

STATUTORY DECLARATIONS.

No. 52 of 1959.

An Act relating to Statutory Declarations.

[Assented to 22nd May, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title. 1. This Act may be cited as the *Statutory Declarations Act* 1959.

Commencement. 2. This Act shall come into operation on the first day of September, One thousand nine hundred and fifty-nine.

Repeal and saving. 3.—(1.) The following Acts are repealed:—
 Statutory Declarations Act 1911;
 Statutory Declarations Act 1922;
 Statutory Declarations Act 1944.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, a person appointed as a Commissioner for Declarations under the *Statutory Declarations Act* 1911, or under that Act as amended, and holding office immediately before the commencement of this Act continues to hold office as a Commissioner for Declarations after the commencement of this Act as if he had been appointed under this Act.

(3.) A statutory declaration purporting to be made, after the commencement of this Act, by virtue of the *Statutory Declarations Act* 1911, or by virtue of that Act as amended, has the same force and effect, and entails the same consequences, as if it had been expressed to be made by virtue of this Act.

Definitions. 4. In this Act, unless the contrary intention appears—
 “ Commissioner for Affidavits ” means a person authorized under the law of the Commonwealth or of a State or Territory to take affidavits;
 “ Commissioner for Declarations ” means a person appointed under this Act or under a State Act to be a Commissioner for Declarations, and includes a person referred to in sub-section (2.) of the last preceding section;
 “ Magistrate ” means a Chief, Police, Stipendiary, Resident or Special Magistrate;
 “ Territory ” means a Territory of the Commonwealth.

5.—(1.) Subject to this section, this Act applies both within and without the Commonwealth. Application.

(2.) Except as provided by sub-section (8.) of section twelve of this Act, this Act does not apply in a Territory not forming part of the Commonwealth unless this Act extends to that Territory by virtue of section thirteen of this Act.

6.—(1.) A person may, if he so desires, make a statutory declaration in relation to any matter. Authority to make and use statutory declarations.

(2.) Subject to the next succeeding sub-section, a statutory declaration may be used—

- (a) for the purposes of a law of the Commonwealth or of a Territory, unless the contrary intention appears in that law;
- (b) in connexion with any matter arising under a law of the Commonwealth or of a Territory, unless the contrary intention appears in that law; or
- (c) in connexion with the administration of any Department of State of the Commonwealth.

(3.) The last preceding sub-section does not authorize a statutory declaration to be used as evidence in a judicial proceeding but nothing in this section prevents a statutory declaration from being so used.

7. Where, in a law of the Commonwealth or of a Territory (whether passed or made before or after the commencement of this Act), a reference is made to a statutory declaration, the reference includes a reference to a statutory declaration made by virtue of this Act, unless the contrary intention appears in that law. References to statutory declarations.

8. A statutory declaration may be in accordance with the form in the Schedule to this Act and may be made before— Form of statutory declaration.

- (a) a Magistrate;
- (b) a Justice of the Peace;
- (c) a Commissioner for Affidavits;
- (d) a Commissioner for Declarations;
- (e) a Notary Public;
- (f) a person before whom a statutory declaration may be made under the law of the State in which the declaration is made; or
- (g) an Australian Consular Officer or an Australian Diplomatic Officer as defined by section two of the *Consular Fees Act 1955*.

9. The Attorney-General may appoint persons to be Commissioners for Declarations, who shall hold office during his pleasure. Commissioners for Declarations.

Declarations
under other
laws.

10. Where, by a law of the Commonwealth or of a Territory (whether passed or made before or after the commencement of this Act), a declaration is required to be made by a person before some other person, the declaration may, unless the contrary intention appears in that law, be made before the person mentioned in that law or before a person before whom a statutory declaration under this Act may be made.

False
declarations.

11.—(1.) A person who wilfully makes a false statement in a statutory declaration is guilty of an offence against this Act.

(2.) An offence against this Act may be prosecuted either summarily or upon indictment but an offender is not liable to be punished more than once in respect of the same offence.

(3.) The punishment for an offence against this Act is—

(a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months, or both; or

(b) if the offence is prosecuted upon indictment—imprisonment for a term not exceeding four years.

Jurisdiction
of courts.

12.—(1.) Subject to the succeeding provisions of this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories,

with respect to offences against this Act.

(2.) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2.) of section thirty-nine of the *Judiciary Act* 1903–1955.

(3.) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Judge, a Magistrate, or a District Officer or Assistant District Officer of a Territory.

(4.) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or Territory.

(5.) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

(a) their summary conviction;

- (b) their examination and commitment for trial on indictment;
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act.

(6.) Except as provided by this section, the *Judiciary Act* 1903–1955 applies in relation to offences against this Act.

(7.) For the purposes of this section, “court of summary jurisdiction” includes a court of a Territory sitting as a court for the making of summary orders or the summary punishment of offences under the law of the Territory.

(8.) This section extends to all the Territories not forming part of the Commonwealth.

13. Subject to sub-section (8.) of the last preceding section, this Act extends to Norfolk Island and to such other Territories not forming part of the Commonwealth as the Governor-General, by Proclamation, declares.

Extension of
Act to
Territories.

THE SCHEDULE.

Section 8.

COMMONWEALTH OF AUSTRALIA.

STATUTORY DECLARATION.

I, ⁽¹⁾ _____, do solemnly and sincerely
declare ⁽²⁾

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.

(3)

Declared at _____ the
day of _____ 19 _____

Before me,

(4)
(5)

- (1) Here insert name, address and occupation of person making the declaration.
- (2) Here insert matter declared to. Where the matter is long, add the words “as follows:—” and then set the matter out in numbered paragraphs.
- (3) Signature of person making the declaration.
- (4) Signature of person before whom the declaration is made.
- (5) Here insert title of person before whom the declaration is made.