



# Application form for Legal Financial Assistance

This form is to be completed by applicants seeking assistance for legal and related expenses from the Commonwealth under statutory schemes and certain non-statutory schemes administered by the Attorney-General's Department.

Please note that there are separate applications forms available on the Attorney-General's Department's website at [www.ag.gov.au](http://www.ag.gov.au) for the following schemes: **overseas child abduction**, **overseas criminal matters involving the death penalty**, and **special circumstances (overseas legal matters)**.

## Before submitting an application

Before completing this application form, you should read the following documents to ensure you are eligible to apply for financial assistance (available on the department's website at [www.ag.gov.au](http://www.ag.gov.au)):

- *Commonwealth Guidelines for Legal Financial Assistance 2012*
- *Commonwealth Legal Financial Assistance – Assessment of Costs 2012*

All applications are **means tested**. Applications that do not meet the means test or other eligibility criteria will not be further considered.

## Applicants cannot be receiving assistance from a Legal Aid Commission or Community Legal Centre

Grants of assistance are similar to legal aid, but cannot be given in addition to or instead of assistance provided by a Legal Aid Commission (LAC). Generally there will be a requirement for applicants to contact the LAC in their home state first. If the LAC is unable to assist, applicants should request this advice from the LAC in writing and provide it to the department along with the application for financial assistance.

## Completing an application

This form must be completed in full. Please type or print clearly and answer ALL questions.

If you are applying under a non-statutory scheme, you will also need to complete and attach an Australian Federal Police National Police Check form (available on the department's website).

Only complete applications that are accompanied by all required supporting documents will be determined within 28 days.

Applications will not be considered unless all information (including attachments) is provided. If the space provided in this form is insufficient, include additional material on a separate page and attach to this form.

This form must be signed in the presence of a Justice of the Peace, Commissioner for Declarations or other authorised person before whom a declaration may be made. Refer to the Commonwealth Statutory Declaration at Attachment D of this form for a full list of authorised persons.

## How to submit your application

It is our preference that completed applications be submitted by email to [finassgeneral@ag.gov.au](mailto:finassgeneral@ag.gov.au). Alternatively, they may be sent to:

Financial Assistance Section

Legal Assistance Branch

Attorney-General's Department

3–5 National Circuit

BARTON ACT 2606

Ph: +61 2 6141 4770 or 1800 117 995

If you need further assistance in completing your application, please refer to the department's website at [www.ag.gov.au](http://www.ag.gov.au) or contact the Financial Assistance Section on the details above.

## When to submit your application

You should submit an application **before** you start incurring legal costs. Costs incurred before the department receives an application for financial assistance will generally not be paid. If you have only been given a short amount of notice before the hearing or interview, you may notify the department in writing of your intention to lodge an application. You can do this by sending an email to [finassgeneral@ag.gov.au](mailto:finassgeneral@ag.gov.au). You must then lodge an application as soon as possible, but no later than 14 days after you notify the department. In these circumstances, consideration may be given to costs incurred from the date the department receives your notice.

## After submitting an application

### Confidentiality

All applications (including incomplete applications) will be treated in confidence. The department will not disclose any information regarding an application, including the fact that a person has applied for financial assistance, except where this is:

- (a) necessary to assess the application
- (b) necessary for purposes relevant to administering the financial assistance scheme
- (c) in accordance with the express authority of an applicant
- (d) required to correct the public record, or
- (e) required by law.

## Consent for the collection, use and disclosure of information

For the purposes of performing functions relating to the provision of financial assistance under the *Commonwealth Guidelines for Legal Financial Assistance 2012*, the applicant, by applying for a grant of financial assistance, consents to the department disclosing information in the application to, or collecting further information about the applicant from:

- (a) other areas of the department, including information relating to international obligations, Commonwealth laws, and any other interactions with the department
- (b) other Commonwealth or State government agencies, including the Australian Federal Police, the Australian Tax Office, the Department of Foreign Affairs and Trade and the Department of Human Services including information relating to the applicant's criminal history, financial details
- (c) an Australian organisation that provides legal aid or legal assistance, including information relating to the applicant's eligibility to receive legal assistance
- (d) a financial institution, including information relating to the applicant's financial details, and
- (e) the applicant's current and past legal representatives, including information relating to the conduct of the legal matter.

