

About the F17 statutory declaration

Approval of an enterprise agreement (other than a greenfields agreement)



Who can use this form

This form (which is a statutory declaration) forms part of an application for approval of an enterprise agreement.

The [Fair Work Act 2009](#) allows you to use this form if:

- a Form F16 – Application for approval of an enterprise agreement (other than a greenfields agreement) is being lodged with the Fair Work Commission (the Commission) **and**
- you are an employer or a bargaining representative who has been appointed by an employer (s.185).

About enterprise agreements

Before the Commission can approve the agreement it must find that the employees will be 'better off overall' under the agreement than they would be if they were covered by their existing award (s.186 and s.193). More information about the process that employers and employees must follow to make a new enterprise agreement can be found in the Commission's [Guide – Making an enterprise agreement](#).

In Part 3, you must set out the names of any modern award(s) or award-based transitional instrument(s) – typically pre-reform award(s) or NAPSAs – and include the MA, AP, or AN number for each instrument. These numbers can be found using the title search on the Commission's [find an award](#) search facility. An award will not apply to employees if a statutory collective agreement is in place. However, an award that would apply in the absence of such an agreement will still apply to those employees (see Division 2, Part 5, Schedule 3 of the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#)).

Lodgment and service of your completed form

1. **Lodge** the following documents with the Commission **within 14 calendar days** after the agreement is made:
 - this statutory declaration **and**
 - the notice of representational rights referred to in question 2.3.

If you are lodging your form at the same time as the Form F16, you can use the Commission's [Online Lodgment Service \(OLS\)](#). Alternatively, you can lodge your form by post, by fax or by email or in person at the [Commission office](#) in your state or territory, either at the same time, or separately, from the Form F16.

All employees that will be covered by the agreement must be notified that an application has been made to the Commission for approval of the agreement in accordance with rule 40 of the Fair Work Commission Rules 2013. Notification should be made through the usual means that are adopted by the employer for communicating with employees.

2. If you are a bargaining representative appointed by an employer – **lodge** a copy of the written instrument of appointment at the same time as this statutory declaration.

3. **As soon as practicable** after it is lodged with the Commission, **serve a copy** of this statutory declaration on:
- each employer that will be covered by the agreement **and**
 - each employee organisation that was a bargaining representative **and**
 - any employee bargaining representative of whom you are aware.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website www.fwc.gov.au also contains a range of information that may assist.

Throughout this form



This icon appears throughout the form. It indicates information to help you answer the question following.

Legal or other representation

Representation is where another person (such as a lawyer or union official) speaks or acts on your behalf in relation to your matter. There is no requirement for you to be represented when you appear at the Commission. You will need the permission of the Commission member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- a bargaining representative, or
- employed by a union or employer organisation, a peak union or peak employer body, or
- one of your employees or officers (if you are an employer).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



Remove this cover sheet and keep it for future reference – it contains useful information.

Form F17 – Employer’s statutory declaration in support of an application for approval of an enterprise agreement (other than a greenfields agreement)

Fair Work Act 2009, s.185; Fair Work Commission Rules 2013, rule 24 and Schedule 1

This is a declaration in support of an application to the Fair Work Commission for approval of an enterprise agreement in accordance with Part 2-4 of the [Fair Work Act 2009](#).

I,

| | | | |
|---------------------------|--|-----------------|------|
| Name | Stephen Elder | | |
| Postal address | 228 Victoria Parade | | |
| Suburb | East Melbourne | | |
| State or territory | VIC | Postcode | 3002 |
| Occupation | Executive Director of Catholic Education Commission of Victoria Limited (CECV) | | |

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

Part 1 – Preliminary

1.1 What is the name of the employer?

| | |
|---------------------|---|
| Legal name | Please refer to Attachment 3 and Attachment 4 (Bargaining representatives Instruments of Appointment) |
| Trading name | Please refer to Attachment 3 |

Specify whether the employer is a “designated emergency management body” as defined in s.195A(4) and (5) of the [Fair Work Act 2009](#).

