

# Statutory Declaration under the Oaths Act 1990 (NSW)

Under section 40A of the *Child Protection (Working with Children) Act 2012*

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First name:.....Surname.....

Previous names:.....

Date of birth .....  Male  Female

Place of Birth.....

Street address:.....

Suburb .....State .....Post Code: .....

Occupation .....

I do solemnly and sincerely declare that:

1. I am in child-related work or applying to be in child-related work within the meaning of the NSW *Child Protection (Working with Children) Act 2012*, but am exempt from the requirement to hold a working with children check clearance under the *Child Protection (Working with Children) Regulation 2013* at the time of the making of this declaration.
2. I have not been refused a working with children check clearance under the *Child Protection (Working with Children) Act 2012* (this declaration may be made if a clearance was subsequently granted to you).
3. I have not had a working with children check clearance cancelled under the *Child Protection (Working with Children) Act 2012* (this declaration may be made if the clearance was surrendered by you, a clearance was subsequently granted to you, or the cancellation was overturned on review).
4. I am not currently subject to an interim bar on engaging in child-related work under the *Child Protection (Working With Children) Act 2012*.
5. I have not been convicted of an offence, or subject to a finding of guilt for an offence or a finding that the charge for an offence is proven, where the offence was committed as an adult in New South Wales or elsewhere and was an offence of the following kind:
  - (a) a sexual assault or intercourse offence;
  - (b) the common law offence of rape or attempted rape;
  - (c) an indecent assault offence;
  - (d) a sexual servitude offence;
  - (e) observing a person engaged in a private act, for the purpose of obtaining sexual arousal or sexual gratification (voyeurism);
  - (f) filming another person engaged in a private act or filming another person's private parts, for the purpose of obtaining, or enabling another person to obtain, sexual arousal or sexual gratification;
  - (g) installing a device, or constructing or adapting the fabric of a building, for the purpose of facilitating the observation or filming of a child, with the intention of enabling any person to commit an offence referred to at (d)-(e) above;
  - (h) murder of a child;
  - (i) manslaughter of a child (other than as a result of a motor vehicle accident);
  - (j) intentional wounding or causing grievous bodily harm to a child who was three or more years younger than me;
  - (k) a child prostitution offence;
  - (l) an offence involving an act of indecency with or towards a child;
  - (m) procuring or grooming a child under 16 years of age for unlawful sexual activity;
  - (n) using a child for the production of child abuse material, or producing, disseminating, possessing or importing child abuse material;
  - (o) possessing or importing child pornography;
  - (p) offences relating to the use of a postal or similar service for child pornography material or child abuse material;
  - (q) offences relating to the use of a postal or similar service involving sexual activity with a child under 16;
  - (r) publishing indecent articles;
  - (s) an offence of kidnapping a child, unless a parent or carer of the child at the time of the offence;
  - (t) a forced labour or deceptive recruiting for labour or services offence, where the victim was a child;
  - (u) intentional or reckless infliction of grievous bodily harm on a child, during or after the delivery of the child;
  - (v) intentionally abandoning or exposing a child under the age of seven;
  - (w) bestiality;
  - (x) an offence an element of which is an intention to commit one of the above offences; or
  - (y) an offence of attempting, or of conspiracy or incitement, to commit one of the above offences.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1990.

Signature [of declarant]..... Date.....

Declared at: [place].....

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This declaration was signed in the presence of an authorised witness, who states:

I, *[name of authorised witness]* .....

Position: *[qualification of authorised witness]*.....

Certify the following matters concerning the making of this statutory declaration by the person who made it:  
*[ please tick the box that applies]*

I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was

Describe identification document relied .....  
.....

.....  
Signature of authorised witness

.....  
Date

.....  
Position of authorised witness

**Note:**  
To complete the statutory declaration process the applicant must also complete the Consent and Undertaking to the statutory declaration.