



Western Australia

Declarations and Attestations Act 1913

Reprinted as at 24 May 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

Declarations and Attestations Act 1913

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 24 May 2002

Declarations and Attestations Act 1913

An Act to amend the law relating to the taking of declarations and the attestation of documents.

1. Short title

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

2. Authority to take declarations and attest instruments

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
- (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

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- (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.]

3. Commissioners for declarations

- (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.
- (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.]

4. Effect of declaration on attestation

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.

Schedule

[Section 2(i)]

1. The chief executive officer or deputy chief executive officer of a local government.
2. A member of the council of a local government.
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 person employed as a member of the teaching staff within the meaning of the *School Education Act 1999* or as a teacher of a non-government school within the meaning of that Act.
7. A police officer.
8. A person appointed to take charge of the head or any branch office in the State of an authorised deposit-taking institution carrying on business under the *Banking Act 1959* of the Commonwealth.
- [9. *deleted*]
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*² 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.
15. The holder of a licence under the *Real Estate and Business Agents Act 1978* or the *Settlement Agents Act 1981*.

Schedule

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 *Corporations Act 2001* of the Commonwealth.
18. A person who is accredited as a chartered accountant or a certified practising accountant.
19. A surveyor licensed under the *Licensed Surveyors Act 1909*.
20. A patent attorney registered under the *Patents Act 1990* of the Commonwealth.

[Schedule inserted by No. 10 of 1987 s. 6; amended by No. 12 of 1992 s. 4; No. 73 of 1994 s. 4; No. 14 of 1996 s. 4; No. 57 of 1997 s. 47; No. 26 of 1999 s. 74; No. 36 of 1999 s. 247; No. 10 of 2001 s. 221.]



Notes

¹ This reprint is a compilation as at 24 May 2002 of the *Declarations and Attestations Act 1913* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprints.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Declarations and Attestations Act 1913</i>	12 of 1913	8 Nov 1913	8 Nov 1913
<i>Declarations and Attestations Act Amendment Act 1953</i>	22 of 1953	7 Dec 1953	7 Dec 1953
<i>Declarations and Attestations Act Amendment Act 1962</i>	11 of 1962	1 Oct 1962	1 Oct 1962
Reprint of the <i>Declarations and Attestations Act 1913</i> approved 22 Mar 1963 in Vol. 18 of Reprinted Acts (includes amendments listed above)			
<i>Age of Majority Act 1972</i>	46 of 1972	18 Sep 1972	1 Nov 1972 (see s. 2 and s. 6(2) <i>Gazette</i> 13 Oct 1972 p. 4069)
Reprint of the <i>Declarations and Attestations Act 1913</i> approved 27 Mar 1973 (includes amendments listed above)			
<i>Declarations and Attestations Amendment Act 1987</i>	10 of 1987	11 Jun 1987	1 Aug 1987 (see s. 2 and <i>Gazette</i> 31 Jul 1987 p. 2869)
<i>Declarations and Attestations Amendment Act 1992</i>	12 of 1992	16 Jun 1992	16 Jun 1992 (see s. 2)
Reprint of the <i>Declarations and Attestations Act 1913</i> as at 10 Sep 1992 (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> s. 4	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

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Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 47</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999 s. 74</i>	26 of 1999	29 Jun 1999	1 Jul 1999 (see s. 2(1) and <i>Gazette</i> 30 Jun 1999 p. 2905)
<i>School Education Act 1999 s. 247</i>	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Corporations (Consequential Amendments) Act 2001 s. 221</i>	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)

² Now see *Workplace Relations Act 1996* of the Commonwealth.