

Education Service Providers (Full Fee Overseas Students) Registration Act 1991

STATUTORY DECLARATION OF APPLICANT SEEKING REGISTRATION TO PROVIDE COURSE(S) TO OVERSEAS STUDENTS

This document can also be downloaded from www.des.wa.gov.au/pages/international_registration.php

I.....(*insert full name*)
of(*insert address*).....
in the State of (*insert State*)..... solemnly and sincerely declare that
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1. I am a director of or a person concerned in the management or conduct of....(*insert full legal name of Provider*) trading as ...(*insert trading name(s) if applicable*) ("the Provider") and a person who is to be in bona fide control of the business operated by the Provider.
2. The Provider has applied to the Chief Executive Officer of the Department of Education Services ("the CEO") to be registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* ("the WA Act") to provide courses to overseas students in Western Australia.
3. The Provider is also seeking registration, by the Secretary of the Commonwealth Department of Education, Training and Youth Affairs ("the Secretary"), under the *Commonwealth Education Services for Overseas Students Act 2000* ("the Commonwealth Act") to provide courses to overseas students in Western Australia.
4. I understand that —
 - (a) the CEO can only register a person who applies for registration under the WA Act, if that person, or in the case of a firm or a body corporate, all of the directors and all of the persons concerned in the management or conduct of the firm or body corporate are persons of good character and repute and are persons fit to be concerned as directors of or in the management or control of an education service provider;

- (b) the Secretary can only register a provider under the Commonwealth Act if the Secretary receives, from the CEO:
 - (i) a certificate that the Provider complies with the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students established under Part 4 of the Commonwealth Act as amended from time to time ("the National Code"); and
 - (ii) advice in writing that the Provider has satisfied the CEO that the Provider is fit and proper to be registered, and
- (c) the CEO will rely on this Statutory Declaration in deciding whether:
 - (i) the Provider or all of the directors of the Provider or all of the persons concerned in the management or conduct of the Provider are persons of good character and repute and are persons fit to be concerned as directors of, or in the management or control of an education service provider; and
 - (ii) to certify to the Secretary that the Provider complies with the national code or advise the Secretary that the provider is fit and proper to be registered.

- 5. I understand the provisions of the WA Act and the Commonwealth Act and have sought legal advice to clarify any aspects of the WA Act or the Commonwealth Act that I did not previously understand.
- 6. Neither the Provider, nor any associate of the Provider, has ever been convicted of an offence.*

OR

The Provider, or an associate of the Provider, has been convicted of an offence and full particulars are as follows:"*

Date and place of conviction:

Name of person or body convicted:

Date of offence(s):

Nature of offence(s):

By who committed:

Penalty (if any) imposed:

Other outcomes of proceedings:

Any other information concerning the offence that would be relevant to a decision whether or not to register the Provider:

7. Neither the Provider, nor any associate of the Provider, has been convicted of an offence under the WA Act, the Commonwealth Act or the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991* ("the ESOS Act").*

OR

The Provider, or an associate of the Provider, has been convicted of an offence under the WA Act, the Commonwealth Act or the ESOS Act.*

Name of person or body convicted:

Date of offence(s):

* delete whichever is not applicable

Nature of offence(s):

By who committed:

Date and place of conviction:

Penalty (if any) imposed:

Other outcomes of proceedings:

Any other information concerning the offence(s) that would be relevant to a decision whether or not to register the Provider:

8. Neither the Provider, nor any associate of the Provider, has ever had his, her or its registration cancelled or suspended under the WA Act, the Commonwealth Act or the ESOS Act.*

OR

The Provider, or an associate of the Provider, has had his, her or its registration cancelled or suspended under the WA Act the Commonwealth Act or the ESOS Act and full particulars are as follows:*

Name of person or body whose registration was suspended or cancelled:

* delete whichever is not applicable

Particulars of cancellation or suspension:

Date of cancellation or suspension:

Circumstances giving rise to cancellation or suspension:

Any other information concerning the cancellation or suspension that would be relevant to a decision whether or not to register the Provider:

9. Neither the Provider, nor any associate of the Provider, has had an Immigration Minister's suspension certificate issued in respect of him, her or it under the Commonwealth Act.*

OR

The Provider, or an associate of the Provider, has had an Immigration Minister's suspension certificate issued in respect of him, her or it under the Commonwealth Act and full particulars are as follows:*

Date of issue:

Name of person or body in respect of who certificate was issued:

Particulars of certificate (Attach copy of certificate(s)):

