

Statutory Declarations Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 September 2018

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Christian Porter

Attorney‑General

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1 Name

This instrument is the *Statutory Declarations Regulations 2018*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 18 September 2018 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Statutory Declarations Act 1959*.

4 Schedules

Each instrument that is specified in Schedule 3 to this instrument is amended or repealed as set out in the applicable items in that Schedule concerned, and any other item in that Schedule has effect according to its terms.

5 Definitions

In this instrument:

***Act*** means the *Statutory Declarations Act 1959*.

***address***, of a person:

(a) means the address of the person’s home or another premises at which the person can be contacted; and

(b) to avoid doubt, does not include the person’s email address.

***Commonwealth authority*** means:

(a) a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or

(b) a Commonwealth company within the meaning of the *Public Governance, Performance and Accountability Act 2013*.

6 Statutory declaration—prescribed form

For the purposes of paragraph 8(a) of the Act, the form set out in Schedule 1 is prescribed.

7 Persons before whom a statutory declaration may be made

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

(a) 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);

(b) a person who, under a law of the Commonwealth, a State or Territory, is currently licensed or registered to practise in Australia in an occupationlisted in Part 1 of Schedule 2;

(c) a person who is listed in Part 2 of Schedule 2.

8 Transitional—form of statutory declaration

A statutory declaration made in the form, and before a person, prescribed by the *Statutory Declarations Regulations 1993* either before, or during the six‑month period starting on, the day this instrument commences, has effect, on and after that day, as if it were made in the form, and before a person, prescribed by this instrument.

Schedule 1—Form of statutory declaration

Note: See section 6.

**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*]

[*Optional: Email address and/or telephone number 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)*]

[*Optional: Email address and/or telephone number of person before whom the declaration is made*]

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

Note: See section 7.

Part 1—Occupations

1 Listing of occupations

The following table lists occupations for the purposes of paragraph 7(b).

| Item | Occupation |
| --- | --- |
| 1 | Architect |
| 2 | Chiropractor |
| 3 | Dentist |
| 4 | Financial adviser or financial planner |
| 5 | Legal practitioner |
| 6 | Medical practitioner |
| 7 | Midwife |
| 8 | Migration agent registered under Division 3 of Part 3 of the *Migration Act 1958* |
| 9 | Nurse |
| 10 | Occupational therapist |
| 11 | Optometrist |
| 12 | Patent attorney |
| 13 | Pharmacist |
| 14 | Physiotherapist |
| 15 | Psychologist |
| 16 | Trade marks attorney |
| 17 | Veterinary surgeon |

Part 2—Other persons

2 Listing of persons

The following table lists persons for the purposes of paragraph 7(c).

| Item | Person |
| --- | --- |
| 1 | Accountant who is:  (a) a fellow of the National Tax Accountants’ Association; or  (b) a member of any of the following:  (i) Chartered Accountants Australia and New Zealand;  (ii) the Association of Taxation and Management Accountants;  (iii) CPA Australia;  (iv) the Institute of Public Accountants |
| 2 | Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public |
| 3 | APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item of this Part |
| 4 | Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*) |
| 5 | Bailiff |
| 6 | Bank officer with 5 or more continuous years of service |
| 7 | Building society officer with 5 or more years of continuous service |
| 8 | Chief executive officer of a Commonwealth court |
| 9 | Clerk of a court |
| 10 | Commissioner for Affidavits |
| 11 | Commissioner for Declarations |
| 12 | Credit union officer with 5 or more years of continuous service |
| 13 | Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this Part |
| 14 | Employee of the Australian Trade and Investment Commission who is:  (a) in a country or place outside Australia; and  (b) authorised under paragraph 3(d) of the *Consular Fees Act 1955*; and  (c) exercising the employee’s function at that place |
| 15 | Employee of the Commonwealth who is:  (a) at a place outside Australia; and  (b) authorised under paragraph 3(c) of the *Consular Fees Act 1955*; and  (c) exercising the employee’s function at that place |
| 16 | Engineer who is:  (a) a member of Engineers Australia, other than at the grade of student; or  (b) a Registered Professional Engineer of Professionals Australia; or  (c) registered as an engineer under a law of the Commonwealth, a State or Territory; or  (d) registered on the National Engineering Register by Engineers Australia |
| 17 | Finance company officer with 5 or more years of continuous service |
| 18 | Holder of a statutory office not specified in another item of this Part |
| 19 | Judge |
| 20 | Justice of the Peace |
| 21 | Magistrate |
| 22 | Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961* |
| 23 | Master of a court |
| 24 | 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 |
| 25 | Member of the Australasian Institute of Mining and Metallurgy |
| 26 | Member of the Governance Institute of Australia Ltd |
| 27 | 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 |
| 28 | Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961* |
| 29 | Notary public, including a notary public (however described) exercising functions at a place outside:  (a) the Commonwealth; and  (b) the external Territories of the Commonwealth |
| 30 | Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public |
| 31 | Permanent employee of:  (a) a State or Territory or a State or Territory authority; or  (b) a local government authority;  with 5 or more years of continuous service, other than such an employee who is specified in another item of this Part |
| 32 | Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made |
| 33 | Police officer |
| 34 | Registrar, or Deputy Registrar, of a court |
| 35 | Senior executive employee of a Commonwealth authority |
| 36 | Senior executive employee of a State or Territory |
| 37 | SES employee of the Commonwealth |
| 38 | Sheriff |
| 39 | Sheriff’s officer |
| 40 | Teacher employed on a permanent full‑time or part‑time basis at a school or tertiary education institution |

Schedule 3—Repeals

Statutory Declarations Regulations 1993

1 The whole of the instrument

Repeal the instrument.