entity:
 - convicted of an offence under Australian law;
 - cancellation or suspension in part or full of a higher education registration;
 - imposed condition on a higher education registration;
 - breached condition applied to registration or course accreditation;
 - imposed winding up order or an external administrator appointed;
 - deliberately given misleading or false information to TEQSA or registering body anywhere in Australia.

5. Procedures

- 5.1 The Chairperson and members of the Board of Directors of the EIA are responsible for the governance of EIA, including maintaining the Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework) requirements. The Directors are registered with the Australian Securities and Investment Commission (ASIC)
- 5.2 As a Higher Education Provider, EIA complies with the Fit and Proper Person Requirements:
- Directors have met the Fit and Proper Person Requirements;
 - Directors have declared their Fit and Proper Person status to TEQSA;
 - Directors have changed the new office bearer and submitted paperwork immediately;
 - EIA ensures only those who meet the Fit and Proper Person Requirements can be a member of the EIAs Board of Directors. EIA requires each member of the Board of Directors to submit a Fit and Proper Person declaration to the organisation. This will be kept on file at the head office;
 - A copy of the Fit and Proper Person Requirements declaration form to be retained on the file of each person who is a Director, Manager, Managerial Agent or another person of influence.

- 5.3 Each year in November, EIA will require every Director, Manager, Managerial agent or another person of influence within the organisation to complete the Fit and Proper Persons Declaration Form.
- 5.4 Where a person has answered yes to any of the questions the General manager will check whether the information had previously been reported to TEQSA and if not, the information will be reported within a timely manner to TEQSA as part of a Notification of Material Changes notice.
- 5.5 All academic, professional and administrative staff who have regular contacts with students who may be under 18 years old must obtain a Working with Children Check before commencing their appointment at EIA or providing services to students.

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