**Statutory Declaration**

**Declaration of compliance**

Sections 64A – 64B *Mineral Resources Act 1989*

This form allows you to make a statutory declaration under the Queensland *Oaths Act 1867*. A statutory declaration is a written statement that is declared to be true in the presence of an authorised witness.

This statutory declaration is required under section 64B of the *Mineral Resources Act 1989* to declare your compliance with section 64A of the *Mineral Resources Act 1989*. This declaration must be given to the administering authority within 5 business days after the last objection day for the application of the mining claim or, if the Chief Executive decides on a longer period, the day the Chief Executive decides.

Making a false statement in a statutory declaration is a criminal offence. If your statutory declaration is based on information or belief, you should state the sources of your information or the grounds of your belief. You can attach documents to your statutory declaration to support your statement.

You can print this document and sign it on paper before any authorised witness. You **can electronically sign this document only if it is witnessed by a special witness or other authorised person. You can have this document witnessed over audio visual link (e.g. videoconference) only if it is witnessed by a special witness.**

You may direct another person to sign your statutory declaration for you – this person is called a **substitute signatory**. The witness must observe you directing the substitute signatory to sign the document for you.

At the back of this form is an explanatory guide about who can witness your statutory declaration.

Please note: An objector may only serve an objection on the applicant by email if the applicant has specified an email address in the prescribed form for the application for a mining claim. To effect service, the objector must only use this email address and not another email address (for example, not an email address found by searching the internet). If an email address is not specified in the application form, it is taken that the applicant has not consented to service of an objection by email.

If handwritten, please use a pen and write using **BLOCK LETTERS**. Cross where applicable [x]

**QUEENSLAND**

***Oaths Act 1867***

**STATUTORY DECLARATION**

**Re: Mining claim notice prepared for the application:**

|  |  |
| --- | --- |
| **Mining claim application number:** |       |
| **On land described as:**  |       |

Insert the Lot and Plan details

|  |  |
| --- | --- |
| I, |       |
|  | Insert the name of the person making this declaration |
| of |       |
|  | Insert the street address of the person making this declaration |

do solemnly and sincerely declare that:

1. In accordance with section 64B of the *Mineral Resources Act 1989,* in relation to the above-mentioned application,

|  |
| --- |
|       |

Proponent/company name

have (*please select only one of the following*)

|  |  |
| --- | --- |
| [ ]  | fully complied with the mining claim notice requirements of sections 64A – 64B of the *Mineral Resources Act 1989* in the case of a mining claim application  |
| OR |  |
|[ ]  not fully complied with the mining claim notice requirements of sections 64A – 64B of the *Mineral Resources Act 1989* and the details of the non-compliance are as follows: |
|  |       |

1. The mining claim notice, mining claim application and small scale mining activities code (if applicable) have been given to the following persons by email, registered post\*\* or in person:

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Address | Date sent/served | Mode (email/registered post/in person) |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |
|       |       |       |       |

 \*\* Attach registered mail receipt

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

**I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.**

**I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.**

I state that:

1. This declaration was made in the form of an electronic document.\*
2. This declaration was electronically signed.\*
3. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*.\*

*(\*delete whichever statements are not applicable)*

|  |  |  |
| --- | --- | --- |
| **DECLARED** by …………………………………….[insert full name of declarant] at …………………………………[insert place where declarant is located] **Signed for and at the direction of the** **declarant by\***………………………………………………[insert full name of substitute signatory]\***\****delete if not applicable* |  | …………………………………… [signature of declarant / substitute signatory\*]……………………………………[date] |

|  |  |
| --- | --- |
| In the presence of:…………………………………….[insert full name of witness] …………………………………….[insert type of witness] For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc.…………………………………….[insert name of law practice / witness’splace of employment]\***\****delete if not applicable* | …………………………………… [signature of witness]…………………………………… [date] |
| ***For special witnesses to complete – Select as applicable*** |
|[ ]  I am a **special witness** under the *Oaths Act 1867*.*(see section 12 of the Oaths Act 1867)* |
|[ ]  This document was made in the form of an electronic document. |
|[ ]  I electronically signed this document.  |
|[ ]  This statutory declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements. |

