



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

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
5	Definitions	1
6	Statutory declaration—prescribed form.....	2
7	Persons before whom a statutory declaration may be made.....	2
8	Transitional—form of statutory declaration.....	2
	Schedule 1—Form of statutory declaration	3
	Schedule 2—Persons before whom a statutory declaration may be made	4
	Part 1—Occupations	4
1	Listing of occupations.....	4
	Part 2—Other persons	5
2	Listing of persons.....	5
	Schedule 3—Repeals	7
	<i>Statutory Declarations Regulations 1993</i>	7

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in Schedule 3 to this instrument is amended or repealed as set out in the applicable items in that Schedule concerned, and any other item in that Schedule has effect according to its terms.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 occupation listed 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

Part 1 Occupations

Clause 1

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 <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 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 <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 2 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 3—Repeals

Statutory Declarations Regulations 1993

1 The whole of the instrument

Repeal the instrument.