



Statutory Declarations Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 December 2023

David Hurley
Governor-General

By His Excellency's Command

Mark Dreyfus KC
Attorney-General

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Part 1—Preliminary

1 Name

This instrument is the *Statutory Declarations Regulations 2023*.

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	At the same time as the <i>Statutory Declarations Amendment Act 2023</i> commences.	1 January 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) approved identity service;
- (b) approved online platform;
- (c) declarant.

In this instrument:

Act means the *Statutory Declarations Act 1959*.

citizenship certificate, in respect of a person, means a certificate, declaration, notice or other instrument in respect of the person's status as an Australian citizen or British subject, or otherwise in respect of the person's nationality, issued under:

Section 5

- (a) the *Australian Citizenship Act 2007*; or
 - (b) the *Australian Citizenship Act 1948*;
- or under regulations made under either of those Acts.

Commonwealth authority means a Commonwealth entity or Commonwealth company (both within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

digital identity framework means the Commonwealth government policy in relation to digital identity verification.

Part 2—Matters prescribed for purposes of Act

6 Persons before whom a statutory declaration may be made

For the purposes of the definition of *prescribed person* in section 4 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 occupation listed in Part 1 of Schedule 1;
- (c) a person who is listed in Part 2 of Schedule 1.

7 Documents that may be used to verify a person's identity

- (1) For the purposes of subparagraph 9A(1)(b)(ii) of the Act, it is a condition that the identity of a declarant must be verified using at least 2 documents covered by subsection (2).
- (2) A document is covered by this subsection if the document:
 - (a) is issued by the government of the Commonwealth or of a State or Territory; and
 - (b) is one of the following:
 - (i) a driver's licence (however described);
 - (ii) a current passport;
 - (iii) a birth certificate;
 - (iv) a medicare card (within the meaning of subsection 84(1) of the *National Health Act 1953*);
 - (v) a citizenship certificate;
 - (vi) a visa (within the meaning of the *Migration Act 1958*);
 - (vii) a convention travel document issued under section 9 of the *Australian Passports Act 2005*;
 - (viii) a document that can be used as evidence of immigration status.

Note: An ImmiCard is an example of a document covered by subparagraph (viii).

8 Information to be included in statutory declarations

For the purposes of subparagraph 9A(1)(c)(ii) of the Act, all of the following information is prescribed:

- (a) the date and time that the declaration was completed and signed;
- (b) the name of the approved online platform that was used to complete and sign the declaration;
- (c) a statement that the identity of the declarant was verified using an approved identity service;
- (d) a statement that the declaration was completed and signed for the purposes of section 9A of the Act;

Section 9

- (e) information that can be used to verify that:
- (i) the declaration was completed by the declarant using the approved online platform mentioned in paragraph (b); and
 - (ii) the contents of the declaration have not been changed since the declaration was completed.

Note: For the purposes of paragraph (e), the information may be in the form of a QR code or other identifier.

9 Approved online platform

For the purposes of subsection 9A(2) of the Act, the service known as myGov is prescribed.

10 Approved identity service

For the purposes of subsection 9A(3) of the Act, the service known as myGovID immediately before the commencement of these Regulations, or by whatever name called from time to time, is prescribed.

11 Information to be included in annual report

For the purposes of paragraph 9B(3)(d) of the Act, a report prepared by an online platform under subsection 9B(2) of the Act must include information about the number of statutory declarations started, but not completed, using the platform during the financial year to which the report relates.

12 Matters that Minister must take into account before regulations relating to digital verification are made

For the purposes of subsection 14(2) of the Act, the Minister must consider whether making the regulation would be consistent with the digital identity framework.

13 Matters that Minister must be satisfied of before digital services are prescribed

For the purposes of paragraph 14(3)(c) of the Act, the Minister must be satisfied that the digital service proposed to be prescribed:

- (a) if the digital service is proposed to be prescribed as an approved online platform for the purposes of subsection 9A(2) of the Act—will comply with any relevant standards or rules in the digital identity framework; or
- (b) if the digital service is proposed to be prescribed as an approved identity service for the purposes of subsection 9A(3) of the Act—is accredited as an identity service (however described) in accordance with the digital identity framework.

Part 3—Transitional arrangements

Division 1—Transition from the Statutory Declarations Regulations 2018

14 Transition from the *Statutory Declarations Regulations 2018*

Despite the repeal of the *Statutory Declarations Regulations 2018*, anything:

- (a) done under those Regulations; or
- (b) taken to have effect by reason of section 8 of those Regulations;

before the commencement of these Regulations continues to have effect on and after that commencement as if that repeal had not happened.

Schedule 1 Persons before whom a statutory declaration may be made

Part 1 Occupations

Clause 1

Schedule 1—Persons before whom a statutory declaration may be made

Note: See section 6.

Part 1—Occupations

1 Listing of occupations

The following table lists occupations for the purposes of paragraph 6(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 <i>Migration Act 1958</i>
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 6(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 <i>Consular Fees Act 1955</i>)
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 <i>Consular Fees Act 1955</i> ; 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 <i>Consular Fees Act 1955</i> ; 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

Schedule 1 Persons before whom a statutory declaration may be made

Part 2 Other persons

Clause 2

Item	Person
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 <i>Marriage Act 1961</i>
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 <i>Defence Force Discipline Act 1982</i> 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 <i>Marriage Act 1961</i>
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 2—Repeals

Statutory Declarations Regulations 2018

1 The whole of the instrument

Repeal the instrument.