



Australian Government

Department of Education, Skills and Employment

Senior Authorised Officers' Statutory Declaration

The Senior Authorised Officers' Statutory Declaration is an overarching declaration to be signed by **two Directors** or the **Director and Secretary**, of the body corporate applying to become a higher education provider (HEP). In the case of other types of corporate legal entities, the signatories must be officers that are authorized, because of the position they hold within the entity, to legally bind the entity.

This declaration covers:

1. Adherence to the *Higher Education Support Act 2003 (the Act)*

- declaring the person(s) making the declaration have read and understood the requirements of the Act and the associated legislative guidelines.
- confirming the organisation's agreement to comply with the requirements set out in the Act, associated legislative guidelines, Ministerial notices and determinations under the Act.

2. Offer and statement of compliance

- declaring all relevant information and required documents to make a complete application for consideration of approval as a HEP has been provided within the HELP IT System (HITS).
- confirming understanding that the application is not an offer, nor creates an obligation, on the part of the Commonwealth.

3. Authorisation

- declaring the person(s) making the declaration are authorised to do so on behalf of the applicant organisation.
- declaring all key personnel named in HITS have given permission for disclosure of their personal information to the Australian Government Department of Education, Skills and Employment (the department) for the purposes of the Act.

Important Note: The *Senior Authorised Officers' Statutory Declaration* must not be signed and dated until details of **all key personnel** have been completed in HITS.

Your organisation must fully complete the *Senior Authorised Officers' Statutory Declaration* and provide it to the department by uploading the completed document into HITS.

Contact

FEE-HELP Team

Email: FEE-HELP@dese.gov.au



Senior Authorised Officers'
STATUTORY DECLARATION
Statutory Declarations Act 1959

- 1. Insert name, address and occupation of first person making the declaration.

I, 1
Address 1
Occupation 1

make the following declaration under the Statutory Declarations Act 1959:

AUTHORITY

- 2. Insert position/title (e.g. Director)
3. Insert name of organisation
4. Insert ACN/ABN

I am currently a 2
of 3
ACN: 4 ABN: 4

And am authorised to make this declaration on its behalf;

And

- 1. Insert name, address and occupation of second person making the declaration.
2. Insert position/title (e.g. Director)
3. Insert name of organisation
4. Insert ACN/ABN

I, 1
Address 1
Occupation 1
I am currently a 2
of 3
ACN: 4 ABN: 4

And am authorised to make this declaration on its behalf

make the following declaration under the Statutory Declarations Act 1959:

AUTHORITY



DECLARATION OF ADHERENCE TO THE *HIGHER EDUCATION SUPPORT ACT 2003 (the Act)*

- 1 I declare that I am a Senior Authorised Officer of the abovenamed organisation.
- 2 I have read and fully understood the requirements of the Act and the associated legislative guidelines as they apply to approved providers and declare the abovenamed organisation is willing and able, and agrees to, comply with the requirements as set out in the Act, its associated legislative guidelines and Ministerial notices and determinations under the Act, and as amended from time to time.
- 3 The abovenamed organisation agrees to comply with the quality and accountability requirements of the Act and the associated legislative guidelines, relevant to the loan scheme(s) for which the abovenamed organisation is applying. These requirements are listed below.
 - a) The abovenamed organisation complies with the following financial viability requirements:
 - it is financially viable and likely to remain financially viable
 - it will provide annual audited financial statements in terms of the Act and comply with other requirements of the *Financial Viability Instructions*.
 - b) The abovenamed organisation operates, and will continue to operate, at an appropriate level of quality.
 - c) The abovenamed organisation will comply with the following fairness requirements:
 - treating all our students, and all persons seeking to enrol, fairly
 - complying with the equal benefits and opportunity requirements
 - complying with the student grievance and review requirements; this includes having compliant grievance and review procedures, publishing them, and making them publicly available
 - complying with the tuition assurance requirements for the loan scheme(s)
 - appointing review officers and ensuring review officers do not review their own decisions
 - complying with procedures relating to personal information in accordance with the information privacy principles set out in the *Privacy Act 1988*
 - as a higher education provider, ensuring that all our students and all persons seeking to enrol are not required to become a member of, or pay an amount in respect of, an organisation of students, or of students and other persons
 - as a higher education provider, complying with expenditure of student services and amenities fee requirements
 - d) The abovenamed organisation will comply with the following requirements:
 - provide statistical and other information that the Minister requires and maintain a capability to provide statistical information and develop the required information technology infrastructure to interface with the Tertiary Collection of Student Information (TCSI)
 - inform the Minister in writing of any events that may significantly affect the abovenamed organisation's, or a related body corporate's, capacity to comply with, or ability to meet, the quality and accountability requirements set out in the Act relevant to the loan scheme(s)
 - undergo a compliance audit if required by the Minister
 - as a higher education provider, inform the Minister in writing of any event affecting the abovenamed organisation, or a related body corporate, that relates to course accreditation in relation to the body
 - as a higher education provider, inform the Minister in writing of any event significantly affecting the abovenamed organisation, or a related body corporate, that relates to the body's registration as a registered higher education provider (its TEQSA registration)



