

# REVIEW MATTERS

Newsletter of the Accreditation Decisions Review Committee

Issue 2 May 2008

*ADRC is fully funded by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR).*

## What is in this issue?

**Statutory declarations:  
when to use and how  
to use in your  
Application for Review**

**Finding your way around  
the revised ADRC website**

### *Editorial*

*Welcome to the second edition of the Accreditation Decisions Review Committee (ADRC) Newsletter to services.*

*In this second newsletter ADRC has prepared information for services on the use of statutory declarations as a part of the evidence submitted in the Application for Review. There are many important issues for services to consider when deciding whether or not to include a statutory declaration as part of their evidence. Also in this edition ADRC is presenting its revised website and explaining how services can find their way around the site and use the information to assist them in preparing and submitting their Application for Review. We hope the information in this newsletter will be of benefit to services and agencies in preparing Applications for Review to ADRC.*

*Dr Vicki Banham  
Chair*

## **Review Matters – Newsletter of Accreditation Decisions Review Committee (ADRC)**

Review Matters is published by:  
ADRC, P.O. Box 32, Joondalup DC, Joondalup Western Australia 6919.  
Telephone : 1300 734 347 Facsimile: (08) 9305 8953  
Email: [information@adrc.org.au](mailto:information@adrc.org.au) Website: [www.adrc.org.au](http://www.adrc.org.au)

*Articles appearing in Review Matters may be reproduced by child care services for the purposes of information sharing amongst staff, carers, management and families. If the information contained within Review Matters is used please acknowledge the source of the information. At all other times permission must be obtained in writing from ADRC as the material in Review Matters is protected by copyright.*

*Layout, Design and Printing by Snap Printing Joondalup*

© Australian Government 2008

# **STATUTORY DECLARATIONS**

## **What is a statutory declaration?**

A statutory declaration is a written statement which takes the place of the sworn oral oath or affirmation. A person who willfully makes a false statement in a statutory declaration is guilty of an offence.

In making a decision a court or tribunal relies on evidence. This may be presented in person or in written documents such as a submission which may have photographs or diagrams attached. When evidence is presented in person there is a process of swearing the oath or making an affirmation which states that the evidence given is truthful to the best of the person's knowledge and belief. Where evidence is presented in written form only such as in applications to the ADRC, a statutory declaration enables the person to formally state that the evidence or statements are true.

A statutory declaration must be made in the required form as prescribed by legislation. The easiest way to do this is to use the official form. If this is not used, the statutory declaration made must contain everything which is on that form. The declaration must be witnessed by an authorised person. On the back of the official form there is a list of persons who are authorized to witness the declaration.

The statutory declaration must be signed in the presence of the authorised witness. Do not sign it beforehand and expect the witness to sign it without seeing the person sign. Take some form of photo identification such as a driving licence so the witness can confirm the identity of the person signing.

## **Why might you use a statutory declaration in your application?**

It is not necessary to have a statutory declaration in an Application for Review to ADRC. The usual circumstances in which an applicant might wish to consider providing a statutory declaration are:

- o to verify that the evidence being provided with the application for review was in existence and available at the time of the Validation Visit;
- o to enable a particular person such as a parent or staff member to provide evidence to ADRC about a specific situation relevant to the day of the Validation Visit.

## **What needs to be considered when preparing a statutory declaration?**

Applicants should carefully examine the evidence presented to check that it is truthful and that it was actually available to the Validator at the time of the Validation Visit. The date of the Validation Visit should be on the statutory declaration. For example the dates on the documents provided should be carefully checked to ensure that the documents were present at the time of the Validation Visit. If a document is dated after the Validation Visit then it cannot be taken into account by ADRC in the review of the Accreditation Decision. It may also mean that the statement in the statutory declaration is false and the person making it may in this way have committed an offence.

The simplest way to prepare a statutory declaration is to get the form from a newsagent, post office or a legal practitioner and follow the directions on the form. Remember the statutory declaration is valid if it is not actually written on the form but it is not valid if it is not in accordance with this form.

