

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

I, \_\_\_\_\_  
[insert full name]

of \_\_\_\_\_, \_\_\_\_\_  
[insert residential address] [occupation]

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

1. I am a [proposed] director of \_\_\_\_\_  
[insert name of applicant]
2. I confirm to ASX Limited that:
  - a. I have not been the subject of any previous bankruptcy, insolvency, receivership, administration or similar event;
  - b. I have not been charged with or convicted of any offences relating to dishonesty, fraud, financial markets-related conduct or money laundering;
  - c. I have not been the subject of any fines, civil penalties, banning, suspension or other disciplinary measures for financial markets-related misconduct;
  - d. I have not been the subject of any disciplinary action or adverse mention in a report made by, or at the request of, any government or governmental authority or agency, the Australian Securities and Investments Commission, ASX, an Approved Clearing Facility, an Approved Settlement Facility (as those terms are defined in the relevant ASX rulebooks), and any other exchange, market operator or clearing and/or settlement facility;
  - e. I have not been refused membership of any financial markets-related, legal or accounting professional organisation or had such a membership revoked; and
  - f. I have not had an application for participant status (or equivalent status) on another exchange, market, Approved Clearing Facility or Approved Settlement Facility (as those terms are defined in the relevant ASX rulebooks) refused,

whether in Australia or elsewhere, and I am not aware of any open or pending investigations or threatened proceedings that could lead to any of the above[, except for *[insert a description of any exception to the statements in (a), (b), (c), (d), (e) or (f) above and a detailed explanation of the circumstances involved]*].

I believe that the statements in this declaration are true in every particular, and 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, the punishment for which is imprisonment for a term of 4 years.

\_\_\_\_\_  
(Signature of Declarant)

Declared at \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(Place) (Day) (Month) (Year)

Observed by me,  
\_\_\_\_\_  
(Signature of person observing the declaration being made)

\_\_\_\_\_, \_\_\_\_\_  
(Print full name of person observing the declaration being made) (Qualification)

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(Address of person observing the declaration being made)

**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:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i>
Nurse	Occupational therapist	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:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
  - i. Chartered Accountants Australia and New Zealand;
  - ii. the Association of Taxation and Management Accountants;
  - iii. CPA Australia;
  - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

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 a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment 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 the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a State or Territory; or
- d) registered on the National Engineering Register by Engineers Australia

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

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 the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a State
- c) a Territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external Territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a State or Territory or a State or Territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of 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 employee of a Commonwealth authority

Senior executive employee of a State or Territory

SES employee of the Commonwealth

Sheriff

Sheriff's officer

Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

## **ASX Note – Drafting and Execution Instructions**

Declarants should take their own legal advice on the formal requirements for making statutory declarations under the *Statutory Declarations Act 1959*. The standardised list above sets out the list of acceptable witnesses under the *Statutory Declarations Act 1959*. As general information only, ASX notes that this includes (for persons making this statutory declaration in any jurisdiction outside of Australia) a notary public exercising functions outside of Australia and an Australian Consular Officer.

All italicised text, square and curly brackets and end notes should be deleted from the final statutory declaration before it is executed.