



Policy Statement

Diocese of Ballarat Catholic Education Limited (DOBCEL) are committed to ensuring that persons employed in positions involving key decision making within the organisation engage and support good governance practices including:

- act with reasonable care and diligence.
- acting honestly and fairly in DOBCEL's best interests and for its charitable purposes.
- not misusing their position or information they gain as a Responsible Person.
- disclosing conflicts of interest.
- ensuring that the financial affairs of the organisation are managed responsibly; and
- completion of a *Fit and Proper Persons Declaration* every three (3) years as required by the *Victorian Registration & Qualifications Authority* (VRQA)

Context

Australian Charities and Not-for-profits Commission (ACNC) Governance Standard 4 requires DOBCEL to take reasonable steps to ensure that the responsible persons who are directors of DOBCEL satisfy the following probity requirements:

- they must not be disqualified from managing a corporation, within the meaning of the *Corporations Act*; and
- they must not be disqualified by the ACNC at any time during the previous 12 months from being a responsible entity (meaning a member of a governing body) of a registered charity, within the meaning of the ACNC Act.

The Minimum Standards and Requirements for School Registration contained in the *Education and Training Reform Regulations 2017* (Vic.) (ETR Regulations) require that in a non-government school, all responsible persons must be a fit and proper person (clause 15(2) Schedule 4 of the ETR Regulations).

Under the ACNC, Governance Standard 4, DOBCEL must ensure that responsible persons that are directors of DOBCEL also satisfy probity requirements that apply under the *Corporations Act 2001* (Cth) (*Corporations Act*) and the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) (ACNC Act). The reference to 'responsible persons' is informally used in relation to members of a governing body of a charity for the purposes of charity registration, and the ACNC Act formally defines them as responsible entities. This policy ensures disclosure of those additional probity requirements that apply only to directors of DOBCEL.

Scope

This policy applies to all responsible persons in DOBCEL. In accordance with regulation 5 of the ETR Regulations, responsible persons for the purposes of this policy include:

- members of the DOBCEL Board
- Executive Director of DOBCEL
- members of the Executive Leadership Team (ELT)
- principal and deputy principal in each DOBCEL school
- business manager or person holding a similar position in each DOBCEL team.

Legislative Context (if applicable)

[Education and Training Reform Regulations 2017 \(Vic\)](#)

- *Schedule 4 – 15(3)(b) Minimum Standards for registration of schools*

[Australian Charities and Not for Profits Commission Act 2012 \(Cth\)](#)

[Corporations Act 2001 \(Cth\)](#)

Definitions

TERM	DEFINITION
Responsible Persons	In accordance with regulation 5 of the ETR Regulations, responsible persons for the purposes of this policy include: • each director of DOBCEL • the Executive Director of DOBCEL and any other person who is concerned in, or takes part in, the management of DOBCEL in accordance with the Delegations Instrument • each principal, deputy principal in each DOBCEL school and each other person who is concerned in, or takes part of the management of, a DOBCEL school in accordance with the Delegations Instrument • the Chief Financial Officer or a person holding a similar position in DOBCEL or any other person with responsibility for managing DOBCEL schools' finances in accordance with the Delegations Instrument • a business manager or person holding a similar position in each DOBCEL school and each other person with responsibility for managing the school finances in accordance with the Delegations Instrument • any other person who by the person's conduct assumes a position of authority over the governance or management of a DOBCEL school.
Fit and Proper Persons	The Minimum Standards and Requirements for School Registration impose a requirement on DOBCEL, as the governing body of schools within the Ballarat Diocese, to ensure that each responsible person in DOBCEL is a fit and proper person, which is defined as a person who: • can carry out their responsibilities in relation to the operation of the relevant school in compliance with the laws of Victoria, the

