



Government of **Western Australia**
Department of **Justice**

Justice of the Peace

Log Book



Witnessing documents checklist

1. Have you checked what type of document it is?
 - a. Is it lawful?
 - b. Do you have the authority to witness it?
2. Does it have any special requirements?
3. Are there any instructions for the person witnessing the document?
4. If it is an affidavit or statutory declaration, is it in the correct format?
5. Is it to be signed on oath or affirmation or by statutory declaration?
 - a. If so, does it use the correct form of words?
6. Is the signatory the person named in the document?
7. Do I have a personal or private interest that may conflict, or be perceived to conflict with my witnessing the document?
8. Is the date correct?
9. Have you checked through the document for any alterations, spaces or omissions and ensured they are initialled by both the signatory and yourself?
 - a. Have you checked it for any unanswered questions and ensured that they are either crossed out or completed?
10. Have you checked the annexures and marked them properly?
11. Have you issued a warning about the importance of telling the truth?
12. Was the document signed in front of you?
13. Did you sign and seal the document where required?
14. Have you entered the particulars into your register?
15. Did you keep a record of any additional information supplied?

How to administer an oath/affirmation [section 7 *Oaths, Affidavits and Statutory Declarations Act 2005*]

An affidavit must be sworn or affirmed by a person making the affidavit in the presence of an authorised person.

The person taking the oath should hold up one hand and say aloud as follows:

An oath in an affidavit: "I swear by Almighty God that this is my name and my signature and the contents of this my affidavit is true."

An affirmation: "I sincerely declare and affirm that this is my name and my signature and the contents of this my affidavit is true."

Taking an oral declaration on a statutory declaration [section 12 (3) *Oaths, Affidavits and Statutory Declarations Act 2005*]

You must ask the person 'in your presence' to declare orally:

- that he or she is the person who made the declaration;
- that the contents of the declaration are true
- that the signature is his or hers; and
- if necessary, that any attachment to the declaration is the attachment referred to in it.

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[illegible]