

Change in Control - Key Personnel

Contract Management

****IMPORTANT**** Completion of this form by the Supplier does not constitute the Department's consent to the appointment of the Key Personnel. The Department's consent to the appointment of the Key Personnel is given ONLY if and when the Department signs and returns this form to you.

Unless or until you receive this form signed by the Department, the Department does not consent to the appointment of the Key Personnel.

The Department and the Supplier entered the Vocational Education and Training (VET) Skills Assure Supplier (SAS) Agreements identified in Section A of this form with the Department.

Pursuant to clause 28 of the VET SAS Agreement/s the Supplier must obtain the written consent of the Department prior to any Change in Control of the Supplier.

The Supplier has notified the department of changes to Key Personnel, identified in Section A below, under the VET SAS Agreement.

The Supplier and the Key Personnel acknowledge and understand that the Department will consider its consent to the Change in Control.

Definitions

"ASQA" means the Australian Skills Quality Authority

"the Change in Control" means the appointment of the Key Personnel identified in Section A below.

"the Supplier" means the supplier identified in Section A of this form

"VET SAS Agreement/s" means the Vocational Education and Training (VET) Skills Assure Supplier Agreement/s between the Department and the Supplier identified in Section A of this form.

"Key Personnel" means the person identified in Section A:

- a) who is concerned in or takes part in the management of the Supplier; or
- b) who is an employee or agent of the organisation with duties of such responsibility that his or her conduct may fairly be assumed to represent the Supplier in relation to the business;
- c) who exercises a degree of control or influence over the management or direction of the Supplier including those who participate in making decisions that affect the business of the applicant, or who has the capacity to significantly affect the future operations and financial standing; or
- d) who has the ability or capacity to determine the outcome of decisions about the financial and operating policies of the Supplier.



The person identified in Section A must complete all of the questions in this declaration and sign the declaration. The department may consider any other relevant matter when assessing whether a person meets the requirements.

Section A – Individual and Skills Assure Supplier Details			
Legal Name of Supplier:			
Registration Number of Supplier:			
SAS Agreement for Certificate 3 Guarantee Program (Agreement Number and Date):			
SAS Agreement for User Choice Program (Agreement Number and Date):			
Full Name of Individual (“Key Personnel” or “You”):			
Position with Supplier:			
Position appointment date with Supplier:			
Section B - Questions		Yes	No
Part A Legal Information			
Are you currently an undischarged bankrupt or subject to a personal insolvency agreement under the <i>Bankruptcy Act 1966 (Cth)</i> where the terms of the agreement have not been complied with?		<input type="checkbox"/>	<input type="checkbox"/>
Have you been a company officeholder of any organisation declared bankrupt in the last five (5) years?		<input type="checkbox"/>	<input type="checkbox"/>
Have you ever been disqualified from managing a corporation pursuant to the provisions of the <i>Corporations Act 2001 (Cth)</i> ? (The <i>Corporations Act 2001 (Cth)</i> provides that persons are disqualified from managing corporations including undischarged bankruptcy).		<input type="checkbox"/>	<input type="checkbox"/>
Are you subject to any legal action (commenced or anticipated to commence) relating to any organisation you have been involved with, within the three (3) year period prior to, or from, the date of this application?		<input type="checkbox"/>	<input type="checkbox"/>
Have you been in a management role within any organisation that experienced events covered in questions one (1.1) to four (1.4) above?		<input type="checkbox"/>	<input type="checkbox"/>
Have you ever been convicted of a criminal offence relating to the conduct of any organisation? (You are not required or asked to disclose any offence if the request or disclosure would breach the <i>Criminal Law Rehabilitation of Offenders Act 1986</i> or <i>Juvenile Justice Act 1992</i> .)		<input type="checkbox"/>	<input type="checkbox"/>
Part B Covenants with the Department		Yes	No
You acknowledge that you have read and understand the Suppliers obligations under the VET SAS Agreement/s.		<input type="checkbox"/>	<input type="checkbox"/>
You acknowledge that the Supplier is bound by the VET SAS Agreement/s.		<input type="checkbox"/>	<input type="checkbox"/>
You agree to use your best endeavours to ensure that on and from the date you are appointed as Key Personnel that the Supplier performs, observes and abides by the requirements of the VET SAS Agreement the Departments Policies for Skills Assure Suppliers and the applicable Programs current and as may be amended, including any new Departmental Policies notified to the Supplier for time to time.		<input type="checkbox"/>	<input type="checkbox"/>

Part C Warranties with the Department		Yes	No
In your position stated on this form, you warrant and affirm to the Department that:			
You are a fit and proper person in accordance with the Fit and Proper Person requirements made by the Minister pursuant to section 186(1) of the <i>National Vocational Education and Training Regulator Act 2011</i> from time to time ("Fit and Proper Person"). You have provided ASQA with a fit and proper person declaration and have provided the Department with a copy of the said Declaration.		<input type="checkbox"/>	<input type="checkbox"/>
The Supplier will notify ASQA of the Change in Control including your appointment to the position stated in this form and have provided the Department with a copy of the notification of the Change in Control to be given to ASQA.		<input type="checkbox"/>	<input type="checkbox"/>
Part D – DECLARATION THE KEY PERSONNEL			
I declare that the information I have provided is true and accurate and agree to abide by the covenants set out in Part B on and from the position appointment date outlined in part A of this form.			
SIGNED BY THE INDIVIDUAL:			
Name:	Signature:		
	Date:		
Witness Name:	Signature:		
	Date:		
Part E CONSENT BY THE DEPARTMENT			
IMPORTANT **Unless or until you receive this form signed by the Department, the Department does not consent to the appointment of the Key Personnel**			
In reliance on the Warranties outlined in Part B and the declaration of the Key Personnel in part D, the Department hereby consents to the Change in Control of the Supplier on the condition that the Key Personnel abides by the Covenants outlined in Part C of this form.			
SIGNED BY THE DEPARTMENT:			
Name:	Signature:		
	Date:		
Witness Name:	Signature:		
	Date:		