



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).

2012 No 145

Clause 1 Oaths Amendment (Confirmation of Identity) Regulation 2012

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Oaths Act 1900

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.