

Schedule 18 – Proponent Statutory Declaration

Item 1 – Proponent Statutory Declaration

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Proponent Statutory Declaration

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 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 (as defined in the Yamatji Nation Indigenous Land Use Agreement (ILUA)), in a form other than the Yamatji Proponent Standard Heritage Agreement (YPSHA) (as defined in the ILUA) with the YSRC that applies to the Tenure.
 - (**) The registered holder of the Tenure as mentioned above has on [XX – Insert date of agreement] entered into a Yamatji Proponent Standard Heritage Agreement (YPSHA) (as defined in the Yamatji Nation Indigenous Land Use Agreement (ILUA)) with the YSRC that applies to the Tenure.
 - (**) The registered holder of the Tenure mentioned above has executed a YPSHA (as defined in the Yamatji Nation Indigenous Land Use Agreement (ILUA)), subject only to any necessary modifications in terminology required for the Tenure, and provided a copy of that YPSHA to the YSRC for execution. That YPSHA was received by the YSRC on [XX – Insert date of receipt by the YSRC], and by [XX – Insert date 40 Business Days after date of receipt by YSRC] the registered holder of the Tenure has not received a copy of that YPSHA which has also been executed by the YSRC.
3. (***) By entering into an Aboriginal Heritage Agreement in a form other than the YPSHA with the YSRC 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 conditions applicable to the Tenure.
 - (***) By entering into an YPSHA with the YSRC 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 conditions applicable to the Tenure.

(***) By executing a YPSHA and providing a copy of it to the YSRC in the manner provided in paragraph 2 above, and not having received a copy of the YPSHA that is executed by the YSRC by [XX – Insert date 40 Business Days after date of receipt by YSRC], I believe that the registered holder of the Tenure as mentioned above will, by providing this Statutory Declaration to the [XX – Insert details of relevant Department of the State], have satisfied the 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)

Schedule 18 – Proponent Statutory Declaration

Item 2 – Instructions for Completing Proponent Statutory Declaration

Instructions for completing Statutory Declaration

The following is a guide for executing a statutory declaration pursuant to the *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 provisions of that Act to ensure compliance with it.

1. 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.

2. Witnessing of a statutory declaration

After the maker of the statutory declaration has complied with the above 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.

3. 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 Councillor, 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.