



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

[section 16]

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:

**WESTERN AUSTRALIA**

**OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005**

**STATUTORY DECLARATION**

I, John Citizen  
21 Short Place, Kewdale, Engineer  
(name, address and occupation of person making declaration)

sincerely declare as follows:-

1. The photocopy annexed hereto and marked with  
the letter "A" is a true and correct copy of the  
original invoice No: <sup>2742</sup>~~2741~~ welding safety equipment  
Purchased on 2nd October 2010 from Acme Welding Co.

2. This account was paid in full on the <sup>6th</sup>~~3rd~~ October 2010  
(insert content of the statutory declaration; use numbered paragraphs if content is long)

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at Perth  
(place)  
10th October 2010  
(date)

in the presence of -  
Jeff Melwood JP  
(Signature of authorised witness)  
Jeff Melwood  
Justice of the Peace  
WA Registration Number 97854  
(Name of authorised witness and qualification as such a witness)

by John Citizen  
(Signature of person making the declaration)

JP's & Declarant's initials in lefthand margin adjacent to each correction

JP's Signature

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

Declarant's Signature


## “Example – Annexure to Statutory Declaration”

*Annexure “A”*

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**Acme Welding Company**  
33 Ironwood Drive  
MALAGA, WA 6090  
(08) 9422 3353 «\_PhoneFax»  
«\_EmailAddress»: acmeweldingco@weldbest.com

**Invoice 2742**  
September 28, 2010



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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
<b>Subtotal</b>			234.95
<b>Tax</b>			<b>21.35</b>
<b>Total Due</b>			256.30

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

JP's Writing

*This is the annexure marked “A” referred to in the statutory declaration declared by John Citizen on the 10th October 2010*

*Jeff Melwood JP*

Jeff Melwood  
Justice of the Peace  
WA Registration Number 97854

JP's Signature

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

For more information on this Fact Sheet, please refer to the [Justice of the Peace Handbook](https://www.wa.gov.au/organisation/departments/justice-of-the-peace) available on <https://www.wa.gov.au/organisation/departments/justice-of-the-peace>.

Alternatively, you may contact:

Justices of the Peace Branch  
GPO Box F317  
PERTH WA 6841  
Phone: 9425 2525  
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