

Fit and Proper Employer



Declaration

Who should complete this declaration?

This declaration must be completed by an employer seeking approval from the Victorian Registration and Qualifications Authority (VRQA) to employ an apprentice or trainee. It is an offence to employ a person under a training contract unless the employer is approved by the VRQA to do so.

In determining whether to approve an employer, Section 5.5.7(2) of the *Education and Training Reform Act 2006* (ETRA) requires the VRQA to have regard to, among other things, whether any person whom the employer uses or proposes to use to supervise the training of apprentices is fit and proper and whether the employer is a fit and proper person to employ an apprentice.

The Apprenticeship Network provider must retain this declaration with the training contract.

This form must be completed by a director or a person with authority to bind the company.

Privacy statement

All information collected in this declaration is required by State or Commonwealth legislation and associated regulatory frameworks.

The VRQA will only use this information in relation to its powers and functions under the *Education and Training Reform Act 2006* (the Act). To read the VRQA’s full privacy statement, see:

* [Privacy statement](https://www.vrqa.vic.gov.au/Pages/privacy.aspx)

You are able to request access to the personal information that we hold about you and request that it be corrected.

Employer details

|  |  |
| --- | --- |
| **Legal entity name** (the Employer)**:** |  |
| **Trading name:** |  |
| **ABN:** |  |
| **Business address:** |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| I, | | | (full name) | | |
| of | | | (address) | | |
|  | | | (occupation) | | |
| do solemnly and sincerely declare that: | | | | | |
| 1. | the Employer and any people it uses or propose to use as a supervisor(s) of apprentices and trainees in the workplace has never been convicted of an indictable offence under a law of the Commonwealth or any Australian state or territory | True | | | False |
| **Note:** In Victoria, an indictable offence carries a maximum term of imprisonment of two years or moreor where a fine of more than 240 penalty units, or both, can be imposed. For example, offences under the *Crimes Act 1958* (Vic) and the *Drugs Poisons and Controlled Substances Act 1981* (Vic) are indictable offences unless categorised as summary offences. Examples of indictable offences are culpable driving, theft, robbery, burglary, intentionally causing serious injury, rape and sexual assault, stalking, serious assaults and the trafficking, supply and cultivation of drugs of dependance.  For the current value of a penalty unit see: [www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values](http://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values). From 1 July 2023 to 30 June 2024, the value of one penalty unit is $192.31. | | | | | |
| 2. | the Employer, in our current or any previous business, has never been found liable by a court to have breached the *Fair Work Act 2009* or previous Commonwealth legislation governing wages and conditions | True | | False | |
| 3. | the Employer, in our current or any previous business, has never been subject to enforcement action by the Fair Work Ombudsman | True | | False | |
| 4. | the Employer, in our current or any previous business, has never been convicted in relation to workplace safety laws in Victoria or any other Australian state or territory | True | | False | |
| 5. | the Employer, in our current or any previous business, has never been subject to enforcement action by WorkSafe or the workplace safety regulatory body in another Australian state or territory (for example an enforceable undertaking or a prohibition notice) | True | | False | |
| 6 | the Employer, in our current or any previous business, has never been the subject of or associated with an adverse finding or the subject of action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding or the action relates to:   * dishonest, misleading or deceptive conduct * non-compliance with a legal obligation relating to the employment of apprentices and trainees * a breach of duty (including a duty of disclosure). | True | | False | |

Declaration

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| --- | --- | --- | --- | --- | --- | --- | --- |
| If you answered ‘false’ to any of these questions, provide details and attach it to this declaration. Also provide details of anything else you wish the delegate to consider and provide any supporting documents, for example orders or judgments of a court, character references.  The VRQA Delegate will consider whether the employer is fit and proper and should be granted approval to employ apprentices and trainees in Victoria under section 5.5.7(2) of the *Education and Training Reform Act 2006.* | | | | | | | |
| 7. | I understand the requirements of a training contract under the *Education and Training Reform Act 2006*, and I have sought advice to clarify any aspect that I did not understand. | | | | | | |
| 8. | I understand the requirements of a training contract under the *Education and Training Reform Act 2006*, and I have sought advice to clarify any aspect that I did not understand I am:   * a fit and proper person to act as an employer of an apprentice * able to comply with the training contract * able to confirm that, in the qualification(s) of: | | | | | | |
|  | (list the qualification(s) the apprentice(s)/trainee(s) will undertake): | | | | | | |
| 9. | I have suitable: | | | | | | |
| * premises in which the apprentice is to be employed | | | | | True | False |
| * equipment and methods to be used in training | | | | | True | False |
| 10. | the people I use (or propose to use) in the supervision of an apprentice under the training contract: | | | | | | |
| * have appropriate qualifications, knowledge and skill for that purpose | | | | | True | False |
| * are otherwise fit and proper persons for that purpose. | | | | | True | False |
| **Note:** It is an offence to knowingly give information, make a statement or produce a document to the VRQA which is false or misleading in a material particular. The maximum penalty is 60 penalty units (approximately $11,000) in the case of a natural person or 300 penalty units (approximately $57,000) for a body corporate. See: [www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values](http://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values)  I acknowledge that this declaration is true and correct. | | | | | | | |
| Declared at | | | | | | (location of signing) | |
| in the State of Victoria, this | | (day), of | | | (month), 20 | (day, month, year) | |
| x | | | (signature of person making this declaration – to be signed in front of a witness) | | | | |
| before me x | | | (signature of witness) | | | | |
|  | | | | (full name of witness) | | | |