



Queensland

Oaths Act 1867

Current as at 8 November 2012

Information about this reprint

This Act is reprinted as at 8 November 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

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Queensland

Oaths Act 1867

Contents

		Page
Part 1	Preliminary	
1A	Short title	5
1B	Definitions	5
Part 2	Oaths of office and allegiance	
1	Oath substituted for the oaths and declaration now prescribed by law	5
2	Before whom the oath may be taken	6
3	Oaths for justices of the peace and others	6
4	Name of the Sovereign	7
5	Affirmation in lieu of oath	7
5A	Form of oath of allegiance	7
Part 3	Declarations substituted for certain official oaths	
6	Declarations substituted for oaths and affirmations	8
7	Act not to extend to oath of allegiance	9
8	Nor to oaths in judicial proceeding	9
9	Such substitution to be notified in gazette	9
10	Oaths or affirmations not to be made or taken thereafter	10
Part 4	Statutory declarations	
13	Who may take declarations	10
14	Form of declaration	10
15	Fees payable	11
Part 5	Solemn affirmations and declarations	
17	Affirmation instead of oath in certain cases	11
18	Quakers and Moravians permitted to make a solemn affirmation or declaration instead of oath	12
19	Separatists instead of an oath may make the following affirmation	12

Contents

Part 6	Other oaths	
21	Swearing of jurors in civil trials	13
22	Swearing of jurors in criminal trials.	13
23	Witnesses' oath in civil causes	13
23A	Witnesses' oath in proceedings not otherwise specified	14
24	Voire dire	14
25	Witnesses' oath on criminal trials	14
26	Interpreters' oath in civil causes	14
27	Interpreters' oath in civil causes on the voire dire	15
28	Interpreters' oath for the arraignment—to interpret between prisoner and others	15
29	Interpreter's oath to interpret between a prisoner, defendant or witness and others	16
30	Where witness and prisoner are of different languages—first interpreter's oaths	17
31	Oath of bailiff in charge of jury	18
31A	Oath of police officer assisting bailiff in charge of jury	18
Part 7	Miscellaneous	
32	General provision	19
33	Special provision as to oaths	19
35	Mode of binding interpreters to interpreting certain cases	19
36	Interruption of trial by reason of failure of interpreters not to entitle to acquittal	20
37	Mode of taking evidence of persons objecting or incompetent to take an oath	20
38	Interpreters.	21
39	Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—schedule	21
40	Interpreter.	21
41	Who may take affidavits	21
42	Mode of pleading affirmation instead of oath	22
43	References to Oaths Act Amendment Acts	22
Schedule	Form of solemn affirmation	23
 Endnotes		
1	Index to endnotes.	24
2	Date to which amendments incorporated.	24

Contents

3	Key	25
4	Table of reprints	25
5	List of legislation	26
6	List of annotations	28
7	Revised form of oath or affirmation of office for justices of the peace	32
8	Forms notified or published in the gazette	33

Oaths Act 1867

[as amended by all amendments that commenced on or before 8 November 2012]

An Act to consolidate and amend the laws relating to oaths

Part 1 Preliminary

1A Short title

This Act may be cited as the *Oaths Act 1867*.

1B Definitions

In this Act—

court of justice includes a person authorised to administer oaths to witnesses.

presiding judge includes a person authorised to administer oaths to witnesses.

State includes a Territory.

Part 2 Oaths of office and allegiance

1 Oath substituted for the oaths and declaration now prescribed by law

In every case where but for the passing of this Act it would be necessary for any person to take the oaths commonly called the oaths of allegiance supremacy and abjuration or any of

[s 2]

them or the oath prescribed by the Act of Parliament commonly called the *Roman Catholic Relief Act 1830* or to make the declaration prescribed by the Act of Parliament passed in the ninth year of the reign of King George IV chapter 17 and whensoever it shall be necessary for any person to take the oath of allegiance it shall be sufficient for such person to take in lieu of the said several oaths and declaration the following oath of allegiance—

‘I A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, as lawful Sovereign of the United Kingdom, Australia, and her other Realms and Territories, and to Her Heirs and Successors, according to law.’;

anything in the said Acts of Parliament or in any other statute Act or law notwithstanding.

2 Before whom the oath may be taken

Where by any law now in force in this State the said several oaths or any of them may be taken before the Supreme Court or before a judge or are required to be taken in open court the oath prescribed by this Act may be taken and subscribed at any hour before the said court or any judge thereof or before any district court or court of quarter sessions or before any justice of the peace authorised by writ of *dedimus potestatem* for that purpose.

