

STATUTORY DECLARATION

Document 1

This declaration must be made before an authorised person. Only certain people may witness a Commonwealth statutory declaration. A list of people who can be witnesses is set out in Schedule 2 to the *Statutory Declaration Regulations 2018* (the Regulations). The Regulations and a separate 'list of signatories' can be accessed via a link at [Statutory Declarations Regulations 2018 \(legislation.gov.au\)](https://www.legislation.gov.au/StatutoryDeclarationsRegulations2018).

WARNING: When you make a statutory declaration, you are declaring that the statements in it are true. If you intentionally make a false statement in a statutory declaration, you could be charged with a criminal offence and, if convicted, you could be fined or jailed, or both.

The provision of false or misleading information in this declaration is subject to penalties under the *Statutory Declarations Act 1959* (the Statutory Declarations Act) and the *Australian Citizenship Act 2007* (the Citizenship Act). Section 11 of the Statutory Declarations Act provides for penalties of up to 4 years imprisonment. Section 50 of the Citizenship Act carries a penalty of up to 12 months imprisonment for knowingly making a false representation or statement, or concealing a material circumstance in connection with an application for Australian citizenship.

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

Document 1

¹ Insert the name, address and occupation of person making the declaration

I,¹

do solemnly and sincerely declare that:

- (1) I have never been convicted of a crime or any offence in any country;
- (2) I have not been charged with any offence against Australian law, or the law of any other country, that is incomplete or awaiting legal action, nor am I aware of any investigation into my affairs that has the potential to lead to such charges;
- (3) I have never been charged or convicted of a family or domestic violence offence or any similar related offence;
- (4) I have never been the subject of a domestic violence order, or any other order, of a tribunal or court or other similar authority, for the personal protection of another person;
- (5) I am not a party to an appeal or review that has not yet been concluded in relation to proceedings for an offence against Australian law, or the law of any other country;
- (6) I have not been found by a court to not be fit to plead, in relation to an offence, where the court has nonetheless found on the evidence available that I committed the offence; nor have I been acquitted of an offence on the grounds of unsoundness of mind or insanity;
- (7) I have not been found guilty of, nor had a charge proven against me for, a sexually based offence involving a child;
- (8) I do not have any spent convictions under any spent convictions legislation in any country or any convictions on my police record;
- (9) I have not been involved in conduct constituting an offence under one or more of sections 233A to 234A of the *Migration Act 1958* (people smuggling), or an offence of trafficking in persons;
- (10) I have not been involved in conduct constituting, nor have I been charged with, or indicted for, the crime of genocide, a crime against humanity, a war crime, a crime involving torture or slavery or a crime that is otherwise of serious international concern;
- (11) I have not been involved in war crimes, crimes against humanity, genocide or serious human rights abuses;
- (12) I have never been associated with anyone else who has been or could reasonably be suspected to have been, or is, involved in any matters referred to in point 9 above;
- (13) I am not, nor have I been, a member of a group or organisation who has been or is involved in criminal conduct or any activities referred to above;
- (14) I do not have, nor have I had, an association with a group, organisation or person who has been or is involved in criminal conduct or any activities referred to above;
- (15) To the best of my knowledge I do not have any matters which are either unresolved or in which I have been, or am involved that would bring into question whether I am not of "good character"* in terms of the *Australian Citizenship Act 2007*.

I fully understand the above, or the above has been fully explained to me by another person or interpreter who fully understands the above, such that I fully understand the above. And I make this solemn declaration by virtue of the Statutory Declarations Act, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

I understand that any incorrect information may result in the refusal of my application for Australian citizenship.

2 Signature of person making the declaration 2

3 [Optional: email address and/or telephone number of person making the declaration] 3

4 Place Declared at 4 on 5 of 6
5 Day
6 Month and year

Before me,

7 Signature of person before whom the declaration is made (see over) 7

8 Full name, qualification and address of person before whom the declaration is made (in printed letters) 8

9 [Optional: email address and/or telephone number of person before whom the declaration is made] 9

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code Act 1995* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

***What is ‘good character’ for the purposes of an application for Australian citizenship?**

The term ‘good character’ is not defined in the Australian Citizenship Act 2007. The Australian Citizenship Instructions provide: the Federal Court (the FC) and the Administrative Appeals Tribunal (the AAT) have used the ordinary meaning of the words, and as defined in the Macquarie Dictionary. Most cases have adopted the definition from the Full FC judgment in *Irving v Minister for Immigration, Local Government and Ethnic Affairs* ((1996) 68 FCR 422; at 431-432):

Unless the terms of the legislation require some other meaning be applied, the words ‘good character’ should be taken to be used in their ordinary sense, namely, a reference to the enduring moral qualities of a person, and not the good standing, fame or repute of that person in the community. The former is an objective assessment apt to be proved as a fact while the latter is a review of subjective public opinion... A person who has been convicted of a serious crime and thereafter held in contempt in the community, nonetheless may show that he or she has reformed and is of good character. Conversely, a person of good repute may be shown by objective assessment to be a person of bad character.

The phrase ‘enduring moral qualities’ encompasses the following concepts:

- characteristics which have endured over a long period of time;
- distinguishing right from wrong; and
- behaving in an ethical manner, conforming to the rules and values of Australian society.

The good character requirement necessitates consideration of an applicant viewed in a holistic way; that is, all aspects of his/her life may be relevant to a consideration of ‘good character.’

Released by Department of Home Affairs under the Freedom of Information Act 1982