TERM	DEFINITION
	Commonwealth, another state or territory relating to the provision of school education. • has not been found guilty of an offence which is (or which would if committed in Victoria) be an indictable offence. • has not been: • in the case of an individual, insolvent under administration (for example, declared bankrupt), or • in the case of a body corporate, is not, or has not, been an externally administered body corporate. • is not a represented person, as defined in the <i>Guardianship and Administration Act 1986</i> (Vic.) • if the person is given an assessment notice under the <i>Working with Children Act 2005</i> (Vic.) in relation to the school, complies with: • all requirements under that Act on the person as a holder of an assessment notice. • all requirements under that Act where the assessment notice is revoked or suspended. • has not been the subject of, or associated with an adverse finding or other action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding relates to: - dishonest, misleading, or deceptive conduct, or - non-compliance with a legal obligation relating to the provision of education, or - a breach of duty (including a duty of disclosure). Note: an adverse finding or action may include a decision by a registering body to limit, suspend or cancel a registration or permit granted to a responsible person individually, or to a body or entity that the responsible person has been associated with governing.
Notifiable disclosure event	An event that occurs if a responsible person is a subject of: • an adverse finding or other action by a court, tribunal, professional discipline or regulatory body (in Victoria or elsewhere) where the adverse finding or the action relates to the responsible person's: - dishonest, misleading or deceptive conduct; or - non-compliance with a legal obligation relating to the provision of education; or - breach of duty; or • the commencement of legal or disciplinary proceedings in relation to the conduct of the responsible person that means the responsible person is not a fit and proper person within the meaning of clause 15(5) of Schedule 4 or clause 7(5) of Schedule 4A.

TERM	DEFINITION
	<u>Example</u> A notifiable disclosure event must be notified to the Authority if a responsible person is— • charged with an indictable offence; or • the subject of bankruptcy proceedings; or • the subject of proceedings to enforce compliance with an applicable professional or registration standard; or • the subject of proceedings for breach of a legal or fiduciary duty that applies to the responsible person.

Procedure

Declaration of Responsible Persons

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Determining Responsible Persons	Manager, Human Resources	Identify whether a prospective or existing staff member is classified as a responsible person via the position description.
B.	Any staff classified as a responsible person to complete the <i>VRQA Fit and Proper Person Statutory Declaration</i> at the time of appointment.	Manager, Human Resources	Human Resources will provide prospective and existing employees with a <i>VRQA Fit and Proper Person Statutory Declaration Form</i> where applicable. Once the form is completed and signed Human Resources to email an electronic copy to: governance@dobcel.catholic.edu.au
C.	All members of the DOBCEL Board are required to sign a <i>Corporate Probity Declaration</i> (Appendix 1)	Board Secretary	The Board Secretary will provide prospective Board members with a <i>Corporate Probity Declaration Form</i> when applicable. Once the form is completed and signed the Board Secretary to retain a copy.
D.	Submission and verification of declarations	Human Resources Board Secretary School Principal	All declarations made by responsible persons in relation to Step A, B & C, must be submitted to Human Resources, Board Secretary, or delegate of DOBCEL within 7 days of recruitment of a responsible person and verified by: • the Board Secretary in relation to all responsible persons other than DOBCEL or school employees. • the principal in relation to all responsible persons who are school-based employees

	ACTIVITY	RESPONSIBILITY	STEPS
E.	Corporate Probity Declaration Check	Board Secretary	Undertake a search of the ASIC Disqualified Persons Register and the ACNC Register of Disqualified Persons for each proposed director to verify their declaration.
F.	Declaration Review	Assurance & Risk	The expiry of Fit and Proper Person declarations will be reviewed annually. Staff members who are required to renew their Fit and Proper Persons Declaration will be contacted and provided with the relevant information and forms. <i>Fit and Proper Persons Declaration</i> (both initial and renewals) are to be emailed to: governance@dobcel.catholic.edu.au

Continual Disclosure

Each responsible person is required to provide notification of a '*notifiable disclosure event*' being defined as an event that occurs if the responsible person is the subject of:

- an adverse finding or other action by a court, tribunal, professional discipline, or regulatory body (in Victoria or elsewhere) where the adverse finding or the action relates to the responsible person's:
 - dishonest, misleading, or deceptive conduct; or
 - non-compliance with a legal obligation relating to the provision of education; or
 - breach of duty; or
- the commencement of legal or disciplinary proceedings in relation to the conduct of the responsible person which means the responsible person is not a fit and proper person within the meaning of clause 15(5) of Schedule 4 of the ETR Regulations.
- By way of an example, the definition of 'notifiable disclosure event' in the ETR Regulations provides that the VRQA must be notified if a responsible person is:
 - charged with an indictable offence; or
 - the subject of bankruptcy proceedings; or
 - the subject of proceedings to enforce compliance with an applicable professional or registration standard; or
 - the subject of proceedings for breach of a legal or fiduciary duty that applies to the responsible person.
- The notification of a 'notifiable disclosure event' by a responsible person must be made within 48 hours of the occurrence of a notifiable disclosure event to the following DOBCEL personnel:
 - in the case of the member of DOBCEL, the directors of DOBCEL, the DOBCEL Board committee members, or the Executive Director, to the Chair of the DOBCEL Board via dobcelboard@dobcel.org.au.
 - in the case of any non-school employee of DOBCEL or any principal of a DOBCEL school, to the Executive Director of DOBCEL (or relevant delegate) via governance@dobcel.catholic.edu.au
 - in the case of any school employee of DOBCEL, to the principal of the DOBCEL school who shall in

turn immediately notify the Executive Director (or relevant delegate).

- The Executive Director will ensure that there are processes in place to notify in writing the VRQA via *the Catholic Education Commission of Victoria Ltd (CECV)* within 30 days of the occurrence of a notifiable disclosure event with respect to a Responsible Person. Refer to [Notifiable Disclosure Event](#).
- In addition to the above requirements, each responsible person who is a director of DOBCEL must notify the Chair of the Board and Company Secretary within 48 hours if they become disqualified from managing a corporation, within the meaning of the Corporations Act or they become disqualified by the *Australian Charities and Not-for-profits Commissioner* from being on the governing body of any charity.

Responsible Persons Register

The *Responsible Persons Register* is a central electronic repository of responsible persons at DOBCEL and DOBCEL Schools.

The *Responsible Persons Register* stores information and documents pertaining to:

- Responsible Persons
- Fit and Proper Persons
- Corporate Probity Declaration
- Conflicts of Interest Disclosure Statement
- Completion of the Induction Process Confirmation

	ACTIVITY	RESPONSIBILITY	STEPS
A	The <i>Responsible Persons Register</i> will be developed and maintained by Assurance & Risk with the information provided by the Board Secretary and school principals.	Assurance & Risk Board Secretary School Principal	<u>Board Secretary</u> With respect to responsible persons that are the DOBCEL directors, the Executive Director, and other non-school employees of DOBCEL. <u>School Principal</u> With respect to responsible persons that are employees in that DOBCEL school. <u>Assurance & Risk</u> Maintaining a current Register with the information provided by the Board Secretary and principals.
B	Assurance & Risk will collate all current information received and ensure that it is entered into the <i>Responsible Persons Register</i> .	Human Resources Board Secretary School Principal	Human Resources will forward <i>VRQA Fit and Proper Person Statutory Declaration Form</i> and <i>Corporate Probity Declaration Form</i> to: governance@dobcel.catholic.edu.au