3 Oaths for justices of the peace and others

- (1) The oath of office to be hereafter taken by justices of the peace shall (in lieu of the oath in that behalf heretofore taken by them) be the oath following—

‘I A.B. do sincerely promise and swear that as a justice of the peace for the State of Queensland I will at all times and in all things do equal justice to the poor and rich and discharge the duties of my office according to the law to the best of my knowledge and ability without fear favour or affection.’.

-
- (2) Masters of the Supreme Court, members of the Industrial Court and the Land Court appointed after the passing of the *Oaths Acts Amendment Act 1981*, wardens appointed under the *Mineral Resources Act 1989* and commissioners of the Queensland Industrial Relations Commission appointed after the passing of the *Holidays and Other Legislation Amendment Act 2012* shall take the oath of allegiance and also the oath of office hereinbefore mentioned with the necessary adaptations.
 - (3) Commissioners of the Queensland Industrial Relations Commission appointed before the passing of the *Holidays and Other Legislation Amendment Act 2012* may take the oath of allegiance and the oath of office mentioned in subsection (1) with the necessary adaptations.

4 Name of the Sovereign

In case of the demise of Her Majesty (whom may God long preserve) the name of Her Majesty's successor for the time being shall be substituted in the form of oath instead of the name of Her Majesty.

5 Affirmation in lieu of oath

Every person who now is or shall hereafter be by law entitled to make affirmation in lieu of an oath may make affirmation in the form hereinbefore prescribed with the words 'solemnly and sincerely promise and affirm' substituted for the words 'sincerely promise and swear'.

5A Form of oath of allegiance

- (1) On and after the coming into operation of this Act and without prejudice to the provisions of any Act requiring the taking of a further oath of allegiance upon the demise of Her Majesty, there shall be substituted for the oath of allegiance prescribed by section 1, and for any oath of allegiance prescribed under any Act, other than the *Constitution of Queensland 2001*, an oath of allegiance in the following form—

hereby empowered and required to administer the same accordingly.

7 Act not to extend to oath of allegiance

However, nothing in section 6 contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office but such oath of allegiance shall continue to be required and shall be administered and taken as well and in the same manner as if this Act had not been passed.

8 Nor to oaths in judicial proceeding

In addition, nothing in section 6 contained shall extend or apply to any oath solemn affirmation or affidavit which now is or hereafter may be made or taken or be required to be made or taken in any judicial proceeding in any court of justice or in any proceeding for or by way of summary conviction before any justice or justices of the peace but all such oaths affirmations and affidavits shall continue to be required and to be administered taken and made as well and in the same manner as if this Act had not been passed.

9 Such substitution to be notified in gazette

When the Governor in Council shall in any such case as aforesaid have substituted a declaration in lieu of an oath solemn affirmation or affidavit the same shall be notified in the gazette and from and after the expiration of 21 days next following the day of the date of the gazette wherein such notification shall have been first published the provisions of this Act shall extend and apply to each and every case office or department specified in such notification.

[s 10]

10 Oaths or affirmations not to be made or taken thereafter

After the expiration of the said 21 days it shall not be lawful for any officer or other person to administer or cause to be administered or receive or cause to be received any oath solemn affirmation or affidavit in lieu of which such declaration as aforesaid shall have been directed by the said Governor in Council to be substituted.

Part 4 Statutory declarations

13 Who may take declarations

- (1) A person's declaration may be taken by—
 - (a) a justice, commissioner for declarations or notary public under the law of the State, the Commonwealth or another State; or
 - (b) a lawyer; or
 - (c) a conveyancer, or another person authorised to administer an oath, under the law of the State, the Commonwealth or another State.
- (2) This section applies to a declaration taken for Queensland law, whether it is taken inside or outside Queensland (including outside Australia).
- (3) In this section—
taken includes received.

14 Form of declaration

In all cases where a declaration in lieu of an oath shall have been substituted by this Act or by virtue of any power or authority hereby given or where a declaration is directed or authorised to be made and subscribed under the authority of this Act or of any power hereby given although the same be

not substituted in lieu of an oath heretofore legally taken such declaration unless otherwise directed by the powers hereby given shall be in the following form—

‘I A.B. do solemnly and sincerely declare that [*let the person declare the facts*] and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.’

