

Information for Applicants

STATUTORY DECLARATION

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 his or her knowledge and belief. Where evidence is presented in written form only such as in applications to the ADRC, a statutory declaration enables them 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 authorised.

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 to ADRC. The usual circumstances in which an applicant might wish to consider providing a statutory declaration are:

- to verify that the evidence being provided with the application for review was in existence and available at the time of the Validation Visit;
- 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 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 they 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 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:

- Is it witnessed by a person on the list of authorised people on the back of the form?
- Which particular quality Indicators does the statutory declaration refer to?
- 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?
- If a photo is of equipment or 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.
- Where documents such as policies are submitted, are the dates on the policies consistent with your statement on the statutory declaration.