	ACTIVITY	RESPONSIBILITY	STEPS
C	Updating <i>Responsible Persons Register</i> .	Board Secretary School Principal	Assurance & Risk will review the Register annually to determine the currency of all declarations. Those declarations requiring renewal will be followed up with the respective staff or Board member.
D	Responsible Person Checklist	Board Secretary School Principal	Confirmation that: - the probity declarations required by this policy have been received by the Company Secretary. - the annual <i>Conflicts of Interest Disclosure Form</i> under the <i>Conflict of Interest Policy</i> for all responsible persons has been received. - any professional learning to be delivered to responsible persons be recorded. - if the responsible person has been appointed that year, the induction of the <i>Responsible Persons Register</i> has been completed (not applicable if the responsible person has not been appointed in that year).
E	Minimum information is to be recorded on the <i>Responsible Persons Register</i> .		Data to be recorded on the register include: - the person's name. - the date of becoming a responsible person - role and qualifications summary. <i>Receipt of induction documents will differ depending on the role of the responsible person.</i>
F	Completion of the Induction Process	Human Resources Education Consultants Company Secretary	Human Resources (for DOBCEL staff) and Education Consultants (for school staff) to notify the Company Secretary when the Responsible Person has completed induction via email: governance@dobcel.catholic.edu.au
G	Record Keeping	Company Secretary School Principal	Ensure each entry in the Responsible Persons Register is retained for seven years following the date of the entry in the register before archiving or disposing of.

The Company Secretary or nominee may on reasonable notice to a principal of a DOBCEL school request a copy of the *Responsible Persons Register* maintained by the principal for responsible persons of that DOBCEL school.

Persons Who Do Not Satisfy Probity Requirements.

DOBCEL will take all necessary steps to ensure that:

- a person who does not satisfy the probity requirements outlined in this policy is not appointed to the relevant position of a responsible person.
- a responsible person that ceases to satisfy the probity requirements does not continue to hold that position.

Notifiable Disclosure Event

	ACTIVITY	RESPONSIBILITY	STEPS
A	Receiving notification of a 'notifiable disclosure event' by a responsible person	Company Secretary	• Change the Responsible Person's status on the Responsible Persons Register from 'Current' to 'Notifiable Disclosure Event'. • Record the details of the 'notifiable disclosure event' and attach or link any correspondence or supporting documents. Refer to Notifiable Disclosure Event
B	Notify the <i>Catholic Education Commission of Victoria</i> (CECV) Ltd of the 'Notifiable Disclosure Event'	Assurance & Risk	• Document the following details regarding the 'Notifiable Disclosure Event': - Responsible Person's name - Position/Role - The details of the 'Notifiable Disclosure Event' - Other supporting documentation - Instruction to notify VRQA via vrqa@education.vic.gov.au and to cc assurancerisk@dobcel.catholic.edu.au • Email secretary@cecv.catholic.edu.au and call to advise on 03 9267 0228 to ensure that the email has been acknowledged.

Responsible Persons Induction Process

	ACTIVITY	RESPONSIBILITY	STEPS
A	All responsible persons are to be introduced to their respective roles	Human Resources Reporting Director/Manager	Conduct an informed consultation and orientation to relevant policies and procedures, with access to documentation that: • enables the responsible person to be fully informed of their obligations and duties. • will ensure that the responsible person is made aware of the person's primary governance and other responsibilities in relation to the operation of the school in compliance with the Victorian and Commonwealth laws relating to the provision of school education.

Professional Learning for responsible persons

ACNC Governance Standard 5 requires registered charities to take reasonable steps to make sure that their responsible persons comply with the following duties:

- to act with reasonable care and diligence.
- to act honestly and fairly in the best interests of the charity and for its charitable purposes.
- not to misuse their position or information they gain as a Responsible Person.
- to disclose conflicts of interest.
- to ensure that the financial affairs of the charity are managed responsibly; and
- not to allow the charity to operate while it is insolvent.

According to the ACNC, this generally means that Responsible Persons should “act with standards of integrity and common sense” and that the purpose of this standard is to give the public confidence that a charity's Responsible Persons are managing the charity well.

To ensure compliance with these ongoing obligations to the ACNC, at the commencement of each year, DOBCEL will determine which areas of professional learning are relevant to the needs, skills, and experience of its responsible persons, especially in relation to compliance, risk management, finance, legal obligations, conflict of interest, related parties, and education.

Professional learning sessions will be delivered to responsible persons to ensure that their awareness in relation to their role and required duties as a responsible person is maintained. Specific training on relevant issues, for example, risk management, legal obligations and conflict of interest will be provided regularly.

