

# Statutory Declaration

## *Oaths, Affidavits and Statutory Declarations Act 2005 (WA)*

I, .....

.....

.....

[XX – Insert full name, address and occupation of person making declaration]

### **Do solemnly and sincerely declare:**

(\*) (\*\*) Delete whichever is not applicable

1. (\*) I am the registered holder of the following Tenure [XX – Insert details of Tenure].  
(\*) I am a director of [XX – Insert name of corporation] being the registered holder of the following Tenure [XX – insert details of the Tenure] and am duly authorised by it to make this declaration.
2. (\*\*) The registered holder of the Tenure as mentioned above has on [XX – Insert date of Aboriginal Heritage Agreement] entered into an Aboriginal Heritage Agreement with [XX – Insert name of relevant Native Title Agreement Group (through SWALSC) or Regional Corporation as the case may be] that applies to the Tenure.  
(\*\*) The registered holder of the Tenure as mentioned above has on [XX – Insert date of Noongar Standard Aboriginal Heritage Agreement], entered into a Noongar Standard Aboriginal Heritage Agreement with [XX – Insert name of relevant Native Title Agreement Group (through SWALSC) or Regional Corporation as the case may be] that applies to the Tenure.  
(\*\*) The registered holder of the Tenure as mentioned above has made reasonable endeavours to execute and enter into a Aboriginal Heritage Agreement with [XX – Insert name of relevant Native Title Agreement Group (through SWALSC) or Regional Corporation as the case may be] (RC) within 20 Business Days (as defined in [XX - Insert name of relevant ILUA]) (ILUA) of the commencement of negotiations between the registered holder of the Tenure and the RC under clause 18(e) of the ILUA and condition [XX insert condition] on Tenure and, in the absence of an executed Aboriginal Heritage Agreement, has on [XX – Insert date of execution of the NSHA] subsequently executed a Noongar Standard Aboriginal Heritage Agreement which would, if executed by the RC, apply to the Tenure, and provided a copy of the same to the RC.  
(\*\*) The executed Noongar Standard Aboriginal Heritage Agreement was received by the RC on [XX – Insert date on which NSHA received by the RC] and by [XX – insert date 20 Business Days after the date of receipt] the registered holder of the Tenure had not received a copy of the fully executed Noongar Standard Aboriginal Heritage Agreement from the RC.

3. (\*\*) By entering into an Aboriginal Heritage Agreement or Noongar Standard Aboriginal Heritage Agreement with the RC in the manner provided in paragraph 2 above, and upon providing this Statutory Declaration to the [XX – Insert details of relevant Department of the State], I believe that the registered holder of the Tenure as mentioned above will have satisfied the relevant conditions applicable to the Tenure.
- (\*\*) By executing a Noongar Standard Aboriginal Heritage Agreement and providing it to the RC in the manner provided in paragraph 2 above, and upon the RC not providing an executed copy of the Noongar Standard Aboriginal Heritage Agreement to the registered holder of Tenure by [XX – Insert date] and upon providing this Statutory Declaration to the [XX – Insert details of relevant Department of the State], I believe that the registered holder of the Tenure as mentioned above will have satisfied the relevant conditions applicable to the Tenure.
4. This declaration is true and I know that it is an offence to make a declaration knowing that it is false in any material particular.
5. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* (WA).

**Declared**

At: \_\_\_\_\_  
(Place)

On: \_\_\_\_\_  
(Date)

By:

\_\_\_\_\_  
(Signature of person making declaration)

In the presence of:

\_\_\_\_\_  
(Signature of Authorised Witness)

\_\_\_\_\_  
(Name and qualification of Authorised Witness)

## Instructions for completing Statutory Declaration

The following is a guide for executing a statutory declaration pursuant to *Oaths, Affidavits and Statutory Declarations Act 2005 (WA)*. It is recommended that prior to executing any statutory declaration the person making the declaration should consult the provision of that Act to ensure compliance with it.

### **Signature by the person making the statutory declaration**

The person who is making the statutory declaration must:

- (a) sign or personally mark the statutory declaration;
- (b) sign or initial any alteration that has been made to the statutory declaration (if any); and
- (c) in the presence of an authorised witness declare orally:
  - (i) that he or she is the person named as the maker of the statutory declaration;
  - (ii) that the contents of the statutory declaration are true;
  - (iii) that the signature or mark is his or hers; and
  - (iv) if necessary, that any attachment to the statutory declaration is the attachment referred to in it.

### **Witnessing of a statutory declaration**

After the maker of the statutory declaration has complied with the authorised witness must:

- (a) sign or personally mark the statutory declaration;
- (b) sign or initial any alteration in the statutory declaration (if any); and
- (c) imprint or clearly write his or her name and qualification as an authorised witness.

### **Categories of authorised witnesses**

A statutory declaration must be made before one of the following persons (authorised witnesses):

Academic (post-secondary institution), Accountant, Architect, Australian Consular Officer, Australian Diplomatic Officer, Bailiff, Bank manager, Chartered secretary, Chemist, Chiropractor, Company auditor or liquidator, Court officer, Defence force officer, Dentist, Doctor, Electorate officer of a member of State Parliament, Engineer, Commonwealth. Industrial organisation secretary, Insurance broker, Justice of the Peace, Landgate officer, Lawyer, Local government CEO or deputy CEO, Local government councilor, Loss adjuster, Marriage celebrant, Member of Parliament, Minister of religion, Nurse, Optometrist, Patent attorney, Physiotherapist, Podiatrist, Police officer, Post office

manager, Psychologist, Public notary, Public servant (Commonwealth), Public servant (State), Real estate agent, Settlement agent, Sheriff or deputy sheriff, Surveyor, Teacher, Tribunal officer or Veterinary surgeon.