

## Authorised Version

### Oaths and Affirmations (Affidavits, Statutory Declarations and Certifications) Regulations 2018

S.R. No. 152/2018

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## **Authorised Version**

STATUTORY RULES 2018

S.R. No. 152/2018

### ***Oaths and Affirmations Act 2018***

## **Oaths and Affirmations (Affidavits, Statutory Declarations and Certifications) Regulations 2018**

The Governor in Council makes the following Regulations:

Dated: 10 October 2018

Responsible Minister:

MARTIN PAKULA  
Attorney-General

ANDREW ROBINSON  
Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are to prescribe—

- (a) a form which may be used to make an affidavit; and
- (b) a form which must be used to make a statutory declaration; and
- (c) persons or classes of persons as authorised affidavit takers; and
- (d) persons or classes of persons as statutory declaration witnesses; and
- (e) words—
  - (i) that a deponent must swear or affirm aloud in making an affidavit; and

- (ii) that a person must say aloud before an authorised statutory declaration witness; and
- (iii) that must be recorded on a certified copy of an original document.

## **2 Authorising provision**

These Regulations are made under section 52 of the **Oaths and Affirmations Act 2018**.

## **3 Commencement**

These Regulations come into operation on 1 March 2019.

## **4 Definitions**

In these Regulations—

*public service employee* means a person employed under Part 3 of the **Public Administration Act 2004**;

*the Act* means the **Oaths and Affirmations Act 2018**;

*VicRoads* means the Roads Corporation within the meaning of section 3 of the **Transport Integration Act 2010**.

## **Part 2—Authorised persons**

### **5 Prescribed authorised affidavit takers**

- (1) For the purposes of section 19(1)(q) of the Act, the prescribed classification for a public service employee is level 4 or equivalent or above, however described.
- (2) For the purposes of section 19(1)(w) of the Act, the following are prescribed classes of persons—
  - (a) officers and employees appointed or employed under section 25(5) of the **Transport Accident Act 1986** with a classification of level 4 or above;
  - (b) officers and employees appointed or employed by State Trustees within the meaning of section 3 of the **State Trustees (State Owned Company) Act 1994** with a classification of level 4 or above, however described;
  - (c) Victorian Institute of Teaching Investigators appointed or employed under section 2.6.65(1) of the **Education and Training Reform Act 2006** with a classification of level 4 or above;
  - (d) officers and employees appointed or employed by the Country Fire Authority with a classification of level 7, however described.

### **6 Prescribed authorised statutory declaration witnesses**

For the purposes of section 30(2)(d) of the Act, the following classes of persons are prescribed statutory declaration witnesses—

- (a) a public service employee with a classification of level 2 or equivalent or above, however described;
- (b) officers and employees appointed or employed under section 25(5) of the **Transport Accident Act 1986** with a classification of level 2 or above;
- (c) officers and employees appointed or employed by State Trustees within the meaning of section 3 of the **State Trustees (State Owned Company) Act 1994** with a classification of level 2 or above, however described;
- (d) a principal within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006**;
- (e) officers and employees appointed or employed by the Victorian WorkCover Authority under Part 11 of the **Workplace Injury Rehabilitation and Compensation Act 2013** with a classification of band 2 or above;
- (f) officers and employees appointed or employed by VicRoads under Part 5 of the **Transport Integration Act 2010** with a classification of level 2 or above;
- (g) protective services officers within the meaning of section 3(1) of the **Victoria Police Act 2013**;
- (h) police reservists within the meaning of section 3(1) of the **Victoria Police Act 2013**;
- (i) IBAC Officers within the meaning of section 3(1) the **Independent Broad-based Anti-corruption Commission Act 2011**;

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Part 2—Authorised persons

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- (j) Victorian Inspectorate Officers within the meaning of section 3(1) of the **Victorian Inspectorate Act 2011**;
- (k) Councillors within the meaning of section 3(1) of the **Local Government Act 1989**;
- (l) licensees within the meaning of section 3 of the **Conveyancers Act 2006**.

## **Part 3—Prescribed forms and words**

### **7 Prescribed form of affidavit**

For the purposes of section 23 of the Act, the prescribed form is set out in Schedule 1.