DOBCEL will ensure there are processes in place to ensure that a register of each responsible person's professional learning is maintained and includes a record of the name of the responsible person, their role, date, nature, and type/topic of professional learning and will be updated annually.

Material Changes Staff Updates/Changes

	ACTIVITY	RESPONSIBILITY	STEPS
	DOBCEL must notify the VRQA in writing within 30 days of any changes to the following:		
A	Updating and notification of changes to School Principals.	Manager, Human Resources	- Principal formally accepts the offer which requires <i>Fit and Proper Declaration</i>. - Announcements made at the school level and then by the Executive Director via email updates. - DOBCEL <i>Appointment of New Principal Form</i> is filled in and submitted to the Catholic Education Commission of Victoria via: secretary@cecv.catholic.edu.au
B	Updating and notification of changes to school name or contact details and Board members.	Board Secretary	Collate all the relevant documentation and information and email them to CECV: secretary@cecv.catholic.edu.au CECV will then forward information to the VRQA
	DOBCEL must notify the ACNC within 28 days of any changes to the following:		
A	Updating and notification of changes to School Principals.	Manager, Human Resources Assurance & Risk	- Principal formally accepts the offer which requires <i>Fit and Proper Declaration</i>. - Announcements made at the school level and then by the Executive Director via email updates. - A copy of the completed DOBCEL <i>Appointment of New Principal Form</i> is filled in and submitted to Assurance & Risk via: governance@dobcel.catholic.edu.au
B	Updating and notification of changes to Board members.	Board Secretary Assurance & Risk	Collate all the relevant documentation and information and email them to Assurance & Risk: governance@dobcel.catholic.edu.au Assurance & Risk will undertake the notification of ACNC through the ACNC Charity Portal.

Supporting Documentation

The documents listed below are available in eSORT.

Internal

Conflict of Interest Policy and Procedure
Corporate Probity Declaration Form
Delegations Policy
Fit and Proper Persons Statutory Declaration (VRQA)
Record Keeping Policy and Procedure
Recruitment Policy and Procedure

Forms and Templates

Appointment of New Principal Form
VRQA Fit and Proper Person Statutory Declaration Form

Related Links

[ACNC Register of Disqualified Persons](#)
[ASIC Banned and Disqualified Register](#)

DOBCEL Principles of Governance

All DOBCEL policies are founded on and reflect the Principles of Governance stated in the Document:

[DOBCEL Principles of Governance](#)

Policy Category	Governance
Responsible Directorate member	Deputy Director: Stewardship
Policy Owner	Manager: Assurance and Risk
Assigned Board Committee	Assurance and Risk
Ratification Date	June 2023
Review Date	May 2026

Corporate Probity Declaration Form

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CATHOLIC
EDUCATION
LIMITED



At the time of appointment, each Director at the Diocese of Ballarat Catholic Education Limited (DOBCEL) must sign a *Corporate Probity Declaration Form*.

Information provided on this form will be used to undertake a search of the *ASIC Disqualified Persons Register* and the *ACNC Register of Disqualified Persons* for each proposed Director to verify their declaration.

I, _____

of _____

declare that:

- ☐ I am not disqualified from managing a corporation, within the meaning of the Corporations Act 2001 (Cth)
- ☐ I have not been disqualified by the Australian Charities and Not-for-profits Commissioner at any time during the previous year from being a responsible entity (a member of the governing body) of a registered charity.

While I am a director of the Diocese of Ballarat Catholic Education Limited (DOBCEL) I agree to notify the DOBCEL Board via dobcelboard@dobcel.org.au as soon as possible if I become disqualified from managing a corporation within the meaning of the Corporations Act 2001 (Cth) or if am disqualified by the Australian Charities and Not-for-profits Commissioner.

Declared at: _____

Date: _____

Name: _____

Position: _____

Signature: ✕ _____

As partners in
Catholic education
and open to God's presence,
we pursue fullness of life for all.