



Fit and proper person declaration

Form

Introduction

Meeting the requirements of the *Standards for Registered Training Organisations (RTOs) 2015* (the Standards) and/or the *Education Services for Overseas Students Act 2000* (the ESOS Act) is a requirement of registration with the Australian Skills Quality Authority (ASQA) as either:

- a registered training organisation (RTO), or
- a registered provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS provider).

Under these frameworks, ASQA is required to determine whether a person is a fit and proper person for the purposes of registration, renewing registration, or maintaining registration as a registered training organisation.

If ASQA is not satisfied that an organisation or relevant people associated with it meets the Fit and Proper Person Requirements, ASQA may:

- impose a sanction, including cancellation, on the organisation's registration as an RTO and/or CRICOS provider
- refuse the organisation's initial application to become an RTO and/or CRICOS provider.

In doing so, we must have regard to all matters relating to fit and proper under each framework.

This declaration addresses the matters specified in Schedule 3 of the Standards for RTOs 2015 and the persons to whom they will be applied. As both frameworks are similar, the responses in this declaration may (where applicable) also be considered for registration as a CRICOS provider.

How ASQA uses the information provided in this declaration

ASQA will assess whether the organisation and key personnel meet the Fit and Proper Person Requirements. When assessing whether a person or the organisation meets the Fit and Proper Person Requirements, ASQA may:

- conduct inquiries into any statement made in this declaration
- conduct enquiries into any other matter it considers appropriate in relation to the fitness and propriety of the organisation and relevant individuals associated with the organisation.

People who must meet the Fit and Proper Person Requirements

The Fit and Proper Person Requirements apply to the following persons:

- (a) an executive officer of the registered training organisation;
- (b) a high managerial agent of the registered training organisation; or
- (c) any person which exercises a degree of control or influence over the management or direction of the registered training organisation.

A person also includes a body politic or corporate (such as a company) as well as an individual or 'natural' person. It is a condition of registration that the 'person' registered as an RTO also must satisfy the Fit and Proper Person Requirements.

ASQA takes a risk-based approach to regulation and as such you are only required to complete a fit and proper person declaration for key people identified below. ASQA will notify your organisation in writing if additional declarations from other people associated with your organisation are required.

Executive officer/s

An executive officer is any person who takes part in the management of your organisation or is partly responsible for the management or decision making for your organisation.

Examples of 'executive officers' that must complete a fit and proper person declaration include:

- a director of the company
- a secretary of the company
- a chief executive of the RTO
- a principal executive officer of the CRICOS provider.

Examples of 'executive officers' where ASQA may request completion of a fit and proper person declaration include:

- a compliance manager
- a marketing manager
- a training manager.

High managerial agent/s

A high managerial agent is an employee or agent who represents your organisation in relation to the business of providing courses.

Examples of 'high managerial agents' where ASQA may request completion of a fit and proper person declaration include:

- a consultant or employee with an ongoing role related to regulatory compliance
- a consultant or employee who represents your organisation at audit
- an agent who recruits students on behalf of your organisation
- people employed by third-party organisations who fulfil any of the roles described above on behalf of your organisation
- people employed by third-party organisations who provide training and/or assessment on behalf of your organisation.

Owners and executive officers

The term 'owner and executive officer' includes:

- any person who owns 15 per cent or more of your organisation
- any person who is entitled to receive 15 per cent or more of dividends paid by your organisation
- any trustees of a trust associated with the organisation
- relevant persons in associated entities.

Persons of control and influence

ASQA may also consider whether any associated entity or relevant person that exercises a degree of control or influence over the management or direction of the registered training organisation satisfy the Fit and Proper Person Requirements.

Associated entities include:

- any entity (such as another company) that owns 15 per cent or more of your organisation
- any entity that is entitled to receive 15 per cent or more of dividends paid from your organisation.

Relevant persons at 'associated entities' include:

- any person who is a director of an associated entity
- any person who owns 15 per cent or more or is entitled to receive 15 per cent or more of dividends paid from the associated entity.
- any person who may exercise control or influence on your organisation through their position in the associated entity

Other considerations

Related persons

ASQA may also consider any persons related to those persons who fit the definitions of owners, executive officers, and high managerial agents, and who are involved in or have previously been involved in the operations of an RTO or CRICOS provider (known as related persons). Related persons do not usually complete a fit and proper person declaration as relevant information is requested in this declaration.

