



## F-111 deseal/reseal and other fuel tank maintenance workers

# Using Statutory Declarations in applications for Tier classification

### Overview

This Factsheet provides information about using statutory declarations as evidence for applications for Tier classification by F-111 deseal/reseal and other F-111 fuel tank maintenance workers.

### Background

Guidelines for using statutory declarations have been developed specifically to assist you with the *Application for Tier Classification* form. Use of statutory declarations as evidence of F-111 work, is part of the process of recognising issues faced by RAAF maintenance personnel undertaking F-111 fuel tank repairs, where there is often an absence of official work records.

The Department of Veterans' Affairs (DVA's) F-111 website contains the guidelines for using statutory declarations – essentially the same information contained in this Factsheet. The link to the guidelines can be found on the Tier classification pages of DVA's F-111 website.

### What is a statutory declaration?

A statutory declaration is a written statement declared to be true in the presence of an authorised witness. Please use the form of statutory declaration that complies with the requirements of the *Statutory Declarations Act 1959* and the *Statutory Declarations Regulations 1993*.

Electronic copies of the approved forms, and information about using statutory declarations, can be found on the Attorney General's website <http://www.ag.gov.au/statdec>. Printed copies of the forms can be obtained from your local DVA office.

### When can a statutory declaration be accepted as F-111 related evidence?

In order for a statutory declaration to be accepted as evidence for an F-111 application, it should be:

- a true and faithful account of your work concerning F-111 fuel tank repair and maintenance work;

**and, where possible should include:**

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- a second, supporting statutory declaration, made by an *authorised person*\* (for definition of an authorised person please see the following section – Who is an authorised person?) who can support your claim.

Where you cannot locate or contact an authorised person, please submit **one** statutory declaration from yourself (the claimant) - stating the particulars of your F-111 fuel tank maintenance work (type of work and associated tasks; location; time periods).

### **Please also state:**

- 1) why you are unable to contact any authorised persons;
- 2) names of those persons (if you can recall) whom you cannot locate or contact, but who would have been able to confirm your F-111 work. DVA claims investigators will try to establish contact with such persons, or will try to identify alternative authorised persons, on your behalf;
- 3) **your permission** for DVA investigators to provide your name and your F-111 work details to potential authorised persons (whom DVA identifies and contacts) for the purpose of providing support to your claim.

### **Who is an authorised person?**

An authorised person is:

- a commanding officer; or
- a person who was the claimant's supervising trade NCO at the time of fuel tank entry or entries or at the time they undertook other eligible tasks; or
- a person who worked directly with the claimant as:
  - a superior; **or**
  - a co-worker;who has been determined to have Tier 1, Tier 2 or Tier 3 classification and whose own claim for Tier classification had primary or secondary evidence taken into account.

### **What information should I include in my statutory declaration?**

Your statutory declaration should include the following information:

- full particulars and history of service including overall dates;
- type of employment;
- approximate dates when involved in tasks described in Tier 1, 2 or 3 definitions (Factsheet F111 02 – *Tier Classification and Tier Definitions* refers);
- if fuel tank entry was involved, details of entry including types of duties;
- an explanation as to why there are no official records, if known;

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- details of any documents that were in the person's possession and why/how they were lost;
- names of other persons working with you at the same time who can corroborate your fuel tank entry work and how they know you, and those persons' contact details, if known.

### What information should an *authorised person* provide in their statutory declaration?

A supporting statutory declaration made by an authorised/corroborating person should include the following information:

- periods of supervision of, or association with, you while you were undertaking fuel tank maintenance requiring fuel tank entry or other eligible tasks;
- details of your roles, including any fuel tank entry work; and
- if applicable, the date of decision of the corroborating person's own Tier classification.

### What evidence is used in the decision making process?

When applications for Tier classification are being determined, all of the evidence available is considered; and the decision maker must be satisfied that on the balance of probability, the available evidence satisfies the eligibility criteria. The evidence used in the decision making process (order of weighting is from highest to lowest) includes:

1. **Primary evidence** – sourced from official Air Force (or other employer) records, including:
  - individual service and personnel records;
  - the Airman's Trade Progress Sheet;
  - Air Force Record of Training and Employment;
  - Defence pay records that show evidence of tank entry;
  - Fuel Tank Entry Permits (from 1993-2000).
2. **Secondary evidence** – sourced from:
  - statements made to the Air Force Board of Inquiry or in support of an individual's compensation claim;
  - the individual's application for inclusion in the Interim or Study of Health Outcomes in Aircraft Maintenance Personnel (SHOAMP) Health Care Schemes (SHCS).
3. **Tertiary evidence**, including:
  - statutory declaration from you/claimant, corroborated by primary or secondary evidence (eg, work records; with that evidence sourced by DVA investigators, if necessary);
  - a second supporting statutory declaration made by an authorised/corroborating person (if possible);
  - personal photographs;

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- personal copies of service records which are not available in official individual personnel records.

### **Investigative process**

Where primary and/or secondary evidence is unavailable from a claimant, DVA will attempt to source such evidence. Where DVA is unable to source such evidence, investigators will then attempt to identify and contact a third party (potential authorised person/s) to lend weight to a claim.

### **Evidence is tested for plausibility**

It should be noted that the provision of two statutory declarations does not automatically result in the end of the investigation process. The eligibility assessment team must still investigate the claim, which includes attempting to source primary and secondary evidence, to support eligibility. The investigations team will make every effort to verify information contained in statutory declarations.

The content of the two statutory declarations will be subject to a test of plausibility in the same way that other evidence is assessed. It should be noted that as a result of this testing, contrary evidence may emerge.

### **False statements**

A person who wilfully makes a false statement in a statutory declaration is guilty of an offence and may be fined or jailed, or both.

All claims where evidence suggests a person has deliberately made a fraudulent statement by statutory declaration will be referred to the DVA Compliance Section for further investigation.

### **Disclaimer**

The information contained in this Factsheet is general in nature and does not take into account individual circumstances. You should not make important decisions, such as those that affect your financial or lifestyle position, e.g. retirement, on the basis of information contained in this Factsheet. Where you are required to lodge a written claim for a benefit, you must take full responsibility for your decisions prior to the written claim being determined. You should seek confirmation in writing of any oral advice you receive from DVA relating to complex or important matters.

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## Other Factsheets

Other Factsheets related to this topic include:

**F111-02 - Tier Classification and Tier Definitions**

## More information

All DVA Factsheets are available from DVA offices, and on the DVA website at [www.dva.gov.au](http://www.dva.gov.au).

You can phone DVA for the cost of a local call\* on **133 254** or free call **1800 555 254** if you are outside a major city.

*Note: \* Use a normal landline phone if you can. Mobile phone calls may cost you more.*

You can phone the F-111 hotline on **1800 555 323**

You can visit the F-111 website: **[f111.dva.gov.au](http://f111.dva.gov.au)**

You can email us at: **[f111enquiries@dva.gov.au](mailto:f111enquiries@dva.gov.au)**

You can email DVA at: [GeneralEnquiries@dva.gov.au](mailto:GeneralEnquiries@dva.gov.au) .

You can also get more help from any DVA office.