



# **Coronavirus Economic Response Package (Modifications—Statutory Declarations and Notices of Intention to Marry) Determination 2021**

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I, Michaelia Cash, Attorney-General, make the following determination.

Dated 14 December 2021

Michaelia Cash  
Attorney-General

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## 1 Name

This instrument is the *Coronavirus Economic Response Package (Modifications—Statutory Declarations and Notices of Intention to Marry) Determination 2021*.

## 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.	21 December 2021

Note: This table relates only to the provisions of this instrument as originally made.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 subitem 1(2) of Schedule 5 to the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020*.

## 4 Modifications

Each modification of a provision of an Act or legislative instrument as set out in a Schedule to this instrument is determined for the purposes of subitem 1(2) of Schedule 5 to the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020*.

## Schedule 1—Modifications of the Statutory Declarations Act 1959 and related regulations

### 1 Definitions

In this Schedule:

*relevant period* means the period:

- (a) starting when this Schedule commences; and
- (b) ending on the day on which item 1 of Schedule 5 to the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020* is repealed.

### 2 Variation of section 8 of the *Statutory Declarations Act 1959* and Schedule 1 to the *Statutory Declarations Regulations 2018*

- (1) Section 8 of the *Statutory Declarations Act 1959* and Schedule 1 to the *Statutory Declarations Regulations 2018*, to the extent that they relate to the requirement that a statutory declaration be signed and made before a prescribed person, are varied as set out in this item in relation to the making of statutory declarations in the relevant period.

*Variations of section 8 of the Statutory Declarations Act 1959*

- (2) Paragraph 8(b) of that Act is varied by omitting “made before a prescribed person” and substituting “made by signing the declaration (whether by electronic means or otherwise) either before a prescribed person or under the observation of a prescribed person in accordance with this section”.
- (3) Section 8 of that Act is varied by adding (at the end of the section) the following subsections:
  - (2) If a declaration is made by a person (the **declarant**) under the observation of a prescribed person (rather than before the prescribed person):
    - (a) the observation must occur:
      - (i) by means of a facility that enables audio and visual communication between persons in different places; and
      - (ii) when the declarant signs the declaration; and
    - (b) the prescribed person must sign (by electronic means or otherwise) either:
      - (i) the declaration signed by the declarant; or
      - (ii) a copy of the declaration that the prescribed person is satisfied is a true copy of the declaration signed by the declarant (whether or not the copy includes the declarant’s signature).
  - (3) A declaration (or copy) must include a statement by a prescribed person that it was made in accordance with the *Coronavirus Economic Response Package (Modifications—Statutory Declarations and Notices of Intention to Marry) Determination 2021*, and the prescribed person’s email address or telephone number (or both), if either or both of the following apply:
    - (a) the declaration is made under the observation of the prescribed person;

- (b) the declaration (or copy) (whether made before the prescribed person or under the observation of the prescribed person) is signed by electronic means by the prescribed person, the declarant or both.
- (4) A failure to comply with subsection (3) does not affect the validity of a declaration.

*Variation of Schedule 1 to the Statutory Declarations Regulations 2018*

- (4) Schedule 1 to the *Statutory Declarations Regulations 2018* has effect as if:
  - (a) references in that Schedule to signature included references to electronic signature; and
  - (b) references in that Schedule (including the words “Before me”) to the declaration being made before a person included references to the declarant’s signature of the declaration being observed by the person in accordance with subitem (2); and
  - (c) if a prescribed person is required to include a statement on a statutory declaration under subitem (3)—the Schedule indicated that the prescribed person’s email address or telephone number (or both) is required (and not optional).

## Schedule 2—Modifications of the Marriage Act 1961

### 1 Definitions

In this Schedule:

*relevant period* means the period:

- (a) starting when this Schedule commences; and
- (b) ending on the day on which item 1 of Schedule 5 to the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020* is repealed.

### 2 Variation of paragraphs 42(2)(c) and (d)

Paragraphs 42(2)(c) and (d) of the *Marriage Act 1961* are varied in relation to notices signed in the relevant period by omitting “in the presence of” and substituting “under the observation (whether or not by means of a facility that enables audio and visual communication between persons in different places) of”.