15 Fees payable

Whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act or any of them all and every such fees or fee as would have been due and payable on the taking or making any legal oath solemn affirmation or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

Part 5 Solemn affirmations and declarations

17 Affirmation instead of oath in certain cases

- (1) If any person called as a witness or required or desired to make an oath affidavit or deposition objects to being sworn it shall be lawful for the court or judge or other presiding officer or person qualified to administer oaths or to take affidavits or depositions to permit such person instead of being sworn to make his or her solemn affirmation in the words following videlicet—

‘I A.B. do solemnly sincerely and truly affirm and declare etc.’

- (2) Which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form

[s 18]

and the like provisions shall apply also to every person required to be sworn as a juror.

18 Quakers and Moravians permitted to make a solemn affirmation or declaration instead of oath

- (1) Every person being or having been of the persuasion of the people called Quakers and every person being or having been a Moravian shall be permitted to make his or her solemn affirmation or declaration instead of taking an oath in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by an Act of Parliament already made or hereafter to be made which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form.
- (2) However, every such affirmation or declaration shall be in the words following that is to say—

‘I A.B. being [*or having been as the case may be*] one of the people called Quakers [*or one of the persuasion of the people called Quakers or of the united brethren called Moravians as the case may be*] do solemnly sincerely and truly affirm and declare.’.

19 Separatists instead of an oath may make the following affirmation

- (1) Every person for the time being belonging to the sect called separatists who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required shall instead of the usual form be permitted to make his or her solemn affirmation or declaration in these words following videlicet—

‘I A.B. do in the presence of Almighty God solemnly sincerely and truly affirm and declare that I am a member of the religious sect called separatists and that the taking of any oath is contrary to my religious belief as well as essentially opposed to the tenets of that sect and I do also in the same solemn manner affirm and declare.’.

-
- (2) Which said solemn affirmation or declaration shall be adjudged and taken and is hereby enacted and declared to be of the same force and effect to all intents and purposes in all courts of justice and other places whatsoever where by law an oath is or may be required as if such separatists had taken an oath in the usual form.

Part 6 Other oaths

21 Swearing of jurors in civil trials

Jurors may be sworn for civil trials in open court in the following form or in a form to the same effect—

You will conscientiously try the issues on which your decision is required and decide them according to the evidence. You will also not disclose anything about the jury's deliberations other than as allowed or required by law. So help you God.

22 Swearing of jurors in criminal trials

Jurors may be sworn for criminal trials in open court in the following form or in a form to the same effect—

You will conscientiously try the charges against the defendant (or defendants) [*or the issues on which your decision is required] and decide them according to the evidence. You will also not disclose anything about the jury's deliberations other than as allowed or required by law. So help you God.

23 Witnesses' oath in civil causes

Witnesses may be sworn in civil causes in open court in the following form or to the like effect—

'The evidence which you shall give to the court [and jury sworn] touching the matters in question between the parties

[s 23A]

shall be the truth the whole truth and nothing but the truth So help you God.’.

23A Witnesses’ oath in proceedings not otherwise specified

Witnesses may be sworn in any judicial or other proceedings in respect of which a form of oath to be sworn therein is not provided in this Act in the following form or to the like effect—

‘The evidence which you shall give to the court [*or* in these proceedings] shall be the truth the whole truth and nothing but the truth So help you God.’.

24 Voire dire

Any person may be sworn on the voire dire in the following form or to the like effect—

‘You shall true answer make to all such questions as the court shall demand of you So help you God.’.

25 Witnesses’ oath on criminal trials

Witnesses may be sworn on criminal trials in open court in the following form or to the like effect—

‘The evidence which you shall give to the court and jury sworn between our Sovereign Lady the Queen and the prisoner [*or* prisoners *or* defendant] at the bar [*or* the defendant] shall be the truth the whole truth and nothing but the truth So help you God.’.

26 Interpreters’ oath in civil causes

Interpreters may be sworn in civil causes in open court in the following form or to the like effect—

‘You swear that you understand the language of the witness [*or* plaintiff *or* defendant] and are able to interpret between the witness [*or* plaintiff *or* defendant] and the court and jury

and all persons conversant with the English language So help you God.’

‘You shall well and truly interpret and true explanation make between the witness [*or plaintiff or defendant*] and the court and jury and all persons conversant with the English language to the best of your knowledge skill and ability and the evidence you shall give to the court and jury sworn touching the matters in question shall be the truth the whole truth and nothing but the truth So help you God.’.

27 Interpreters’ oath in civil causes on the voire dire

Interpreters may be sworn in civil causes in open court to interpret on the voire dire in the following form or to the like effect—

‘You swear that you understand the language of the witness [*or plaintiff or defendant*] and are able to interpret between the witness [*or plaintiff or defendant*] and the court and all persons conversant with the English language So help you God.’

