

History of law reform relating to statutory declarations and affidavits

Historically, affidavits and statutory declarations were required to be made on paper and witnessed in person in the presence of an authorised witness.

In response to the COVID-19 pandemic, temporary laws were made to allow statutory declarations and affidavits (and other important legal documents) to be made using technology.

For more information about the temporary arrangements (which expired on 30 April 2022) see:

- » [Justice Legislation \(COVID-19 Emergency Response—Wills and Enduring Documents\) Amendment Regulation 2020](#)
- » [Justice Legislation \(COVID-19 Emergency Response—Documents and Oaths\) Amendment Regulation 2021](#)
- » [Justice Legislation \(COVID-19 Emergency Response—Documents and Oaths\) Amendment Regulation \(No. 2\) 2021](#)

On 30 April 2022, the [Justice and Other Legislation Amendment Act 2021](#) (JOLA Act 2021) commenced and replaced these temporary arrangements for statutory declarations and affidavits with permanent laws. Further refinements were made through the [Police Legislation \(Efficiencies and Effectiveness\) Amendment Act 2022](#), [Domestic and Family Violence Protection \(Combating Coercive Control\) and Other Legislation Amendment Act 2023](#) and the [Justice and Other Legislation Amendment Act 2023](#).

Together, these reforms modernised the way in which important legal documents, including statutory declarations and affidavits, are created, in line with contemporary business practice. They embraced digital technology to provide new and alternative pathways for document execution, in addition to the ordinary physical approach, which allows individuals to choose their preferred method of document execution.

The reforms made it easier for individuals to make and sign important legal documents without the need to be physically present with other persons involved in the making of the document. The reforms aimed to improve access to justice, reduce transaction costs, and increase the efficiency of conducting private and commercial transactions.

Under the reforms, statutory declarations and affidavits can now be made using technology, in addition to the normal way (on paper and in person) to provide greater flexibility. This means that, in certain circumstances:

- » they can be made in electronic form, signed electronically,
- » they can be witnessed over audio visual link,
- » if people have trouble signing the documents, they can ask another person to sign for them, and
- » the witness can sign an identical copy (called a counterpart) of the affidavit or statutory declaration.

The reforms also require affidavits and statutory declarations to include particular statements and information. Refer to the following Fact Sheets for further information about how statutory declarations and affidavits can be made:

- » Who can sign a statutory declaration or affidavit as a substitute signatory.
- » Witness information for statutory declarations or affidavits.
- » Who can witness a statutory declaration or affidavit in Queensland.

Further information is also available at: www.qld.gov.au/legaldocuments

