

Statutory Declarations Regulations (Amendment) 1997 No. 339

EXPLANATORY STATEMENT

Statutory Rules 1997 No. 339

Issued by the Authority of the Attorney-General

Statutory Declarations Act 1959

Statutory Declarations Regulations (Amendment)

Section 14 of the Statutory Declarations Act 1959 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters necessary or convenient to be prescribed for, carrying out or giving effect to the Act.

Section 8 of the Act provides that a statutory declaration made under the Act must -

- (a) be in the form in the Schedule; and
- (b) be made before a prescribed person.

The Act was amended in 1991 to remove the provisions for the appointment of Commissioners for Declarations and to provide that statutory declarations could be witnessed by any class of persons referred to in regulations. Regulations containing a list of prescribed persons authorised to witness statutory declarations came into force on 5 December 1991.

The Regulations were amended in 1993 to include additional professional bodies as well as qualifying some of the original categories of persons able to witness statutory declarations.

Further representations have been received from professional bodies and organisations expressing concern that their members are not included in the list of persons able to witness statutory declarations. The proposed new regulations will prescribe additional classes of persons before whom statutory declarations may be made.

Details of the proposed regulations are as follows:

Regulation 1 is formal.

Regulation 2 amends the Schedule to the regulations to add to, the list of persons before whom a statutory declaration may be made, the following additional classes of persons

- Physiotherapists;
- Psychologists;
- Fellows of the National Tax Accountants' Association;
- Finance company officers with 5 or more years continuous service; and
- Members of the Association of Taxation and Management Accountants.