Help with your declarations

If you are unsure how to respond to any of the questions, it is best to select Yes as your option.

If an exact date relevant to a response to a question is not known, please provide an approximate date.

For help completing a Fit and Proper Person Declaration:

- email enquiries@asqa.gov.au.
- call the ASQA Info Line on 1300 701 801 (Monday to Friday 9:00am – 7:00pm AEST).

Fit and Proper Person Declaration

SECTION A: Your personal details

Your personal details	
Full name:	Alexander Mueller
Date of birth:	
Telephone:	
Residential address:	

SECTION B: Your organisation details

Your organisation's details	
Name of legal entity:	Intelligent Training Solutions Pty Ltd
Trading name/s:	N/A
ABN (if applicable):	25151191669
ACN (if applicable):	151191669
RTO code (if applicable):	22570
CRICOS code (if applicable):	N/A

SECTION C: Your relationship to the organisation

Your relationship to the organisation (tick all that apply)	
Executive officer ☒	This is any person who takes part in the management of your organisation. Examples can include: • a director of the company • a secretary of the company • a chief executive of an RTO • a principal executive officer of a CRICOS provider An 'owner and executive officer' is: • a person who owns 15% or more of your organisation • a person who is entitled to receive 15% or more of dividends paid by your organisation • any trustees of a trust associated with the organisation • a trustee of a trust associated with your organisation • relevant persons at 'associated entities'.
High managerial agent ☐	This is any employee or agent who represents your organisation in relation to the business of providing a course. Examples can include:

	• a consultant or employee with an ongoing role related to regulatory compliance • a consultant or employee who represents your organisation at audit • an agent who recruits students on behalf of your organisation, or • people employed by third-party organisations who fulfil any of the roles described above on behalf of your organisation • people employed by third-party organisations who provide training and/or assessment on behalf of your organisation.
Person of control or influence ☐	This is any person that exercises a degree of control or influence over the management or direction of the organisation.

SECTION D: Related persons—and their involvement with RTO/CRICOS providers

In section D, if you have answered yes to any questions and you need to provide details on more than one person, please attach a separate document providing the relevant details, for each person. The title of the separate document should include the number of the question it relates to.

Related persons—and their involvement with RTO/CRICOS providers

The term 'related person' refers to:

- your spouse or de facto partner
- your child, or a child of your spouse or de facto partner
- your parent, or the parent of your spouse or de facto partner
- your sibling.

ASQA requires information about any related persons who are, or have previously been, involved in the operations of an RTO or a CRICOS provider.

This includes those related persons who hold/held any of the following roles/positions:

- an executive officer
- a high managerial agent
- a person that exercises a degree of control or influence over the management or direction of the RTO or CRICOS provider.

1.	Is any person related to you who is currently, or has previously been, involved in the operations of an RTO or CRICOS provider?	☒ No Go to Question 5a ☐ Yes Continue to Questions 2, 3 and 4
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2.	Full name of the related person	
3.	Your relationship to the person	
4.	Name of the RTO or CRICOS provider that the related person was/is involved with and their position title	

☐ A separate document listing additional persons is attached.

SECTION E: Personal history—You and any related persons

In section E, if you have answered yes to any questions and you need to provide details for more than one occurrence, please attach a separate document providing the relevant details.

Personal history—You and any related persons		
5a.	Have you or any related person ever been found guilty of an offence (regardless of whether a conviction was recorded or not) against: - a law of the Commonwealth or a State or Territory of Australia? - a law of another country?	☒ No Go to Question 6 ☐ Yes Continue to Question 5b
5b.	Have you or any related person ever been ordered to pay a pecuniary penalty, under: - a law of the Commonwealth or of a State or Territory of Australia? - a law of another country?	☐ No Continue to Question 5c ☐ Yes Provide evidence of this and go to Question 5c
5c.	Where a conviction was recorded, has the conviction been spent?	☐ No Continue to Question 5d ☐ Yes Provide evidence of this and go to Question 5d
5d.	Has the pecuniary penalty been paid in full?	☐ No Continue to Question 6 ☐ Yes Provide evidence of this and go to Question 6

Provide details and supporting documentation for each offence:		
Name of person who committed the offence:		
Type of offence:		
Year the offence occurred:		
Country the offence occurred in:		
Name of person who committed the offence:		
Value of pecuniary penalty:		
Year pecuniary penalty was imposed:		
Country the offence occurred in:		
☐ A separate document listing additional persons is attached.		
6.	Are you or any related person currently involved in proceedings before a court or tribunal as either of the following: ☐ Directly involved as a party ☐ Other involvement (eg witness, third party)	☒ No <i>Go to Question 7</i> ☐ Yes <i>Provide details below and go to question 7</i>
Provide details and supporting documentation for each matter before the court or tribunal:		
Name of person that is party/third party to the proceedings:		
Type of proceeding (court or tribunal)		
Nature of matter (civil, criminal, other):		
☐ A separate document listing additional persons is attached.		
7.	Have you or any related person ever been found not to be a fit and proper person for the purposes of one or more of the following:	☒ No <i>Go to question 8</i>

☐ the <i>National Vocational Education and Training Regulator Act 2011</i> ☐ the <i>Australian Education Act 2013</i> ☐ the <i>Education Services for Overseas Students Act 2000</i> ☐ the <i>Higher Education Support Act 2003</i> ☐ the <i>Tertiary Education Quality and Standards Agency Act 2011</i> ☐ the <i>VET Student Loans Act 2016</i> ☐ subsidy funding arrangements with a State or Territory for the provision of education ☐ any other law of the Commonwealth or of a State or Territory.	☐ Yes <i>Provide details below and go to question 8</i>								
<table border="1"> <tr> <td data-bbox="268 875 662 976">Name of person determined not to be fit and proper:</td> <td data-bbox="662 875 1385 976"></td> </tr> <tr> <td data-bbox="268 976 662 1043">When determination occurred:</td> <td data-bbox="662 976 1385 1043"></td> </tr> <tr> <td data-bbox="268 1043 662 1200">Was the determination made in relation to a business within the education sector?</td> <td data-bbox="662 1043 1385 1200"> ☐ No ☐ Yes </td> </tr> <tr> <td data-bbox="268 1200 662 1301">Why the determination was made:</td> <td data-bbox="662 1200 1385 1301"></td> </tr> </table> ☐ A separate document listing additional persons is attached.		Name of person determined not to be fit and proper:		When determination occurred:		Was the determination made in relation to a business within the education sector?	☐ No ☐ Yes	Why the determination was made:	
Name of person determined not to be fit and proper:									
When determination occurred:									
Was the determination made in relation to a business within the education sector?	☐ No ☐ Yes								
Why the determination was made:									
8. Have you or any related person ever been disqualified from managing corporations under Part 2D.6 of the Corporations Act 2001?	☒ No <i>Go to Question 9</i> ☐ Yes <i>Provide details below and go to question 9</i>								
<table border="1"> <tr> <td data-bbox="268 1776 662 1843">Name of person disqualified:</td> <td data-bbox="662 1776 1385 1843"></td> </tr> <tr> <td data-bbox="268 1843 662 1910">Date disqualification ended:</td> <td data-bbox="662 1843 1385 1910"></td> </tr> </table>		Name of person disqualified:		Date disqualification ended:					
Name of person disqualified:									
Date disqualification ended:									

	Period of disqualification: Amount of fines payable (if applicable): Was the company that this disqualification relates to an RTO, CRICOS provider or a business in the education sector?	From Click or tap to enter a date. To Click or tap to enter a date. ☐ No ☐ Yes								
	☐ A separate document listing additional persons is attached.									
9.	a. Have you or any related person, or any company that you or any related person were a director of, ever: • been insolvent or bankrupt • taken steps to take the benefit of a law for the relief of bankrupt or insolvent debtors • compounded with one or more creditors • made an assignment of your remuneration for the benefit of one or more creditors • been under external administration (within the meaning of subsection 600H (2) of the Corporations Act 2001).	☒ No Go to Question 10 ☐ Yes Provide details below and go to question 9b								
	b. Do you or any related person, or any company that you or any related person are a director of: • have outstanding debts to the Commonwealth.	☐ No Go to Question 10 ☐ Yes Provide details below and go to question 10								
	<table border="1"> <tr> <td>Name of person declared bankrupt or insolvent:</td><td></td></tr> <tr> <td>Nature of bankruptcy or insolvency:</td><td></td></tr> <tr> <td>Value of unpaid creditors:</td><td></td></tr> <tr> <td>Year bankruptcy discharged:</td><td></td></tr> </table>		Name of person declared bankrupt or insolvent:		Nature of bankruptcy or insolvency:		Value of unpaid creditors:		Year bankruptcy discharged:	
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Value of unpaid creditors:										
Year bankruptcy discharged:										
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	Name of person that has outstanding debts to the Commonwealth:	
	Description of outstanding debt to the Commonwealth:	
	Value of the outstanding debt to the Commonwealth:	
☐ A separate document listing additional persons is attached.		