The department will seek further consent from the applicant in the event that it is necessary to disclose or collect information in addition to the kind of information referred to above.

Failure to provide this consent, or withdrawing this consent in the future, may result in the application being considered incomplete.

## Important information for applicants

### Availability of grants

Given the competing demands on each scheme, there is no guarantee your application will be approved. This is the case even if your matter appears to satisfy the relevant scheme guidelines, and even if you have received funding for the same matter in the past.

### Obligations on applicants

Commonwealth law includes offences with penalties of up to 10 years' imprisonment for persons who do any of the following:

- (a) make false or misleading statements or provide false or misleading information (including omitting information)
- (b) obtain property or financial advantage by deception
- (c) do something dishonestly to obtain a gain or a financial advantage
- (d) influence a Commonwealth official
- (e) use forged documents.

If a grant has been approved, grant recipients **MUST** inform the department of any changes to their circumstances. Failure to do so may result in the grant being cancelled and the department initiating action to recover any funds paid.

## **Complying with terms and conditions**

All grants of assistance are conditional. Each grant is made with specific terms and conditions (such as a start and end date, and an upper limit of funding), and specific invoicing and reporting requirements. These terms and conditions will be provided to you if your application for assistance is successful. It is important to be familiar with these terms and conditions, as failure to comply with them may result in non-payment of your legal costs.

## **Rates of payment under grants**

The department is unable to pay full commercial legal rates. Capped rates are found in the *Commonwealth Legal Financial Assistance— Assessment of Costs 2012* document. Grants of assistance should be viewed as a contribution towards your legal costs, not an undertaking to meet your full legal costs. You should discuss with your lawyer the limits to the funding available under any grant provided by this department.

## 1. Are you applying on behalf of

<input type="checkbox"/> Yourself? <i>Proceed to 2</i>	<input type="checkbox"/> A client? <i>Proceed to 2</i>	<input type="checkbox"/> An organisation? <i>Complete 1.1</i>	<input type="checkbox"/> A group? <i>Complete 1.1</i>	<input type="checkbox"/> Another person? <i>Complete 1.1</i>
<b>1.1 Contact Details</b>				
<b>Relationship to applicant:</b>				
<b>Phone:</b>				
<b>Email:</b>				

If you are applying on behalf of an organisation, another person, or a group, please attach evidence of authority to act on their behalf. A template letter of authority is included at **Attachment A**.

## 2. Other funding

<p><b>Have you made any other applications for legal aid or assistance from another body, including any applications that have been refused?</b></p> <p><i>Note: Applicants are generally required to contact a Legal Aid Commission or Community Legal Centre first. See information on page 1 of the application.</i></p>	<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p><b>If No, please provide the reasons:</b></p>	
<p><b>If Yes, please provide details. Attach a copy of any applications and letter(s) of refusal of legal or financial assistance.</b></p>	

## 3. Scheme you are applying under

Please indicate which scheme you are applying under. If you are unsure, please contact the Financial Assistance Section on the details above.

<b>Statutory schemes</b>	✓
<u>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</u>	
<u>Aboriginal Land Rights (Northern Territory) Act 1976</u>	
<u>Administrative Appeals Tribunal Act 1975</u> , section 30A	
<u>Administrative Appeals Tribunal Act 1975</u> , section 69	
<u>Australian Crime Commission Act 2002</u>	
<u>Australian Human Rights Commission Act 1986</u>	
<u>Competition and Consumer Act 2010</u>	
<u>Defence Force Discipline Appeals Regulations 2016</u>	
<u>Fair Work (Registered Organisations) Act 2009</u>	
<u>Freedom of Information Act 1982</u>	
<u>Judiciary Act 1903</u> , section 69(3)	
<u>Judiciary Act 1903</u> , section 78B(4)	
<u>Jurisdiction of Courts (Cross-vesting) Act 1987</u>	
<u>Law Enforcement Integrity Commissioner Act 2006</u> , section 103	
<u>Law Enforcement Integrity Commissioner Act 2006</u> , section 221	
<u>Privacy Act 1988</u>	
<u>Proceeds of Crime Act 1987</u>	
<u>War Crimes Act 1945</u>	
<b>Non-statutory schemes</b>	✓
<a href="#"><u>Commonwealth public interest and test cases scheme</u></a>	
<a href="#"><u>Disbursement support scheme</u></a>	
<a href="#"><u>Special circumstances scheme – Australian legal matter</u></a>	

**Note:** There are separate applications forms for the following schemes: overseas child abduction, overseas criminal matters involving the death penalty, and special circumstances (overseas legal matters).

