

Requirements for completing a Statutory Declaration

In Tasmania, Section 14 of the *Oaths Act 2001* covers Statutory Declarations.

A Justice of the Peace (JP), Commissioner for Declarations or other person authorised by law to administer an oath may take and receive a Statutory Declaration by a person. A Statutory Declaration is a voluntary declaration and is not valid unless the person witnessing the signing of the declaration is a JP, a Commissioner for Declarations or an authorised person.

A list of JPs in Tasmania is available on the Department of Justice website www.justice.tas.gov.au. Each JP is allocated a unique number which they must use when performing the function of a JP.

Commissioners for Declarations are persons:

- (a) authorised to practise as a member of a profession listed in Part 1 of the Schedule to the *Statutory Declarations Regulations 1993* of the Commonwealth; or
- (b) a person listed in Part 2 of that Schedule (occupations); or
- (c) a member of a group of persons declared by the Minister to be an occupational group for the purposes of this section.

The approved Statutory Declaration form must be used and can be found at www.justice.tas.gov.au

A valid Statutory Declaration must contain the following:

- Full name, address, occupation and telephone number of the person making the declaration and signature of the person making the statement;
- The information being declared. Copies of any documents that are referenced in the Statutory Declaration and that are being attested to should be attached (see further below for how to identify and label these);
- Full name and credentials (including JP number if appropriate) of the JP, Commissioner for Declarations or authorised person witnessing the signature; and
- The date the declaration is signed and witnessed.

In addition:

- All corrections, gaps and erasures should be initialled by the person making the statement and the witness;
- The Statutory Declaration document form should be crossed through from where the statement finishes to the signature block to ensure that nothing can be added after validation;
- Where a Statutory Declaration contains attachments:
 - These should be described, numbered and referenced in the body of the declaration (in the 'facts' section). For example, 'Attachment A, numbers 1-8, bank statements; Attachment B, numbers 1-3, proof of identity documents' and so on. The Attachment should be labelled in identical terms.
 - Each page of the attachments should be initialled by both the person making the statement and the witness.