

# Application for a Commonwealth Victims' Certificate

If you are a victim of *Commonwealth* identity crime and satisfy the criteria outlined below, you may use this form to apply to a magistrate in your State or Territory for a Commonwealth Victims' Certificate.

A Commonwealth Victims' Certificate is a further piece of information that you can present to an organisation, such as a Government agency, a financial institution or a credit agency, to help support your claim that you have been the victim of *Commonwealth* identity crime. This may help you to rectify your business or personal affairs with that organisation.

## ***Who may apply for a Commonwealth Victims' Certificate***

An individual or a business may apply for a Commonwealth Victims' Certificate if all of the following applies:

- you have experienced problems in relation to your personal or business affairs
- you have reason to believe this is a result of *Commonwealth* identity crime.

This means that:

- a person has pretended to be you by using your identity information (for example, by using your driver's licence, a passport, citizenship details, your bank account details, credit card, or your details such as name, address and date of birth), **or**
- a person, or a business, has used the identity information of your business (such as your business name, ABN, address or account details of your business), **or**
- a person has pretended to be another person (including a fictitious person) by using identity information (for example by pretending to be your accountant, your authorised agent, or a member of your family with authority to act on your behalf);

**and**

- that person has used (or planned to use) that identity information to commit an offence that is a *Commonwealth indictable offence* (this is an offence against a law of the Commonwealth which is punishable by more than 12 months imprisonment)

Examples of Commonwealth indictable offences include:

- your identity was used to fraudulently obtain a Commonwealth government benefit, payment or service
  - your tax file number or ABN was used to submit false information to the Australian Taxation Office
  - your business details were used to import illegal goods into Australia.
- you believe a Commonwealth Victims' Certificate may assist you to rectify these problems (for example, for you to show Centrelink that you have not been claiming a benefit that has been fraudulently made in your name).<sup>1</sup>

Once you have completed this form please submit it to a magistrate in your State or Territory.

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<sup>1</sup> The requirements for when a certificate may be issued by a magistrate are set out in section 375.1 of the *Criminal Code Act 1995* (Cth).

**Before you complete this form** please visit the [Victims of Commonwealth identity crime](#) page on the Attorney-General's website to obtain further information about:

- whether you can apply for a Commonwealth Victims' Certificate
- examples of Commonwealth identity crime offences, and
- where you can find your nearest magistrate.

You should contact your local police to report the identity crime.

**Details of how you have been affected by identity crime (as described on page 1)**

Date(s) of alleged identity crime

Particulars of how you (or your business) have been a victim of identity crime

Particulars of the identity document/s or identity information which has been misused (if known)

[Attach supporting material if available. For example, emails, letters, bank statements.]

**Supplementary information**

Date of Police report—if filed

[Attach copy]

Details of court proceedings—if commenced

[Attach relevant documentation]

**Details of how a certificate will assist in relation to your personal or business affairs**

Detail personal or business problems that have arisen as a result of Commonwealth identity crime, and how a Commonwealth Victims' Certificate may be able to assist in addressing these problems

Attachments:

- An original, signed and witnessed Commonwealth statutory declaration, declaring that the information provided by me in this application is true and correct<sup>1</sup>
- Copies of supporting documentation (if available)
- Copies of any Police report (if filed)
- Copies of Court documentation (if there are court proceedings)

*Note: When submitting this application form, you will need to present proof of your identity to the Magistrate (eg. current driver's licence, birth certificate, current passport).*

**Applicant (Victim) Details**

Full Name: .....

Business Name (if applying on behalf of a business): .....

Date of Birth (or ABN if applying on behalf of a business): .....

Current Address: .....

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Signature: .....

Dated: .....

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<sup>1</sup> A Commonwealth statutory declaration can be found at [www.ag.gov.au/statdec](http://www.ag.gov.au/statdec).

***Note for magistrate***

If you have been presented with this form it means that the person who submitted it is seeking a Victims' Certificate pursuant to Division 375 of the *Criminal Code Act 1995* (Cth). It should be accompanied by a statutory declaration declaring that the information provided in this application form is true

Victims' Certificates have been provided electronically to Registries across States and Territories.

For more information, please refer to the Commonwealth Attorney-General's Department's website at the [Victims of Commonwealth identity crime](#) page.