### **8 Signature and oath requirements—deponent**

For the purposes of section 25(2) of the Act, the prescribed oath or affirmation is the words set out in Schedule 2.

### **9 Statutory declarations made in Victoria**

- (1) For the purposes of section 30(1) of the Act, the prescribed form is set out in Schedule 3.
- (2) For the purposes of section 30(4) of the Act, the prescribed words are set out in Schedule 4.

### **10 Certified copies of documents**

- (1) For the purposes of sections 41(2)(a) and 43(c) of the Act, the prescribed words are set out in Schedule 5.
- (2) The prescribed words in subregulation (1) are to be written or stamped on the first page of the certified copy of an original document, unless there is insufficient space on the first page.

### **11 Certified copies of certified copies of documents**

- (1) For the purposes of section 42(2)(a) of the Act, the prescribed words are set out in Schedule 6.
- (2) The prescribed words in subregulation (1) are to be written or stamped on the first page of the certified copy of a certified copy of an original document, unless there is insufficient space on the first page.

## Schedule 1—Form of affidavit

Regulation 7

I, *[full name]* of *[address]*, *[occupation or child]*, \*affirm/\*make  
oath and say:

*[insert statement to be sworn or affirmed in numbered  
paragraphs]*

1.

The contents of this affidavit are true and correct and I  
make it knowing that a person making a false affidavit  
may be prosecuted for the offence of perjury.

\*Sworn/\* Affirmed at *[place]*

\*in the State of Victoria

on *[date]*

*[signature of person swearing or affirming the affidavit  
contents, to be signed in front of the authorised affidavit  
taker]*

Before me,

*[signature of authorised affidavit taker]*

on *[date]*

*[name, statement of the capacity in which the authorised  
affidavit taker has authority to take the affidavit, and personal  
or professional address in legible writing, typing or stamp]*

A person authorised under section 19(1) of the **Oaths and  
Affirmations Act 2018** to take an affidavit.

\*delete if not applicable



## **Schedule 2—Prescribed words for oath or affirmation for affidavit**

Regulation 8

### **Oath**

I, [*name of person making oath*], swear [*or promise*]  
by Almighty God [*or the person may name a god  
recognised by the person's religion*] that the contents  
of this affidavit are true and correct.

### **Affirmation**

I, [*name of person making affirmation*], solemnly and  
sincerely affirm that the contents of this affidavit are  
true and correct.

### **Child or cognitively impaired deponent**

I, [*name of person making the promise*] promise that  
I have told the truth in this affidavit and it is correct.

## Schedule 3—Form of statutory declaration

Regulation 9(1)

I, [*name, address and occupation of person making the statutory declaration*], make the following statutory declaration under the **Oaths and Affirmations Act 2018**:

[*insert statement to be declared using numbered paragraphs*]

1.

I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.

[*signature of person making this statutory declaration in the presence of the authorised statutory declaration witness*]

Declared at [*place*] in the State of Victoria

on [*date*]

***I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:***

[*signature of authorised statutory declaration witness*]

on [*date*]

[*full name and personal or professional address of authorised statutory declaration witness in legible writing, typing or stamp*]

[*qualification as an authorised statutory declaration witness*]

A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration.

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Schedule 3—Form of statutory declaration

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***\*I confirm that reasonable modifications were used in preparing this statutory declaration and that the contents of this statutory declaration were read to the person making the statutory declaration in a way that was appropriate to the person's circumstances.***

*[signature of authorised statutory declaration witness]*

\*delete if not applicable

**Schedule 4—Prescribed words for making  
a statutory declaration**

Regulation 9(2)

I, [*full name of person making declaration*] of [*address*],  
declare that the contents of this statutory declaration are true  
and correct.

**Schedule 5—Prescribed words for certifying  
a copy of a document**

Regulation 10

**Certified copy of an original document**

Certified to be a true copy of the original seen by me.

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Schedule 6—Prescribed words for certifying a copy of a certified copy of a  
document

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**Schedule 6—Prescribed words for certifying  
a copy of a certified copy of a document**

Regulation 11

**Certified copy of a certified copy**

Certified to be a true copy of another certified true copy seen by  
me.

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