**\*\* IMPORTANT NOTE \*\***

**PLEASE COMPLETE THE NEXT PAGE TITLED**

**“*HOW THIS DOCUMENT WAS MADE*”.**

**PLEASE ATTACH THIS PAGE TO YOUR STATUTORY DECLARATION.**

**HOW THIS DOCUMENT WAS MADE**

 ***Please attach this page to your statutory declaration***

***NOTE: FAILURE TO COMPLETE THIS TABLE DOES NOT INVALIDATE THE DOCUMENT***

|  |  |
| --- | --- |
| *The signatory (declarant) or substitute signatory must complete this section* | **SIGNATORY / SUBSTITUTE SIGNATORY to complete** |
|  | **Who signed this declaration?** |
|  |[ ]  the signatory (declarant) |
|  |[ ]  a substitute signatory |
|  | **How did the signatory/substitute signatory sign?** |
|  |[ ]  on paper |
|  |[ ]  electronically |
|  | **How was this declaration witnessed?** |
|  |[ ]  in person |
|  |[ ]  over audio visual link |

|  |  |
| --- | --- |
| *The witness must complete this section* | **WITNESS to complete** |
|  | **How did you (the witness) sign this document?** |
|  |[ ]  on paper |
|  |[ ]  electronically |
|  | **What document did you (the witness) sign?**  |
|  |[ ]  The same physical (paper) document that was signed in the presence of the signatory/substitute signatory |
|  |[ ]  A copy of the document that was signed by the signatory/substitute signatory (e.g a scanned copy of a paper signed document, a photocopy or printout) |
|  |[ ]  A counterpart of the document (a copy of the document without the signature of the signatory/substitute signatory) |
|  | **What form of document did you (the witness) sign?** |
|  |[ ]  paper  |
|  |[ ]  electronic (tick this if you electronically signed the document or if you physically signed a copy of the document signed by the signatory/substitute signatory and then sent a scanned copy of that document to the signatory or other person) |
|  | **How was the substitute signatory directed to sign (if applicable)?** |
|  |[ ]  in person by the signatory |
|  |[ ]  over audio visual link by the signatory |

***This is a guide only and is intended to provide general information. Please delete once complete.***

**WHO CAN WITNESS A STATUTORY DECLARATION IN QUEENSLAND**

A statutory declaration under the *Oaths Act 1867* in Queensland must be signed in the presence of an eligible witness. Who can witness a statutory declaration depends on how the document is signed (whether on paper or electronically), and whether the witness is present in person or by audio visual link.

**Signing in the physical presence of witness**

If the statutory declaration is to be signed on paper and in person, the witness can be:

* a justice of the peace (JP)
* a commissioner for declarations (Cdec)
* a notary public
* a lawyer
* a conveyancer or another person authorised to administer an oath under the law of the State, the Commonwealth or another State, or
* another person prescribed by regulation.

**Signing electronically or witnessing over audio visual link**

If the statutory declaration is to be signed electronically (whether witnessed in person or by audio visual link); or witnessed over audio visual link (whether signed on paper or electronically), the witness must be a **special witness** or **another person prescribed by regulation**.

A **special witness** is:

* an Australian legal practitioner
* a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer
* an **approved** JP
* an **approved** Cdec
* if the document was prepared by a law practice – a JP or Cdec who is employed by the law practice and who witnesses documents in the course of that employment
* a notary public
* if the document was prepared by the Public Trustee of Queensland - a JP or Cdec who is an employee of the Public Trustee.

**WHO CAN SIGN A STATUTORY DECLARATION AS A SUBSTITUTE SIGNATORY**

A substitute signatory is a person directed by the signatory to sign the statutory declaration on their behalf. The person who witnesses the statutory declaration must also observe the signatory giving the direction to the substitute signatory – this may occur in person or by audio visual link.

**Who can’t be a substitute signatory**

If your declaration is to be witnessed over audio visual link or you are directing another person by audio visual link to sign the document for you, the following persons are excluded from signing as a substitute signatory:

* If the statutory declaration is to be used in a court or tribunal proceeding – a person who is another party to the proceeding, or a relation of a person who is another party to the proceeding.
* The person who witnesses the statutory declaration
* A person excluded under any other law from signing the document as a substitute signatory.

**Who can be a substitute signatory**

* Any adult with capacity can be a substitute signatory, except for those persons excluded above.
* If the signatory directs the substitute signatory over audio visual link to sign the document (i.e. they are not physically in each other’s presence when the direction is given), then the substitute signatory must be:
	+ any Australian legal practitioner
	+ a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer
	+ an employee of the Public Trustee of Queensland.

Note that whenever audio visual links are used to make, sign or witness a document (regardless of whether the witness or substitute signatory is present by audio visual link), the document must be witnessed by a **special witness** (refer above).