

LIST OF AUTHORISED STATUTORY DECLARATION WITNESSES

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Under Section 30 of the Oaths and Affirmations Act 2018 (as of 1 March 2019), previously Evidence (Miscellaneous Provisions) Act 1958, the list of persons who may witness statutory declarations includes:

- **A person currently licensed or registered to practice in Australia as one of the following occupations:**
 - Architect
 - Chiropractor
 - Conveyancer
 - Dentist
 - Financial adviser or financial planner
 - Legal practitioner
 - Medical practitioner
 - Midwife
 - Migration agent
 - Nurse
 - Occupational therapist
 - Optometrist
 - Patent attorney
 - Pharmacist
 - Physiotherapist
 - Psychologist
 - Trade marks attorney
 - Veterinary surgeon
- **An accountant who meets at least one of the following criteria:**
 - Fellow of the National Tax Accountants' Association
 - Member of Chartered Accountants Australia and New Zealand
 - Member of the Association of Taxation and Management Accountants
 - Member of CPA Australia
 - Member of the Institute of Public Accountants
- **Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public**
- **Australian Public Service employee engaged on an ongoing basis with 5 or more years of continuous service who is not otherwise authorised**
- **Australian Consular Officer or Australian Diplomatic Officer**
- **Bailiff**
- **Bank officer with 5 or more continuous years of service**
- **Building society officer with 5 or more years of continuous service**
- **Chief executive officer of a Commonwealth court**
- **Clerk of a court**
- **Commissioner for Affidavits**
- **Commissioner for Declarations**
- **Credit union officer with 5 or more years of continuous service**
- **Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not otherwise authorised**
- **Employee of the Australian Trade and Investment Commission who is authorised in writing by the Secretary of DFAT to collect fees under s 3(d) of the Consular Fees Act 1955, if at a place outside Australia and in the course of the employee's duties at that place**
- **Employee of the Commonwealth who is authorised in writing by the Secretary of DFAT to collect fees under s 3(d) of the Consular Fees Act 1955, if at a place outside Australia and in the course of the employee's duties at that place**
- **An engineer who meets at least one of the following criteria:**
 - A member of Engineers Australia, other than a student
 - A Registered Professional Engineer of Professionals Australia
 - Registered as an engineer under a law of the Commonwealth or a State or Territory
 - Registered on the National Engineering Register by Engineers Australia
- **Finance company officer with 5 or more years of continuous service**

- **Holder of a Commonwealth statutory office not otherwise specified**
 - For example, Director of the Australian Institute of Family Studies
- **IBAC Officers**
- **Judge**
- **Justice of the Peace**
- **Local government Councillor**
- **Magistrate**
- **Registered marriage celebrant**
- **Master of a court**
- **Member of the Australian Defence Force who meets at least one of the following criteria:**
 - An officer
 - A non-commissioned officer with 5 or more years of continuous service
 - A warrant officer
- **Member of the Australasian Institute of Mining and Metallurgy**
- **Member of the Governance Institute of Australia Ltd**
- **Member of the Parliament of a State**
- **Member of a Territory legislature**
- **Member of a local government authority**
- **Registered minister of religion**
- **Notary public, including a notary public exercising functions at a place outside either the Commonwealth or the external Territories of the Commonwealth**
- **Permanent employee of the Australian Postal Corporation with 5 or more years continuous service who is employed in an office providing postal services to the public**
- **Permanent employee with 5 or more years of continuous service who is not otherwise specified, if employed at one of the following:**
 - State
 - Territory
 - State authority
 - Territory authority
 - Local government authority
- **Police officer**
- **Police reservist**
- **Protective service officer (PSO)**
- **Registrar, or Deputy Registrar, of a court**
- **A school principal**
- **Senior executive employee of a Commonwealth authority**
- **Senior executive employee of a State or Territory**
- **Senior Executive Service employee of the Commonwealth**
- **Sheriff**
- **Sheriff's officer**
- **State Trustees officer or employee with a classification level of 2 or above**
- **Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution**
- **Transport Accident Commission officer or employee with a classification of level 2 or above**
- **VicRoads officer or employee with a classification of level 2 or above**
- **Victorian Inspectorate Officer**
- **A Victorian Public Service employee with a prescribed classification level of 2 or above**
 - For example, a project officer employed as a VPS4 or an administrative assistant employed as a VPS2
- **Victorian WorkCover Authority officer or employee with a classification of band 2 or above**
- **Any authorised affidavit taker, including:**
 - A judicial officer
- **For example, a judge or magistrate**
 - An associate to a judicial officer
 - An honorary justice
 - The prothonotary or a deputy prothonotary of the Supreme Court
 - The registrar of probates or an assistant registrar of probates
 - The registrar or a deputy registrar of the County Court
 - The principal registrar, a registrar or a deputy registrar of the Magistrates' Court
 - The principal registrar, a registrar or a deputy registrar of the Children's Court
 - The principal registrar, a registrar or a deputy registrar of VCAT
 - The principal registrar or a registrar of the Coroners Court
 - A member of VCAT
 - A member or former member of either House of the Parliament of Victoria
 - A member or former member of either House of the Parliament of the Commonwealth
 - A public notary
 - A senior officer of a Victorian municipal Council who meets one of the following criteria:
 - Chief Executive Officer
 - A member of Council staff with management responsibilities and reporting directly to the Chief Executive Officer
 - Any other member of Council staff earning a salary of at least \$124,000 (or a higher threshold, if specified by the Minister under s 97B of the Local Government Act 1989)
 - A fellow of the Institute of Legal Executives (Victoria)
 - A person acting judicially
- **For example, an arbitrator or any person or body with authority to hear, receive and examine evidence**
 - Any other officer or person empowered, authorised or permitted by or under any Act or rules of a court or rules of a tribunal to administer affidavits

If you are authorised because of your profession you can witness any statutory declaration, not just those that relate to your profession.

Some people who are employed in a particular profession on a temporary or casual basis may be authorised, but others may not be unless they are employed on a full time basis. Generally speaking, witnesses authorised in their profession but employed in a temporary or casual capacity will be permitted to witness statutory declarations.

CHARGING A FEE

Witnessing statutory declarations is usually regarded as a public service.

A Justice of the Peace is not permitted to charge for witnessing statutory declarations, however the law does not prohibit other statutory declaration witnesses charging a fee or asking for small donation to a charity in lieu of a fee.