



Queensland

# Oaths (Document Reforms) Amendment Regulation 2022

## Subordinate Legislation 2022 No. 131

made under the

*Oaths Act 1867*

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**1 Short title**

This regulation may be cited as the *Oaths (Document Reforms) Amendment Regulation 2022*.

**2 Regulation amended**

This regulation amends the *Oaths Regulation 2022*.

**3 Insertion of new pt 1, hdg**

Before section 1—

*insert—*

**Part 1 Preliminary**

**4 Insertion of new pt 2, hdg and ss 2A and 2B**

After section 2—

*insert—*

**Part 2 Matters relevant to affidavits and declarations**

**2A Persons excluded from signing as substitute signatory in physical presence of signatory and witness [OA, s 31P]**

- (1) This section applies in relation to a substitute signatory if—
  - (a) the substitute signatory is directed by a signatory in the signatory's physical presence to sign an affidavit or a declaration for the signatory; and
  - (b) the substitute signatory is to sign the affidavit or declaration in the physical presence of a witness.

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- (2) Each of the following persons is excluded from signing the affidavit or declaration as a substitute signatory—
- (a) a person witnessing the affidavit or declaration;
  - (b) if the affidavit or declaration is to be used in a proceeding by or for a party—a person who is another party to the proceeding or a relation of a person who is another party to the proceeding;
  - (c) a person who would otherwise be excluded under a law from signing the affidavit or declaration as a signatory.
- (3) In this section—
- relation*, of a person, see the *Powers of Attorney Act 1998*, schedule 3.

## **2B Requirements for witnessing signature of substitute signatory in physical presence of signatory and substitute signatory [OA, s 31R]**

- (1) This section applies if—
- (a) a substitute signatory is directed by a signatory in the signatory's physical presence to sign an affidavit or a declaration for the signatory; and
  - (b) the substitute signatory is to sign the affidavit or declaration in the physical presence of a witness.
- (2) The witness for the signing of the document must—
- (a) observe the signatory direct the substitute signatory to sign the affidavit or declaration; and

[s 5]

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- (b) be satisfied that the substitute signatory is not excluded from signing the affidavit or declaration under section 2A; and
- (c) be satisfied that the signatory is freely and voluntarily directing the substitute signatory to sign the affidavit or declaration.

**5 Insertion of new pt 3, hdg**

After section 7—

*insert—*

**Part 3**

**Matters relevant to use  
of audio visual links**

ENDNOTES

- 1 Made by the Governor in Council on 23 September 2022.
- 2 Notified on the Queensland legislation website on 23 September 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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