

Statutory Declarations

Justices of the Peace

This fact sheet provides information for Justices of the Peace (JPs) and Commissioners for Declarations (CDs) on administering statutory declarations.

What is a statutory declaration?

A statutory declaration is a written statement in which the person (called a declarant) formally declares before an authorised person that the statement is true. A statutory declaration is different from an affidavit in that it is not sworn or affirmed. A JP or CD is authorised to take a statutory declaration.

Statutory declarations have a wide variety of uses. In some cases, the law requires information to be supplied in the form of a statutory declaration. Insurance companies, banks, educational institutions, employers, clubs, government departments and other organisations often require information to be provided in the form of a statutory declaration. While statutory declarations are much less complex than affidavits they still carry a serious penalty for a false declaration.

Tasmanian statutory declaration

There are different versions of statutory declarations, but those made for a purpose under Tasmanian law must be in the form set out in section 14 of the *Oaths Act 2001* (Tas). This is an example of a statutory declaration:

I, [insert full name, place of abode and occupation],
do solemnly and sincerely declare that [state the facts].

I make this solemn declaration under the *Oaths Act 2001*.

..... [signed by the declarant]

At [place]

On the day of 20

Before me

[Justice, Commissioner for Declarations or authorised person]



Commonwealth statutory declaration

A statutory declaration made for a purpose under Commonwealth law begins with the same words as a declaration under Tasmanian law. It must be in the form prescribed by section 8 of the *Statutory Declaration Act 1959* (Commonwealth). The only difference between State and Commonwealth statutory declarations is the closing clauses. A Commonwealth declaration includes these words:

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Where can people get a statutory declaration?

Blank statutory declaration forms are available from most post offices, Service Tasmania offices and the local Magistrates Court Registries. A Tasmanian statutory declaration can be downloaded from the [Department of Justice website](#) and Commonwealth Statutory Declaration form can be downloaded from the [Attorney-General's Website](#). It is not necessary to use these blank forms, as long as the document is substantially in the form set out by the relevant Act. If you can see that the format of the document is not substantially correct, you should decline to witness it.

How to witness a statutory declaration

You may ask the declarant:

“Do you solemnly and sincerely declare that the contents of this document are true and correct to the best of your knowledge and belief?”

The declarant must answer:

“I declare” or “I do”.

Make sure you hear this response before you:

- Initial every deletion and alteration in the document after the declarant has initialled them.
- Initial the foot of every page of the declaration and sign the last page near the signature of the declarant.
- Complete and sign the part that starts:
‘Declared at before me’ as outlined in the Witnessing section of the [JP handbook](#) (see section 6).

Never sign a blank form. If a declaration doesn't take up a full page, it is good practice to rule a diagonal line across the remainder of the page before you sign it to ensure nothing is added later on. If a statutory declaration is pre-signed, you should cross out the current signature and both the declarant and the JP should initial that crossing out and then ask the declarant to sign again.

Contact

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