

Western Australia

Declarations and Attestations Act 1913

As at 01 Jan 2004

Version 04-b0-02

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Declarations and Attestations Act 1913

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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 legal practitioner (as defined in the *Legal Practice Act 2003*).
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. A financial services licensee (within the meaning of the *Corporations Act 2001* of the Commonwealth), who is, in effect, authorised to carry on the business of an insurance broker.
- 16A. A regulated principal (within the meaning of section 1430 of the *Corporations Act 2001* of the Commonwealth), who is authorised to carry on the business of an insurance broker under Part 10.2 Division 1 Subdivision D of that Act.
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; No. 21 of 2003 s. 11; No. 65 of 2003 s. 29.]

Notes

¹ This is a compilation 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 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 <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</i> s. 47	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i> s. 74	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</i> s. 247	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</i> s. 221	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)
Reprint of the <i>Declarations and Attestations Act 1913</i> as at 24 May 2002 (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act (No. 3) 2003</i> Pt. 3 ³	21 of 2003	23 Apr 2003	11 Mar 2002 (see s. 2 and <i>Cwlth Gazette</i> 24 Oct 2001 (No. GN42))
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> s. 29	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)

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

³ The *Corporations (Consequential Amendments) Act (No. 3) 2003* s. 2-4 read as follows:

“

2. Commencement

- (1) If this Act receives the Royal Assent before the day on which Schedule 1 to the Financial Services Reform Act comes into operation, this Act comes into operation at the same time as that Schedule comes into operation.
- (2) If this Act receives the Royal Assent on or after the day on which Schedule 1 to the Financial Services Reform Act comes into operation, this Act is deemed to have come into operation at the same time as that Schedule comes into operation.

3. Interpretation

In this Part —

“**Financial Services Reform Act**” means the *Financial Services Reform Act 2001* of the Commonwealth;

“**FSR commencement time**” means the time when Schedule 1 to the Financial Services Reform Act comes into operation;

“**statutory rule**” means a regulation, rule or by-law.

4. Validation

- (1) This section applies if this Act comes into operation under section 2(2).
- (2) Anything done or omitted to have been done after the FSR commencement time and before this Act receives the Royal Assent that could have been done if this Act had received the Royal Assent before the FSR commencement time is taken to be as valid and lawful, and to always have been as valid and lawful, as it would have been if this Act had received the Royal Assent before the FSR commencement time.
- (3) Anything done or omitted to have been done by a person after the FSR commencement time and before this Act received the Royal Assent that would have been valid and lawful if the Financial Services Reform Act had not commenced, is taken to be valid and lawful.
- (4) Anything done or omitted to have been done after the FSR commencement time and before this Act receives the Royal Assent —
 - (a) that could only have been validly and lawfully done or omitted because this Act received the Royal Assent after the FSR commencement time; and
 - (b) that could not have been validly and lawfully done or omitted if this Act had received the Royal Assent before the FSR commencement time,

is taken not to be valid, and to never have been valid.

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