## 4. Your personal details

If applying on behalf of a client or another person, please enter their details.

<b>Surname:</b>		<b>Given name/s:</b>	
<b>Organisation name (if applicable):</b>			
<b>Your position in organisation (if applicable):</b>			
<b>Postal address:</b>			
	<b>Suburb:</b>		<b>City:</b>
	<b>Postcode:</b>		<b>State:</b>
<b>Telephone:</b>		<b>Fax:</b>	
<b>E-mail:</b>			
<b>Date of birth (if applicable):</b>	dd/mm/yyyy	<b>Are you an Australian citizen? If Yes, please attach copy of your passport.</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If no, what country were you born in?</b>		<b>When did you arrive in Australia?</b>	mm/yyyy
<b>Are you an Aboriginal or Torres Strait Islander?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Prefer not to answer <input type="checkbox"/>
<b>Do you have a disability or serious illness? If yes, please provide details.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Prefer not to answer <input type="checkbox"/>

## 5. Solicitor's details (if applicable)

<b>Solicitor's name:</b>		<b>Solicitor's firm:</b>	
<b>Address:</b>			
	<b>Suburb:</b>		<b>City:</b>
	<b>Postcode:</b>		<b>State:</b>
<b>Telephone:</b>		<b>Fax:</b>	

E-mail:

## 6. Special considerations for applications under non-statutory schemes

In considering an application for a non-statutory scheme, the decision-maker must have regard to a number of special considerations. For the applications under the **Commonwealth public interest and test cases** scheme, the **disbursement support** scheme and the **special circumstances (overseas legal matters)** scheme, please address the following:

### 6.1

**(a) Are you a citizen or resident of Australia? If so, please provide your citizenship or Australian residency details.**

**(b) What is your continuing connection with Australia?**

[If you require more space to address this question, please include it as an attachment to this form.]

### 6.2 Have you been the subject of criminal proceedings in Australia or overseas?

If YES, address EACH of the following:

(a) The gravity (seriousness) and nature of the conduct alleged against you.

(b) The outcome of those criminal proceedings.

*If you fail to disclose any relevant information, your application may be considered incomplete, or –if a grant has been approved - your grant may be cancelled and the department may initiate action to recover any funds paid.*

*You must complete an Australian Federal Police National Police Check form (available on the department's website), as well as this form.*



[If you require more space to address this question, please include it as an attachment to this form.]

**6.3 If you are currently overseas, under what circumstances did you depart Australia?**

Include your departure date, the purpose of the travel, the intended length of stay, other relevant details.

[If you require more space to address this question, please include it as an attachment to this form.]

## 7. Case details

Please attach copies of any court documents and any letters from your solicitor about the case. It is important that you include all relevant information to your case to help us assess your application in a timely manner.

**7.1 Describe the legal action you intend to take:**

Address EACH of the following:

- (a) What are the facts of the case?
- (b) What are the legal questions to be decided?
- (c) What are the legal arguments in support of your case?
- (d) What evidence or witnesses do you have to support your case?
- (e) What do you stand to gain / lose by the case (e.g. interest in land, custody of children, loss of job, compensation for injury, etc.)?

[If you require more space to address this question, please include it as an attachment to this form.]

**7.2 Provide details about the court proceedings:**

Address EACH of the following:

- (c) At what stage is the case? Include the court and court reference if applicable.
- (d) What is the next stage of the case?

[If you require more space to address this question, please include it as an attachment to this form.]

**7.3 For applications under the Commonwealth and public interest test cases scheme only:**

- (a) What are the legal questions to be decided?
- (b) Does the case involve an uncertain area or question of Commonwealth law? If yes, explain how.
- (c) Describe how the case is of general importance.

[If you require more space to address this question, please include it as an attachment to this form.]

**7.4 Is there any further information relevant to your application?**

[If you require more space to address this question, please include it as an attachment to this form.]

