Oaths Amendment (Confirmation of Identity) Regulation 2012

under the

Oaths Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the Oaths Act 1900.

GREG SMITH, MP
Attorney General

Explanatory note

The objects of this Regulation are:

(a) to allow an authorised witness to confirm the identity of a person making a statutory declaration or affidavit based on an identification document even if the witness knows the person, and

(b) to prescribe additional documents that may be used by an authorised witness to confirm the identity of an inmate (within the meaning of the Crimes (Administration of Sentences) Act 1999), a patient (within the meaning of the Mental Health Act 2007) or a forensic patient (within the meaning of the Mental Health (Forensic Provisions) Act 1990) who is making a statutory declaration or affidavit.

This Regulation is made under the Oaths Act 1900, including sections 34 and 35 (the general regulation-making power).
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1 Name of Regulation

This Regulation is the Oaths Amendment (Confirmation of Identity) Regulation 2012.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.
Schedule 1 Amendment of Oaths Regulation 2011

[1] Clause 3 Definitions
Insert after paragraph (f) of the definition of identification document in clause 3 (1):

(g) in the case of an inmate (within the meaning of the Crimes (Administration of Sentences) Act 1999)—an inmate identification card, or other document containing information identifying the inmate, prepared or used by the correctional centre in which the inmate is held,

(h) in the case of a forensic patient (within the meaning of the Mental Health (Forensic Provisions) Act 1990)—a residential identity card, or other document containing information identifying the patient, prepared or used by the mental health facility, correctional centre or other place in which the patient is detained,

(i) in the case of a patient (within the meaning of the Mental Health Act 2007) other than a forensic patient—a residential identity card, or other document containing information identifying the patient, prepared or used by the mental health facility to which the patient is admitted.

[2] Clause 7 Matters to be certified on statutory declaration or affidavit
Omit “does not know the person, but” from clause 7 (1) (b) (ii).

[3] Schedule 1 Form for certificate under section 34 (1) (c) of the Act
Omit “I have not known the person for at least 12 months, but” from paragraph 2 of the certificate.