SECTION F: RTO and CRICOS provider history - You and any related persons

In section F, if you have answered yes to any questions and you need to provide details for more than one occurrence, please attach a separate document providing the relevant details. The title of the separate document should include the number of the question it relates to.

RTO and CRICOS provider history—You and any related persons												
10.	Do you or any related person, have a current or past association with: - a current or former RTO, CRICOS provider, higher education provider, other than the organisation outlined in Section B of this declaration. - any organisation that has applied for registration with ASQA or a state registering body. <i>(‘Association’ includes but is not limited to business dealings, employment, contracting, endorsement and/or the provision of services as a third party.)</i>	☒ No Go to question 11 ☐ Yes Provide details below and go to question 11										
Provide details of any current association: <table border="1"> <tr> <td>Name of person who has current association:</td> <td></td> </tr> <tr> <td>Legal name of RTO/CRICOS provider/higher education provider (or applicant):</td> <td></td> </tr> <tr> <td>Trading name/s:</td> <td></td> </tr> <tr> <td>Describe your association with the organisation:</td> <td></td> </tr> <tr> <td>Start of your association with the organisation:</td> <td></td> </tr> </table>			Name of person who has current association:		Legal name of RTO/CRICOS provider/higher education provider (or applicant):		Trading name/s:		Describe your association with the organisation:		Start of your association with the organisation:	
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Trading name/s:												
Describe your association with the organisation:												
Start of your association with the organisation:												
Provide details of any past association: <table border="1"> <tr> <td>Name of person who has past association:</td> <td></td> </tr> <tr> <td>Legal name of RTO/CRICOS provider/higher education provider (or applicant):</td> <td></td> </tr> <tr> <td>Trading name/s:</td> <td></td> </tr> <tr> <td>Describe your association with the organisation:</td> <td></td> </tr> </table>			Name of person who has past association:		Legal name of RTO/CRICOS provider/higher education provider (or applicant):		Trading name/s:		Describe your association with the organisation:			
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Legal name of RTO/CRICOS provider/higher education provider (or applicant):												
Trading name/s:												
Describe your association with the organisation:												

	Period of your association with the organisation:	From Click or tap to enter a date. To Click or tap to enter a date.
11.	☐ A separate document listing additional persons is attached.	
	a. Were you or any related person associated with an RTO, a CRICOS provider or a higher education provider at the time of (or within 12 months prior to) a decision being made by ASQA or another VET regulator to: ☐ reject an application for initial registration as an RTO/CRICOS provider ☐ cancel registration, in part or in full ☐ suspend registration, in part or in full ☐ reject an application to renew registration ☐ determine that the provider breached a condition of registration ☐ had a condition imposed on a registration, approval or arrangement ☐ breached a condition imposed on a registration, approval or arrangement ☐ issue an infringement notice.	☒ No Go to question 11b ☐ Yes Select all that apply, provide details below and go to question 11b
	b. Were you or any related person associated with an RTO, a CRICOS provider or a higher education provider at the time of (or within 12 months prior to) a decision being made to: ☐ cancel, revoke, suspend or reject the person's approval as an approved course provider for VET Student Loans (VSL) ☐ cancel, revoke, suspend or reject the person's approval as an approved VET provider for HECS-HELP, FEE-HELP, OS-HELP, or SA-HELP.	☒ No Go to question 11c ☐ Yes Select all that apply, provide details below and go to question 11c
	c. Were you or any related person, ever a manager or director at a time that the registered higher education provider (within the meaning of the <i>Tertiary Education Quality and Standards Agency Act 2011</i>) or registered provider (within the meaning of the <i>Education Services for Overseas Students Act 2000</i>), was determined to have breached a condition of its registration under the: (a) <i>Education Services for Overseas Students Act 2000</i>; or (b) <i>Tertiary Education Quality and Standards Agency Act 2011</i>.	☒ No Go to question 11d ☐ Yes Select all that apply, provide details below and go to question 10d