No

1.2 What is the name of the agreement (write the name exactly as it appears in the title clause of the agreement)?

Victorian Catholic Education Multi-Enterprise Agreement 2018

1.3 Are you aware of any other agreement(s) that has been filed or dealt with by the Commission that has identical or substantially identical terms?

Yes

No

If you have answered **Yes** to question 1.3 – specify the name of the identical agreement, the name of the employer covered by the identical agreement, the agreement ID number, the date of the Commission’s decision and the name of the Commission Member who dealt with such agreement.

1.4 Was that agreement approved with undertakings? Yes No Don't know**1.5 Has a scope order, a low paid authorisation or a majority support determination been issued in relation to this agreement?** Yes No**If Yes – Provide the unique print number (PR) and the date the order was made****Print number****Date of order**

All employees that will be covered by the agreement must be notified that an application has been made to the Commission for approval of the agreement in accordance with rule 40 of the Fair Work Commission Rules 2013. Notification should be made through the usual means that are adopted by the employer for communicating with employees.

Part 2 – Requirements for approval**Nominal expiry date****2.1 What is the nominal expiry date of the agreement? Provide the clause number in the agreement that specifies the date.**

See section 186(5) of the [Fair Work Act 2009](#).

Clause number 3**Expiry date** 30 April 2021**Scope of the agreement****2.2 Does the agreement cover all the employees of the employer (other than senior executives)?** Yes No

See sections 186(3) and (3A) of the [Fair Work Act 2009](#).

If No – what group(s) of employees are covered by the agreement. Explain why you think the Commission should be satisfied that this group(s) was fairly chosen. If appropriate, describe any geographical, operational or organisational qualities that make the group(s) distinct.

The *Victorian Catholic Education Multi-Enterprise Agreement 2018* applies to the same employees covered by the current *Victorian Catholic Education Multi Enterprise Agreement 2013*, with the addition in the new agreement of school nurses.

The employees in schools and in the Catholic Education Office (CEO) of each Diocese, represent those employees whose tasks are directly related to educational service delivery or administration (and traditionally award covered) and the Commission should be satisfied that the group of employees was fairly chosen.

For schools, the Agreement applies to all full-time, part-time, fixed-term, casual relieving and casual employees in the following categories of employee: Primary Principals, Deputy Principals, Teachers, Education Support Employees, School Services Officers and School Nurses.

This does not include Secondary Principals, Instructors and Boarding School Staff. Secondary principals are not covered by a modern award and are employed under common law contracts. Instructors and boarding school staff are conventionally not included in the Agreement, are covered by modern awards and the terms and conditions for these employees are set by the few individual schools who engage them.

In the CEO's, the Agreement applies to all full-time, part-time, and fixed-term employees in the following categories of employee: Psychologists, Speech Pathologists, Education Officers, School Advisers, Placed Teachers, Visiting Teachers and Clerical (now Administration) Staff (Administration staff also includes casual employees).

2.3 Did the employer take all reasonable steps to give notice of their right to be represented by a bargaining representative to each employee who will be covered by the agreement?

Yes – please attach a copy of the notice given to employees

No



See section 173 of the [Fair Work Act 2009](#) and schedule 2.1 of the [Fair Work Regulations 2009](#).

Describe the steps that were taken to give employees notice of their right to be represented by a bargaining representative.

On 1 August 2018, bargaining commenced between the parties.

On 4 August 2018, the Notice of Employee Representational Rights (**Notice**) was distributed by email to all employees proposed to be covered by the agreement by the CECV (Attachment 5).

On 3 August 2018, a circular was sent by email from the CECV, to all employers and principals of Catholic Schools in Victoria (Attachment 6). The circular instructed employers and principals to ensure that prior to 14 August 2018, the Notice was:

- placed on the staff notice board;
- forwarded to eligible employees who do not have access to email; and
- forwarded to all eligible employees on extended leave such as parental leave or long service leave.

Agreement genuinely approved**2.4 What steps were taken by the employer and on what date were they taken to ensure that the relevant employees were either:**

- a. given a copy of the written text of the agreement and any other material incorporated by reference into the agreement (must be provided during the 7 days before the start of the voting process), or
- b. had access to the above materials (must have access throughout the whole 7 day period)?



