

Information fact sheet 1

How to witness a statutory declaration

1. Ensure that the document is prepared and signed correctly

 The declaration must be in the approved format outlined in schedule 1 of the Oaths Affidavits and Statutory Declarations Act 2005. An example of an approved 'statutory declaration form' is found on the Department of Justice website.

[section 12 (2)]

the declaration must be fully completed and signed.

[section 12 (3)]

any alteration, such as an insertion or erasure, must be initialled.

[section 12 (3)(b)]

2. Take an oral declaration

You must ask the person 'in your presence' to declare orally:

That he or she is the person who made the declaration

[section 12 (3)(i)]

That the contents of the declaration are true

[section 12 (3)(ii)]

• That the signature is his or hers; and

[section 12 (3)(iii)]

• If necessary, that any attachment to the declaration is the attachment referred to in it.

[section 12 (3)(iv)]

3. Witness the statutory declaration

After the person has given the oral declaration, you must:

Sign the declaration

[section 12 (5)(a)]

Sign or initial any alteration that has been made

[section 12 (5)(b)]

• Clearly write your name and qualification as a witness. A rubber stamp containing this information may be used.

[section 12 (5)(c)]

4. Important points

- As a witness, you do not need to be concerned with the accuracy or truthfulness of the declaration. You are simply witnessing the declaration of the maker.
- **Never sign a blank form**. It is a good practice to rule a diagonal line across any blank space to ensure nothing is added at a later date.
- You do not have to witness the signing of the declaration. This is because
 the person orally declares that the signature is his or hers. However, the
 person must be present to give the oral declaration to you.

[section 12 (3)(c)]

• Rubber stamp signatures must not be used. However, a rubber stamp of your name and qualification as a witness is acceptable.

[section 15]

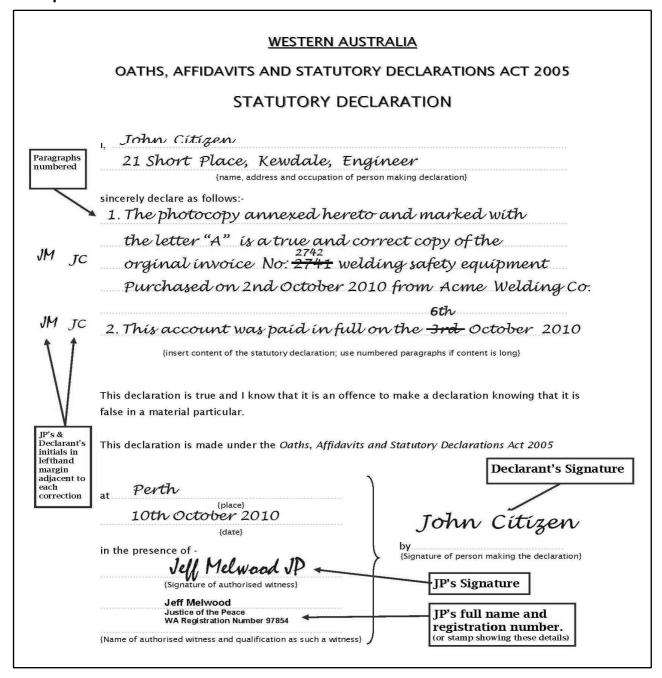
4. Important points (continued)

 The validity of a statutory declaration is not affected by the fact that the procedure is not followed exactly, as long as the procedures have been substantially complied with. [section 16]

 A statutory declaration relating to a law of the Commonwealth must be made on the approved form under the Statutory Declarations Act 1959 (Cth).

An authorised witness for Western Australia may also witness a Commonwealth Statutory Declaration, as long as they are in Western Australia at the time of witnessing. Schedule 2 of the *Oaths Affidavits and Statutory Declarations Act 2005* provides a list of persons authorised to witness a statutory declaration.

Example:



"Example - Annexure to Statutory Declaration"

Annexure "A"

Invoice 2742

Acme Welding Company

33 Ironwood Drive MALAGA, WA 6090 (08) 9422 3353 «_PhoneFax»

«_EmailAddress»: acmeweldingco@weldbest.com



To:

John Citizen Engineering Ltd

21 Short Place KEWDALE, WA 6105 Ship to (if different address): **Attention John Citizen** 21 Short Place KEWDALE, WA 6105

Line Item	Description	Part Number	Amount
1	Welding goggles	2314AQW23	214.95
2	Leather safety gloves	335487PRZ12	20.00
			0.00
			0.00
			0.00
			0.00
			0.00
,		Subtotal	234.95
		Тах	21.35
		Total Due	256.30

Make all cheques payable to: Acme Welding Company
THANK YOU FOR YOUR BUSINESS!

JP's Writing

This is the annexuse marked "A" referred to in the statutory
declaration declared by John Citizen on the 10th October 2010

Jeff Melwood JP

JP's Signature

Jeff Melwood
Justice of the Peace
WA Registration Number 97854

JP's full name and
registration number.
(or stamp showing these details)

For more information on this Fact Sheet, please refer to the <u>Justice of the Peace Handbook</u> available on https://www.wa.gov.au/organisation/department-of-justice/become-justice-of-the-peace.

Alternatively, you may contact:

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