‘You shall well and truly interpret and true explanation make between the witness [*or plaintiff or defendant*] and the court and all persons conversant with the English language to the best of your knowledge skill and ability and you shall true answer make to all such questions as the court shall demand of you So help you God.’.

28 Interpreters’ oath for the arraignment—to interpret between prisoner and others

- (1) Interpreters may be sworn in open court for the purpose of conducting the arraignment of any person accused in the following form or to the like effect—

‘You swear that you understand the language of the prisoner at the bar and are able to interpret between the prisoner and the court So help you God.’

[s 29]

‘You shall well and truly interpret and true explanation make between the prisoner at the bar and the court to the best of your knowledge skill and ability and you shall true answer make to all such questions as the court shall demand of you So help you God.’.

- (2) And whenever on the trial of such person it may be necessary to examine a witness who does not speak the English language on the voire dire the interpreter’s oath may be in the form given in section 27 or to the like effect retaining the word ‘witness’ throughout.

29 Interpreter’s oath to interpret between a prisoner, defendant or witness and others

- (1) Interpreters may be sworn for the purposes of a criminal trial in open court in the following form or to the like effect—

NON-ENGLISH SPEAKING PRISONER

‘You swear that you understand the language of the prisoner [*or prisoners or defendant*] at the bar [*or the defendant*] and are able to interpret between the prisoner [*or prisoners or defendant*] and the court and jury and between the prisoner [*or prisoners or defendant*] and all persons conversant with the English language So help you God.’

‘You shall well and truly interpret and true explanation make between the prisoner [*or prisoners or defendant*] at the bar [*or the defendant*] and the court and jury and between the prisoner [*or prisoners or defendant*] and all persons conversant with the English language to the best of your knowledge skill and ability and the evidence which you shall give to the court and jury sworn between our Sovereign Lady the Queen and the prisoner [*or prisoners*] at the bar shall be the truth the whole truth and nothing but the truth So help you God.’.

NON-ENGLISH SPEAKING WITNESS

‘You swear that you understand the language of the witness and are able to interpret between the witness and the court and jury and the prisoner and all persons conversant with the English language.’

‘You shall well and truly interpret and true explanation make between the witness the court and jury and the prisoner and all persons conversant with the English language and the evidence which you shall give to the court and jury sworn between our Sovereign Lady the Queen and the prisoner at the bar shall be the truth the whole truth and nothing but the truth So help you God.’.

- (2) However, when the witness and the prisoner do not speak English fluently but speak different languages and the interpreter is unable to interpret to the prisoner the reference to the prisoner shall be omitted and an additional interpreter sworn to interpret the English interpretation of the first interpreter to the prisoner.

30 Where witness and prisoner are of different languages—first interpreter’s oaths

- (1) When on any criminal trial a witness and the prisoner do not speak English fluently but speak different languages and an interpreter can be found conversant with the languages of the prisoner and the witness and able to interpret between them and a second interpreter can be found conversant with the English and with any language with which the first interpreter is conversant and able to interpret from the lastnamed language into English the first interpreter may be sworn through the second interpreter in open court in the following form or to the like effect—

‘You swear that you understand the several languages of the witness and the prisoner and are able to interpret between them So help you God.’

‘You shall well and truly interpret and true explanation make between the witness and the prisoner at the bar and the prisoner at the bar and the witness and between them and each of them and the court and jury and all interpreters witnesses and persons whatsoever to the best of your knowledge skill and ability and the evidence you shall give to the court and jury sworn between our Sovereign Lady the Queen and the

[s 31]

prisoner at the bar shall be the truth the whole truth and nothing but the truth So help you God.’.

- (2) And whatever be the number of interpreters necessary before the statements of the prisoner and the witness can be interpreted into one and the same language and into English the same forms of oath shall be administered *mutatis mutandis* to each interpreter in the succession and the like provision shall apply in civil causes as far as may be.

31 Oath of bailiff in charge of jury

Bailiffs may be sworn to take charge of juries in the following form or in a form to the same effect—

You swear that you will not communicate with the jury nor allow anyone else to communicate with the jury unless the communication is authorised by the court, or is otherwise authorised by law. So help you God.

31A Oath of police officer assisting bailiff in charge of jury

- (1) Police officers may be sworn to assist bailiffs in charge of juries in the following form or to the like effect—

‘You swear that you will assist the bailiff in charge of this jury in keeping them in some safe and private place and allow no-one but the bailiff to communicate with them and not communicate with them yourself without leave of the court So help you God.’.

