Fit and Proper Person Declaration

Child Employment Licence Application

Wage Inspectorate Victoria (the Wage Inspectorate) must be satisfied that an applicant is fit and proper to employ children before issuing a licence.

The applicant is the natural person or legal entity seeking a licence, including a:

body corporate, such as a company

unincorporated association

sole trader

trustee.

In determining whether an applicant is fit and proper, the Wage Inspectorate considers the factors set out in section 16 of the *Child Employment Act 2003*, including the applicant’s history of compliance with child employment and other workplace laws.

The Wage Inspectorate may also consider whether the applicant:

will act with integrity and honesty

understands child employment regulations and restrictions

can comply with the relevant statutory scheme, which includes Child Safe Standards.

This declaration collects the information the Wage Inspectorate needs to assess an applicant’s status as fit and proper.

## Who must complete this declaration?

A representative of the child employment licence applicant must complete this declaration.

**If the applicant is a body corporate**, such as a **company**, a representative must be an ‘officer’ of the body corporate as defined in section 9 of the *Corporations Act 2001* (Cth).

**If the applicant is any other type of body corporate** (including incorporated partnership), a representative must be an individual who takes part in the management of the body corporate.

**If the applicant is an unincorporated association or partnership**, a representative must be a member of the unincorporated association.

**If the applicant is an incorporated association**, a representative must be the appointed secretary of the board of the incorporated association as registered with Consumer Affairs Victoria.

**If the applicant is a sole trader**, a representative must be a natural person or trustee, the full name of that sole trader, natural person or trustee.

If you are unsure about the applicant’s legal status, consider seeking advice from your lawyer or accountant before completing this form.

## Who must be included as an associate in this declaration?

The conduct and history of associates may impact whether a person is deemed fit and proper to employ children under 15.

All associates must be included in this form, including:

**If the applicant is a body corporate**, such as a company, this includes all ‘officers’ as defined in section 9 of the *Corporations Act 2001* (Cth).

**If the applicant is any other type of body corporate**, this includes all individuals who take part in the management of the body corporate.

**If the applicant is in a partnership** (incorporated or unincorporated), this includes all partners.

**If the applicant is a trustee**, this includes any other trustees.

**If the applicant is an unincorporated association**, this includes all members of the unincorporated association.

The Wage Inspectorate:

relies on the applicant, either personally or through its representatives, to nominate and make all reasonable enquiries of relevant associates.

may conduct verification and audits of the information provided as part of this declaration.

may conduct criminal history checks to confirm the conduct and history of the applicant or the associates.

## Supporting documents

Any supporting information provided must be current, accurate and relevant to informing the Wage Inspectorate’s assessment.

You may also be required to submit additional information to enable Wage Inspectorate to make its final determination.

# Application and applicant details

Details of the person/persons subject to the fit and proper person determination

The applicant is a: Choose an item.

Company/business name: Click or tap here to enter text.

Details of the representative of the applicant or the natural person (in the case of a sole trader): Click or tap here to enter text.

Given names: Click or tap here to enter text.

Family name: Click or tap here to enter text.

Previous names (Provide up to two most recent names you have been known by, if applicable): Click or tap here to enter text.

Date of birth: Click or tap to enter a date.

Residential address: Click or tap here to enter text.

Previous residential address: Click or tap here to enter text.

Role title: Click or tap here to enter text.

# Associates

There is space to record the details of 3 associates, but please add as many associates as required.

## Associate 1

Given names: Click or tap here to enter text.

Family name: Click or tap here to enter text.

Previous names (Provide up to two most recent names you have been known by, if applicable): Click or tap here to enter text.

Date of birth: Click or tap to enter a date.

Residential address: Click or tap here to enter text.

Previous residential address: Click or tap here to enter text.

Role title: Click or tap here to enter text.

## Associate 2

Given names: Click or tap here to enter text.

Family name: Click or tap here to enter text.

Previous names (Provide up to two most recent names you have been known by, if applicable): Click or tap here to enter text.

Date of birth: Click or tap to enter a date.

Residential address: Click or tap here to enter text.

Previous residential address: Click or tap here to enter text.

Role title: Click or tap here to enter text.

## Associate 3

Given names: Click or tap here to enter text.

Family name: Click or tap here to enter text.

Previous names (Provide up to two most recent names you have been known by, if applicable): Click or tap here to enter text.

Date of birth: Click or tap to enter a date.

Residential address: Click or tap here to enter text.

Previous residential address: Click or tap here to enter text.

Role title: Click or tap here to enter text.

