Statutory declaration as a fit and proper person and of conflicts of interests

This form covers the requirements for ‘fit and proper person’ and ‘conflicts of interest’ statutory declarations, which are required from governing members of a private training establishment (PTE) under the Education and Training Act 2020 (“the Act”).

There are three sections to this document:

**Section 1** Personal details

**Section 2** Fit and proper person to be a governing member

**Section 3** Declaring interests: material conflicts of interest and relevant interests in other organisations or services

**Instructions:**

* Complete this form electronically, then print out the form to be signed.
* A high-quality photocopy or scan of the original certified copy of passport or birth certificate (and name change if applicable) must be submitted with the form.
* Scan and email all pages of this form and attachments to: [qaadmin@nzqa.govt.nz](mailto:qaadmin@nzqa.govt.nz)
* Complete a separate form for each governing member.

**Who needs to submit a statutory declaration?**

All governing members of proposed or existing PTEs must submit a fit and proper person and conflicts of interest statutory declaration and update these should circumstances change.

**A governing member is:**

(a) any director:

(b) any member occupying a position equivalent to that of a director:

(c) if the establishment is a trust, any trustee:

(d) if the establishment is a partnership, any partner:

(e) any senior manager:

(f) any shareholder with a controlling interest in the establishment

*Please note that a senior manager, in relation to a PTE, means —*

*a) the chief executive officer or person occupying an equivalent position; or*

*b) any member of staff in charge of academic issues, marketing, administration, finance, student fee trust funds, or student services.*

**Purpose of statutory declaration**

This statutory declaration is to:

* provide information for NZQA to decide whether a proposed governing member of a PTE is a fit and proper person for this role
* show any material conflicts of interest and any interest that the person has in organisations in the education or immigration sector that provide goods or services to tertiary students
* describe how potential conflicts of interest will be managed.

# Personal details

## Reason for making this statutory declaration

Please select the appropriate statement:

My organisation is currently applying for NZQA PTE registration. I am a governing member.

My PTE is already registered by NZQA. I propose to be a new governing member.

My PTE is already registered by NZQA. I am an existing governing member updating my previous declarations.

## Name of governing member and role in the PTE

|  |  |
| --- | --- |
| First name | Click here to enter text. |
| Middle names (if any) | Click here to enter text. |
| Last name | Click here to enter text. |
| PTE name  proposed name  or  registered name | Click here to enter text. |
| Trading name(s) (if different than above):  Click here to enter text. |
| **PTE MoE number** (for registered PTEs) | Click here to enter text |
| Position in the PTE  current position  or  proposed position | Click here to enter text. |
| For a proposed position, attach a position description to this declaration.  Supply the name of the position description file, if electronic:  Click here to enter text. |

## Contact information

All details below are for the person completing the form, not the PTE.

|  |  |
| --- | --- |
| Your personal physical address (place of abode) | Click here to enter text. |
| Your personal Postal address (if different from the above) | Click here to enter text. |
| Email address | Click here to enter text. |
| Work phone number | Click here to enter text. |
| Mobile phone number | Click here to enter text. |
| Preferred contact method | Choose an item. |

# Fit and proper person to be a governing member

Please answer all questions. If there are no comments or supporting documents in a box, please write ‘N/A’. If any question is left unanswered, NZQA will consider that the form is not completed.

Please attach any supporting documents and list the relevant information and documents in the boxes in the relevant section (e.g., *Curriculum vitae – A.L. Smith*, *Reference for industry experience*, *Insolvency ruling 2001*).

## New or updated declaration

I am submitting a fit and proper person declaration for the first time.

I am updating my fit and proper person declaration after a previous declaration, as follows:

|  |
| --- |
| Tick the area(s) you are updating:  Other names  Citizenship/residency  Experience in providing education services  Governing member of a closed or sold PTE  Applicable convictions  Pending court proceedings for applicable offences  Bankruptcy  Prohibitions from management of or involvement in a PTE |

## Previous names

Please list any other name(s) you are known by:

|  |
| --- |
| Click here to enter text |

## Citizenship/residency

Please indicate your status:

|  |  |
| --- | --- |
| The country you normally reside in | New Zealand  Other: Click here to enter text. |
| The country/countries you have citizenship in | New Zealand  Other: Click here to enter text.  Not applicable |
| The country/countries you have residency in | New Zealand  Other: Click here to enter text.  Not applicable |
| Status other than citizenship or residency | Click here to enter text. |
| Evidence of identity | An original certified copy of passport or birth certificate (and name change if applicable) must be submitted with application |

## Experience in education

Describe your experience, including all education organisations you have been involved with, over the last ten years that qualifies you to be a governing member of the PTE:

Click here to enter text.

For staff positions, please provide the position description for each relevant previous position:

Click here to enter text

Explain how you can contribute to education services:

Click here to enter text.

List any supporting documents provided:

Click here to enter text.

## Have you been a governing member of an education provider in New Zealand or elsewhere that has been closed for any reason?

Yes  No

|  |
| --- |
| If yes, please provide the name of the education provider(s): Click here to enter text.  Please provide the reason it was closed:  Click here to enter text.  List any supporting documents provided:  Click here to enter text. |

## Have you been responsible for the delivery of training where approval, accreditation or consent to assess was involuntarily removed by NZQA?

Yes  No

|  |
| --- |
| If yes, please provide the name of the education provider(s): Click here to enter text.  Please provide details:  Click here to enter text. |

## Have you ever been convicted of any offence?

* involving fraud, violence or dishonesty
* under the [Education and Training Act 2020](http://www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html?src=qs)
* under the Immigration Act 2009?