## 8. Budget details

Please provide a breakdown of costs associated with the case (including a detailed costs estimate for the next six months).

**Retrospective costs** will not generally be covered by a grant of financial assistance. Subsection 6.7(1) of the *Commonwealth Guidelines for Legal Financial Assistance 2012* provides that a grant for retrospective costs must not be given, except in the most exceptional of circumstances (underlining added). Retrospective costs are costs incurred before the date on which the department receives a complete application. If you are seeking funding for retrospective costs, please explain the exceptional circumstances that apply to your application.

What is the total estimated legal cost for resolving your case?	
<i>Estimated total legal cost:</i>	<input type="checkbox"/> Attach documentation showing the overall estimated legal cost to resolve your case (if available)
<b>Provide a detailed estimate of costs covering the next six months (or other specified time period).</b>	<input type="checkbox"/> Attach detailed estimate of costs for the next six months. See template at <b>Attachment B</b> .

## 9. Financial and employment details

In this section we require your employment and income information, as well as that of any **financially associated entity**. If applying on behalf of a client or another person, please enter their details.

### Financially associated entity

A financially associated entity is any entity from whom the applicant usually receives financial support, or to which the applicant usually provides financial support, and could reasonably be expected to financially assist the applicant in obtaining legal services. This could include (but is not limited to) a partner or spouse, housemate, parent or other relative. Please provide as much detail as possible and attach extra pages if required.

Applicant			
<b>Employed:</b>	<input type="checkbox"/> Attach a full copy of latest pay slip and a copy of latest tax return.	<b>Self-employed:</b>	<input type="checkbox"/> Attach a copy of latest financial statement or tax return. If your business is incorporated, attach a copy of the company's latest financial statements.
<b>Unemployed:</b>	<input type="checkbox"/> Attach a full copy of latest tax return and latest benefit statement.	<b>Other:</b>	<input type="checkbox"/>
<b>If 'other' please provide details:</b>			
<b>Occupation:</b>			
<b>Gross weekly income:</b>	\$		
<b>Other source of income (for example social security benefits):</b> <i>Attach evidence of any social security or pension benefits.</i>	Source:		
	Amount: \$		
	Source:		
	Amount: \$		
Financially associated entity			
<b>Relationship to applicant</b> (for example spouse, business partner, company)			

<b>Employed:</b>	<input type="checkbox"/> Attach a full copy of latest pay slip and a copy of latest tax return.	<b>Self-employed:</b>	<input type="checkbox"/> Attach a copy of latest financial statement or tax return. If your business is incorporated, attach a copy of the company's latest financial statements.
<b>Unemployed:</b>	<input type="checkbox"/> A full copy of latest tax return and latest benefit statement.	<b>Other:</b>	<input type="checkbox"/>
<b>If 'other' please give details:</b>			
<b>Occupation:</b>			
<b>Gross weekly income:</b>	\$		
<b>Other source of income (for instance social security benefits):</b> <i>Attach evidence of any social security or pension benefits.</i>	Source:		
	Amount: \$		
	Source:		
	Amount: \$		

## 10. Bank details

If the department makes payment, it is by direct credit to the solicitor's trust account. Please provide the bank details of the payment recipient if known. If you wish to provide bank details at a later date, please leave this section blank.

<b>Account name:</b>	
<b>BSB number:</b>	
<b>Account number:</b>	
<b>Bank/financial institution name:</b>	

## 11. Assets and liabilities

**Note:** If applying on behalf of a client or another person, please enter their details.

In this section we require details about your assets, financial commitments and any liabilities, as well as those of any financially associated entity. Please provide as much detail as possible and attach extra pages if required.