- (2) A police officer who is about to assume the duty another police officer has sworn (in accordance with subsection (1)) to carry out in respect of a jury may be sworn to carry out that duty by the bailiff in charge of the jury in the form prescribed by that subsection or to the like effect.

[s 36]

1867 in that behalf it shall be the duty of the presiding judge to declare in what manner such interpreter shall be sworn or otherwise bound to make true declaration.

- (2) And it shall in such case be the further duty of the presiding judge to ascertain that true explanation of the evidence and all other proceedings is made to the accused person.
- (3) And if the presiding judge shall be satisfied that such true explanation is so made the trial and any verdict given thereat shall be as valid as if the interpreter had been sworn in the ordinary manner.

36 Interruption of trial by reason of failure of interpreters not to entitle to acquittal

If on any trial for a criminal offence it shall appear to the presiding judge after the accused person shall have been given in charge to the jury that true explanation of the evidence can not by reason of the incompetence of any interpreter be made to such accused person the person shall not by reason thereof be entitled to be acquitted but it shall be the duty of the presiding judge to discharge the jury from giving any verdict and the accused person shall be liable to be again tried as if such first trial had not been commenced.

37 Mode of taking evidence of persons objecting or incompetent to take an oath

If any person tendered for the purpose of giving evidence in respect of any civil or criminal proceeding before a court of justice, or any officer thereof, or on any commission issued out of the court, objects to take an oath, or by reason of any defect of religious knowledge or belief or other cause, appears incapable of comprehending the nature of an oath, it shall be the duty of the judge or person authorised to administer the oath, if satisfied that the taking of an oath would have no binding effect on the conscience of such person and that the person understands that he or she will be liable to punishment if the evidence is untruthful, to declare in what manner the evidence of such person shall be taken, and such evidence so

taken in such manner as aforesaid shall be valid as if an oath had been administered in the ordinary manner.

38 Interpreters

Section 37 shall, mutatis mutandis, extend and apply to interpreters called to interpret in any civil or criminal proceeding in any court of justice.

39 Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—schedule

Whenever in the course of any civil or criminal proceeding in any court of justice a person is tendered as a witness, and it is found to be impracticable, at the time and place when and where the person is so tendered, to administer to the person an oath in the form and manner required by the person's religion to make it binding on the person's conscience, it shall be the duty of the presiding judge, if satisfied of the fact, to require such person to make a solemn affirmation in the form of the schedule, and upon such person making such solemn affirmation the person's evidence shall be taken, and the evidence so taken shall be as valid as if an oath had been administered in the ordinary manner.

40 Interpreter

The provisions of section 39 shall, mutatis mutandis, apply to interpreters called to interpret in any civil or criminal proceeding in any court of justice.

41 Who may take affidavits

- (1) A person's affidavit may be taken by any of the following persons without a commission being issued for the purpose—
 - (a) a justice, commissioner for declarations or notary public under the law of the State, the Commonwealth or another State;

[s 42]

- (b) a lawyer;
 - (c) a conveyancer, or another person authorised to administer an oath, under the law of the State, the Commonwealth or another State;
 - (d) if the affidavit is taken outside Australia—a person authorised to administer an oath under the law of the place in which the affidavit is taken.
- (2) This section applies to an affidavit taken for Queensland law, whether it is taken inside or outside Queensland (including outside Australia).
- (3) In this section—
taken includes received and sworn.

42 Mode of pleading affirmation instead of oath

Wherever in any legal proceeding of any kind any other legal proceedings may be set out it shall not be necessary to specify that any particular persons, who acted as jurors had made affirmation or declaration instead of oath, but if it is stated in such firstmentioned proceedings or in any record of any kind that the jurors served and acted as jurors (in the same way as if no Act had passed for enabling persons to serve as jurors without oath) such proceedings or record shall not be held insufficient in respect thereof.

43 References to Oaths Act Amendment Acts

In an Act or document, a reference to any of the following Acts is taken to be a reference to this Act, and a reference to a provision of any of the following Acts that was relocated to this Act is taken to be a reference to the corresponding provision of this Act—

- *Oaths Act Amendment Act 1876*
- *Oaths Act Amendment Act 1884*
- *Oaths Act Amendment Act 1891.*

Schedule

Form of solemn affirmation

section 39

Form of solemn affirmation

I solemnly affirm and declare that the evidence given by me to the court [*or* in these proceedings] shall be the truth, the whole truth, and nothing but the truth.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	24
3 Key	25
4 Table of reprints	25
5 List of legislation	26
6 List of annotations	28
7 Revised form of oath or affirmation of office for justices of the peace	32
8 Forms notified or published in the gazette	33

