

Reprinted under the
Reprints Act 1984 as
at 10 September 1992

WESTERN AUSTRALIA

**DECLARATIONS AND
ATTESTATIONS ACT 1913**

ARRANGEMENT

Sec.	Page
1. Short title	1
2. Authority to take declarations and attest instruments	1
3. Commissioners for declarations	2
4. Effect of declaration or attestation	3
SCHEDULE	4
NOTES	6

Reprinted under the
Reprints Act 1984 as
at 10 September 1992

WESTERN AUSTRALIA

DECLARATIONS AND ATTESTATIONS ACT 1913

AN ACT to amend the law relating to the taking of
declarations and the attestation of documents.

Short title

1. This Act may be cited as the *Declarations and Attestations Act 1913*¹.

Authority to take declarations and attest instruments

2. Whenever by or under any Act or statutory regulation (whether passed or made before or after the commencement of this Act) it is provided —

- (a) that any statutory declaration shall or may be made before a justice of the peace; or a justice of the peace or some other person; or

Declarations and Attestations Act 1913

s. 3

- (b) that any instrument shall or may be signed or executed in the presence of, and be attested by, a justice of the peace, or a justice of the peace or some other person,

such declaration or instrument may be made before, or signed and executed in the presence of, and attested by —

- (i) a person listed in the Schedule;
- (ii) a commissioner for declarations appointed under this Act; or
- (iii) a member of either House of Parliament of the State or of the Commonwealth; or
- (iv) a commissioner for declarations appointed under the provisions of the *Statutory Declarations Act 1959* of the Commonwealth; or
- (v) a justice of the peace appointed for any part of the Commonwealth that is outside the State.

Provided that no person under 18 years of age shall be qualified to take any statutory declaration, or attest any such instrument.

[Section 2 amended by No. 22 of 1953 s. 2; No. 11 of 1962 s. 2; No. 46 of 1972 s. 6; No. 10 of 1987 s. 4.]

Commissioners for declarations

3. (1) The Attorney General, if he considers that there is a special need to do so, may appoint persons to be commissioners for declarations.

(2) Any such appointment may be revoked by the Attorney General.

Declarations and Attestations Act 1913

s. 4

(3) A notification of every such appointment or revocation of appointment shall be published in the *Government Gazette*.

[Section 3 amended by No. 10 of 1987 s. 5.]

Effect of declaration on attestation

4. Any statutory declaration made, or instrument signed or executed and attested under the authority of this Act, shall have the same force and effect, and shall render the declarant, or the person who signs or executes the instrument, liable to the same penalty for any false statement therein, as if such declaration had been made before, or such instrument had been attested by, a justice of the peace.

Declarations and Attestations Act 1913

sch.

SCHEDULE

[Section 2 (b) (i)]

1. A town or shire clerk or deputy town or shire clerk within the meaning of the *Local Government Act 1960*.
2. A member of a municipal council within the meaning of the *Local Government Act 1960*.
3. An electoral registrar appointed under the *Electoral Act 1907*.
4. A person appointed to take charge of a post office in the State.
5. An officer of the State or Commonwealth public service.
6. A teacher within the meaning of the *Education Act 1928*.
7. A police officer.
8. A person appointed to take charge of the head or any branch office in the State of a bank carrying on business under the *Banking Act 1959* of the Commonwealth or under a written law of the State.
9. A person appointed to take charge of the head or any branch office of a society within the meaning of the *Building Societies Act 1976* or a credit union within the meaning of the *Credit Unions Act 1979* ².
10. A secretary of an organization of employees or employers registered under the *Industrial Relations Act 1979* or of an organization registered under the *Conciliation and Arbitration Act 1904* of the Commonwealth.
11. A practitioner within the meaning of the *Legal Practitioners Act 1893*.
12. A medical practitioner registered under the *Medical Act 1894*.
13. A pharmaceutical chemist within the meaning of the *Pharmacy Act 1964*.
14. A member of the academic staff of an institution providing courses at post-secondary education level.

Declarations and Attestations Act 1913

sch.

15. The holder of a licence under the *Real Estate and Business Agents Act 1978* or the *Settlement Agents Act 1981*.
16. An insurance broker registered under the *Insurance (Agents and Brokers) Act 1984* of the Commonwealth.
17. A person registered as an auditor or a liquidator under the *Companies (Western Australia) Code* ³.
18. A person who is accredited as a chartered accountant or a certified public accountant.

[*Schedule inserted by No. 10 of 1987 s. 6; amended by No. 12 of 1992 s. 4.*]



Declarations and Attestations Act 1913

NOTES

¹ This reprint is a compilation as at 10 September 1992 of the *Declarations and Attestations Act 1913* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Declarations and Attestations Act 1913</i>	12 of 1913	8 November 1913	8 November 1913	
<i>Declarations and Attestations Act Amendment Act 1953</i>	22 of 1953	7 December 1953	7 December 1953	
<i>Declarations and Attestations Act Amendment Act 1962</i>	11 of 1962	1 October 1962	1 October 1962	
<i>Age of Majority Act 1972, section 6</i>	46 of 1972	18 September 1972	1 November 1972 (see <i>Gazette</i> 13 October 1972 p. 4069)	
<i>Declarations and Attestations Amendment Act 1987</i>	10 of 1987	11 June 1987	1 August 1987 (see <i>Gazette</i> 31 July 1987 p. 2869)	
<i>Declarations and Attestations Amendment Act 1992</i>	12 of 1992	16 June 1992	16 June 1992	

Declarations and Attestations Act 1913

2. Repealed by Act No. 30 of 1992 s. 22.
3. In respect of matters arising after 1 January 1991, the operation of the *Companies (Western Australia) Code* is subject to the provisions in Division 2 of Part 13 of the *Corporations (Western Australia) Act 1990*.

