

Identification Legislation Amendment Act 2011 No 45

[2011-45]



New South Wales

Status Information

Currency of version

Repealed version for 2 November 2011 to 30 April 2012 (accessed 18 November 2024 at 15:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 1.5.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 May 2012

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Identification Legislation Amendment Act 2011 No 45



New South Wales

An Act to amend certain legislation to enable police officers and certain other public officials to require the removal of face coverings for identification purposes; to enable police officers to request the identities of persons in connection with the giving of move on directions; and to provide for identification procedures in connection with statutory declarations and affidavits.

1 Name of Act

This Act is the *Identification Legislation Amendment Act 2011*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 (Repealed)

Schedule 2 Amendment of other legislation

2.1-2.5

(Repealed)

2.6 Oaths Act 1900 No 20

Part 6

Insert after Part 5:

Part 6 Miscellaneous

34 Identification of person making statutory declaration or affidavit

- (1) A person who takes and receives a statutory declaration or affidavit in this State (an *authorised witness*):

- (a) must see the face of the person making the declaration or affidavit, and
- (b) must know the person who makes the declaration or affidavit or confirm the person's identity in accordance with the regulations, and
- (c) must certify on the declaration or affidavit in accordance with the regulations that this section has been complied with.

Maximum penalty (on summary conviction before the Local Court): 2 penalty units.

- (2) An authorised witness may request a person who is seeking to make a statutory declaration or affidavit to remove so much of any face covering worn by the person as prevents the authorised witness from seeing the person's face.
- (3) The regulations may make provision for or with respect to compliance with this section and, in particular, may:
 - (a) provide that a person is not known to an authorised witness unless the authorised witness has known the person for a minimum specified period, and
 - (b) provide for the steps that will satisfy the requirement to confirm the identity of a person making a statutory declaration or affidavit (including prescribing the kinds of documentation that may or must be relied on for that purpose), and
 - (c) exempt an authorised witness from the requirement to comply with subsection (1) (a) for medical or other reasons.
- (4) A failure to comply with this section does not affect the validity of any statutory declaration or affidavit.
- (5) In this section:

face and **face covering** have the same meanings as they have in the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#).

35 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.