

Subcontractor Declaration – 2021

The purpose of this declaration is to provide information regarding the proposed Subcontractor named below, and any proposed subcontracting arrangement with the Training Provider named below.

The information provided will be used by the Department of Education and Training (the Department) in considering the Training Provider's request for approval of a subcontracting relationship as defined in Clause 6 of the below named Training Provider's 2021 VET Funding Contract Skills First Program.

This declaration concerns the relationship between:

Training Provider Name:
 Training Provider Business Address:
 TOID:
"the Training Provider"
and

Subcontractor Business Name:
 Subcontractor Business Address:
 Subcontractor ABN:
"the Subcontractor"

Questions to be completed by the Subcontractor

1a: Is your business a Registered Training Organisation (RTO)? (if no, skip to question 2)	yes/no
1b: If the answer to question 1 was 'Yes', enter your Training Organisation ID (TOID) here:	TOID
1c: If the answer to question 1 was 'Yes', please indicate if you applied for a 2018-19 VET Funding Contract?	yes/no

2: Following consultation with the Training Provider, please enter the number of course commencements that you understand the Training Provider is seeking to subcontract to your organisation.	enter number here
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3: In the table below, list all entities that are "Related Entities" to your organisation. Related Entities are defined for the purposes of this application on the page three of this form, and may include both organisations that are Registered Training Organisations (RTOs) and non RTOs. The business name and ABN information provided below must be verifiable via the ABN Register at http://abr.business.gov.au/		
Related Entity Name	Related Entity ABN	Related Entity TOID (only if it is a registered training organisation)

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As an Authorised Delegate, see definition on page 4, of *the Subcontractor* named above, I declare that:

- the information and data that I have supplied in this form is factual, accurate and up to date; and
- I understand that:
 - the Department of Education and Training will only allow individual subcontractors to provide training and/or assessment to a maximum of 200 *Skills First* subsidised commencements across all RTOs (i.e. 200 aggregate) in 2021;
 - this commencement limit on individual subcontractors extends to all Related Entities of a subcontractor such that there is a limit of 200 commencements across all of the Related Entities;
 - where arrangements with a particular subcontractor are sought by multiple Training Providers, totalling more than the 200 commencement limit, the Department will determine, at its sole discretion, how many commencements (if any) are approved at a particular Training Provider and/or subcontractor.

Signature: _____ Date: _____

Name: (printed) _____

Job Title: _____

Authorised representative of _____

Submission of this form

This 'Subcontractor Declaration – 2021' form must be:

- completed by the Subcontractor;
- printed;
- signed and dated by the Subcontractor; and
- scanned and submitted to the Department electronically **by the Training Provider** via the same SVTS enquiry that the Training Provider used to submit the 'Request for Approval of Subcontracting – 2021' form.

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Explanation of 'Related entity' for the purposes of responding to question 3.

Related Entity means an entity that is any of the following:

- a) an entity that Controls, is Controlled by or under common Control with the Subcontractor (whether directly or indirectly); or
- b) an entity one of whose Relevant Persons is also:
 - i) a Relevant Person of the Subcontractor; or
 - ii) a Relative of a person referred to in paragraph (i).

Control means with regard to an entity:

- a) the legal, financial or equitable ownership, directly or indirectly, of 50 percent or more of the share capital (or other ownership interest, if not a corporation limited by shares) of the entity;
- b) control or influence of, or having the capacity to control or influence, the composition of the board or other decision-making body of the entity, or of decision making (directly or indirectly) in relation to the financial and operating policies of the entity, whether or not the control or influence is based on statutory, legal or equitable rights and whether or not it arises by means of trusts, agreements, arrangements, understandings, practices, the ownership of any interest in shares or stock of that entity or otherwise; or
- c) effective control of the entity.

Executive Officer in relation to an entity, means:

- a) a person (by whatever name called and whether or not a director of the entity) who is concerned in, or takes part in, the management of the entity;
- b) if the entity is a body corporate:
 - i) a person who owns 15% or more of the entity; or
 - ii) a person who is entitled to receive 15% or more of dividends paid by the entity;
- c) an administrator, receiver and manager, or liquidator of the entity (other than a receiver and manager, or liquidator, appointed by a court);
- d) if the entity is a body corporate, the administrator of a deed of company arrangement executed by an entity; or
- e) if the entity is a body corporate, a trustee or other person administering a compromise or arrangement made between the entity and another person or other persons.

High Managerial Agent, in relation to an entity, means: an employee or agent of the entity with duties of such responsibility that their conduct may fairly be assumed to represent the entity in relation to its business (which, where the entity is the Training Provider, means its business connected with the delivery of courses and qualifications).

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Relative has the same meaning as in the Corporations Act.

Relevant Person means, in relation to an entity:

- a) any Executive Officer or High Managerial Agent of the entity; or
- b) any person or entity which exercises a material degree of control or influence over the management or direction of any material part of the business of the entity (which, where the entity is the Training Provider, means its business connected with the delivery of courses and qualifications).

Explanation of 'Authorised Delegate' for the purposes of completing declaration

Authorised Delegate

An authorised delegate is the Training Provider's CEO, or equivalent, or a staff member who has been given express delegation to sign the declaration on the CEO's behalf.