- e) The abovenamed organisation will comply with the fee requirements as set out in the Act. In particular:
 - setting tuition fees for units of study as required and in the timeframes required under the Act and guidelines
- 4 The abovenamed organisation will comply with the following requirements that are associated with the entitlement to HELP assistance provisions under the Act and associated legislative guidelines:
 - a) accurately assessing entitlement to HELP assistance
 - b) enrolling students in a unit of study that forms part of an eligible course of study under the Act
 - c) re-crediting HELP balances.
- 5 The abovenamed organisation will comply with the following administrative requirements for approved providers:
 - a) complying with the Commonwealth Assistance Notice requirements
 - b) determining census dates and EFTSL values as required and in the timeframes required by the Act.
- 6 The abovenamed organisation will ensure it complies with the electronic communication requirements of the Act.
- 7 The abovenamed organisation will ensure it complies with the tax file number (TFN) requirements of the Act when assessing entitlement to HELP assistance.
- 8 The abovenamed organisation will ensure it complies with the review of decisions requirements of the Act.

OFFER AND STATEMENT OF COMPLIANCE

- 9 I declare that all required documentation to make a complete application for the approval of the abovenamed organisation as an approved provider under the Act is provided within the HELP IT System (HITS).
- 10 I declare that all the information provided in this Declaration, in HITS and in all documents provided to the department in relation to the application is complete and correct.
- 11 I confirm the abovenamed organisation understands:
 - a) this application is not an offer on the part of the Commonwealth, nor does it create any obligation on the part of the Commonwealth, to enter into a commercial or other relationship with any entity
 - b) the department will have the right (but not be obliged) to act in reliance upon the contents of documents provided by the abovenamed organisation, including any response to the application or ongoing administration processes or compliance of the abovenamed organisation as a provider, including any attachments, statutory declarations and associated material
 - c) all communication with the department will be treated as confidential and the information will not be disclosed without the department's prior written consent or as required under the Act.



AUTHORISATION

12 I authorise the department to:

- a) undertake the necessary steps to assess the credentials and financial viability of the abovenamed organisation by verifying information contained within the application or within information provided relevant to the ongoing administration processes or compliance of the abovenamed organisation as a provider, with, or obtaining additional information from:
 - other Commonwealth agencies (such as the Australian Taxation Office, Australian Securities and Investments Commission, Tertiary Education Quality and Standards Agency and Australia Skills Quality Authority).
 - state or territory agencies
 - law enforcement agencies
 - credit reference agencies
 - qualified accountants and auditors
 - courts or tribunals
 - any other appropriate organisation or person reasonably required as part of these checks.
- b) obtain any information and make any inquiries that relate to the abovenamed organisation and/or any named individual that may be relevant for the purposes of the Act.
- c) disclose any information provided by the abovenamed organisation, or those organisations listed in point 12(a) of the Authorisation, to authorised officers of the Tertiary Education Quality and Standards Agency (TEQSA), Australia Skills Quality Authority (ASQA) or other relevant sections of the department in relation to the application or ongoing administration processes or compliance of the abovenamed organisation as a provider under the Act.

13 I warrant and declare that all named individuals in the Key Personnel List in HITS have been issued with a copy of the Privacy Notice at the following web link <https://www.dese.gov.au/help-and-other-information/resources/privacy-notice>.

14 I warrant and declare that all named individuals in the Key Personnel List in HITS have given written consent for the department to collect their personal information (including sensitive information such as information about their criminal record) from my organisation, and other bodies or persons listed in the Privacy Notice (attached), for the purposes of determining whether they and my organisation are each fit and proper persons for the purposes of the Act.

15 I am aware and have made the named individuals in the Key Personnel List in HITS aware, that giving false or misleading information is a serious offence under section 137.1 of the Schedule to the *Criminal Code Act 1995*.

NO ILLEGAL ACTIVITIES

16 I confirm that, through its officers, employees and agents, the abovenamed organisation has not attempted, and will not attempt to, influence improperly an officer of the Commonwealth in connection with the assessment of applications or with ongoing administration processes or compliance of the abovenamed organisation as a provider under the Act.