Yes  No

|  |
| --- |
| If yes, please provide details and dates of any such convictions.  Click here to enter text.  List any supporting documents provided:  Click here to enter text. |

## Are you currently a defendant in proceedings for any of the types of offences listed in question 2.7?

Yes  No

|  |
| --- |
| If yes, please provide details and dates for these proceedings.  Click here to enter text.  List any supporting documents provided:  Click here to enter text. |

## Have you ever been adjudicated bankrupt under the [Insolvency Act 2006](http://www.legislation.govt.nz/act/public/2006/0055/latest/DLM385299.html?src=qs) or the [Insolvency Act 1967](http://www.legislation.govt.nz/act/public/1967/0054/latest/DLM382334.html?search=ad_act__Insolvency+Act+1967____25_ac%40bn%40rn%40dn%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem%40rpub%40rimp_ac%40ainf%40anif%40aaif%40aase%40arep%40bcur%40rinf%40rnif_h_aw_se&p=1)?

|  |
| --- |
| If yes, please provide details and dates for these proceedings.  Click here to enter text.  List any supporting documents provided:  Click here to enter text. |

Yes  No

## Are you prohibited from being a director or promoter of, or from being concerned or taking part in the management of, a company under any of sections [382](http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM323249.html), [383](http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM323252.html), [385](http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM323259.html), and [386A](http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM323263.html) of the Companies Act 1993?

Yes No

|  |
| --- |
| If yes, please describe the circumstances and details of any prohibition.  Click here to enter text.  List any supporting documents provided:  Click here to enter text. |

# Declaring interests: material conflicts of interest and relevant interests in other organisations or services

Governing members must disclose any known material conflicts of interest and keep their disclosure up to date with NZQA. An interests’ declaration is required for each new governing member of a PTE.

A *material conflict of interest* occurs when a governing member, or a close relative:

* has an interest in a transaction that is not aligned with the PTE’s interest
* is involved in a transaction that might disadvantage the PTE or benefit the governing member or their close relative.

Any *interests in other organisations or services* in the education or immigration sector must be disclosed, as this can create a conflict of interest between the governing member/PTE and the interests of students.

This includes any involvement the governing member (or a close relative of the governing member) has with education or immigration organisations (e.g., other PTEs or education providers, an immigration consultancy that offers services to prospective students of the PTE).

**Complete if updating declaration only:**

I am updating my interest’s declaration after a previous declaration.

|  |
| --- |
| Tick the area(s) you are updating:  Material conflicts of interest  Interests in other organisations  Note: you do not need to repeat information you have previously declared that has not changed. |

## Material conflicts of interest

I hereby declare that I have no actual or potential material conflicts of interest that will arise from my role as a governing member of the PTE.

OR

I have one or more actual or potential material conflicts of interest as follows:

|  |
| --- |
|  |

Please attach relevant information. This must include details of the arrangements that are in place to manage material conflicts of interest. List any supporting documents provided:

Click here to enter text.

## Interests in other organisations

I hereby declare that I have no interests in organisations in the education or immigration sector that provide goods or services to tertiary students.

OR

I have one or more interests in one or more organisations in the education or immigration sector that provides goods or services to tertiary students as follows:

|  |
| --- |
|  |

Please attach relevant information. This must include details of any arrangements that are in place to manage these interests. List any supporting documents provided:

Click here to enter text.

**Updating declaration**

I understand that my declaration must be updated whenever there is a change that alters my answers, and I agree to ensure that NZQA receives updates in a timely manner.

**Statutory declaration witness**

The declaration can be made in front of anyone authorised to take a statutory declaration (see [section 9](http://www.legislation.govt.nz/act/public/1957/0088/latest/DLM314584.html) of the Oaths and Declarations Act 1957).

These include:

* barristers and solicitors of the High Court of New Zealand
* Justices of the Peace
* notary publics
* Registrars and Deputy Registrars of the Supreme Court, Court of Appeal, High Court, and District Courts.

All signatories should note that it is an offence under [section 111](http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM328799.html) of the Crimes Act 1961 to make a false declaration where that declaration would amount to perjury if made on oath in a judicial proceeding.

**NZQA checks**

By signing this declaration, you are authorising NZQA to verify any information provided in this declaration with third parties including but not limited to, for example, Immigration New Zealand, Employment New Zealand (the Labour Inspectorate), NZ Police, NZ Customs, and Inland Revenue.

NZQA may request this information directly, or through another party or agency.

Where the declaration is part of an application for PTE registration or Change or Ownership, if it is found that any information provided in it is intentionally false or misleading, NZQA will stop the evaluation of the application for PTE registration or Change or Ownership and investigate the inconsistencies.

Recording intentionally false or misleading information in this form or supporting documents may cause NZQA to decline an application for PTE registration or Change or Ownership.

**Statutory declaration**

|  |
| --- |
| **Governing member named in section 1.2 of this form** |
| I, (full name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Of (place of abode)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Occupation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  solemnly and sincerely declare that the personal details contained in clause 1, the fit and proper person to be a governing member information contained in clause 2, as well as the conflicts of interest information contained in clause 3, are true and correct.  And I am making this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.  Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Declared at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |
| --- |
| **Person authorised to witness declaration** |
| Full name:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  State authority by which declaration is witnessed (e.g., Justice of the Peace, solicitor of the High Court):  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date  \_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

*📎* Please attach below, a quality photocopy or scan of the original certified copy of passport or birth certificate (and name change if applicable)