

Statutory Declaration under the New South Wales *Oaths Act 1900* for registered training organisations (including CRICOS)

Statutory declaration on behalf of the Provider seeking registration to deliver vocational education and training under the *Vocational Education and Training Act 2005* (and the *Australian Quality Training Framework Standards for Registered Training Organisations* adopted under that Act) and/or approval to provide courses to overseas students in NSW under that Act and the *Education Services for Overseas Students Act 2000*.

Please complete all five pages.

I,,

(insert full name of Chief Executive)

of

(insert address) in the State of New South Wales, solemnly and sincerely declare that:

1. In respect of
.....
(insert full proper name of the legal entity seeking registration and/or approval) ('the Provider')
which trades as
.....
(insert trading name(s), if applicable, and attach a copy of any relevant Certificate of Registration of Business Name), I am either the Provider and make this statutory declaration on my own behalf
(when the Provider is a natural person and the person making the declaration is that person) or I am authorised to make this statutory declaration on behalf of the Provider *(in any other case)*.
 2. The Provider is seeking registration from the NSW Vocational Education and Training Accreditation Board ('VETAB') under the *Vocational Education and Training Act 2005* ('the NSW Act') to deliver vocational education and training under the *Australian Quality Training Framework Standards for Registered Training Organisations* ('the Standards') and/or approval to provide courses to overseas students within New South Wales, that approval forming the basis for registration by the Secretary ('the Secretary') of the Department of Education, Employment and Workplace Relations ('DEEWR') under the *Education Services for Overseas Students Act 2000* ('the Commonwealth Act').
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3. I understand that the Provider has to meet the requirements of the NSW Act, the Standards and/or the Commonwealth Act and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students ('the National Code'), and other relevant legislation, to be registered by VETAB to deliver vocational education and training under the Standards and/or approved as a provider of courses to overseas students in New South Wales.
 4. In relation to delivery to overseas students, I understand that the Secretary can register a Provider only if the Secretary receives from VETAB, as the designated authority for New South Wales,
 - i. a certificate that the Provider complies with the National Code, established under Part 4 of the Commonwealth Act, section 9(2)(c)
 - ii. advice in writing that the Provider has satisfied VETAB that the Provider is fit and proper to be registered section 9(2)(ca) of the Commonwealth Act.
 5. I understand that VETAB will rely on the completed Application for Registration ('the Application') and on evidence tendered by the Provider in support of the Application (including this Statutory Declaration), and on site visit(s) and audit(s) in making its decision to certify the Provider's compliance with the Standards and/or the National Code and that the Provider is fit and proper to be registered. I understand that VETAB, in relation to applications for approval to deliver to overseas students, will share the information collected on Provider compliance with DEEWR in accordance with the regulatory requirements of the Commonwealth Act.
 6. I have copies of the NSW Act, the Standards and/or the Commonwealth Act and the National Code (as applicable) and I have read, understood and agree to abide by all the provisions of these Acts, the Standards and the National Code. I have sought legal advice to clarify any aspects of the Acts, the Standards or the National Code that I did not previously understand.
 7. I declare that the Provider:
 - i. carries on business in Australia,
 - ii. has its central management and control in Australia, and
 - iii. if a company (or other body corporate) is incorporated in Australia.
 8. I declare that the Provider:
 - i. complies with the Standards and/or the National Code as currently in force and undertakes to comply with the Standards and/or National Code as amended from time to time
 - ii. is fit and proper to be registered.
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9. In relation to delivery of vocational education and training under the Standards, I declare that neither the Provider, nor any close associate of the Provider:

- (a) if not a natural person (such as a corporation), has had its registration under the NSW Act or similar legislation withdrawn or suspended, or
- (b) if a natural person:
 - (i) has had his or her registration under the NSW Act or similar legislation withdrawn or suspended, or
 - (ii) was responsible, because of his or her acts or omissions, for another person (whether a natural person or not) having that other person's registration under the NSW Act or similar legislation withdrawn or suspended, or
- (c) is not of good repute, having regard to character, honesty and integrity (including but not limited to a person who has been convicted of an offence of dishonesty within the previous five (5) years), or
- (d) is not of sound and stable financial background (including but not limited to a natural person who has, within the previous five (5) years, become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or creditors or assigned his or her remuneration for the benefit of creditors), or
- (e) if not a natural person, it does not have a satisfactory ownership, trust or corporate structure.

