

Statutory Declarations Amendment Regulations 2002 (No. 1) 2002 No. 70

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 70

Issued by the Authority of the Attorney-General

Statutory Declarations Act 1959

Statutory Declarations Amendment Regulations 2002 (No. 1)

Section 14 of the *Statutory Declarations Act 1959* (the Act) provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed.

Section 8 of the Act provides, amongst other matters, that a statutory declaration must be made before a prescribed person.

The purpose of the Regulations is to prescribe locally engaged staff at Australian overseas posts as persons before whom statutory declarations may be made.

Details of the Regulations are set out in the attachment.

The Regulations commenced on gazettal.

Attachment

Regulation 1 is formal.

Regulation 2 provides that the Regulations commenced on gazettal.

Regulation 3 provides that Schedule 1 in the Regulations amends the Statutory Declarations Regulations.

Item 1 of Schedule 1 changes the name of the regulations from the *Statutory Declaration Regulations* to the *Statutory Declarations Regulations* 1993. This accords with modern drafting practice in relation to the naming of regulations.

Item 2 of Schedule 1 replaces a reference in the existing regulations to the *Consular Fees Act 1985* with the correct reference to the *Consular Fees Act 1955*.

Item 3 of Schedule 1 amends the Schedule to the existing regulations to extend the categories of persons before whom a statutory declaration may be made. The amendment prescribes locally engaged staff at overseas posts as persons before whom a statutory declaration may be made. These are employees of the Commonwealth, or of the Australian Trade Commission, who are authorised in writing by the Secretary of the Department of Foreign Affairs and Trade to carry out consular acts at overseas Posts.