



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

**Statutory Declaration to accompany
an EC9 application to amend the
service provider identity for a licensed
early childhood service**

**EC9
Statutory
Declaration
(HB & CB)**

DATE RECEIVED (Office Only) ()

EC/9 Statutory Declaration

This statutory declaration is to be used by the proposed service provider when there is an application to **change the ownership of the service by transfer to a new or existing legal entity (this includes changes through a sale and purchase of a licence service)**

This statutory declaration must be completed and signed in front of an authorised person under section 9 of the Oaths and Declarations Act 1957.

Please note that the statutory declaration should not be older than 3 months if you intend to use it for subsequent licence amendments.

Submitting this form

The EC/9 statutory declaration form must be completed by the proposed service provider.

The EC/9 statutory declaration form must be submitted by the Applicant along with part A and part B of the EC/9 COSPI application.

For more information about the statutory declaration, see note 1. This also tells you what you must do if any circumstance arise which might make this statutory declaration incorrect.

Important Information

The Ministry has discretion to request a Police vet for any individual proposed to be involved in the governance of a service provider.

Our website contains important information about this process. If you have any questions, please refer to our website guidance.

**STATUTORY DECLARATION
TO ACCOMPANY APPLICATIONS FOR CHANGE OF SERVICE PROVIDER IDENTITY FOR A
LICENSED EARLY CHILDHOOD SERVICE**

(First Schedule, Oaths and Declarations Act 1957)

I

of

(insert full name of person completing application)

(Insert place of abode)

(Insert occupation)

Note: To complete this declaration – you must tick one of the options have/do not have.

I SOLEMNLY AND SINCERELY DECLARE THAT:

I am a [director/controller/officer] of _____ [entity], which is applying for change of service provider identity for a licensed early childhood service. I have full authority to make this declaration on _____ [entity]'s behalf.

To the best of my knowledge, I, and each person who is involved in the governance of the service:

a	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any previous conviction for any offence
b	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any involvement in, or association with, an organisation that has been convicted of an offence
c	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any history of health conditions that may affect the individual's ability to comply with the <i>Education and Training Act 2020</i> (the Act), the <i>Education (Early Childhood Services) Regulations 2008</i> , and any regulations made under section 636 of the Act
d	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any property order or personal order under the <i>Protection of Personal and Property Rights Act 1988</i> to which the person is, or has been, subject
e	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any sum of money owed, or previously owed, to the Crown, including in respect of bodies that the individual has been involved in managing

f	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any adjudication of bankruptcy under the <i>Insolvency Act 2006</i> or the <i>Insolvency Act 1967</i>
g	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any prohibition on being a director or promoter of, or being concerned or taking part in the management of, — (i) a company under the <i>Companies Act 1993</i> ; or (ii) any other body corporate
h	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any current or previous role as a governing member of an entity or organisation that became insolvent, including being placed in liquidation, receivership, or voluntary administration
i	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any prohibition against acting as an employer or an officer of an employer under the <i>Employment Relations Act 2000</i> to which the individual is, or has been, subject
j	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	any previous involvement in an early childhood service in respect of which— (i) an application for a licence was refused; or (ii) a licence was suspended or cancelled
k	<input type="checkbox"/> Have <input type="checkbox"/> Do not have	previous registration with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason

I understand that:

1. This information is required for the purpose of enabling the Ministry of Education to determine whether members of the proposed service provider, including the person completing this form, are suitable to be involved in the governance of the service
2. This information is required pursuant to regulations 6(3)(b) of the Education (Early Childhood Services) Regulations 2008
3. I must complete this application **on behalf of myself and each person to be involved in the governance of the service**
4. 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
5. Where I have answered in the affirmative to any statement above, I have attached all the relevant details in relation to the matter.

Note: Do not complete the following section until you are in front of the authorised person witnessing your declaration.

After the declaration is made and signed, there must not be any alterations. (Refer to note 1)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Your Signature

Declared at

(Place, for example, town or city)

this

(insert day, e.g. 21st)

day of

(insert month and year)

Before

(Signature of person taking declaration)

(Justice of the Peace or other person authorised to take a Statutory Declaration)

(Full name of person taking declaration)

(Capacity, eg Barrister, Justice of the Peace)

Note 1: Completing the statutory declaration

Service provider definitions:

Service Provider means each of the following:

- in relation to an early childhood education and care centre, the body, agency, or person who or that operates the centre:
- in relation to a home-based education and care service, the body, agency, or person who provides, or offers to provide, that education or care

Who can I get to sign my statutory declaration?

