

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

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

I,¹

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

2 *Set out matter declared to in numbered paragraphs*

2

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 and correct in every particular.

3 *Signature of person making the declaration*

3

4 *Place*

Declared at ⁴

on ⁵

of ⁶

5 *Day*

6 *Month and year*

Before me,

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*)
Bailliff

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

Statutory Declaration Reasons

Statutory Declaration – Reporting Requirements specified under Section 1209S of the Social Security Act 1991 and [Social Security \(Special Disability Trust – Trust Deed, Reporting and Audit Requirements\) \(FaHCSIA\) Determination 2013 \(F2013L01026\)](#)

I sincerely declare that as a trustee of the <insert name of special disability trust>, that the financial statements of the above named trust given in accordance with section 1209S of the *Social Security Act 1991* and the *Social Security (Special Disability Trust – Trust Deed, Reporting and Audit Requirements) Determination 2013* is true and correct in all material particulars

Statutory Declaration – Expenditure meets requirements specified under [Social Security \(Special Disability Trust – Trust Deed, Reporting and Audit Requirements\) \(FaHCSIA\) Determination 2013 \(F2013L01026\)](#)

I sincerely declare that, for the financial year 20____:

- (a) All amounts paid out of the trust (other than amounts paid for reasonable administration expenses and taxation) were paid:
 - (i) to meet reasonable care and accommodation needs of the principal beneficiary; or
 - (ii) for other purposes, ancillary to meeting the reasonable care and accommodation needs of the principal beneficiary, that are necessary or desirable to facilitate the meeting of those needs; or
 - (iii) for other purposes that are primarily for the benefit of the principal beneficiary; and
- (b) No amount was paid out of the trust for:
 - (i) purposes other than those mentioned in subparagraph (a) (i), (ii) or (iii); or
 - (ii) services provided to the principal beneficiary by an immediate family member of the principal beneficiary, or
 - (iii) non-compliant distributions in the relevant financial year.
- (c) Distributions that have been made from Special Disability Trust as outlined on Tax Return are for Australian Taxation Office requirements only.

If the trust is not required to submit a tax return, the following statement must be included in substitution for subparagraph (c) above:

I sincerely declare that as a trustee of the <insert name of special disability trust>, section 95AB of the *Income Tax Assessment Act 1936* applies to the trust's income, and a certified copy of the trust's income tax return is not required.

Statutory Declaration – Waiver under the [Social Security \(Special Disability Trust\) Guidelines 2021 \(F2021L01311\)](#) under Section 1209U(4) of the Social Security Act 1991

I sincerely declare, as trustee of the <insert name of special disability trust>, that the trust will comply with the Special Disability Trust requirements specified in Division 1 of Part 3.18A of the *Social Security Act 1991*, including that:

- the trust has no more than one beneficiary, not including any residuary beneficiary (as specified in subsection 1209M(1) of the *Social Security Act 1991*);
- the beneficiary of the trust meets the requirements of subsection 1209M(2) or (4) of the *Social Security Act 1991*;
- the primary purpose of the trust is to meet the reasonable care and accommodation needs of the beneficiary of the trust as specified in the *Social Security (Special Disability Trust) Guidelines 2021*;
- the other purpose of the trust is primarily for the benefit of the principal beneficiary as specified in the *Social Security (Special Disability Trust) Guidelines 2021*;
- the trust complies with the trust deed requirements specified in Part 2 of the *Social Security (Special Disability Trust – Trust Deed, Reporting and Audit Requirements) Determination 2013*.

Statutory Declaration – Trustee meets requirements specified under Section 1209Q(1) of the Social Security Act 1991

I sincerely declare that, as a trustee of the <insert name of special disability trust>, I:

- am an Australian resident; and
- have not been convicted at any time (including a time before the commencement of Section 1209Q of the *Social Security Act 1991*) of any of the following offences:
 - (i) An offence of dishonest conduct against, or arising out of, a law of the Commonwealth, a State, a Territory or a foreign country;
 - (ii) An offence against, or arising out of, the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, or the *Veterans' Entitlement Act 1986*;
- have not been disqualified at any time (including a time before the commencement of Section 1209Q of the *Social Security Act 1991*) from managing corporations under the *Corporations Act 2001*.