# About this form

The *Environment Protection Act 2017* (the Act) requires that persons have been assessed as being fit and proper to conduct certain activities regulated by the Environment Protection Authority Victoria (EPA, the Authority).

This fit and proper person (F&PP) questionnaire sets out the principal factors that will be considered by EPA in assessing a person’s status as a ‘fit and proper person’. This form should be read in conjunction with the *Fit and proper person policy* (publication 1938).

Section 66 of the Act defines what EPA must consider when determining whether a person is a fit and proper person, including their:

environmental compliance

financial capacity to comply

prescribed criteria

status as a prohibited person (PP).

Note: EPA will consider an applicant’s status as a PP when it makes its determination of a F&PP assessment. This form must also be accompanied by a completedPP questionnaire*.*

# Who must complete this form

You are required to complete an individual copy of this form if you are **the person or persons directly responsible for the ownership, administration or management of the activity**. For example, this may include:

you – as a natural person

a body corporate

executive officers, directors and secretaries – as a company or other body corporate

partners or trustees – as a partnership or trustee

the directors and company secretaries of the partner or trustee – as a partner or trustee of a body corporate

equivalent responsible company employee or employees directly responsible for the overall activity management or premises – as appropriate.

In instances where multiple persons are responsible for the activity, they may be nominated in this form as an associate and each person will then be assessed. An individual’s fit and proper person determination may be impacted by the conduct and history of their associates. EPA relies on the applicant to nominate and make all reasonable enquiries of relevant associates. However, we may conduct verification audits of the checks you have undertaken.

It is important any person completing the questionnaire has the authority to submit on behalf of the company.

# Documents you must include with this form

Each section of the questionnaire provides an outline of what you must provide. Any supporting information must be current, accurate and directly relevant to informing EPA’s assessment. You may also be required to submit additional justification, documents or evidence to enable EPA to make its final determination.

# More information

For more information about fit and proper persons, please refer to EPA’s website (<https://www.epa.vic.gov.au/for-business/fit-and-proper-person-and-the-new-laws>) or contact EPA by email contact@epa.vic.gov.au or telephone **1300 372 842 (1300 EPA VIC)**.

# Details of person, company or other body corporate subject to fit and proper person determination

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| 1. **APPLICANT DETAILS**

**Please provide your personal contact details.** |
| Family name | Click or tap here to enter text. |
| Given name/s | Click or tap here to enter text. |
| Previous name/**s***(Provide up to two most recent names you have been known by, if applicable)* | 1. Click or tap here to enter text. |
| 2. Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |
| Company/business name | Click or tap here to enter text. |
| ABN or ACN | ABN | Click or tap here to enter text. | ACN | Click or tap here to enter text. |
| Company/business address (registered) | Click or tap here to enter text. |
| State | Click or tap here to enter text. | Post code | Click here. |
| Company/business address (postal) | Click or tap here to enter text. |
| State | Click or tap here to enter text. | Post code | Click here. |
| Contact telephone | Click or tap here to enter text. |
| Contact mobile | Click or tap here to enter text. |
| Contact email | Click or tap here to enter text. |
| Application made as a | [ ]  Natural person [ ]  Company[ ]  Body corporate  |

# Details of associates for fit and proper person determination

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| 1. **ASSOCIATES\***

**Please nominate any other parties involved in the activity that are an associate to you, the applicant (for example other executive officer, director, secretary, partner, trustee, manager).**\*Note: This section does not need to be completed for accredited consigner applicants. |
| **ASSOCIATE 1** |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |
| **ASSOCIATE 2** |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |
| **ASSOCIATE 3** |
| Family name | Click or tap here to enter text. |
| Given name | Click or tap here to enter text. |
| Role title | Click or tap here to enter text. |

# Environmental compliance

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| Please respond ‘yes’ or ‘no’ to the following questions numbered 3 to 7 and attach relevant information, as requested. |
| 3. Have you (or an associate of yours) been found in breach of compliance with the *Environment Protection Act 2017*, *Environment Protection Act 1970*, the Regulations and environment protection legislation of the Commonwealth, another state or territory?**Important:** This includes any sanctions, orders, infringements, enforceable undertakings and/or prosecutions. |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** *What was the nature of the breach? When and where was the breach committed? What were the circumstances that led to the breach? When and how did the circumstances arise that led to the breach? What requirements or penalty was imposed due to the breach? What action did you undertake because of the breach?* |
| 4. Are you (or an associate of yours) currently under investigation for a breach of compliance with the *Environment Protection Act 2017*, *Environment Protection Act 1970*, the Regulations and environment protection legislation of the Commonwealth, another state or territory?**Important:** This includes any open, continuing and/or unresolved investigations for a breach of compliance. |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** *What is the nature of the breach? When and where was the breach committed? What are the circumstances that led to the breach? When and how did those circumstances arise that led to the breach?* |

