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Statutory Declarations Amendment Regulations 2004 (No. 1)¹

Statutory Rules 2004 No. 2

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Statutory Declarations Act 1959*.

Dated 19 AUG 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

PHILIP RUDDOCK
Attorney-General

1 Name of Regulations

These Regulations are the *Statutory Declarations Amendment Regulations 2004 (No. 1)*.

2 Commencement

These Regulations commence on the commencement of items 55 and 56 of Schedule 1 to the *Law and Justice Legislation Amendment Act 2004*.

3 Amendment of Statutory Declarations Regulations 1993

Schedule 1 amends the *Statutory Declarations Regulations 1993*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 3

substitute

3 Statutory declaration — prescribed form

- (1) For paragraph 8 (a) of the Act, each of the following forms is prescribed:
 - (a) the form set out in Schedule 1;
 - (b) the form set out in the Schedule to the Act, as in force immediately before the commencement of items 55 and 56 of Schedule 1 to the *Law and Justice Legislation Amendment Act 2004*.
- (2) Paragraph (1) (b) ceases to have effect at the end of 31 December 2005.

4 **Persons before whom a statutory declaration may be made**

For paragraph 8 (b) of the Act, each of the following persons is prescribed:

- (a) a person who, under a law in force in a State or Territory, is currently licensed or registered to practise in an occupation listed in Part 1 of Schedule 2;
- (b) 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);
- (c) a person listed in Part 2 of Schedule 2.

[2] **Schedule**

substitute

Schedule 1 Form of statutory declaration

(regulation 3)

STATUTORY DECLARATION

Statutory Declarations Act 1959

I, [*Name, address and occupation of person making the declaration*] make the following declaration under the *Statutory Declarations Act 1959*:

1. [*Set out matter declared to in numbered paragraphs*]
- 2.
- 3.

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, and I believe that the statements in this declaration are true in every particular.

[*Signature of person making the declaration*]

Declared at [place] on [day] of [month] [year]

Before me,

[*Signature of person before whom the declaration is made*]

[*Full name, qualification and address of person before whom the declaration is made (in printed letters)*]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

Schedule 2 Persons before whom a statutory declaration may be made

(regulation 4)

Part 1 Occupations

Item	Occupation
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101	Chiropractor
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102	Dentist
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103	Legal practitioner
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Item	Occupation
104	Medical practitioner
105	Nurse
106	Optometrist
107	Patent attorney
108	Pharmacist
109	Physiotherapist
110	Psychologist
111	Trade marks attorney
112	Veterinary surgeon

Part 2 Other persons

Item	Person
201	Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
202	Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the <i>Consular Fees Act 1955</i>)
203	Bailiff
204	Bank officer with 5 or more continuous years of service
205	Building society officer with 5 or more years of continuous service
206	Chief executive officer of a Commonwealth court
207	Clerk of a court
208	Commissioner for Affidavits
209	Commissioner for Declarations
210	Credit union officer with 5 or more years of continuous service
211	Employee of the Australian Trade Commission who is: <ul style="list-style-type: none"> (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (d) of the <i>Consular Fees Act 1955</i>; and (c) exercising his or her function in that place

Item Person

- 212 Employee of the Commonwealth who is:
- (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
 - (c) exercising his or her function in that place
- 213 Fellow of the National Tax Accountants' Association
- 214 Finance company officer with 5 or more years of continuous service
- 215 Holder of a statutory office not specified in another item in this Part
- 216 Judge of a court
- 217 Justice of the Peace
- 218 Magistrate
- 219 Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- 220 Master of a court
- 221 Member of Chartered Secretaries Australia
- 222 Member of Engineers Australia, other than at the grade of student
- 223 Member of the Association of Taxation and Management Accountants
- 224 Member of the Australian Defence Force who is:
- (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
- 225 Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- 226 Member of:
- (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
- 227 Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Item Person

- 228 Notary public
- 229 Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- 230 Permanent employee of:
- (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this Part
- 231 Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- 232 Police officer
- 233 Registrar, or Deputy Registrar, of a court
- 234 Senior Executive Service employee of:
- (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority
- 235 Sheriff
- 236 Sheriff's officer
- 237 Teacher employed on a full-time basis at a school or tertiary education institution

Notes

1. These Regulations amend Statutory Rules 1993 No. 156, as amended by 1997 No. 339; 2002 No. 70; 2003 No. 238.
2. Notified in the *Commonwealth of Australia Gazette* on *L* 2004. *26 August*