

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

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

I, ¹ **[Insert the name, address and occupation of person making the declaration]**

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

² Set out matter declared to in numbered paragraphs

²

1. I am authorised to make this statutory declaration on behalf of **[insert name, ABN and address of funding recipient]** (the **Recipient**) and do so after making diligent inquiry and on the basis of my own knowledge.
2. The Recipient received \$**[insert amount of Funds]** GST exclusive (the **Funds**) in the **[insert financial year]** financial year, as described in the funding agreement with the Commonwealth of Australia represented by the Department of the Environment and Energy (**Department**) dated **[insert date funding agreement signed]** for the Environmental Stewardship Program (**Agreement**).
3. Capitalised terms in this statutory declaration have the meaning they are given in the Agreement.
4. The component of the Funds provided for reimbursement of costs of foregone production on the Specified Area is a genuine and defensible estimate of these costs.
5. With the exclusion of the component of the Funds provided for reimbursement of genuine costs of foregone production on the Specified Area, the Recipient has spent the Funds in accordance with the Agreement to maintain and improve the condition of matters of national environmental significance on their property and has adhered to the specified management actions in the Agreement.
6. In accordance with the Agreement, the Recipient has retained tax invoices for the Funds and receipts (if any) and / or other supporting documentation to verify the Funds have been expended for the purposes stated in the Agreement.
7. The Recipient represents and warrants to the Department that:
 - a) it has no plan (including succession plans or business plans), agreement or other arrangement in place which would require the Disposal of the Land within the Project Period;
 - b) it has all rights, title, licences, interests and property necessary to lawfully perform the Project;
 - c) if it is a body corporate, it is duly incorporated in accordance with the Law of its place of incorporation, it validly exists under that Law and has the capacity to sue or be sued in its own name and to own its property and conduct its business as it is being conducted;
 - d) it has full power and authority to enter into, perform and observe its obligations under the Agreement;
 - e) the execution, delivery and performance of the Agreement has been duly and validly authorised by the Recipient;
 - f) no litigation, arbitration, mediation, conciliation or administrative proceedings are taking place, pending, or to the knowledge of any of its officers after due inquiry, are threatened, which, if adversely decided, could have an adverse effect on its ability to perform its obligations under the Agreement;
 - g) unless otherwise disclosed in the Agreement, it did not enter into the Agreement as trustee of any trust or settlement;
 - h) it has not made any false declaration or statement in respect of any current or past dealings with the Department or any other Australian Government agency, including in any tender or application process or in any agreement; and
 - i) it has had no significant deficiency in the performance of any substantive requirement or obligation under any prior agreement with the Department or any other Australian Government agency which would adversely affect its ability to perform the Agreement.

8. The Recipient is not aware that the following has occurred in the previous financial year:
- a) the Recipient, or if the Recipient is an incorporated entity a Person of Influence in the incorporated entity, has been charged with an Offence of Dishonesty or Breach of Environment or Planning Laws;
 - b) an Insolvency Event occurred in respect of the Recipient;
 - c) if the Recipient is a lessee of the Land, the Recipient's lease has been terminated;
 - d) the Land is to be compulsorily acquired by any authority;
 - e) a Mining Exploration Licence has been granted over the Land;
 - f) a Wind Farm has been proposed to be built within two kilometres of the Land;
 - g) action has been taken on property immediately adjacent to the Land which may impact upon the Recipient carrying out the Project;
 - h) the Recipient is no longer an Australian resident for tax purposes as defined in the *Income Tax Assessment Act 1936* (Cth);
 - i) if the Recipient is an incorporated entity, its constitution is changed in a way that will prevent the undertaking of the Project in accordance with the Agreement; or
 - j) the Recipient is unable, for whatever reason, to manage the Specified Area in accordance with the Agreement, including for example:
 - (i) as a result of the death, or permanent disability or incapacity, of the Recipient; or
 - (ii) where more than one natural person is a party to the Agreement, as a result of the death, or permanent disability or incapacity, of one of those natural persons.

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

4 Place
5 Day
6 Month and year

Declared at ⁴ on ⁵ of ⁶

Before me,

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

7

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

8

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*.

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*)
Bailliff

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

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 5 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