Fit and Proper Person (FPP) Test Requirement for Approved Arrangements (AA)

Introduction
The *Biosecurity Act 2015* (Cth) (Biosecurity Act) provides a regulatory framework for the management of biosecurity risks to support Australia’s biosecurity system. An Approved Arrangement (AA) with the Department of Agriculture and Water Resources (DAWR) grants a concession and responsibility on persons (or an entity such as the University) that allows for them to conduct certain activities that are prohibited for the general public. These activities may include importation of high risk goods or undertaking activities to manage their own biosecurity risk with oversight by DAWR. Therefore, it is important that such persons are considered fit and proper to conduct these activities. The fit and proper person test provides the Department with a level of confidence that the person (University) and their associates will operate within the scope of the approval and comply with the conditions and requirements of the Department. (adapted from DAWR “AA General Policies” v5.0 July 2016).

FPP Questions and Declaration
Section 530 of the *Biosecurity Act 2015*, requires that the DAWR considers the fit and proper person (FPP) status of an Approved Arrangement (AA) applicant prior to approval. When applying for an AA, the applicant (The University of Melbourne) is required to answer a set of FPP questions and carry out reasonable enquiries to declare whether it or any of its ‘relevant associates’ ie. persons performing biosecurity activities such as handling imported material or who are in a position to control or influence the operation of a biosecurity arrangement are ‘fit and proper persons’ to carry out biosecurity activities.

Biosecurity FPP questions cover:
- Relevant criminal history of the applicant and relevant associates – in relation to breaches of Commonwealth law under the Biosecurity Act or other specified legislation, particularly convictions relating to integrity and honesty;
- Any debts owed to the Commonwealth by the applicant or relevant associates, under the Biosecurity Act or other specified biosecurity related legislation; and
- Whether the applicant or relevant associates have had arrangements or approvals suspended or revoked under the Biosecurity Act or other specified legislation.


University of Melbourne (UoM) FPP Test Forms
In order to comply with the FPP requirement, the UoM uses **two forms** which have specific legally defined questions as part of a FPP test.

1. ‘Fit and Proper Person Test’ Checklist and Declaration for Associates of the Approved Arrangement Form (FPP for AA)
   All associates of the AA site (formerly QAP) as identified by the nominated AA Manager are required to fill out this form. Associates may include persons who are performing biosecurity activities (e.g. handling imported materials) or those who are in a position to control or influence the operation of a biosecurity arrangement (such as biosecurity containment facility).

2. ‘Fit and Proper Person Test’ Checklist and Declaration for Associates of the University of Melbourne (FPP for UoM)
   The University’s Biosafety and Biosecurity Officer (BBO) makes appropriate enquiries to satisfy the FPP test as it applies to the UoM. This includes undertaking University-level FPP checks in relation
to its relevant associates, (namely Nominated AA Managers responsible for managing biosecurity risk at AA sites where biosecurity activities occur).

These forms are used to ensure that reasonable enquires have been made and allow for an informed declaration to be made on applications for AAs.

Process for submitting an AA Application
Note: The UoM via the BBO at the Office for Research Ethics and Integrity (OREI) (not the Approved Arrangement Manager) submits the Approved Arrangement application to DAWR.

1. The Approved Arrangement Manager (AAM) (or delegate) notifies the BBO at OREI of the need to apply for a new AA

2. AAM (or delegate) completes and saves (but does not submit) the AA application form.

The application form is available via the link: http://www.agriculture.gov.au/import/arrival/arrangements/applying

Details for some of the fields are listed below:
- Name of applicant – University of Melbourne
- Generic email address – biosecurity-imports@unimelb.edu.au
- Do you agree to your AA details being published on the department’s website – No
- Management (Declaratant) – This is the University of Melbourne. Please contact the BBO at OREI for details
- Management (AAM) – Manager nominated by the University who is responsible for the AA
- AA site contact – This can be the AAM or another person who is responsible for a particular AA site (formally QAP)

3. AAM (or delegate) identifies ‘associates’ relevant to the operation of the AA including:
   - anyone undertaking handling/treating quarantine material or associated material including waste
   - any personnel in a position to control or influence operations, i.e. managers and compliance personnel
   - any engineering staff who are responsible for AA areas

4. AAM (or delegate) performs the required FPP checks on these relevant associates by requesting that associates complete the “FPP for AA” form

5. AAM (or delegate) reviews “FPP for AA” form and countersigns in relation to managing biosecurity risk

6. AAM (or delegate) notifies the BBO when reasonable enquiries of relevant associates of the AA have occurred and also provides the BBO with a completed “FPP for UoM” form

7. The BBO reviews the “FPP for UoM” form submitted by the AAM

8. BBO submits the application for an Approved Arrangement on behalf of the University once FPP test checking has been completed for associates of both the AA and the University (All internal checking must be completed to allow the FPP test declaration to be made on the application form by an authorised person*)

9. AAM (or delegate) and BBO maintain secure records of the FPP checking that has occurred at both the AA site and University level respectively. Access to these records is by authorised UoM and DAWR personnel only and may be requested during an audit.

*Currently the Pro Vice-Chancellor (Research Capability) is the authorised person to make the FPP test declaration required for AA applications to the DAWR on behalf of the University.