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Deputy Secretary Esther Bogaart A/g
Justice and Communities Group
Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600
Via email: statdec@ag.gov.au

To the Deputy Secretary of the Justice and Communities Group,

Statutory Review of the Statutory Declarations Act 1959

The Association of Superannuation Funds of Australia (ASFA) is pleased to provide this submission to the Attorney-General's Department (AGD) consultation on the Statutory Review of the *Statutory Declarations Act 1959*.

About ASFA

ASFA, the voice of super, has been operating since 1962 and is the peak policy, research and advocacy body for Australia's superannuation industry. ASFA represents the APRA regulated superannuation industry with over 100 organisations as members from corporate, industry, retail and public sector funds, and service providers.

We develop policy through collaboration with our diverse membership base and use our deep technical expertise and research capabilities to assist in advancing outcomes for Australians. We unite the superannuation community, supporting our members with research, advocacy, education and collaboration to help Australians enjoy a dignified retirement. We promote effective practice and advocate for efficiency, sustainability and trust in our world-class retirement income system.

Opening remarks

ASFA supports recent developments in Australia's statutory declarations framework, including the commencement of the *Statutory Declarations Amendment Act 2023*, which saw the introduction of digital services enabling Australians to make a Commonwealth statutory declaration more conveniently.

Notwithstanding this modernised approach, ASFA observes a slow uptake of new digital services, with traditional paper-based declarations still observed to be the more popular choice.

In the below *Appendix A – Question Responses*, ASFA has provided a number of responses to the consultation, where, among other things, we emphasize the need to maintain an ongoing focus on financial abuse in safeguarding against the exploitation of vulnerable cohorts.

ASFA also highlights below the need for minor technical adjustments to current digital services, and for Government to explore ways to promote their uptake.

Closing remarks

We thank the Department for the opportunity to provide this submission. To discuss any of these issues further please contact ASFA Policy Manager Luke O'Donnell at lodonnell@superannuation.asn.au or on 0407 486 877.

Yours sincerely



James Koval
Chief Policy & Advocacy Officer | ASFA – the voice of super

Appendix A – Question Responses

ASFA provides below its responses to the questions listed in the consultation paper.

1. Somewhat aware: ASFA perceives there to be a low level of public awareness of the different options available under the Act for executing a statutory declaration.
2. ASFA members generally accept all statutory declarations as valid, regardless of execution method. In event of any issues, these are typically escalated for further review.
3. N/A.
4. To date, uptake of digital and electronic statutory declarations has been minimal, with no observable reduction in time and cost savings.
5. ASFA submits that expanded options for digital and electronic statutory declarations provide valuable alternatives for vulnerable superannuation fund members, including those with limited access to an authorized witness.
6. N/A.
7. ASFA encourages ongoing consideration of protections against financial abuse or coercion to ensure relevant vulnerable cohorts are appropriately considered and that where possible, enhancements to the framework are made as necessary.
8. Yes, we believe that current safeguards are effective. However, similar to the above above, these safeguards should be subject to ongoing consideration in line with applicable developments as they occur.
9. ASFA is aware of entities/third parties needing to verify QR codes on digital statutory declaration forms by using their own cellular devices.
 - Here, ASFA recommends the Department consider the potential value of developing a computer-based application capable of scanning and verifying QR codes in the same way a cellular device is able to.

This would also work as an enhanced privacy and cyber-security safeguard by effectively removing a device from the digital information chain.
10. N/A.
11. ASFA submits the identity strength of 'standard' is appropriate, so long as identification requirements remain standardised and safeguards are maintained to the highest of standards.

12. Please refer to recommendation made in response to question 9.
13. Notwithstanding the above recommendation, ASFA submits that current safeguards are effective.
14. ASFA supports a register of digital identity providers as a safeguard for the industry, by providing Government approval of providers, including assurances of cyber-security measures. This could also potentially extend to an alert service where there is inappropriate use.
15. ASFA submits that the list of approved witnesses remains comprehensive enough to meet community needs. Extension of the list to include registered financial counsellors would be of community benefit, especially for First Nations communities in remote areas.
- 16.
17. N/A.
18. ASFA encourages Government to look to any opportunities to have a uniform approach across jurisdictions, and notes Commonwealth recognition of state and territory executed statutory declarations would provide valuable streamlining and consistency in application.
19. N/A.
20. Additional matters:
 - An identified area of problematic access to certified witnesses is in remote areas, and particularly for First Nations fund members.

Here, ASFA submits that the addition of financial counselors would be of significant benefit, with such services often on the frontline assisting those in regional and remote communities to access and manage financial services.

The inclusion of financial counselors could provide valuable assistance, and particularly where vulnerable individuals experience financial stress or difficulty accessing complex services.