In this paragraph:

close associate of the provider means a person who:

- (a) holds or will hold any **relevant financial interest**, or is or will be entitled to exercise any **relevant power** (whether in his or her own right or on behalf of any other person), in the business of the Provider, and by virtue of that interest or power is or will be able to exercise a significant influence over or with respect to the management or operation of that business, or
- (b) holds or will hold any **relevant position**, whether in his or her own right or on behalf of any other person, in the business of the Provider.

relevant financial interest means:

- (a) any share in the capital of the business, or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise.

relevant position means the position of director, manager, and other executive positions and secretary, however those positions are designated.

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision, or
- (b) to elect or appoint any person to any relevant position.

10. In relation to delivery to overseas students, I declare that neither the Provider, nor any associate of the Provider (*associate* as defined in section 6 of the Commonwealth Act), who is, has been or will be involved in the business of delivering programs to overseas students has:
- i. been convicted of an offence
 - ii. been convicted of an offence under the Commonwealth Act or the *Education Services for Overseas Students Act 1991* ('the ESOS Act 1991') at any time during the last five years
 - iii. ever had its CRICOS registration cancelled or suspended under the Commonwealth Act or the ESOS Act 1991
 - iv. ever been issued with an Immigration Minister's suspension certificate under the Commonwealth Act or the ESOS Act 1991
 - v. ever had conditions imposed on its registration under the Commonwealth Act or the ESOS Act 1991
 - vi. become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors
 - vii. ever been disqualified from managing corporations under Part 2D.6 of the Corporations Law
 - viii. ever been involved in the business of the provision of courses by another Provider who is covered by any of the above paragraphs at the time of any of the events that gave rise to the relevant prosecution or other action.

(If a declaration cannot be made in respect of either or both paragraphs 9 and 10, either or both those paragraphs may be ruled through and initialed and a separate statutory declaration provided

that fully discloses the particulars and circumstances of those matters which prevent any of the declarations in paragraphs 9 and 10 being made.)

11. Before making this declaration, I have examined the records of the Provider and any associate and have made all due and proper inquiries of the employees and agents of the Provider and any associate, so as to ensure that this Declaration is true and correct in every particular and does not omit any relevant information.
12. To establish a history for the Provider I declare as the Chief Executive that my five-year employment history before joining this Provider is as outlined below or as attached:

Dates		Position held	Legal name and location of previous employers	Trading name of previous employers
From	to			

13. Furthermore, as prescribed under the NSW Act, the Standards and/or the Commonwealth Act and the National Code, I agree to undertake on behalf of and with the authority of the Provider:
 - i. to notify VETAB (and DEEWR in relation to delivery to overseas students) in writing if the Provider or any associate of the Provider is convicted of an offence
 - ii. to notify VETAB (and DEEWR relation to delivery to overseas students) in writing if the proprietor of the Provider has been made bankrupt or the Provider has gone into liquidation
 - iii. to notify VETAB (and DEEWR relation to delivery to overseas students) in writing of changes in Provider ownership, name, address, management status or a change to the PEO of the Provider
 - iv. in relation to delivery to overseas student, to notify DEEWR and the Department of Immigration and Citizenship ('DIAC') of changes in information about accepted students
 - v. to market course provision in an ethical and responsible manner.

I make this solemn declaration, conscientiously believing the same to be true and by virtue of the *Oaths Act 1900*. I am aware that a false declaration is subject to punishment under the law of New South Wales.

Declared at)

this day of)

Before me:)

.....

Justice of the Peace/Solicitor

.....

(print name)