

## Conflict of Interest Statutory Declaration

Every governing member of a private training establishment (PTE) is required to submit to NZQA a statutory declaration of 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.<sup>1</sup> The NZQA website provides guidance on what may be considered to be a conflict of interest.<sup>2</sup>

Governing members include:

- directors, or people in an equivalent position to that of a director
- trustees (if the establishment is a trust)
- partners (if the establishment is a partnership)
- the chief executive officer (or person in an equivalent position)
- senior managers (any member of staff in charge of academic issues, marketing, administration, finance, student fee trust funds, or student services)
- shareholders with a controlling interest in the establishment.

It is a condition of registration<sup>3</sup> that:

- existing governing members keep their *Conflict of Interest Statutory Declaration* up to date, and
- any new governing member submits their *Conflict of Interest Statutory Declaration* before commencing as a governing member of the establishment.

NZQA:

- may refuse to grant registration or withdraw registration if satisfied that a governing member has provided a false or misleading *Conflict of Interest Statutory Declaration*<sup>4</sup>
- may give appropriate weight to failure to disclose any material conflict of interest when determining whether a governing member is a fit and proper person for that position<sup>5</sup>
- must refuse to grant registration, or may withdraw registration, if not satisfied that the establishment has in place effective arrangements for managing any conflict of interest that exist or may arise<sup>6</sup>
- must refuse to grant registration, or may withdraw registration, if satisfied that any governing member of the establishment has a material conflict of interest or an interest in organisations in the education or immigration sector that provide goods or services to tertiary students that NZQA considers is or is likely to be unmanageable<sup>7</sup>

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<sup>1</sup> Education Act 1989 section 232D(2)(c), Education Amendment Act 2011 section 46(1)(a)(i)

<sup>2</sup> Refer to the NZQA website under:

*Providers & Partners > Registration and Accreditation > Maintaining Registration*

<sup>3</sup> Education Act 1989 section 233B(3)

<sup>4</sup> Education Act 1989 section 233(4)

<sup>5</sup> Education Act 1989 section 233A(1)(g)

<sup>6</sup> Education Act 1989 section 233(1)(b) and section 233D(1)(a)(i)

<sup>7</sup> Education Act 1989 section 233(1)(c) and (d) and section 233D(1)(a)(i)

<b>PTE name:</b>	
<b>PTE MoE number:</b>	
<b>Name of governing member:</b>	
<b>Position held at PTE:</b>	

**1. Conflict of interest**

*[cross out whichever of (a) or (b) does not apply]*

(a) I hereby declare that I have no actual or potential conflicts of interest arising from my role as a governing member of the PTE named above.

**OR**

(b) I have an actual or potential conflict of interest arising from my role as a governing member of the PTE named above as follows:

***Please attach relevant information, including any arrangements that are in place to manage these conflicts of interest.***

**2. Interests in other organisations**

*[cross out whichever of (a) or (b) does not apply]*

(a) 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**

(b) I have an interest in an organisation in the education or immigration sector that provides goods or services to tertiary students as follows:

***Please attach relevant information, including any arrangements that are in place to manage these interests.***

### 3. Updating declaration

I understand that NZQA must be notified whenever there is a change to my circumstances that alters my answers to questions 1 or 2 above, and I agree to follow my organisation's procedures for ensuring that NZQA receives an updated *Conflict of Interest Statutory Declaration* in such an event.

#### Governing member named above

I, (full name):

solemnly and sincerely declare that the information supplied in this *Conflict of Interest Statutory Declaration* is true.

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

Date

#### Person authorised to witness declaration

Full Name:

State authority by which declaration is witnessed (eg Justice of the Peace, solicitor of the High Court):

Signature

Date

The declaration can be made in front of anyone authorised to take a statutory declaration (refer to section 9 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 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.

**Complete this form and return it to:**

Client Services Team  
Quality Assurance Division  
New Zealand Qualifications Authority  
PO Box 160  
WELLINGTON 6140

(NZQA must receive the original signed copy.)