Any other information concerning a certificate that would be relevant to a decision whether or not to register the Provider:

10. Neither the Provider, nor any associate of the Provider, has had a condition imposed on his, her or its registration under the WA Act or the Commonwealth Act.*

OR

The Provider, or an associate of the Provider, has had a condition imposed on his, her or its registration under the WA Act or the Commonwealth Act and full particulars are as follows:*

Name of person or body on whom condition(s) imposed:

Details of condition(s):

Date imposed:

Circumstances giving rise to the imposition of condition(s):

Any other information concerning the condition(s) that would be relevant to a decision whether or not to register the Provider:

11. Neither the Provider, nor any associate of the Provider, has 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.*

OR

The Provider, or an associate of the Provider, has 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 and full particulars are as follows:*

Any other information that would be relevant to a decision whether or not to register the Provider:

12. Neither the Provider, nor any associate of the Provider, has ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001.*

OR

The Provider, or an associate of the Provider, has been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001 and full particulars are as follows:*

Name of person disqualified:

Date of disqualification:

* delete whichever is not applicable

Circumstances giving rise to disqualification:

Any other information concerning a disqualification that would be relevant to a decision whether or not to register the Provider:

13. Neither the Provider, nor any associate of the Provider, has been involved in the business of the provision of a course 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.*

OR

The Provider, or an associate of the Provider, was involved in the business of the provision of a course 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 and full particulars are as follows:*

Name, address and contact details of other provider:

Particulars of involvement:

* delete whichever is not applicable

Any other information that would be relevant to a decision whether or not to register the Provider:

14. There are no other matters of which I am aware, or which any employee or agent of the Provider is aware, that are relevant to the decision of the CEO to register the Provider under the WA Act or to certify to the Secretary that the Provider complies with the National Code or advise the Secretary that the provider is fit and proper to be registered under the Commonwealth Act.*

OR

There are other matters of which I am aware, or which an employee or agent of the Provider is aware, that are relevant to the decision of the CEO to register the Provider under the WA Act or to certify to the Secretary that the Provider complies with the National Code or advise the Secretary that the provider is fit and proper to be registered under the Commonwealth Act. Full particulars of these matters are as follows:*

15. In this Declaration, 'associate' means:

- "(a) the spouse or de facto spouse of the person; or
- (b) a child of the person, or of the person's spouse or de facto spouse; or

* delete whichever is not applicable

- (c) a parent of the person, or of the person's spouse or de facto spouse; or
 - (d) a sibling of the person; or
 - (e) if the person is a company:
 - (i) an officer of the company; or
 - (ii) an officer of a company that is related to the first-mentioned company; or
 - (iii) a person who holds a substantial ownership interest in the company; or
 - (f) if the person is an association or a co-operative—the principal executive officer or a member of the body (however described) that governs, manages, or conducts the affairs of the association or co-operative; or
 - (g) if the person is a body corporate established for a public purpose by or under an Australian law and another body is responsible for the management or the conduct of the affairs of the body corporate—the principal executive officer or a member of that other body; or
 - (h) if the person is any other kind of body corporate established for a public purpose by or under an Australian law—the principal executive officer or a member of the body corporate; or
 - (i) if the person is a partnership:
 - (i) the principal executive officer or an individual, or a body corporate, that is a member of the partnership; or
 - (ii) an individual who is an officer of a company, or a member of any other body corporate, that is a member of the partnership.
16. I have read and understand all aspects of the WA Act and the National Code established under Part 4 of the Commonwealth Act.
17. The Provider complies with the National Code as currently in force and undertakes to comply with the National Code as amended from time to time.

* delete whichever is not applicable

18. Before making this declaration, I have examined the records of the Provider and every associate (if any) 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.
19. I undertake to provide any further information that the CEO, or his authorised officers, may require for the purposes of deciding whether to provide the certificate and advice referred to in paragraph 4 of this Statutory Declaration.

I _____

of _____

do solemnly and sincerely declare the facts set out above and I make this solemn declaration conscientiously believing the same to be true in the belief that a person making a false declaration is liable to the penalties of perjury and by virtue of the provisions of the

Oaths, Affidavits & Statutory Declarations Act 2005 (WA)

Or

Name Relevant Legislation of State/Country where this Statutory Declaration is Being Signed

DECLARED at _____

in the State of _____

this _____ day of _____, 20

Signed: _____

Before: _____

Occupation: _____

(A Person authorised to witness Statutory Declarations)