	d. Were you or any related person associated with an RTO, a CRICOS provider or a higher education provider at the time of (or within 12 months prior to) a decision being made by a State or Territory funding body to: ☐ cancel, revoke suspend, or reject subsidy funding arrangements with that body.	☒ No Go to question 12 ☐ Yes Select all that apply, provide details below and go to question 12
12.	Have you or any related person ever been issued with an Immigration Minister's suspension certificate?	☒ No Go to Question 13 ☐ Yes Provide details below and go to question 13
13.	Have you or any related person ever been associated with an organisation at a time when it was determined to have breached an Australian Government or State or Territory government training contract?	☒ No Go to Question 14 ☐ Yes Provide details below and go to question 14

	<table border="1"> <tr> <td data-bbox="320 241 699 315">Name of person associated with the organisation:</td> <td data-bbox="699 241 1382 315"></td> </tr> <tr> <td data-bbox="320 315 699 367">Name of organisation:</td> <td data-bbox="699 315 1382 367"></td> </tr> <tr> <td data-bbox="320 367 699 418">Year the breach occurred:</td> <td data-bbox="699 367 1382 418"></td> </tr> <tr> <td data-bbox="320 418 699 461">Any further details:</td> <td data-bbox="699 418 1382 461"></td> </tr> </table> ☐ A separate document listing additional persons is attached.		Name of person associated with the organisation:		Name of organisation:		Year the breach occurred:		Any further details:	
Name of person associated with the organisation:										
Name of organisation:										
Year the breach occurred:										
Any further details:										
14.	Have you or any related person ever been found to have provided false or misleading information to, or made a false or misleading statement including, but not limited to: • a VET Regulator • the Tertiary Education Quality and Standards Agency • the TPS Director (within the meaning of the <i>Education Services for Overseas Students Act 2000</i>), including in the TPS Director's capacity as the VSL Tuition Protection Director under the <i>VET Student Loans Act 2016</i> and the Higher Education Tuition Protection Director under the <i>Higher Education Support Act 2003</i> • the Minister, the Department, or the Secretary • an authority of a State or Territory that deals with subsidy funding arrangements for education. • Other public authority or agency.	☒ No ☐ Yes <i>Provide details below</i>								
	<table border="1"> <tr> <td data-bbox="320 1294 699 1402">Name of person found to have provided or made false or misleading information:</td> <td data-bbox="699 1294 1382 1402"></td> </tr> <tr> <td data-bbox="320 1402 699 1480">Nature of the false or misleading information:</td> <td data-bbox="699 1402 1382 1480"></td> </tr> <tr> <td data-bbox="320 1480 699 1590">Date the decision of false or misleading information provided was made:</td> <td data-bbox="699 1480 1382 1590"></td> </tr> <tr> <td data-bbox="320 1590 699 1639">Any further details:</td> <td data-bbox="699 1590 1382 1639"></td> </tr> </table> ☐ A separate document listing additional persons is attached.		Name of person found to have provided or made false or misleading information:		Nature of the false or misleading information:		Date the decision of false or misleading information provided was made:		Any further details:	
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Date the decision of false or misleading information provided was made:										
Any further details:										

Statutory declaration

This declaration cannot be completed on screen. Please print the declaration and complete using a blue or black pen.

Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

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

I, ¹ Alexander Mueller [REDACTED]
[REDACTED]

make the following declaration under the *Statutory Declarations Act 1959*:

I declare that to the best of my knowledge, the information I have provided in this Fit and proper person declaration is true and accurate.

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.

- 3 Signature of person making the declaration

³ [Signature]

- 4 Place
5 Day
6 Month and year

Declared at ⁴ Riddells Creek on ⁵ 18th of ⁶ February 2024

Before me, Jessica Mueller

- 7 Signature of person before whom the declaration is made (see over)

⁷ [Signature]

- 8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

⁸ Jessica Kate Mueller
[REDACTED]
Teacher at Educational Institute - Full time.

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 4 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*.

- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of:
 - a. the Parliament of the Commonwealth, or
 - b. the 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 Australian 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 five or more years of continuous service who is not specified in another item in this list
- 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
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

1. a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

2. 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
3. a person who is in the following list:
 - Agent of the Australian 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 list
 - 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 Accountants
 - Member of the Australasian Institute of Mining and Metallurgy
 - 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