See section 180(2)(a) of the [Fair Work Act 2009](#).

Describe the steps taken**Date**

The following documents were emailed via link by the CECV to all relevant school employees:

Wednesday, 17
October 2018

- Proposed *Victorian Catholic Education Multi-Enterprise Agreement 2018* (Attachment 12)
- Agreed Explanation of the Agreement – A Joint Document between CECV and IEU (Attachment 7b)
- Circular explaining the process to vote on the proposed enterprise agreement (Attachment 7a)
- Salary and Allowances for each Classification of Employee
- Frequently Asked Questions about voting (together, **Employee Information**) (Attachment 7c)

The Employee Information was also made available on the CECV website, which is a public website.

A circular was sent by email from the CECV, to all school employers and principals of Catholic Schools in Victoria (Attachment 8a). The circular instructed employers and principals to ensure that by 5.00pm 19 October 2018:

Wednesday, 17
October 2018

- Copies of the Employee Information was placed in the staff room or other prominent location;
- Copies of the Employee Information was provided to any staff without emails; and
- Employees on leave were contacted and provided with copies of the Employee Information or advised how to access the Employee Information.

The Employee Information was emailed via link by the CECV to all relevant CEO employees.

Thursday, 18
October 2018

An email was sent from the CECV, to each CEO employer. The email instructed employers to ensure that by 5.00pm 19 October 2018:

Thursday, 18
October 2018

- Copies of the Employee Information was placed in the staff room or other prominent location;

- Copies of the Employee Information was provided to any staff without emails; and
- Employees on leave were contacted and provided with copies of the Employee Information or advised how to access the Employee Information.

Due to local circumstances at four schools which required the vote to be held at a later date, the Employee Information was again:

Wednesday, 7
November 2018

- emailed to relevant employees;
- placed in the staff room or other prominent location; and
- provided and/or made available to any staff without emails / employees on leave.

for employees employed by:

- Reverend William van de Camp at St Brendan’s Primary School, Corangulac;
- Reverend Peter Hudson at Our Lady Help of Christian’s School, Murtoa;
- Reverend Matthew Thomas at St Mary’s Primary School, Sealake; and
- Dean Romuald Hayes at DOXA School Bendigo (together, the **Four Schools**).

2.5 When did you notify the relevant employees of the date and place at which the vote was to occur and the voting method to be used?



Please state the date of the notification and describe the steps taken to notify the relevant employees. See section 180(3) of the [Fair Work Act 2009](#).

1. On Wednesday, 17 October 2018, the CECV emailed via link to all relevant school employees a Circular (Attachment 7a) and a document entitled 'Frequently Asked Questions – Voting' (Attachment 7c) explaining the process to vote on the proposed enterprise agreement. The information advised that a ballot would be conducted at their school between 9.00am on Tuesday 30 October 2018 and 1.00pm on Friday, 2 November 2018. Employees were advised that the method of voting would be by show of hands at a meeting organized to conduct the vote, or alternatively by paper ballot for any employees unable to attend the meeting.
2. The above information was emailed to all relevant CEO employees on Thursday, 18 October 2018.
3. On Wednesday, 17 October 2018 and 18 October 2018 the CECV emailed all employers and principals, a Circular and document entitled '*Guidelines for Conducting the Employee Ballot*' (Attachment 8a and 8b). These documents instructed all employers and principals to complete a 'Notice of Meeting' that was to be issued to all relevant employees advising of the local time scheduled for the vote. The Notice of Meeting contained the following information:
 - Date of Vote;
 - Time of Vote;
 - Location of Vote; and
 - Method of Voting
4. Employers and principals were also instructed to:
 - Place the Notice of Employee Meeting in the staff room or another prominent location;
 - Provide copies to any staff who do not have email; and
 - Ensure that any Employees on leave, so far as reasonable were contacted and provided with the Notice of Employee Meeting.
5. At the Four Schools, on Wednesday 7 November 2018, a Notice of Meeting was:
 - emailed to relevant employees;
 - placed in the staff room or other prominent location; and
 - provided and/or made available to any staff without emails / employees on leave.

