



## DECLARATION MADE PURSUANT TO THE STATUTORY DECLARATIONS ACT 1959

A statutory declaration made under the *Statutory Declarations Act 1959* (the Act), as amended, is a written statement declared to be true in the presence of certain people who are authorised to be witnesses.

A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

### Duties of a person authorised to witness a statutory declaration

It is the duty of a person authorised to witness a statutory declaration to actually witness the signature of the person making the declaration, and to ensure that the format of the declaration accords with the schedule of the Act.

Before a statutory declaration is signed by an authorised person it should be examined to ensure that:

- (a) if a "statutory declaration" form is not used, the words "Statutory Declaration" appear at the head of the document and the words "I make this solemn declaration by virtue of the *Statutory Declarations Act 1959*, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular" follow immediately after the matter declared;
- (b) the full name, address and occupation of the person making the declaration are given;
- (c) all blank spaces in the form are ruled out; and
- (d) the person signs the declaration in the presence of the witness.

The person witnessing the declaration should, pointing to the signature, ask "is this your name?" Upon the declarant answering "yes", the witness should then ask "do you solemnly and sincerely declare that the contents of this declaration are true?" If the answer is again "yes", the witness may then countersign the declaration, adding below his or her signature and the title which vests the authority to witness such declarations.

PERSONS BEFORE WHOM A STATUTORY DECLARATION MAY BE MADE ARE LISTED OVERLEAF

## STATUTORY DECLARATIONS

A statutory declaration under the *Statutory Declarations Act 1959* as amended may be made before:

Members of the Commonwealth Parliament,  
 Member of a State Parliament,  
 Member of the Legislative Assembly of the Australian Capital Territory,  
 Member of the Legislative Assembly of the Northern Territory,  
 Member of the Legislative Assembly of Norfolk Island,  
 Judge,  
 Magistrate,  
 Master of a Court,  
 Chief Executive Officer of a Federal Court,  
 Registrar or Deputy Registrar of a Court,  
 Clerk of a Court,  
 Clerk of Petty Sessions,  
 Sheriff,  
 Sheriff's Officer,  
 Bailiff,  
 Barrister,  
 Solicitor,  
 Registered Patent Attorney within the meaning of the *Patents Act 1990*,  
 Justice of the Peace,  
 Commissioner for Affidavits,  
 Notary Public,  
 Commissioner for Declarations,  
 Police Officer,  
 Registered Medical Practitioner,  
 Dentist,  
 Pharmacist,  
 Veterinary Surgeon,  
 Minister of Religion designated as an authorised marriage celebrant,  
 Civil Marriage Celebrant,  
 Holder of a Statutory Office,  
 Alderman or Councillor of a Municipal or Shire Council,  
 Senior Executive Service Officer of the Commonwealth Public Service,  
 Permanent Employee of the Commonwealth Government with 5 years service,  
 Senior Executive Service Officer of a State Public Service,  
 Permanent Employee of a State Government with 5 years service,  
 Senior Executive Service Officer of a Territory Public Service,  
 Permanent Employee of a Territory Government with 5 years service,  
 Permanent Employee of a Local Government with 5 years service,  
 Officer of the Australian Navy, the Australian Army, or the Australian Air Force, within the meaning of the *Defence Force Discipline Act 1982*,  
 Non-Commissioned Officer within the meaning of the *Defence Force Discipline Act 1982* with 5 years service,  
 Warrant Officer within the meaning of the *Defence Force Discipline Act 1982* with 5 years service,  
 Full-time Teacher at a school, or tertiary education institution, with 5 years service,  
 Registered Nurse, or Enrolled Nurse, with 5 years service,  
 Bank Manager,  
 Bank Officer with 5 years service,  
 Building Society Officer with 5 years service,  
 Credit Union Officer with 5 years service,  
 Registered Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants,  
 Postal Manager,  
 Australian Postal Corporation Officer with 5 years service,  
 Person before whom a statutory declaration may be made under the Law of the State, or Territory, in which the declaration is made,  
 Australian Consular Officer, or Australian Diplomatic Officer, within the meaning of the *Consular Fees Act 1985*.



I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the same statement contained in this declaration to be true in every particular.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature of Declarant \_\_\_\_\_

before me, signature of Witness \_\_\_\_\_

Occupation / Qualification of Witness \_\_\_\_\_