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 November 2012. Future amendments of the Oaths Act 1867 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1992 Act No. 36	2 July 1992	27 July 1994
2	1995 Act No. 24	11 April 1995	27 April 1995
2A	1995 Act No. 58	28 November 1995	19 August 1996
2B	1996 Act No. 79	17 February 1997	20 February 1997
2C	1996 Act No. 79	28 February 1997	14 March 1997
3	1996 Act No. 79	28 February 1997	24 June 1998
3A	2000 Act No. 58	17 November 2000	24 November 2000
3B	2001 Act No. 80	6 June 2002	7 June 2002

Reprint No.	Amendments included	Effective	Notes
4	—	6 June 2002	
4A	2008 Act No. 59	25 November 2008	
4B	2010 Act No. 42	14 October 2010	

Reprint No.	Amendments included	Effective	Notes
4C	2011 Act No. 45	1 September 2012	
4D	2012 Act No. 28	8 November 2012	

5 List of legislation

Oaths Act 1867 31 Vic No. 12

date of assent 28 December 1867
commenced 31 December 1867 (see s 35)
amending legislation—

Criminal Code Act 1899 63 Vic No. 9 s 3(2) sch 3

date of assent 28 November 1899
commenced on date of assent

Acts Citation Act 1903 3 Edw 7 No. 10 s 8(2) sch 2, s 10 sch 3 (prev Acts Shortening Act Amendment Act 1903)

date of assent 13 November 1903
commenced on date of assent

Statute Law Revision Act 1908 8 Edw 7 No. 18 s 2 sch 1, s 5 sch 3

date of assent 23 December 1908
commenced on date of assent

Oaths Act Amendment Act 1924 15 Geo 5 No. 7

date of assent 8 September 1924
commenced on date of assent

Oaths Acts Amendment Act 1959 8 Eliz 2 No. 5

date of assent 25 March 1959
commenced on date of assent

Oaths Acts Amendment Act 1960 9 Eliz 2 No. 16

date of assent 31 October 1960
commenced on date of assent

Oaths Acts Amendment Act 1981 No. 4

date of assent 30 March 1981
commenced on date of assent

Oaths Act and Another Act Amendment Act 1981 No. 61 pts 1–2

date of assent 14 September 1981
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 1982 (proc pubd gaz 12 December 1981 p 1538)

Jury Act and Oaths Act Amendment Act 1988 No. 26 pts 1, 3

date of assent 11 April 1988
commenced on date of assent

Mineral Resources Act 1989 No. 110 s 1.6

date of assent 25 October 1989

commenced 1 September 1990 (proc pubd gaz 14 July 1990 p 1647)

Statute Law (Miscellaneous Provisions) Act 1992 No. 36 s 2 sch 1, s 4 sch 4

date of assent 2 July 1992

commenced on date of assent

Justice and Attorney-General (Miscellaneous Provisions) Act 1995 No. 24 pts 1, 8, ss 6–7, 38, 41, 45–46

date of assent 11 April 1995

commenced on date of assent

Jury Act 1995 No. 42 ss 1–2, 76 sch 2

date of assent 9 November 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 17 February 1997 (1997 SL No. 13)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 24

date of assent 12 December 1996

pt 1 commenced on date of assent

remaining provisions commenced 28 February 1997 (1997 SL No. 35)

Justice and Other Legislation (Miscellaneous Provisions) Act 2000 No. 58 ss 1–2 sch

date of assent 17 November 2000

commenced on date of assent

Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2

date of assent 3 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 6 June 2002 (see s 2)

Justice and Other Legislation Amendment Act 2008 No. 59 s 1, pt 21

date of assent 25 November 2008

commenced on date of assent

Justice and Other Legislation Amendment Act 2010 No. 42 ss 1, 214 sch

date of assent 14 October 2010

commenced on date of assent

Civil Proceedings Act 2011 No. 45 ss 1–2, 217 sch 1A

date of assent 6 December 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 2012 (2012 SL No. 146)

Holidays and Other Legislation Amendment Act 2012 No. 28 pts 1, 4

date of assent 8 November 2012

commenced on date of assent (see s 2(a))