2.6 What steps were taken by the employer to explain the terms of the agreement, and the effect of those terms, to the relevant employees?



See section 180(5) of the [Fair Work Act 2009](#).

1. On Wednesday 17 October 2018, the following documents were emailed via link by the CECV to all relevant school employees (Attachment 7 and 12):
 - Proposed *Victorian Catholic Education Multi-Enterprise Agreement 2018*
 - Agreed Explanation of the Agreement – A Joint Document between CECV and IEU
 - Circular explaining the process to vote on the proposed enterprise agreement
 - Salary and Allowances for each Classification of Employee
 - Frequently Asked Questions about voting.
2. The document entitled '*Agreed Explanation of the Agreement – A Joint Document between CECV and IEU*' outlined a summary of all the key changes in the proposed Agreement.
3. On Wednesday, 17 October 2018 and 18 October 2018 the CECV emailed all employers and principals, a Circular and document entitled '*Guidelines for Conducting the Employee Ballot*' (Attachment 8a and 8b). These documents instructed all employers and principals to hold a joint explanatory meeting chaired by the Principal and local IEU Representative between Monday, 22 October 2018 and Friday, 26 October 2018, with the relevant employees to:
 - Remind staff of the proposed Agreement and where they can access information;
 - Explain the proposed Agreement and/or provide staff with time to read the Employee Information;
 - Remind staff of the vote; and
 - Answer any questions.
4. Principals and employers were also instructed within the document entitled '*Guidelines for Conducting the Employee Ballot*', to take appropriate steps to explain the information/make it available to any employees with culturally and linguistically diverse backgrounds, disabilities or who were young – where this could present difficulty for them in relation to accessing or understanding the agreement.
5. At the Four Schools, on Wednesday 7 November 2018, the Employee Information was:
 - emailed to relevant employees;
 - placed in the staff room or other prominent location; and
 - provided and/or made available to any staff without emails / employees on leave.

2.7 When you explained the terms of the agreement to the employees, what did you do to take into account the particular circumstances and needs of the relevant employees?



Examples of employees who have 'particular circumstances and needs' include employees from non-English speaking backgrounds, young employees, employees who don't have a bargaining representative, etc.

English in the spoken language in all schools and CEOs covered by the agreement.

Principals and employers were also instructed within the document entitled *Guidelines for Conducting the Employee Ballot* (Attachment 8b), to take appropriate steps to explain the information/make it available to any employees with culturally and linguistically diverse backgrounds, disabilities or who were young – where this could present difficulty for them in relation to accessing or understanding the agreement.

2.8 Please provide the following dates:



See sections 173, 181, 181(2) and 182 of the [Fair Work Act 2009](#).

| Event | Date |
|---|--|
| The date of notification time (that is, either the date that the employer initiates or agrees to bargain or the date of a majority support determination, scope order or low paid authorisation). | 1 August 2018 |
| The date of the last notice of representational rights given to an employee who will be covered by the agreement. | 14 August 2018 |
| The date voting for the agreement commenced (voting commences on the first date that an employee is able to cast a vote). | 30 October 2018 (15 November 2018 for the Four Schools) |
| The date that the agreement was made (that is, the date on which the voting process by which the employees approved the agreement concluded). | 2 November 2018 (15 November 2018 for the Four Schools) |

2.9 Is the agreement lodged within 14 calendar days of the date the agreement was made?

Yes

No

If you have answered **No** to question 2.9 – Please provide details of the circumstances the Commission should take in to account in deciding if it is fair to extend the time for lodging this application.



See section 185(3)(b) [Fair Work Act 2009](#)

N/A

2.10 Please provide the following details about the vote on the agreement:

| | |
|--|--------|
| How many employees will be covered by the agreement? | 27,445 |
| How many employees cast a valid vote? | 19,549 |
| How many employees voted to approve the agreement? | 19,432 |

Interaction with the National Employment Standards

2.11 List any terms of the agreement that exclude in whole, or in part, the National Employment Standards?



See Part 2-2 – National Employment Standards of the [Fair Work Act 2009](#).

N/A

2.12 List any terms of the agreement that are detrimental to an employee in any respect when compared to the National Employment Standards.

