

# AOQ Fit and Proper Person Policy

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## SCOPE

This policy's application extends to:

- Directors
- People employed by AOQ
- Members of all grades, including company members and their nominees
- Contractors and service providers

## PURPOSE

The Fit and Proper Person Policy is necessary to ensure the proper functioning of Australian Organisation for Quality Ltd (AOQ). Its application ensures that people within its scope of application:

- Are able to carry out any duties required of them;
- Are not encumbered by any restrictions that are externally imposed;
- Are not likely to bring the organisation into disrepute;
- Are not likely to behave in ways that are detrimental to the achievement of the organisation's Purpose, Vision and Mission.

## POLICY

Individuals who fall into the categories above must be able to satisfy the Board that they:

- Are of good character;
- Hold the required qualifications and have the competence, skills and experience required for the relevant office for which they're employed;
- Are able, by reason of their physical and mental health, after any required reasonable adjustments if required, capable of properly performing their work;
- Can supply relevant information as required this Policy, to demonstrate that they are a Fit and Proper Person;
- Not have been responsible for or privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on regulated activity (or providing a service elsewhere which if provided in Australia would be a regulated activity);
- Do not have a conflict of interest in relation to AOQ Ltd, by their role with another organisation that may have purposes which are to the detriment of AOQ Ltd.

A person is deemed "unfit" if

- The person is an undischarged bankrupt (Directors and Members exercising delegated authority);
- The person is a person to whom a moratorium period under a debt relief order applies (Directors and Members exercising delegated authority);
- The person is prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity;
- The person is, in the opinion of the Board, physically or mentally unable to fulfil their duties to AOQ.

A person will fail the good character test if they;

- Have been convicted in Australia or elsewhere of any offence which, if committed in any part of Australia would constitute an offence.
- Have been erased, removed, struck off a register of professionals maintained by a regulator or professional/membership organisation.
- Have a history of behaviours which are contentious, dishonest, socially destructive or offensive.
- Have in past actively worked to undermine work of AOQ or the organisations from which it was formed.
- Are included in any sex offenders register;

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## **Implementation of FPPR for directors and staff and on-going fitness**

### **1. Implementation**

All Members are required to confirm at their time of application for membership that they meet the Fit and Proper Person Policy.

At the time of their nomination for election or appointment to the Board, Members are obliged to complete a Fit and Proper Person Policy Declaration (Appendix 1). This shall be reviewed by the Board prior to release of voting papers.

Prior to appointment to any paid position, employees of AOQ are obliged to complete a Fit and Proper Person Policy Declaration (Appendix 1). This shall be reviewed by the Board prior to any offer of employment.

The Fit and Proper Person Policy Declaration will be retained on the individual's personal file.

The process for assurance includes a check of personal files to ensure there is a complete employment history and where there are any gaps or omissions the individual will be asked to provide a written explanation for this. Where AOQ has no record of relevant qualifications or professional registration the individual will be asked to produce the original or a certified copy for inspection and verification.

AOQ will address the application of this policy in the most appropriate, relevant and proportionate way on a case by case basis. Where a person is deemed to not fulfil this Fit and Proper Person Policy, they shall be refused access to the proposed role or position in writing by the President. No specific reason for refusal need be stated.

### **2. On-going fitness**

Regular appraisal of Directors, Staff and Contractors will provide an opportunity to discuss continued "fitness", competence and how the incumbent displays the values and behavioural standard expected.

The Executive Officer will be responsible for appraising the paid Staff, whilst the President, in consultation with other Directors as appropriate, will be responsible for appraising the elected and appointed Directors.

The Executive Officer will be appraised by the President after consultation with the Board.

The President will be appraised when necessary by the Board.

Individuals will be required to make AOQ aware as soon as practicable of any incident or circumstances which may mean they are no longer to be regarded as a fit and proper person, and provide details of the issue, so that this can be considered by AOQ using the Fit and Proper Person Policy Declaration (Appendix 1).

### **3. Concerns regarding an individual's continued Fit and Proper Person compliance**

Where matters are raised that cause concerns relating to an individual being fit and proper to carry out their role, the President will address this in the most appropriate, relevant and proportionate way on a case by case basis. Where it is necessary to investigate or take action AOQ current processes will apply.

AOQ reserves the right to suspend a Director or Employee or Member, or restrict them from duties on full pay/emoluments (as applicable) to allow AOQ to investigate the matters of concern. Suspension or restriction from duties will be for no longer than necessary to protect the interests of AOQ stakeholders and/or where there is a risk that the individual's presence would impede the

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gathering of evidence in the investigation. Should there be sufficient evidence to support the allegation(s), then AOQ may terminate the appointment of the individual with immediate effect, in line with AOQ's Disciplinary policy.

Where an individual no longer meets the fit and proper person requirement of another organisation, they must inform AOQ.

### **4. Process for New Appointments**

AOQ's comprehensive pre-employment checking processes include the following:

1. Proof of identity.
2. Disclosure check where relevant to the post.
3. Occupational Health Clearance as relevant to the role.
4. Evidence of the right to work in the Australia.
5. A check of employment history and two recent references. Specifically, this includes validating a minimum of three years continuous employment including details of any gaps in service. The number of references may differ for each applicant, depending on how many episodes of employment they may have had in the last three years prior to making their application.
6. Qualifications/registration applicable to role.
7. A web search of the individual.
8. This is in addition to any assessment conducted in the recruitment process.

While AOQ will have regard to information on when convictions, bankruptcies or similar matters are considered 'spent' there is no time limit for considering serious misconduct or responsibility for failure in a previous role.

In the event any physical or mental health concerns are identified (and subject to further information being obtained from the candidate, if necessary) their appointment will be subject to OHS clearance as part of the pre-appointment process.

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