6 List of annotations

Preamble om 1908 8 Edw 7 No. 18 s 2 sch 1

OATHS OF OFFICE AND ALLEGIANCE

hdg (prec s 1) om 1995 No. 24 s 25

PART 1—PRELIMINARY

pt hdg ins 1995 No. 24 s 25

Short title

s 1A ins 1995 No. 24 s 25

Definitions

s 1B ins 1995 No. 24 s 25

PART 2—OATHS OF OFFICE AND ALLEGIANCE

pt hdg ins 1995 No. 24 s 25

Before whom the oath may be taken

s 2 amd 2011 No. 45 s 217 sch 1A

Oaths for justices of the peace and others

prov hdg sub 2001 No. 80 s 94 sch 2

s 3 amd 1959 8 Eliz 2 No. 5 s 2; 1981 No. 4 s 2; 1989 No. 110 s 1.6; 2001 No. 80 s 94 sch 2; 2012 No. 28 s 9

Form of oath of allegiance

s 5A (prev 1954 3 Eliz 2 No. 3 s 52(1), (2))
prev s 5A om 1970 No. 10 s 3(1)(b)
pres s 5A (prev 1954 3 Eliz 2 No. 3 s 31) renum 1991 No. 97 s 3 sch 1
amd 1995 No. 24 s 7(1); R2 (see RA ss 23, 23A and s 5A)
reloc 1995 No. 24 s 7(2)
amd 2001 No. 80 s 94 sch 2

DECLARATIONS SUBSTITUTED FOR CERTAIN OFFICIAL OATHS

hdg (prec s 6) om 1995 No. 24 s 26

PART 3—DECLARATION SUBSTITUTED FOR CERTAIN OFFICIAL OATHS

pt hdg ins 1995 No. 24 s 26

Persons making false declaration guilty of misdemeanour

s 11 om 1899 63 Vic No. 9 s 3(2) sch 3

Abolition of extra judicial oaths

s 12 om 1899 63 Vic No. 9 s 3(2) sch 3

STATUTORY DECLARATION

hdg (prec s 13) amd 1908 8 Edw 7 No. 18 s 5 sch 3
om 1995 No. 24 s 27

PART 4—STATUTORY DECLARATIONS

pt hdg ins 1995 No. 24 s 27

Who may take declarations

prov hdg sub 1960 9 Eliz 2 No. 16 s 2(a)
s 13 amd 1899 63 Vic No. 9 s 3(2) sch 3; 1908 8 Edw 7 No. 18 s 2 sch 1; 1960 9
 Eliz 2 No. 16 s 2(b); 1992 No. 36 s 2 sch 1
 sub 1995 No. 24 s 28

FORM OF DECLARATIONS

hdg (prec s 14) om 1995 No. 24 s 29

FEES PAYABLE THEREON

hdg (prec s 15) om 1995 No. 24 s 29

False declaration

s 16 om 1899 63 Vic No. 9 s 3(2) sch 3

SOLEMN AFFIRMATION

hdg (prec s 17) om 1995 No. 24 s 30

PART 5—SOLEMN AFFIRMATIONS AND DECLARATIONS

pt hdg ins 1995 No. 24 s 30

Affirmation instead of oath in certain cases

s 17 amd 1981 No. 61 s 5; 2000 No. 58 s 2 sch

QUAKERS AND MORAVIANS

hdg (prec s 18) om 1995 No. 24 s 31

Quakers and Moravians permitted to make a solemn affirmation or declaration instead of oath

s 18 amd 1899 63 Vic No. 9 s 3(2) sch 3; 1995 No. 24 s 31

SEPARATISTS

hdg (prec s 19) om 1995 No. 24 s 31

Separatists instead of an oath may make the following affirmation

s 19 amd 1995 No. 24 s 31

Persons making a false affirmation to be subject to the same punishment as for perjury

s 20 om 1899 63 Vic No. 9 s 3(2) sch 3

OATHS OF JURORS

hdg (prec s 21) om 1995 No. 24 s 32

PART 6—OTHER OATHS

pt hdg ins 1995 No. 24 s 32

Swearing of jurors in civil trials

s 21 sub 1995 No. 42 s 76 sch 2

Swearing of jurors in criminal trials

s 22 sub 1995 No. 42 s 76 sch 2

OATHS OF WITNESSES

hdg (prec s 23) om 1995 No. 24 s 33

Witnesses' oath in civil causes

s 23 ins 1981 No. 61 s 7

Witnesses' oath in proceedings not otherwise specified

s 23A ins 1981 No. 61 s 7

OATH TO MAKE TRUE ANSWER

hdg (prec s 24) om 1995 No. 24 s 33

OATHS OF INTERPRETERS IN CIVIL CAUSES

hdg (prec s 26) om 1995 No. 24 s 33

INTERPRETERS' OATHS FOR THE PURPOSE OF ARRAIGNMENT

hdg (prec s 28) om 1995 No. 24 s 33

OATHS OF INTERPRETERS IN CRIMINAL CASES

hdg (prec s 29) om 1995 No. 24 s 33

Interpreter's oath to interpret between a prisoner, defendant or witness and others

