

The Prepare-Your-Own Statutory Declaration SOUTH AUSTRALIA

(The attached Statutory Declaration forms are suitable for South Australian and Commonwealth matters.)

What is a Statutory Declaration?

It is a written statement of facts which the person making the declaration signs and declares to be true.

The person who fills out this Statutory Declaration form and signs it is therefore called 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 FORM

- ◆ Write clearly and legibly (preferably using a black pen and preferably using printed upper case letters) as your statement must be “readable”.

It can be typewritten or written out by a person other than the *declarant* but it must be signed by the *declarant*.

- ◆ Write your statement in the “first person” – that is, use ‘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 quite possible (and legal) in certain 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.

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What are the Statutory Declaration forms attached?

There are two Statutory Declarations forms attached and these are:-

1. SOUTH AUSTRALIA
Statutory Declaration
2. Commonwealth of Australia
STATUTORY DECLARATION

Which form should be used?

1. SOUTH AUSTRALIA
Statutory Declaration

This form should be used for matters that relate to issues or events in South Australia or for matters in relation to or arising in connection with the laws of South Australia.

2. Commonwealth of Australia
STATUTORY DECLARATION

In certain circumstances, a 'Commonwealth' form is required – regardless of where a person lives.

Examples are matters involving Centrelink, Medicare and migration issues.

Both the South Australia and Commonwealth forms have been provided for your convenience.

If you are uncertain about which form is required, please contact the individual, organization or government department/section to whom the form is being sent and ask for guidance.

Who can witness a Statutory Declaration form?

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

A Justice of the Peace can witness a South Australia Statutory Declaration or a Commonwealth of Australia Statutory Declaration.

1. SOUTH AUSTRALIA
Statutory Declaration

Apart from a Justice of the Peace, other people who are qualified to witness a South Australia Statutory Declaration include a notary public and a proclaimed member of the police force of the State.

2. Commonwealth of Australia
STATUTORY DECLARATION

A full list of people qualified to witness a Commonwealth of Australia Statutory Declaration is shown on the reverse side of the 'Commonwealth' form.

SOUTH AUSTRALIA

Statutory Declaration

I,.....
(FULL NAME OF DECLARANT / PERSON MAKING THE DECLARATION)

of.....
(ADDRESS OF DECLARANT / PERSON MAKING THE DECLARATION)

.....Postcode.....

in the State/Territory of.....

Insert your occupation(s).....

do solemnly and sincerely declare that

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

Declared atin the State/Territory of

this day of 20.....

.....
(SIGNATURE OF DECLARANT / PERSON MAKING THE DECLARATION)

.....
(NAME OF DECLARANT / PERSON MAKING THE DECLARATION)

before me

.....
(SIGNATURE OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

.....
(NAME OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

.....
(ADDRESS OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

..... Postcode

.....
(TITLE OR QUALIFICATION OF WITNESS / PERSON BEFORE WHOM THE DECLARATION IS MADE)

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) 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); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade 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 his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

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

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

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 of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution