

Technical Bulletin: 02/22

Changes to the *Oaths Act 1867*

April 2022

Background

Changes to the *Oaths Act 1867* (the Act), effective 30 April 2022 modernises the way that affidavits and statutory declarations can be made. A person can now choose to have their documents either witnessed electronically or in a traditional setting and meet with a JP or Cdec face to face.

Signing documents electronically makes it easier for a person to sign and have their important legal documents witnessed by a 'special witness' without the need to be physically present with a Justice of the Peace (JP) or Commissioner for Declarations (Cdec).

Other changes require all witness to take steps to verify certain matters and include specific information on affidavits and statutory declarations.

Procedure

From 30 April 2022, as a JP or Cdec you have additional statutory obligations, and your usual witnessing process will need to be modified to include the following steps when witnessing the making of affidavits or statutory declarations.

You must take reasonable steps to verify each of the following:

- the identity of the signatory
- that the name of the signatory matches the name of the signatory written on or in the affidavit or declaration.

You must also include all the following information on the affidavit or declaration:

- your full name
- your qualification e.g. Justice of the Peace (Qualified) or Commissioner for Declarations
- your place of employment, if applicable. If you decide to complete this section of the document, you can insert the contact details of the JP Branch¹.

Special witnesses

The Act allows for affidavits, statutory declarations and oaths (except for oaths of allegiance) to be taken over audio visual (AV) link and signed electronically if witnessed by a 'special witness'.

A special witness is:

- an Australian legal practitioner
- a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer

¹ Justices of the Peace Branch, Lvl 6 154 Melbourne Street, South Brisbane QLD 4101 | 1300 301 147 | jp@justice.qld.gov.au



- a JP or Cdec **approved** by the Director-General of the Department of Justice and Attorney-General (DJAG)
- a notary public
- a JP or Cdec employed by a law practice that prepared the document, or
- a JP or Cdec employed by the public trustee, if the public trustee prepared the document.

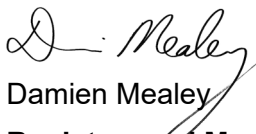
If you are not approved as a 'special witness', you **do not** have the authority to witness documents electronically e.g. witnessing over AV link.

As demand increases, expressions of interest for special witnesses will be sought in due course.

Legislation and further reading

www.legislation.qld.gov.au

[Statutory declaration form](#)



Damien Mealey

**Registrar and Manager
Justices of the Peace Branch
Department of Justice and Attorney-General**