

Version No. 003
**Evidence (Affidavits and Statutory
Declarations) Regulations 2008**

S.R. No. 58/2008

Version incorporating amendments as at
27 August 2014

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	1
5 Prescribed classifications in the public service	2
6 Prescribed classifications in statutory authorities	3
7 Prescribed memberships of prescribed accounting bodies or associations	3

ENDNOTES	5
1. General Information	5
2. Table of Amendments	6
3. Explanatory Detail	7

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1 Objective

The objective of these Regulations is to prescribe classifications in the public service as classifications to which sections 107A and 123C of the **Evidence (Miscellaneous Provisions) Act 1958** apply and to prescribe accounting bodies or associations, and memberships of those bodies or associations, for the purposes of section 107A(1)(v) of that Act.

Reg. 1
amended by
S.R. Nos
122/2012
reg. 4,
118/2014
reg. 4.

2 Authorising provision

These Regulations are made under section 152 of the **Evidence (Miscellaneous Provisions) Act 1958**.

Reg. 2
amended by
S.R. No.
122/2012
reg. 4.

3 Commencement

These Regulations come into operation on 20 June 2008.

4 Revocation

The following regulations are **revoked**—

- (a) Evidence (Affidavits and Statutory Declarations) Regulations 1998¹;
- (b) Evidence (Affidavits and Statutory Declarations)(Amendment) Regulations 2001²;
- (c) Evidence (Affidavits and Statutory Declarations) (Amendment) Regulations 2002³;

- (d) Evidence (Affidavits and Statutory Declarations) (Amendment) Regulations 2003⁴;
- (e) Evidence (Affidavits and Statutory Declarations) (Amendment) Regulations 2004⁵.

5 Prescribed classifications in the public service

Reg. 5(1)
amended by
S.R. No.
122/2012
reg. 5(1).

- (1) For the purposes of sections 107A(1)(y) and 123C(1)(gb) of the **Evidence (Miscellaneous Provisions) Act 1958**, the following classifications in the public service are prescribed classifications—

Reg. 5(1)(g)
substituted by
S.R. No.
122/2012
reg. 5(2).

Reg. 5(1)(h)
substituted by
S.R. No.
122/2012
reg. 5(2).

- (a) Non-executive employee grades 2 to 6 (inclusive) and Senior Technical Specialist;
 - (b) Solicitor, Senior Solicitor, Principal Solicitor and Principal Solicitor (Team Leader);
 - (c) Executive (Level 1, Level 2 and Level 3);
 - (d) Principal Scientist or Principal Scientist Level PS-1 and PS-2;
 - (e) Science A to D (inclusive);
 - (f) Forensic Officer Level 2 to Level 7 (inclusive);
 - (g) Child Protection Practitioner CPP 2 to CPP 6 (inclusive);
 - (h) Children Youth and Families CYF 2 to CYF 6 (inclusive);
 - (i) Housing Services Officer HSO;
 - (j) Senior Medical Adviser SMA;
 - (k) Disability Development and Support Officer DDSO4 to DDSO9 (inclusive);
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- (1) Custodial Officers COG4 to COG6 (inclusive).
- (2) In this regulation *public service* has the same meaning as in section 4(1) of the **Public Administration Act 2004**.

6 Prescribed classifications in statutory authorities

For the purposes of section 107A(1)(y) of the **Evidence (Miscellaneous Provisions) Act 1958**, an office specified in column 2 of the Table corresponding to a statutory authority specified in column 1 of the Table is prescribed—

Reg. 6 amended by S.R. No. 122/2012 reg. 6.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Statutory Authority</i>	<i>Office</i>
Transport Accident Commission	Transport Accident Commission Officer (except Job Groups 1 and 2)

7 Prescribed memberships of prescribed accounting bodies or associations

For the purpose of section 107A(1)(v) of the **Evidence (Miscellaneous Provisions) Act 1958**—

Reg. 7 inserted by S.R. No. 118/2014 reg. 5.

- (a) the following accounting bodies or associations are prescribed—
- (i) CPA Australia Ltd ACN 008 392 452;
 - (ii) the Institute of Public Accountants;
 - (iii) The Institute of Chartered Accountants in Australia;
 - (iv) Chartered Accountants Australia and New Zealand; and

- (b) the following memberships of those accounting bodies or associations are prescribed—
- (i) a member of CPA Australia Ltd who holds the designation of a Certified Practising Accountant (CPA) or a Fellow of CPA Australia (FCPA);
 - (ii) a member of the Institute of Public Accountants who holds a current practising certificate;
 - (iii) a member of The Institute of Chartered Accountants in Australia;
 - (iv) a member of Chartered Accountants Australia and New Zealand who resides in Australia.
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ENDNOTES

1. General Information

The Evidence (Affidavits and Statutory Declarations) Regulations 2008, S.R. No. 58/2008 were made on 17 June 2008 by the Administrator of the State of Victoria as the Governor's Deputy, with the advice of the Executive Council under section 152 of the **Evidence Act 1958**, No. 6246/1958 and came into operation on 20 June 2008: regulation 3.

The Evidence (Affidavits and Statutory Declarations) Regulations 2008 will sunset 10 years after the day of making on 17 June 2018 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Evidence (Affidavits and Statutory Declarations) Regulations 2008 by statutory rules, subordinate instruments and Acts.

Evidence (Affidavits and Statutory Declarations) Amendment Regulations 2012,
S.R. No. 122/2012

Date of Making: 30.10.12

Date of Commencement: 5.11.12: reg. 3

Evidence (Affidavits and Statutory Declarations) Amendment Regulations 2014,
S.R. No. 118/2014

Date of Making: 26.8.14

Date of Commencement: 27.8.14: reg. 3

3. Explanatory Detail

¹ Reg. 4(a): S.R. No. 70/1998. Reprint No. 1 as at 25 March 2004.
Reprinted to S.R. No. 131/2003 and subsequently amended by
S.R. No. 52/2004.

² Reg. 4(b): S.R. No. 105/2001.

³ Reg. 4(c): S.R. No. 13/2002.

⁴ Reg. 4(d): S.R. No. 131/2003.

⁵ Reg. 4(e): S.R. No. 52/2004.