

# Who can sign a statutory declaration or affidavit as a substitute signatory

This information is general in nature and cannot be used as a substitute for appropriate professional legal advice about your particular circumstances.

A statutory declaration or an affidavit under the *Oaths Act 1867* must ordinarily be signed by the person making it (you), called the signatory. As the **signatory**, you can direct another person (called the **substitute signatory**) to sign on your behalf. However, if the statutory declaration or affidavit is used in a court, court rules or practice directions may change these requirements.

A witness to the statutory declaration or affidavit must see and hear you giving the direction to the substitute signatory, in person or by audio visual link (AV link).

## Who can be a substitute signatory

Anyone can be a substitute signatory, except for the people listed below under *Who cannot be a substitute signatory*.

If you direct the substitute signatory to sign the document over AV link (if you are not together when the direction is given), then the substitute signatory must be:

- » an Australian legal practitioner,
- » a government legal officer who is an Australian lawyer and witnesses documents as part of their government work, or
- » an employee of the Public Trustee of Queensland.

In the circumstances that you direct the substitute signatory over AV link, the substitute signatory must include their name on the document and state whether they are an Australian legal practitioner, government legal officer or employee of the Public Trustee of Queensland.

**NOTE:** Whenever AV links are used to make, sign, or witness a statutory declaration or affidavit, the document must be witnessed by a special witness (refer to the ***Fact Sheet – Who can witness a statutory declaration or affidavit in Queensland***).

## Who cannot be a substitute signatory

Outlined below is a list of people that cannot be a substitute signatory:

- » A person who is another party to a court or tribunal proceeding, or a relation of another party to the proceeding (if the statutory declaration or affidavit will be filed or used as evidence in the proceeding).
- » The person who witnesses the statutory declaration or affidavit.

## Including personal information

The statutory declaration form requests you to include your address and the place where the document is signed.

You or another impacted person, may exercise your judgement and state your address as “Queensland” or “Australia” if it would be unsafe to reveal this information, such as if there are worries about domestic, family, or sexual violence (subject to requirements in court rules, if the document is used in a proceeding in court).

A witness is required to provide more personal information at the bottom of the form. The witness should refer to the ***Fact Sheet – Witness information for statutory declarations or affidavits***.



## Relevant forms

### Statutory Declaration

There is not one universal form that you must use to make a statutory declaration. Some court and tribunal forms also contain a statutory declaration.

The Department of Justice has approved and published one statutory declaration form for use from 3 February 2025. This form complies with the requirements of the *Oaths Act 1867*.

Please download this form to make a statutory declaration, using the notes in the left-hand margin for guidance. More guidance on making a statutory declaration can be found at [www.qld.gov.au/legaldocuments](http://www.qld.gov.au/legaldocuments).

The same form can be used to make any type of statutory declaration whether it is signed physically or electronically, witnessed by someone in person or via AV link, or signed by you or a substitute signatory.

The witness may sign either the original document or an identical copy of it.

This form can be found at [www.publications.qld.gov.au/dataset/statutory-declaration-affidavit](http://www.publications.qld.gov.au/dataset/statutory-declaration-affidavit).

### Affidavit

There is not one universal affidavit form that must be used. The form varies depending on the:

- » court or tribunal
- » type of proceeding
- » purpose of the affidavit.

Visit the [www.courts.qld.gov.au/about/forms](http://www.courts.qld.gov.au/about/forms) to find forms used in most courts in Queensland.

Other forms can also be found on the website for the court or tribunal where your affidavit is being filed, at [www.courts.qld.gov.au/courts](http://www.courts.qld.gov.au/courts).

If you are not sure which form to use, you should contact the relevant court or tribunal. For help finding a solicitor, law firm or barrister visit [qld.gov.au/findlegaladvice](http://qld.gov.au/findlegaladvice).

### If you need more help

If you need more help completing a statutory declaration or affidavit, or where there are concerns about personal safety, for example, due to domestic, family or sexual violence you may wish to contact:

- » **Community Legal Centres Queensland** to find your local community legal centre at [www.communitylegalqld.org.au/find-legal-help/](http://www.communitylegalqld.org.au/find-legal-help/), and/or
- » **Queensland Law Society** (QLS) on **1300 367 757**, or access the QLS' Find a solicitor service at [www.youandthelaw.com.au/directory](http://www.youandthelaw.com.au/directory).

More information is also available at [www.qld.gov.au/legaldocuments](http://www.qld.gov.au/legaldocuments).