N/A

Right of entry

2.13 Does the agreement contain any terms that deal with the rights of officials or employees of employee organisations to enter the employer's premises?



See section 186(4) and sections 194(f) and (g) of the [Fair Work Act 2009](#).

Yes

No

If you have answered **Yes** to question 2.13 – Please identify the clauses in the agreement dealing with right of entry.

Unlawful terms

2.14 Does the agreement contain any of the following:

- discriminatory terms – s186(4), s194(a), s195
- objectionable terms – s12, s186(4), s194(b)
- terms dealing with employee rights in relation to unfair dismissal – s186(4), s194(c)-(d)
- designated outworkers terms – s186(4)
- terms that deal with the taking of industrial action that are inconsistent with Part 3-3 of Chapter 3 of the *Fair Work Act 2009* – s186(4), s194(a)
- a term that does not comply with the superannuation contribution requirements for default fund employees – s194(h)
- objectionable emergency management terms – s195A

If you have selected any of the above please identify the relevant terms of the agreement.

Required terms

2.15 Please provide the clause numbers in the agreement for these required terms:

| | |
|--|-----------|
| Dispute resolution procedure – s186(6) | Clause 22 |
| Flexibility term – s202(1), s203 | Clause 10 |
| Consultation term – s205(1) s205(1A) | Clause 17 |

Particular types of workers

2.16 Can shift workers be employed under the agreement?



See section 196 of the [Fair Work Act 2009](#).

- Yes
- No – Go to question 2.17

Please identify the clause(s) in the agreement that define shift workers for the purpose of the NES.

N/A

Please advise if the agreement provides for an additional week of annual leave for shift workers and identify the relevant clause(s) number of the agreement.

N/A

2.17 Does the agreement?

cover any pieceworkers – s197

cover any outworkers – s200

contain terms for school based apprentices or trainees that provide for loadings in lieu of paid leave – s199

Part 3 – Better off overall test

Reference instruments

3.1 List the modern award(s), if any, that currently cover the employer and any of the employees covered by this agreement.

Educational Services (Teachers) Award 2010

Educational Services (Schools) General Staff Award 2010

Clerks-Private Sector Award 2010

Health Professionals & Support Services Award 2010

3.2 List the pre-reform award(s) or NAPSA(s) that covered the employer and any of the employees covered by this agreement as at 31 December 2009.

N/A

Translating classifications

3.3 Are any of the classifications in the agreement different from the classifications in any of the reference instrument(s) listed in questions 3.1 and 3.2?

Yes – See Attachment 9

No

If you have answered **Yes** to question 3.3 – Please attach a table that identifies how the classifications in the agreement relate to the classifications in the reference instrument(s).

Improvements and reductions

3.4 Does the agreement contain any terms or conditions of employment that are *more beneficial* than equivalent terms and conditions in the reference instrument(s) listed in questions 3.1 and 3.2 and/or does the agreement confer any entitlements that are not conferred by those reference instruments?

Yes

No

If you have answered **Yes** to question 3.4 – Identify the terms and conditions of the agreement that are **more beneficial** than the reference instruments and any entitlements that are **not conferred** by the reference instruments. Your answer should indicate whether all or only some of the employees are affected and, if only some employees are affected, identify the groups of employees affected.

The *Victorian Catholic Education Multi-Enterprise Agreement 2018* (VCEMEA) contains a significant number of terms and conditions that are more beneficial than the reference instruments this includes the following:

Salary structure

Significantly higher pay compared to the reference instruments for example:

- Salaries for teachers that are between 28.83% - 46.32% higher than the Award.
- Teaching allowances that are 94.77% - 179.31% higher than the Award.
- Salaries for non-teaching staff that are between 11.81% - 86.71% higher than the relevant instruments.
- Yearly pay increases of 3.25% or 4% (for primary principals) in the 2019 and 2020 school years.

For a detailed comparison of the pay rates and salaries, please see Attachment 9.