**Please include total values below. If assets and/or liabilities are shared between yourself and another party or parties, please indicate your share of the total amount.**

Assets	Applicant		Financially associated entity	
	Total value \$	Your share %	Total value \$	Your share %
<b>RESIDENCE</b>				
Market value:				
If mortgaged, amount still owing on mortgage(s):				
<b>OTHER REAL ESTATE</b>				
Market value:				
If mortgaged, amount still owing on mortgage(s):				
<b>HOUSEHOLD GOODS, FURNITURE, AND PERSONAL EFFECTS</b>				
Approximate value:				
Amount owing (if any):				
<b>MOTOR VEHICLE</b>				
Market value:				
Amount owing, if any				
<b>OTHER</b>				
Savings held either solely or jointly with any other person <i>Attach bank statements for the last six months</i>				
Shares, debentures etc. <i>Provide details</i>				
All money owing to you, and who owes it to you <i>Provide details</i>				
All other assets (eg surrender value of life insurance policies)				

**Weekly commitments**

**Applicant**

**Financially associated entity**

Total value \$

Your share %

Total value \$

Your share %

**Tax (incl. Medicare):**

**Rent:**

**Mortgage payments on dwelling in which applicant lives:**

**Board or lodging:**

**Maintenance payments to spouse and/or children of applicant:**

**Payments under hire-purchase and credit sales agreements, loan agreements for motor vehicle(s), household goods and furniture:**

*Provide details*

**Superannuation and life insurance:**

**Other insurance:**

**Child minding fees paid to enable income to be earned:**

**Garnishee or other court orders:**

**Other commitments (eg business expenses):**



Liabilities	Applicant		Financially associated entity	
	Total value \$	Your share %	Total value \$	Your share %
<b>Any liabilities to be taken into account showing hardship eg accumulated debts.</b> <i>Provide details</i>				
<b>Are you able to contribute towards the expected cost of the proceedings?</b>	Yes <input type="checkbox"/> <span style="margin-left: 200px;">No <input type="checkbox"/></span>			
<b>If yes, how much?</b>	\$			

## 12. Solicitor's report

This section is only relevant if the application form has been prepared by, or with the help of, a solicitor. A template report is at **Attachment C**.

## 13. Applicant's declaration

A template statutory declaration is at **Attachment D**.

# Checklist

## Have you? *(Please indicate ✓)*

- Completed all parts of the form?
- Completed the statutory declaration at Attachment D of the application form?
- Attached copies of letters of refusal from other bodies you have applied to for assistance, if any?
- Attached copies of relevant court documents and any relevant costs correspondence from your solicitor?
- Attached documentation showing the overall estimated legal cost to resolve your case (if available)?
- Attached a detailed estimate of costs for the next six months (template at **Attachment B**)?
- If applying on behalf of an organisation, attached a copy of its latest financial statements (and of any financially associated entity)?
- Attached copies of all bank statements from the past 6 months (and of any financially associated entity)?
- Attached a copy of your latest tax return (and of any financially associated entity)?
- Attached a copy of your latest pay slip (and of any financially associated entity)?
- If you are self-employed, a copy of the latest financial statements (as applicable)?
- If you are unemployed, attached a copy of your latest benefit statement (and of any financially associated entity)?
- Attached a copy of your passport or other proof of ID?
- Attached a completed Australian Federal Police National Police Check application form (applicable for non-statutory schemes)?

Completed applications should be sent to [finassgeneral@ag.gov.au](mailto:finassgeneral@ag.gov.au). Alternatively, they may be sent to:

Financial Assistance Section  
Legal Assistance Branch  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2606



# Attachment A

## Letter of authority

Complete this form if you wish to authorise others to correspond with the Attorney-General's Department in relation to your application for legal financial assistance. Please attach this form to your application.

### Authorisation

*I authorise the following other person/s or organisations to correspond with the Financial Assistance Section within the Attorney-General's Department in relation to my application for legal financial assistance on my behalf:*

	Name	Contact details
1.		
2.		

### Revocation of authorisation (if applicable)

*I revoke consent that was previously provided for the following other person/s or organisations:*

	Name	Contact details	Relationship
1.			
2.			

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Attachment B

### Estimate of costs

Complete this form and attach it to your application for legal financial assistance. You should refer to the *Commonwealth Legal Financial Assistance Schemes – Assessment of Costs July 2012* document which sets out capped rates payable under a grant of financial assistance. This estimate should cover the six month period following the date of submitting your application. If the estimate covers a different period of time, please specify the period of time covered by the estimate.

