

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 97

Issued by the Authority of the Attorney-General

Statutory Declarations Act 1959

Statutory Declarations Amendment Regulations 2006 (No. 1)

The *Statutory Declarations Act 1959* (the Act) establishes a regime for Commonwealth statutory declarations, including the purposes for which a statutory declaration may be used, how a statutory declaration is made and the penalty for intentionally making a false declaration.

Section 14 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or 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 must be made in the prescribed form and must be made before a prescribed person.

The *Statutory Declarations Regulations 1993* (the Principal Regulations) prescribe the form for making a statutory declaration and the persons before whom a statutory declaration can be made.

The purpose of the Regulations is to insert a definition of 'address' which witnesses and declarants must provide on the prescribed form.

The form for making a statutory declaration prescribed in Schedule 1 to the Principal Regulations requires the declarant and the witness to provide their addresses. However, some persons did not wish to provide their personal address and there was particular community concern about the possibility of residential addresses being revealed where statutory declarations contain serious allegations about other persons. The Regulations clarify the meaning of 'address' by inserting a definition into the Principal Regulations which allows the witness and declarant to provide a non-residential or forwarding address but not an email address.

Details of the Regulations are set out in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Office of Regulation Review was consulted about the Regulations and advised that a Regulation Impact Statement was not mandatory as the Regulations do not have a direct or significant indirect effect on business.

All Commonwealth departments and agencies were consulted about the definition of the word 'address.' None were opposed to the proposed definition.

The Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

ATTACHMENT**Details of the *Statutory Declarations Amendment Regulations 2006 (No. 1)*****Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Statutory Declarations Amendment Regulations 2006 (No. 1)*.

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on the day after they are registered.

Regulation 3 – Amendment of *Statutory Declarations Regulations 1993*

This regulation provides that the *Statutory Declarations Regulations 1993* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments**Item [1] – Regulation 2**

Regulation 2 of the Principal Regulations provides definitions for certain words and terms used in the Regulations. This amendment adds a definition of address as follows:

address means the place at which, or through which, a person may be contacted, and includes a postal address, but does not include the person's email address.