

## Checklist: Writing a statutory declaration

You can print this checklist as it may help you when you need to write a statutory declaration. This checklist relates specifically to statutory declarations. For tips on writing skills and things to think about when writing any type of legal document, see [Checklist - Writing](#).

Tick on each box as you go.

### Writing a statutory declaration

#### Should I make a statutory declaration?

A statutory declaration can be made by anyone who needs to prove the existence of a fact or facts. Statutory declarations are not usually used in court cases. For example, a statutory declaration can be used to prove that:

- a person that goes by two different names is the same person
- a person was not the driver of their car when it was involved in a traffic offence
- a person can confirm the identity of another person.

Statutory declarations may be used in some tribunals as a way of giving evidence, however this is rare. If you are not sure if you need to make a statutory declaration, you should get legal advice.

#### What should be in the statutory declaration?

If you are making a statutory declaration, you are called the 'declarant'. Your statutory declaration should contain:

- your full name
- your address
- your occupation
- a statement that you "do solemnly and sincerely declare"
- the things you say are true.

## How should the statutory declaration be written?

When you write a statutory declaration, you should:

- only write things you know to be true
- write conversations in the first person (for example, I said "I'll take it", or she said "I'll send it right over")
- only include information that is relevant
- write in numbered paragraphs
- number every page.

## Include any annexures?

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- If you want to include any documents as part of your statutory declaration, you can attach them as annexures.
  - Make sure that you give a brief description of what you are attaching in the text of your declaration. For example, "on 29 December 2009, I received an email from Mr Lennison. Annexed and marked 'A' is a copy of that email".
  - Each annexure can be identified by letters, such as "A", followed by "B".
  - The annexure should clearly state that it is part of a statutory declaration. The following could be added to the bottom of the first page of each annexure:  
**"This is annexure [insert letter or number of annexure] to the statutory declaration made by [insert name of declarant] on [insert date declaration made]"**
  - The witness does not need to sign the annexure.

## Sign the statutory declaration

- A statutory declaration must be witnessed by a solicitor or Justice of the Peace.
- When you sign the statutory declaration, the witness should ask you something like:  
**"Is that your name and handwriting and do you declare the contents of this document to be true?"**.

- The witness may ask that you make the declaration holding a bible or other religious text, but this is no longer a requirement.
- Make sure the witness includes details about how they confirmed your identity.

**Keep a copy**

Make sure you keep a copy of your signed statutory declaration for your records.