prov hdg ins 1995 No. 24 s 34(1)

s 29 amd 1995 No. 24 s 34(2); 1996 No. 79 s 89

Where witness and prisoner are of different languages—first interpreter's oaths

s 30 amd 1996 No. 79 s 90

OATHS OF PERSONS RESPONSIBLE FOR JURY

hdg (prec s 31) sub 1988 No. 26 s 6

om 1995 No. 24 s 33

Oath of bailiff in charge of jury

s 31 sub 1988 No. 26 s 6; 1995 No. 42 s 76 sch 2

Oath of police officer assisting bailiff in charge of jury

s 31A ins 1988 No. 26 s 6

GENERAL PROVISION

hdg (prec s 32) om 1995 No. 24 s 35

PART 7—MISCELLANEOUS

pt hdg ins 1995 No. 24 s 35

Special provision as to oaths

s 33 prev s 33 om 1899 63 Vic No. 9 s 3(2) sch 3

pres s 33 ins 1924 15 Geo 5 No. 7 s 2

POWERS OF THE COURT

hdg (prec s 34) om 1995 No. 24 s 33

General rules may be made by the judges

s 34 om 1995 No. 58 s 4 sch 1

COMMENCEMENT AND SHORT TITLE

hdg (prec s 35) om 1995 No. 24 s 36

Mode of binding interpreters to interpreting certain cases

s 35 (prev 1876 40 Vic No. 10 s 3)

prev s 35 om 1995 No. 24 s 36
pres s 35 reloc 1995 No. 24 s 38

Interruption of trial by reason of failure of interpreters not to entitle to acquittal

s 36 (prev 1876 40 Vic No. 10 s 4)
reloc 1995 No. 24 s 38

Mode of taking evidence of persons objecting or incompetent to take an oath

s 37 (prev 1884 48 Vic No. 19 s 2)
amd 1899 63 Vic No. 9 s 3(2) sch 3
reloc 1995 No. 24 s 41

Interpreters

s 38 (prev 1884 48 No. 19 s 3)
amd 1995 No. 24 s 40
reloc 1995 No. 24 s 41

Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—schedule

s 39 (prev 1891 55 Vic No. 14 s 1)
amd 1899 63 Vic No. 9 s 3(2) sch 3
reloc 1995 No. 24 s 45

Interpreter

s 40 (prev 1891 55 Vic No. 14 s 2)
amd 1995 No. 24 s 43
reloc 1995 No. 24 s 45

Who may take affidavits

s 41 (prev 1891 55 Vic No. 14 s 3)
sub 1974 No. 23 s 2; 1995 No. 24 s 44
reloc 1995 No. 24 s 45
amd 2008 No. 59 s 91

Mode of pleading affirmation instead of oath

s 42 (prev 1954 3 Eliz 2 No. 3 s 48)
reloc 1995 No. 24 s 6

References to Oaths Act Amendment Acts

s 43 ins 1995 No. 24 s 36
amd 1995 No. 58 s 4 sch 1

SCHEDULE—FORM OF SOLEMN AFFIRMATION

sch hdg sub 2010 No. 42 s 214 sch
sch (prev 1891 55 Vic No. 14 sch)
amd 1981 No. 61 s 9
reloc 1995 No. 24 s 46
amd 2000 No. 58 s 2 sch

7 Revised form of oath or affirmation of office for justices of the peace

Justices of the Peace and Commissioners for Declarations Act 1991, section 20(1) and (2) provides as follows—

20 Oath or affirmation of office

- (1) Before a person other than a Supreme Court judge or District Court judge performs any of the functions of office as a justice of the peace, the person is to—
 - (a) take an oath of allegiance and office in the following form—

“I, _____, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of justice of the peace and I will do right to all manner of people according to law without fear or favour, affection or ill-will.

SO HELP ME GOD!”; or
 - (b) make an affirmation of allegiance and office in the following form—

“I, _____, do solemnly, sincerely, declare and affirm that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of justice of the peace and I will do right to all manner of people according to law without fear or favour, affection or ill-will.”.
- (2) The oath or affirmation referred to in subsection (1) may be taken or made before, and administered or received by, a Supreme Court judge or a District Court judge, a Magistrate or any person authorised in that behalf by writ of *dedimus potestatem*.

8 Forms notified or published in the gazette

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <www.legislation.qld.gov.au> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.

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