

Statutory Declaration

What is a Statutory Declaration?

It is a written statement of facts that a person signs and declares to be true and correct before an authorised witness. The person who fills out the Statutory Declaration form and signs it is normally referred to as the declarant.

What is a Statutory Declaration used for?

It is used as formal evidence of certain facts in dealing with government departments and in some commercial dealings e.g. a declaration concerning loss of property under an insurance claim or as written evidence of loss of an important document.

What are the consequences of making a false or dishonest Statutory Declaration?

As a Statutory Declaration is a solemn declaration there can be serious consequences and/or penalties at law for anybody who knowingly makes false or dishonest statements on a Statutory Declaration form.

The persons qualified to witness a Statutory Declaration should be familiar with the consequences and/or penalties in their respective State/Territory.

Hints for filling out your Statutory Declaration:

- Write clearly and legibly as your statement must be readable.
It can be typed or written by a person other than the declarant but it must be signed by the declarant.
- Write your statements in the first person – that is – 'I'. For example, "I have lost my.....".
- Use plain English as much as possible and state facts simply.
- Sometimes a Statutory Declaration must be completed by more than one person.

Whilst it is possible (and legal) in some States/Territories for a joint Statutory Declaration to be made and signed by two or more people, it is recommended that each person complete his/her own separate Statutory Declaration – even though the statements of facts by each person may be identical.

This Statutory Declaration form is designed for use by one person only. It is therefore recommended that separate forms be used if more than one person is required to complete the same statement(s) of facts.

Signing and Witnessing the Declaration

Your Statutory Declaration must be signed in the presence of a qualified witness.

As this Statutory Declaration form is designed to be used anywhere in Australia, you must ensure that two simple things are done:

1. Place your initials in the box beside the State or Territory in which your Statutory Declaration is being made;
2. Make sure that the person who witnesses your Statutory Declaration is qualified to be a witness.

A Justice of the Peace can witness a Statutory Declaration in any State or Territory of Australia
(in which he/she is registered as a Justice of the Peace).

Other people who are qualified to witness a Statutory Declaration – apart from a Justice of the Peace – in each State or Territory of Australia include but are not limited to:

New South Wales – Notary public, Commissioner of the Court for taking affidavits, legal practitioner authorised under section 27 (1) of *Oaths Act 1900* and any other person authorised to administer an oath under section 26 of the act.

Victoria – Notary public, bank manager, dentist, medical practitioner, pharmacist or police officer.

Queensland – Notary public, Commissioner for Declarations, barrister, solicitor, conveyancer or any other person authorised by law to administer an oath.

South Australia – Notary public or other officer by law authorised to administer an oath or affirmation, proclaimed members of the police force and proclaimed bank managers.

Western Australia – Notary public, dentist, doctor, lawyer, optometrist, pharmacist, police officer, post office manager, real estate agent and any other person authorised by law to administer an oath.

Tasmania – Notary public and any other person authorised by law to administer an oath.

Northern Territory – Any person over the age of eighteen (18).

Commonwealth & Australian Capital Territory – Notary public, legal practitioner, dentist, medical practitioner, pharmacist and any other person authorised by law to administer an oath.

Statutory Declaration

I, _____
(Full name of declarant / person making the declaration)

of _____
(Address of declarant / person making the declaration)

Suburb / Town _____ Postcode _____

In the State / Territory of _____

Insert your occupation(s) _____

do solemnly and sincerely declare that

(Your Statutory Declaration ends on the following page)

Place your initials in the box beside the State or Territory in which your Statutory Declaration is being made

NSW And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*.

VIC And I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

QLD And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

SA And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1936*.

WA This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

NT And I make this solemn declaration by virtue of the *Oaths Act* and conscientiously believing the statements contained in this declaration to be true in every particular and believing that a person wilfully making a false statement in a declaration is liable to a penalty of \$2,000 or imprisonment for twelve (12) months, or both.

CTH/ACT And I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* and subject to the penalties provided by that *Act* for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____ in the State/Territory of _____

This _____ day of _____ 20_____

(Signature of declarant / person making the declaration)

before me

(Signature of witness / person before whom the declaration is made)

(Name of the witness / person before whom the declaration is made)

(Address of witness / person before whom the declaration is made)

(Title or qualification of witness / person before whom the declaration is made)

I certify that:
(tick)

- 1. I saw the face of the declarant **OR**
 I did not see the face of the declarant because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it.
- 2. I have known the declarant for at least 12 months **OR**
 I confirmed the person's identity with _____
(Description of identification document relied on)

(Signature of witness)

Date: _____