When making a statutory declaration stop and ask yourself the following questions:

- o Is it witnessed by a person on the list of authorised people on the back of the form?
- o Which particular quality Indicators does the statutory declaration refer to?
- o If photos are provided, are these accurately dated and labeled so that it is clear which quality Indicator they refer to? Is the date before or after the Validation Visit? What have you stated about these dates on the statutory declaration provided?

- o If a photo is of equipment of furniture at your centre, are you sure that this equipment was in place, and in the same position at the time of the Validation Visit? It may be useful to discuss this with other staff to help obtain an accurate idea of what was in place at the time of the Validation Visit.
- o Where documents such as policies are submitted, are the dates on the policies consistent with your statement on the statutory declaration.

## ASSISTANCE WITH COLLATING AND PRESENTING EVIDENCE IN THE APPLICATION FOR REVIEW.

The Professional Support Coordinator in your state or territory can be contacted to provide services with Quality Assurance professional advice, training and resources. Contact details are listed on the Office of Early Childhood Education and Child Care (OECECC) [www.oececc.gov.au](http://www.oececc.gov.au) and [www.ncac.gov.au](http://www.ncac.gov.au) websites.

COMMONWEALTH OF AUSTRALIA

**STATUTORY DECLARATION**

(1) Insert name, address and occupation of person making the declaration.

(2) Insert matter declared to. Where the matter is long, add like words as follows:— and then set the matter out in numbered paragraphs.

**I**, <sup>(1)</sup>  
do solemnly and sincerely declare<sup>(2)</sup>

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959*, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration. \_\_\_\_\_

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Before me,

(4) Signature of person before whom the declaration is made. \_\_\_\_\_

(5) Name (in printed letters) in full, name and qualification and address of person before whom the declaration is made. \_\_\_\_\_

Note 1 A person who intentionally makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* is guilty of an offence against that Act, the punishment for which is imprisonment for a term of 4 years.

PERSONS BEFORE WHOM A STATUTORY DECLARATION MAY BE MADE LISTED OVERLEAF

Example of a Statutory Declaration Form

[www.adrc.org.au](http://www.adrc.org.au)

ADRC invites you to visit our newly redeveloped website at [www.adrc.org.au](http://www.adrc.org.au). The website has a range of features to allow people with a range of abilities to access the site. The site meets Australian Government and World Wide Web Consortium (W3C) requirements for website accessibility. The site also limits the use of graphics, so it can be accessed and downloaded in regional and remote areas.

Once you have visited our site consider adding it to your favourites. You will notice the website address has its own logo so you can easily identify ADRC from your list of favourites.

ADRC welcomes your feedback about the site so if you have any ideas for further improvements please email us at: [information@adrc.org.au](mailto:information@adrc.org.au)

# Finding your way around the ADRC website

## www.adrc.org.au

### Preparing Applications

Information about preparing your Application for Review including:

- What can be reviewed
- How to prepare and present your Application for Review to ADRC
- Preparing your evidence

### Information for Applicants

Information to assist you in developing an Application for Review:

- Frequently Asked Questions
- What is meant by evidence?
- What is sufficient evidence?
- Using a statutory declaration

### Review Process

Explains how the review process is undertaken by ADRC including:

- ADRC Terms of Reference
- Basic Premise of ADRC work
- ADRC Priority Rating
- ADRC Review Process

### About ADRC

Contains information about ADRC



### FAQ's

Quick answers to the most frequently asked questions (FAQ) services most often ask.

### Feedback

Go to this section to provide feedback on the review process and the ADRC site

### Links

Access is available from this section to government departments and agencies which support Child Care Quality Assurance

### Reports and Statistics

Includes ADRC Reports and Conference Papers

### Publications

ADRC's publications including Review Matters are available by following this link.

## CONTACTING ADRC

Services can contact ADRC on matters pertaining to their Application for Review of the Accreditation Decision by:

Telephone: 1300 734 347 (As ADRC is a part time office the telephone may not always be answered but your message will be responded to within 24 hours. When leaving a message please ensure your area code is included with your return telephone number).

Facsimile: (08) 9305 8953 Email: [information@adrc.org.au](mailto:information@adrc.org.au)