- Section 9 of the Oaths and Declarations Act 1957 lists those who are authorised to take a statutory declaration.
- You will need to sign the statutory declaration in front of the authorised person you have chosen. Please be aware that after the declaration is made and signed, there must not be any alterations.
- It is your responsibility to ensure that the person you select is authorised to witness your declaration. You should check that the person notes on the form, with their signature, their full name and the capacity under which they are signing the declaration, eg Justice of the Peace, barrister of the High Court.

Who does the statutory declaration have to cover?

When the **service provider is made up of a group of people**, the statutory declaration needs to cover the officers of the organisation that has identified itself as the service provider. In most cases, the deed of incorporation for the legal entity will determine this.

The following table outlines the most common scenarios for service providers

An incorporated society	the office holders (such as Secretary, Treasurer and President)
A trust board	the board members
A company	the company director(s)
An individual person (whether registered as a legal entity or not)	only that person
An unincorporated body	the people that identify themselves as being part of the governing body

Is there any other matter that needs to be declared to the Director of Regulation?

Regulation 7 of the Education (Early Childhood Services) Regulations 2008 enables the Director of Regulation to require a statutory declaration for any other matter considered relevant. As per this regulation, the Director of Regulation requires the applicant and those involved in the governance of the service to declare whether any governance members were previously registered with the Teaching Council of Aotearoa New Zealand, and that registration was cancelled for any reason.

How do I get the information I need from the people covered by the statutory declaration?

As the person signing the statutory declaration, you must satisfy yourself that the information supplied is correct.

How you collect this information from the other people covered by the statutory declaration is up to you and your organisation. There is a range of ways that this might be done, including:

Information gathered through your recruitment or election processes	Personal knowledge of the person
Verbal assurances	Written attestation
Seeking Police vets in relation to past convictions	Individual statutory declarations from each person covered (so that the statutory declaration to the Ministry of Education becomes a composite of individual declarations to the applicant)

How do I decide how to respond to the statements on the statutory declaration?

- You must tick one of the options at the beginning of each statement.
- If the service provider is a group of people and an affirmative answer applies to one or more people, you must answer in the affirmative on the statutory declaration.
- Most of the statements are relatively straightforward – people will know whether or not they have any convictions, adjudications of bankruptcy etc.
- The main exception will be statement (c) regarding health conditions. It is important to be clear about the difference between (1) a mental/physical condition that might prevent people from managing their role in complying with the conditions of a licence or obligations under the regulations and (2) any other condition that would not have this kind of impact. Relevant factors to consider might include, for example, health problems that require frequent hospitalisation or sick leave, or that might render a person unconscious or quickly incapacitated. Frequency and severity of those conditions might also be relevant

What will the Ministry of Education do if I answer in the affirmative (ie "have") on the statutory declaration?

If you answer in the affirmative for any statements, you must attach all relevant information in relation to the matter. Answering in the affirmative to any statement does not automatically exclude the service provider from being deemed fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions about whether or not to amend a licence are made on a case-by-case basis at the Secretary's discretion.

What do I need to do if something changes – e.g. the service provider changes, or people's circumstances change that make the statutory declaration incorrect?

Regulation 35 of the Education (Early Childhood Services) Regulations 2008 requires that a service provider must notify the Ministry of Education as soon as practicable if any of the circumstances under (a) to (k) on the statutory declaration form have changed for any person who is covered by the statutory declaration. You do not need to notify the Ministry of Education every time someone new becomes part of the service provider UNLESS that person's circumstances make the information you have provided on the statutory declaration incorrect. Verbal or written advice of a change of circumstances will be accepted and a new statutory declaration will not be required.

The Ministry of Education will then review the new information and decide whether the service provider continues to be fit and proper to hold a licence. Given the range of unique circumstances that may be identified, all decisions are made on a case-by-case basis at the Secretary's discretion.