17 I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.



5. Signature of first person making the declaration.

Declared at

On

6. Signature of person before whom the declaration is made.

7. Full name, qualification and address of person before whom the declaration is made (in printed letters) (Refer Note 3)

Before me,⁷

Qualification:⁷

Address:⁷

And

5. Signature of second person making the declaration.

Declared at

On

6. Signature of person before whom the declaration is made.

7. Full name, qualification and address of person before whom the declaration is made (in printed letters) (Refer Note 3)

Before me,⁷

Qualification:⁷

Address:⁷

NOTE 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of up to four years—see section 11 of the *Statutory Declarations Act 1959*.

NOTE 2: Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959*—see section 5A of the *Statutory Declarations Act 1959*.

NOTE 3: A Statutory declaration under the *Statutory Declarations Act 1959* as amended may be made before a person who, under a law in force in a state or territory, is currently licensed or registered to practice in an occupation listed in Part 1 below, or a person who is enrolled on the roll of the Supreme Court of a state or territory, or the High Court of Australia, as a legal practitioner (however described), or a person listed in Part 2 below.



Part 1—Occupations

Chiropractor
Dentist
Legal practitioner
Medical practitioner

Nurse
Optometrist
Patent attorney
Pharmacist

Physiotherapist
Psychologist
Trade marks attorney
Veterinary surgeon

Part 2—Other persons

- Agent of the Australia Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer, or Australian Diplomatic Officer, (within the meaning of the *Consular Fees Act 1955*)
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service
- Employee of the Australian Trade Commission who is:
 - a) in a country or place outside Australia; and
 - b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and
 - c) exercising his or her function in that place
- Employee of the Commonwealth who is:
 - a) in a country or place outside Australia; and
 - b) authorised under paragraph 3(c) of the *Consular Fees Act 1955*; and
 - c) exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this Part
- Judge of a court
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- Master of a court
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student

- Member of the Association of Taxation and Management Accountant
- Member of the Australian Defence

Force who is:

- a) an officer, or
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- c) a warrant officer within the meaning of that Act

- Member of the Chartered Accountants Australia and New Zealand, the Australian Society of Certified Practising Accountants or the Institute of Public Accountants
- Member of:
 - a) the Parliament of the Commonwealth; or
 - b) a Parliament of a state; or
 - c) a territory legislature; or
 - d) a local government authority of a state or territory
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
- Notary public
- Permanent employee of the Australia Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- Permanent employee of:
 - a) the Commonwealth or a Commonwealth authority; or
 - b) a state or territory or a state or territory authority; or
 - c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this Part.
- Person before whom a statutory declaration may be made under the law of the state or territory in which the declaration is made
- Police Officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service employee of:
 - a) the Commonwealth or a Commonwealth authority; or
 - b) a state or territory or a state or territory authority
- Sheriff



Australian Government

Department of Education, Skills and Employment

- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution
- Member of the Australasian Institute of Mining and Metallurgy.



Privacy Notice

Your personal information is protected by law, including the Privacy Act 1988, and is collected by the department from entities applying for approval, or entities approved to offer FEE-HELP to eligible students. This information is necessary to enable checks to be undertaken to assess whether the entities and relevant individuals are, or continue to be, fit and proper persons for the purposes of the entities being approved under the Act.

Your personal information is usually passed on to the Australian Securities and Investment Commission, credit rating agencies, other Commonwealth agencies, state or territory agencies (including regulatory authorities and agencies), law enforcement agencies, qualified accountants and/or other appropriate organisations or persons reasonably required as part of the application or ongoing administration or compliance processes. The department may collect more of your personal information from these organisations and persons for these purposes. This may include sensitive information such as information about your criminal record.

The department may also disclose your personal information to:

- Tertiary Education Quality and Standards Agency (TEQSA)
- Australian Skills Quality Authority (ASQA)
- other agencies or bodies permitted under the Act

in relation to the ongoing administration or compliance of the entity under the Act.

Your information may also be used by the department or given to other parties where you have agreed or it is required or authorised by law.

You can get more information about the way in which the department will manage your personal information, including our full privacy policy, at education.gov.au/privacy or by requesting a copy from the department. The privacy policy contains information about how you may access and correct any of your personal information that the department holds. It also contains information about how you may complain about a breach of the Australian Privacy Principles and how the department will deal with such a complaint.

Privacy Contact

Privacy Officer
Department of Education, Skills and Employment
LOC: C50MA10
GPO Box 9880
Canberra ACT 2601.
Email address: Privacy@dese.gov.au