Estimated preparation time for court and court attendance				
Legal representative	Description of item	Approx. Duration	Hourly rate \$ (GST excl.)	Estimated Total \$ (GST excl.)
<i>e.g. John Doe Solicitors</i>	<i>Preparation including reading case papers, etc.</i>	<i>8 hrs</i>	<i>AUD\$150.00</i>	<i>AUD\$1200.00</i>
<i>e.g. John Doe Solicitors</i>	<i>Court attendance on 18/11/2017</i>	<i>4 hrs</i>	<i>AUD\$150.00</i>	<i>AUD\$600.00</i>
			<b>TOTAL</b>	<b>\$</b>
Estimated disbursements				
Description of item	Cost per item	Number of items	Estimated Total \$ (GST excl.)	
<i>e.g. photocopying, translations, etc.</i>	<i>AUD\$45.00</i>	<i>4</i>	<i>AUD\$180.00</i>	

		<b>TOTAL</b>	<b>\$</b>

<b>Estimated total – preparation time for court and court attendance</b>	<b>\$</b>
<b>Estimated total – disbursements</b>	<b>\$</b>
<b>TOTAL estimated costs:</b>	<b>\$</b>



## Attachment C

### Solicitor's report

This section is only relevant if the application form has been prepared by, or with the help of, a solicitor. A solicitor's report is required if an application for financial assistance has been prepared by, or with the help of, a solicitor. The report should provide details of:

- a. the nature of the proceedings that have been or will be taken
- b. the key issues that will be taken into account by the court
- c. the evidence likely to be placed before the court by the parties
- d. the need for the applicant and any witnesses to attend the hearing
- e. the applicant's prospects of success in those proceedings,
- f. whether there is a point under State or common law involved which has importance beyond the State or Territory where the case arises, and
- g. the estimated legal costs and expenses associated with the proceedings – having regard to the *Commonwealth Legal Financial Assistance Schemes – Assessment of Costs July 2012 document*.

<b>Solicitor's name:</b>	<b>Solicitor's firm:</b>
[If you require more space to address this question, please include it as an attachment to this form.]	
<b>Date:</b>	<b>Signature:</b>

# Attachment D

## STATUTORY DECLARATION

Commonwealth of Australia

*Statutory Declarations Act 1959*

1 *Insert the name, address and occupation of person making the declaration*

I,<sup>1</sup>

make the following declaration under the *Statutory Declarations Act 1959*:

[cross out whichever does not apply]

2 *Set out matter declared to in numbered paragraphs*

The information given in this application is true and correct to the best of my knowledge and belief.

2. I have not disposed of any assets for the purpose of qualifying for assistance.
3. I am personally liable / the organisation is liable for the legal costs and expenses of the proceedings described in this application.
4. I am / the organisation is not indemnified by any person or organisation for those legal costs and expenses.
5. Having considered the *Commonwealth Guidelines for Legal Financial Assistance 2012* and information in this application form, I consent to officers of the Legal Assistance Branch, Attorney-General's Department collecting and disclosing information relating to this application from:
  - (a) other areas of the department including information relating to international obligations, Commonwealth laws and any other interactions with the department
  - (b) other Commonwealth or State government departments or agencies including information relating to the applicant's criminal history and financial details. I give other agencies permission to supply this information
  - (c) an Australian organisation that provides legal aid or legal assistance, including information relating to the applicant's eligibility to receive legal assistance
  - (d) a financial institution, including information relating to the applicant's financial details, and
  - (e) the applicant's current and past legal representatives, including information relating to the conduct of the legal matter.

6. I undertake to notify the Attorney-General's Department, of any change in my / the organisation's circumstances which could affect my / the organisation's eligibility for continuing financial assistance.

7. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*

Declared at<sup>4</sup>

on<sup>5</sup>

of<sup>6</sup>

5 *Day*

Before me,

6 *Month and year*

7 Signature of  
person before  
whom the  
declaration is  
made (see over) 7

8 Full name,  
qualification and  
address of person  
before whom the  
declaration is  
made (in printed  
letters) 8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
- 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 the Australian Trade Commission who is:
  - (a) in a country or place outside Australia; and
  - (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
  - (c) exercising his or her function in that place
- Employee of the Commonwealth who is:
  - (a) in a country or place outside Australia; and
  - (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
  - (c) exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this list
- Judge of a court
- Justice of the Peace



Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority; or
  - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer                      Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff                      Sheriff's officer                      Teacher employed on a full-time basis at a school or tertiary education institution