

GOVERNANCE

Fit and Proper Person Policy

1.0 Purpose and scope

1. This policy outlines how the Board of Exercise and Sports Science Australia Ltd (ESSA) will consider who is a fit and proper person for the purposes of holding membership and/or accreditation with ESSA. It is at the sole discretion of the Board to make a decision with respect to this Policy.
2. ESSA's Constitution, Membership By-Laws and Individual Regulation Policy require a person to be considered fit and proper to hold membership and/or accreditation with ESSA.

2.0 Definitions

Accreditation Council means the Accreditation Council of ESSA.

Accredited means a person who holds one or more of ESSA's accreditations.

Board means the Board of ESSA.

Fit and Proper Person means:

- (a) an exercise and sports science professional that has the skills, knowledge and character to practise in their profession safely, and is able to capably perform the duties of their position;
- (b) a person of good character, honesty and integrity;
- (c) a person who has not had more than one integrity issue including, but not limited to, breach/es of the ESSA Code of Professional Conduct and Ethical Practice and/or been the subject of a criminal offence/s;
- (d) a person who has not been convicted of a Serious Offence; and
- (e) a person who has not been prohibited from practising their profession for a period of more than six (6) months by a statutory or regulatory authority.

Member means a person who is a member of ESSA.

Organisation means ESSA.

Statutory Body means a body set up by law which is authorised to enact legislation on behalf of the state or country.

Serious Offence means an offence, in an Australian jurisdiction or elsewhere, punishable by a sentence of five (5) years imprisonment or more, regardless of time served.

3.0 Key Principles & Requirements

1. ESSA may decide that a person is not suitable to be a member or accredited with ESSA if, in the opinion of the Board, the person is not a Fit and Proper Person.
2. The Policy will apply to an individual:
 - (a) who is applying for initial membership and/or accreditation with ESSA; and
 - (b) while they are financially a member and/or accredited with ESSA.
3. If the Board decides that a person is not a Fit and Proper Person, ESSA may cancel the membership and/or accreditation of the person with immediate effect.
4. In considering the suitability of a person who has been convicted of a serious offence, the Board may take into account:
 - (a) any steps taken towards rehabilitation;
 - (b) whether the person has demonstrated genuine remorse for the offence;
 - (c) whether successful completion of a parole period has occurred; and
 - (d) character references.
5. Conditions may be placed upon a person's membership and/or accreditation, at the Board's discretion.
6. The matters of membership and accreditation may be considered separately.
7. A person may appeal against a decision of the Board to refuse, suspend, cancel or impose conditions of membership, in accordance with the Appeal Process for Membership By-law.

4.0 Roles, responsibilities and accountabilities

1. In deciding a person's suitability for accreditation, the Board must consult with the Accreditation Council.
2. The Accreditation Council may make recommendations to the Board on a person's suitability for accreditation.

5.0 Monitoring, review and assurance

1. The Board is responsible for ensuring the relevance, veracity and consistency of content in this Policy.
2. This policy is subject to triennial review.

6.0 Metadata for document management

Owner	Board
Custodian	Governance & Nominations Committee
Responsible Officer	Company Secretary
Last Approval Date	27 October 2023
Next Review Date	27 October 2026
Audience / Users	Board, Members
Related policies/procedures	Constitution Membership By-law Appeal Process for Membership By-law Ethics and Discipline By-law
Notes	

7.0 Modification History

Date	Version	Details
December 2020	1	New policy
27 October 2023	2	Transfer to new template. Clarification added to definition of serious offence. Update of criteria to be considered in determining suitability. Consultation with AC updated to be mandatory for accreditation matters.