Statutory Declaration - Irrigation Rights

A Statutory Declaration must be completed for all permanent irrigation right trade or transfers to declare whether there is any financial encumbrance (e.g. mortgage) over the irrigation rights. The form must be signed in the presence of an authorised statutory declaration witness under *Oaths Act 1936* (SA) and the *Oaths Regulations 2021*, in accordance with the Attorney-General's Department Code of Practice - Statutory Declarations. See page 2 for authorised witness requirements.

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Broker Reference

I / We (please print name)

Owner Name/s: _____

Owner Address: _____

Do solemnly and sincerely declare that I/we are the owner/s of the Irrigation Rights detailed below:

Irrigation Rights - Reference #			
Irrigation Rights - MLs traded			

And that (mandatory to tick one of the following)

☐ NO - There are no persons with a registered interest in the above Irrigation Rights

☐ YES - The following parties have a registered interest in the above Irrigation Rights *
* all parties with a registered interest must consent to the proposed sale of Irrigation Rights through the completion of a CIT Form T4 - Notice of Consent

Interested Party Name	
Type of Interest (e.g. mortgage)	

And I/we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936* (SA).

Signature/s of person/s making this declaration [to be signed in the presence of an authorised witness, in person or via audio-visual link in accordance with the Oaths Regulations 2021]

Signature		Print Name	
Signature		Print Name	

Declared at in the State of on this day of 20

before me,

_____ _____
[Signature of witness before whom the declaration is made] [Insert capacity of person before whom the declaration is made]

_____ _____
[Insert address of witness] [Insert full name of witness]

☐ This declaration was taken remotely under the observation of the authorised witness through an audio-visual link and the requirements under the Oaths Act 1936 for taking declarations by audio visual link were complied with.

☐ This declaration was signed/initialed by electronic means

Statutory Declaration

A Statutory Declaration must be completed for all irrigation right trade or transfers to declare whether there is any financial encumbrance (e.g. mortgage) over the land or the irrigation rights. The form must be signed in the presence of an authorised statutory declaration witness under Oaths Act 1936 (SA).

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Authorised statutory declaration witnesses

The authorised witness list includes (be is not limited to):

- a person who is registered as a conveyancer under the *Conveyancers Act 1994*
- a justice of the peace
- a police office, other than a police officer who is a probationary constable
- an agent of the Australian Postal Corporation in charge of an office supplying postal services to the public
- a bank officer who has 5 or more continuous years of service
- a member f the Institute of Chartered Accounts in Australia, CPA Australia or the Institute of Public Accountants
- a teacher employed on a full-time basis at a school or tertiary education institution

The full list of authorised statutory declaration witnesses under *Oaths Act 1936* (SA) from 1 December 2021 can be access at: https://www.agd.sa.gov.au/services-support/JP-witnesses/authorised-witnesses

Witnessing of Statutory Declarations by Audio Visual Link (AVL)

An authorised witness may confirm the witnessing of the signing of a statutory declaration, if the declarant sends a copy of the statutory declaration signed by the declarant electronically to the authorised witness, or the witness has an electronic copy of the statutory declaration signed by the declarant, the authorised witness may countersign the statutory declaration as soon as practicable after witnessing the signing of the statutory declaration.

Electronic Execution of Statutory Declaration

The *Oaths Regulations 202*1 provide that a requirement for a declarant or an authorised witness to sign or initial a statutory declaration, annexure or other document attached to a statutory declaration is satisfied if the declarant or the authorised witness signs or initials the statutory declaration, annexure or other document by electronic means.

An initial or a signature is executed by electronic means if:

(a) a method is used to identify the person and indicate the person's intention in respect of the information recorded in the statutory declaration; and

(b) the method used was either—

(i) as reliable as appropriate for the purpose for which the statutory declaration was recorded, in light of all the circumstances;

(ii) or proven in fact to have fulfilled the functions described in (a), by itself or together with further evidence. A statutory declaration that is signed or initialled by electronic means must include a statement on it that the declaration was signed or initialled by electronic means.

Authorised statutory declaration witnesses

Section 32 of the Oaths Act provides that a statutory declaration is not invalid merely because of an inadvertent and minor non-compliance with a requirement imposed under the Act (including the Oaths Regulations 2021 and the Code of Practice) that does not materially affect the nature of the statutory declaration.