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| 5. Do you (or an associate of yours) currently have any matters relevant to environment protection legislation or Regulations, before any Court or Tribunal of Victoria, the Commonwealth, another state, or territory?**Important:** This includes any open, continuing and/or unresolved matters. |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form. |
| 6. Have you (or an associate of yours) ever been found not to be a fit and proper person under any equivalent environment protection legislation of Victoria, the Commonwealth, another state, or territory? |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** *When and where was the finding made? What was the basis for the finding? What were the implications, obligations, or requirements of the finding?* |
| 7. Is there any matter or conduct relevant to your (or an associate of yours) professional history, professional reputation or professional character that would be relevant as a consideration during a fit and proper person assessment?**Important:** This matter or conduct would be considered relevant if it relates to your ability to exercise any rights and responsibilities in accordance with the Act’s purpose, objectives, and principles. |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** *What are the circumstances that led to the situation? When did those circumstances arise?* |

# Financial capacity

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| Please respond ‘yes’ or ‘no’ to the following questions and requests numbered 8 to 12. Attach relevant information, as requested. |
| 8. Have you previously been involved with the management of a company that has been insolvent, bankrupt, under administration or receivership? |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form. |
| 9. Are you currently involved with the management of a company that is insolvent, bankrupt, under administration or receivership? |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form. |
| 10. Are you currently involved with the management of a company that has an outstanding debt or payment to the Commonwealth or any state or territory? |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form. |
| 11. Provide a copy (or digital access to a copy) of a report detailing your company credit check or score from a relevant reporting agency.**Important:** Provide requested information to be considered by the Authority at the end of this form. Information that is commercially sensitive must be clearly identified or marked. |
| Check to confirm:**YES** [ ]  By checking ‘yes’, I confirm that the required information is attached for consideration by the Authority. |
| 12. Provide a forward projection of the estimated annual operating cost to perform the activity\*.**Important:** Provide requested information to be considered by the Authority at the end of this form. Information that is commercially sensitive must be clearly identified or marked.\*This question does not need to be completed by accredited consigner applicants. |
| Check to confirm:**YES** [ ]  By checking ‘yes’, I confirm that the required information is attached for consideration by the Authority.**NOT APPLICABLE**  [ ]  |

# Prescribed matters

At the time of publishing this form, there are no prescribed matters that must be taken into consideration as part of EPA’s fit and proper determination. This may be subject to change and EPA will request any details relevant to a prescribed matter when performing its F&PP assessment.

# Prohibited person

The following questions are directly informed by the completion of the *Prohibited person questionnaire.* A complete PP questionnaire must accompany this form.

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| Please respond ‘yes’ or ‘no’ to the following questions numbered 13 and 14 and attach relevant information, as requested. |
| 13. In completing the *Prohibited person questionnaire*, was a matter identified that may cause a person(s) to be considered prohibited, for the purposes of section 88 of the *Environment Protection Act 2017*? **Note:** Responding ‘yes’ to any question in the PP questionnaire indicates a relevant matter. |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** What criteria makes you a prohibited person under section 88 of the *Environment Protection Act 2017*? When were you considered a prohibited person? |
| 14. Are you seeking the Authority assess whether, as a prohibited person, it is not contrary to the public interest that you may be found to be a fit and proper person and hold a permission for this activity? |
| Select your answer:**YES** [ ] **NO** [ ] If you answered ‘yes’, please provide any relevant information you believe should be considered by the Authority as an attachment at the end of this form.**For example:** *Why it is not contrary to the public interest to determine, as a prohibited person, you can be found to be a fit and proper person for this activity?* |

# List all relevant information attached by you, the applicant, to be considered by the Authority

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| All documents/information must be attached, and each box checked. |
|  | Questions 1 & 2 | Supporting information not requested |
|[ ]  Question 3 | Attachment: <file/document name> |
|[ ]  Question 4 | Attachment: <file/document name> |
|[ ]  Question 5 | Attachment: <file/document name> |
|[ ]  Question 6 | Attachment: <file/document name> |
|[ ]  Question 7 | Attachment: <file/document name> |
|[ ]  Question 8 | Attachment: <file/document name> |
|[ ]  Question 9 | Attachment: <file/document name> |
|[ ]  Question 10 | Attachment: <file/document name> |
|[ ]  Question 11 | Attachment: <file/document name> |
|[ ]  Question 12 | Attachment: <file/document name> |
|[ ]  Question 13 | Attachment: <file/document name> |
|[ ]  Question 14 | Attachment: <file/document name> |

# Declaration

**Important:** Applicants should be aware that it is an offence under the Act to intentionally or negligently provide incorrect or misleading information to EPA, or to conceal information.

Before you sign the declaration, ensure that:

you have answered every question

you have attached any required supporting documentation

all the information you have given is true and correct to the best of your knowledge

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

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| I declare to the best of my knowledge that the information provided in this form and any attachments are true and correct. |
| Full Name |        |
| Company Position |       |
| Signature |       | Declared at:  |       |
|  | Date  |  / /  |

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| The personal information on this form and any correspondence, notice or other document issued after processing of this information will be stored and used by EPA for the purpose of administering the *Environment Protection Act 2017* and the [Environment Protection Regulations 2021](https://www.epa.vic.gov.au/about-epa/laws/new-laws/subordinate-legislation) You may access this information by contacting the EPA Privacy Information Officer. This information may be disclosed to another Government organisation, tribunal or court, where required for administering or enforcing the above Act and Regulations or any other relevant laws.You have the right to access this information by contacting the Environment Protection Authority at 200 Victoria Street, Carlton VIC 3053, or by email **contact@epa.vic.gov.au**, or telephone **1300 372 842 (1300 EPA VIC)**. |