# Child employment compliance

**Have you (or an associate) been found in breach of or guilty of a child employment related offence in any Australian state or territory?**

This may include being issued with a warning, compliance notice, court orders, infringements, enforceable undertakings and/or prosecutions.

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate, for example, the nature and circumstances of the breach or offence, any requirement or action you were required to undertake and any penalty imposed: Click or tap here to enter text.

**Are you (or an associate) under investigation for an alleged child employment related breach or offence?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate, for example, the nature and circumstances of the alleged breach of or an alleged offence: Click or tap here to enter text.

**Do you (or an associate) currently have any child employment matters before a Court or Tribunal in any Australian state or territory?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate: Click or tap here to enter text..

# Workplace law compliance

For the purposes of this declaration, workplace law includes any:

law of Victoria, the Commonwealth, another state or territory of Australia that imposes an obligation on a person in relation to employees or contractors, as follows:

* + *Occupational Health and Safety Act 2004*
	+ *Workplace Injury Rehabilitation and Compensation Act 2013*
	+ *Equal Opportunity Act 2010*
	+ *Long Service Leave Act 1992 (& 2018)*
	+ *Child Employment Act 2003*
	+ *Owner Drivers and Forestry Contractors Act 2005*
	+ *Outworkers (Improved Protection) Act 2003*
	+ *Public Holidays Act 1993*
	+ *Construction Industry Long Service Leave Act 1997*
	+ *Payroll Tax Act 2007*
	+ *Fair Work Act 2009 (Cth)*
	+ *Independent Contractors Act 2006 (Cth)*
	+ *Safety, Rehabilitation and Compensation Act 1988 (Cth)*
	+ *Superannuation Guarantee (Administration) Act 1992 (Cth)*

law of Victoria, the Commonwealth, another state or territory of Australia imposing an obligation in relation to transport of workers.

regulations and instruments made under such an Act or provision.

**Have you (or an associate) been found in breach of or found guilty of an offence under workplace laws?**

This may include being issued with a warning, compliance notice, court order, infringement, enforceable undertaking and/or prosecution.

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate, for example, the nature and circumstances of the breach or offence, any action or requirement you were required to undertake and any penalty imposed: Click or tap here to enter text.

**Are you (or an associate) currently under investigation for an alleged breach or alleged offence under any workplace laws?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate, for example, the nature and circumstances of the alleged breach or alleged offence: Click or tap here to enter text.

**Do you (or an associate) currently have any matters relevant to workplace laws, before any Court or Tribunal in any Australian state or territory?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate: Click or tap here to enter text.

# Other relevant conduct

**Have you (or an associate) ever been found not to be a fit and proper person under any legislation or regulatory scheme in any Australian state, or territory?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate, for example, when the finding was made, the basis for the finding, the implications, obligations or requirements of the finding: Click or tap here to enter text.

**Is there any matter or conduct relevant to your (or an associate’s) professional history, professional reputation or professional character that would be relevant as a consideration during a fit and proper person assessment?**

This matter or conduct would be considered relevant if it relates to your ability to exercise any rights and responsibilities in accordance with Victoria’s child employment laws.

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate,, for example, the circumstances that led to the situation and when those circumstances arose: Click or tap here to enter text.

# Criminal charges and findings of guilt

**Have you (or an associate) ever been charged, found guilty or convicted of or committed:**

**a crime against or in the presence of children**

**child exploitation**

**child pornography**

**other crimes involving physical violence**

**sexual offending against another person punishable by imprisonment for two years or more under the laws of any Australian state or territory?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate : Click or tap here to enter text.

**Have you (or an associate) ever been charged, found guilty or convicted of a criminal offence involving dishonesty?**

Yes: [ ]  No: [ ]

If you answered ‘yes’, please provide any relevant information you believe should be considered by the Wage Inspectorate: Click or tap here to enter text.

# Declaration

Before you sign the declaration, ensure you:

have answered every question

have attached any supporting documents

hold or have been given the necessary authorisation to sign this declaration.

I declare, to the best of my knowledge, that the information provided in this form and any attachments is true and correct and that:

1. each person named in this application is a fit and proper person within the meaning of the Child Employment Act 2003 (Vic) and the common law
2. each person named in this application will comply with child employment laws and workplace laws

I understand that giving information known to be false or misleading in this declaration is an offence under the Child Employment Act 2003 (Vic) and carries a financial penalty on such a charge being proven in court.

Full name: Click or tap here to enter text.

Position (if related to body corporate or other entity): Click or tap here to enter text.

Signature: 

Date: Click or tap to enter a date.

Declared at: Click or tap here to enter text.

## SUBMIT YOUR DECLARATION

Upload the completed declaration to your child employment licence application in the online portal.