Paid leave entitlements

Improved paid leave conditions including:

- 15 days of paid personal leave per year, granted at the start of each year (not progressively) and portable between Catholic employers.
- 14 weeks paid parental leave (excluding school holidays and public holidays) and which can be taken at half pay.
- Between 10-15 days of paid family and domestic violence leave.
- 13 weeks of long service leave which preserves full time service (for employees who later move part time) and is portable between Catholic employers.

Other conditions

- Portability of service between Employers.
- Significantly higher redundancy payments.
- Unpaid parental leave of up to 3 years.
- Transition to retirement provisions for full time staff.

For a detailed analysis of the more beneficial terms and conditions please see Attachment 10.

3.5 Does the agreement contain any terms or conditions of employment that are *less beneficial* than equivalent terms and conditions in the reference instrument(s) listed in questions 3.1 and 3.2 and/or does the agreement omit any entitlements that are conferred by those reference instruments?

Yes

No

If you have answered **Yes** to question 3.5 – Identify the terms and conditions of the agreement that are **less beneficial** than the reference instruments and any entitlements that are **omitted** from the agreement. Your answer should indicate whether all or only some of the employees are affected and, if only some employees are affected, identify the groups of employees affected.

The VCMEA contains few terms and conditions that are less beneficial to the reference instruments. For a detailed analysis of the less beneficial terms and conditions please see Attachment 11.

Exceptional circumstances (where the agreement fails the better off overall test)

3.6 Do you think that the agreement passes the better off overall test?



Section 193 of the [Fair Work Act 2009](#) sets out when an agreement will pass the better off overall test.

I think the agreement **does pass** the better off overall test

I **don't think the agreement passes** the better off overall test

If the employer considers that the Agreement **does not** pass the better off overall test – Identify any exceptional circumstances that the Commission should consider when deciding whether approving the Agreement would not be contrary to the public interest.



Section 189 of the [Fair Work Act 2009](#) sets out when the Commission may approve an enterprise agreement that does not pass the better off overall test.

N/A

Part 4 – Statistical information

This information is necessary for the Commission to assess whether the employer took all reasonable steps to ensure that the terms of the agreement, and the effect of those terms, are explained to the relevant employees and the explanation is provided in an appropriate manner taking into account the particular circumstances and needs of the relevant employees, for example:

- (a) employees from culturally and linguistically diverse backgrounds;
- (b) young employees;
- (c) employees who did not have a bargaining representative for the agreement. (s.180 (5) & (6) of the Fair Work Act 2009).

In addition, this information is collected to enable the General Manager of the Fair Work Commission to comply with the statutory reporting obligations in s.653 of the [Fair Work Act 2009](#) and to be provided to the Department of Employment for inclusion in the Department's Workplace Agreements Database.

4.1 What is the primary activity of the employer?

For example music retailer, plumbing contractor, steel fabricator, etc.

Educational Services

4.2 What states and territories will this agreement be operating in?

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

4.3 Of the employees covered by this agreement, how many employees are in the following demographic groups?

| Demographic group | Number of employees |
|--------------------------------------|---------------------------|
| Female | 21,101 |
| Non-English speaking background | Information not collected |
| Aboriginal or Torres Strait Islander | 72 |
| Disabled | Information not collected |
| Part-time | 12,083 |
| Casual | Information not collected |
| Under 21 years of age | 102 |
| Over 45 years of age | 14,072 |

4.4 Please list the full and precise name of all collective agreement(s) (including ID numbers) that covered any employees covered by this agreement immediately prior to the time this agreement was made.

Victorian Catholic Education Multi Enterprise Agreement 2013
AE405326

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.

Signature of person making the declaration

Signature



Declared at (place)

Melbourne

on (day) of (month) (year) 15 November 2018

Before me,

Signature of person before whom the
declaration is made



Full name of person before whom
declaration is made

Daniel Nguyen

Qualification of person before whom
declaration is made

Accountant – Chartered Accountants Australia and
New Zealand (No. 355261)

Address of person before whom
declaration is made

228 Victoria Parade

Suburb

East Melbourne

State or territory

VIC

Postcode

3002

Phone number

(03) 9267 0228

Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment of 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 must be made before a **prescribed person**. For a full description of prescribed persons please see the Commission's [Guide – Statutory Declarations](#).

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS