

Queensland



**OATHS ACT 1867  
OATHS ACT AMENDING  
ACTS 1876, 1884, 1891**

**Reprinted as in force on 27 July 1994**

**Reprints No. 1**

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Queensland



# OATHS ACT 1867

**Reprinted as in force on 27 July 1994  
(includes amendments up to Act No. 36 of 1992)**

**Reprint No. 1**

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the Parliamentary Counsel and printed by  
the Government Printer**

# Information about this reprint

This Act is reprinted as at 27 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
  - **Table of changed names and titles**
  - **Table of obsolete and redundant provisions**
  - **Table of renumbered provisions**
  - **Table of comparative legislation.**

# Queensland



## OATHS ACT 1867

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## **OATHS ACT 1867**

[as amended by all amendments that commenced on or before 27 July 19942]

### **An Act to consolidate and amend the laws relating to oaths**

## **OATHS OF OFFICE AND ALLEGIANCE**

### **Oath substituted for the oaths and declaration now prescribed by law**

1. 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 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 Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of Queensland belonging to and dependent on the said United Kingdom So help me God’.<sup>10</sup>;

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

### **Before whom the oath may be taken**

2. 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



## **DECLARATIONS SUBSTITUTED FOR CERTAIN OFFICIAL OATHS**

### **Declarations substituted for oaths and affirmations**

6. In any case whereby any statute law or ordinance made or to be made relating to any of the public revenue of the State or any of the public offices or public departments or by any official regulation in any department any oath solemn affirmation or affidavit might but for the passing of this Act be required to be taken or made by any person on the doing of any act matter or thing or for the purpose of verifying any book entry or return or for any other purpose whatsoever it shall be lawful for the Governor in Council of the said State if the Governor in Council shall so think fit to substitute a declaration to the same effect as the oath solemn affirmation or affidavit which might but for the passing of this Act be required to be taken or made and the person who might under the Act or Acts imposing the same be required to take or make such oath solemn affirmation or affidavit shall in the presence of the officer or person empowered by such Act or Acts to administer such oath solemn affirmation or affidavit make and subscribe such declaration and every such officer or person is hereby empowered and required to administer the same accordingly.

### **Act not to extend to oath of allegiance**

7. 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.

### **Nor to oaths in judicial proceeding**

8. 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.

### **Such substitution to be notified in Gazette**

9. 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.

### **Oaths or affirmations not to be made or taken thereafter**

10. 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.

## **STATUTORY DECLARATION**

### **Persons entitled to take declarations**

13.(1) It shall and may be lawful for any commissioner for declarations, justice of the peace notary public or other officer now by law authorised to administer an oath or any barrister, solicitor or conveyancer to take and receive the declaration of any person voluntarily making the same before him or her.

(2) In subsection (1), mention of a person holding a specified office or occupational qualification means a person holding the office or qualification under the law of Queensland, the Commonwealth, another State or a Territory.

## FORM OF DECLARATIONS

### Form of declaration

14. 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*.’.

## FEES PAYABLE THEREON

### Fees payable

15. 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.

## SOLEMN AFFIRMATION

### Affirmation instead of oath in certain cases

17.(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 upon being satisfied of the sincerity of such objection 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 that the taking of any oath is objectionable to me and I do also solemnly sincerely and truly affirm and declare &c.’.

(2) Which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form and the like provisions shall apply also to every person required to be sworn as a juror.

(3) The objection to being sworn may be based on—

- (a) an absence of religious beliefs;
- (b) conscientious grounds;
- (c) such other grounds as are considered reasonable by the court or Judge or other presiding officer or person qualified to administer oaths or to take affidavits or depositions.

## QUAKERS AND MORAVIANS

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

**18.(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.

### **Form of declaration**

(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.’.

## SEPARATISTS

### **Separatists instead of an oath may make the following affirmation**

**19.(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.’.

### **Such affirmation shall have the effect of an oath**

**(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.

## OATHS OF JURORS

### **Swearing of jurors in civil causes**

**21.** Jurors may be sworn in civil causes in open court in the following form or to the like effect—

‘You shall well and truly try the issues joined between the parties [*or* assess the damages herein] and a true verdict give according to the evidence So help you God.’.

### **Swearing of jurors in criminal trials—In crime or misdemeanour**

**22.(1)** Jurors may be sworn in criminal trials in open court in the following form or to the like effect—

‘You shall well and truly try and true deliverance make between our Sovereign Lady the Queen and the prisoner [*or* prisoners *or* defendant] at the bar [*or* the defendant] whom you shall have in charge and a true verdict give according to the evidence So help you God.’.

**(2)** In misdemeanour the jurors may be sworn as follows or to the like effect—

‘You shall well and truly try the issue [*or* issues] joined between Our Sovereign Lady the Queen and the defendant and a true verdict give according to the evidence So help you God.’.

## **OATHS OF WITNESSES**

### **Witnesses’ oath in civil causes**

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

### **Witnesses’ oath in proceedings not otherwise specified**

**23A.** 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.’.

## **OATH TO MAKE TRUE ANSWER**

### **Voire dire**

**24.** 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.’.

### **Witnesses’ oath on criminal trials**

**25.** 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.’.

## **OATHS OF INTERPRETERS IN CIVIL CAUSES**

### **Interpreters’ oath in civil causes**

**26.** 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.’.

### **Interpreters’ oath in civil causes on the voire dire**

**27.** 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.’.

## **INTERPRETERS’ OATHS FOR THE PURPOSE OF ARRAIGNMENT**

### **Interpreters’ oath for the arraignment—To interpret between prisoner and others**

**28.(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.’

‘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.

## OATHS OF INTERPRETERS IN CRIMINAL CASES

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

### FOREIGN 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.’

### To interpret between a witness and others

#### FOREIGN 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 are foreigners of 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.

### **Where witness and prisoner are of different languages—First interpreter’s oaths**

**30.(1)** When on any criminal trial a witness and the prisoner are foreigners of different languages and a foreign 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 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.

## **OATHS OF PERSONS RESPONSIBLE FOR JURY**

### **Oath of bailiff in charge of jury**

**31.** Bailiffs may be sworn to take charge of juries in the following form or to the like effect—

‘You swear that you will keep this jury in some safe and private place and provide them with such accommodation, meals and refreshment as the court may allow and allow no-one to communicate with them and not communicate with them yourself without leave of the court except to ask if they have agreed upon their verdict So help you God.’.

### **Oath of police officer assisting bailiff in charge of jury**

**31A.(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.

## **GENERAL PROVISION**

### **General provision**

**32.** Nothing herein contained shall invalidate any oath sworn or taken in a sufficient and lawful form and any oath of allegiance or office sworn before a Judge of the Supreme Court may be certified or recorded by the associate or Judge’s clerk.

**Special provision as to oaths**

**33.(1)** Any person taking any oath on the Bible or the New Testament or the Old Testament, for any purpose whatsoever, whether in judicial proceedings or otherwise, shall, if physically capable of doing so, hold a copy of a Bible or Testament in the person's hand, but it shall not be necessary for the person to kiss such copy by way of assent.

**(2)** The officer administering the oath may repeat the appropriate form of adjuration, and the person taking the oath shall thereupon, while holding in the person's hand a copy of the Bible or Testament, indicate the person's assent to the oath so administered by uttering the words 'So help me, God'; or the person taking the oath may, while holding in the person's hand a copy of the Bible or Testament, repeat the words of the oath as prescribed or allowed by law.

**POWERS OF THE COURT****General rules may be made by the Judges**

**34.(1)** It shall be lawful for the Judges of the Supreme Court or a majority of them of whom the Chief Justice shall be one from time to time to make all such general rules and orders for the effectual execution of this Act and of the intention and object hereof and for fixing the costs to be allowed for and in respect of the matters herein contained and the performance thereof and to prescribe forms for the doing of anything by this Act prescribed or authorised to be done.

**(2)** However, nothing herein contained shall be construed to restrain the authority or limit the jurisdiction of the said court or the Judges thereof to make rules or orders or otherwise to regulate and dispose of the business therein.

**COMMENCEMENT AND SHORT TITLE****Commencement of Act—Short title**

**35.** This Act shall commence on 31 December 1867 and may be referred to as the *Oaths Act 1867*<sup>3-11</sup>.

## ENDNOTES

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### 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 27 July 1994. Future amendments of the Oaths Act 1867 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

#### **Oaths Act 1867 31 Vic No. 12**

date of assent 28 December 1867  
commenced 31 December 1867 (see s 35)  
as amended by—

#### **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 Shortening Act Amendment Act 1903 3 Edw 7 No. 10 s 8(2) Sch 2, s 10 Sch 3**

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 Pt 2**

date of assent 14 September 1981  
commenced 1 January 1982 (proc pubd Gaz 12 December 1981 p 1538)

**Jury Act and Oaths Act Amendment Act 1988 No. 26 Pt 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

## 4 List of annotations

### Key to abbreviations in list of annotations

|        |   |                   |
|--------|---|-------------------|
| amd    | = | amended           |
| Ch     | = | Chapter           |
| cl     | = | clause            |
| def    | = | definition        |
| Div    | = | Division          |
| hdg    | = | heading           |
| ins    | = | inserted          |
| om     | = | omitted           |
| prec   | = | preceding         |
| pres   | = | present           |
| prev   | = | previous          |
| (prev) | = | previously        |
| prov   | = | provision         |
| Pt     | = | Part              |
| RA     | = | Reprints Act 1992 |
| renum  | = | renumbered        |
| Sdiv   | = | Subdivision       |
| sub    | = | substituted       |

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

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

### **Judges' and justices' oaths of office**

s 3 amd 1959 8 Eliz 2 No. 5 s 2; 1981 No. 4 s 2; 1989 No. 110 s 1.6

### **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

### **Persons entitled to 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

### **False declaration**

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

### **Affirmation instead of oath in certain cases**

s 17 amd 1981 No. 61 s 5

### **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

### **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

**Witnesses' oath in civil causes**

s 23 amd 1981 No. 61 s 6

**Witnesses' oath in proceedings not otherwise specified**

s 23A ins 1981 No. 61 s 7

**OATHS OF PERSONS RESPONSIBLE FOR JURY**

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

**Oath of bailiff in charge of jury**

s 31 sub 1988 No. 26 s 6

**Oath of police officer assisting bailiff in charge of jury**

s 31A ins 1988 No. 26 s 6

**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

## 5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

| Old                          | New            | Reference provision  |
|------------------------------|----------------|--|
| colony                       | State          | see Commonwealth Constitution  |
| felony                       | crime          | Criminal Code Act 1899 s 4(a)  |
| member (of the police force) | police officer | Police Service Administration Act 1990 s 11.1(1)(c) (see also s 1.4) |

## 6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

|                                  |   |
|----------------------------------|---|
| Omitted provision                | Provision making omitted provision obsolete/redundant |
| references to Queensland implied | Acts Interpretation Act 1954 s 35                     |

## 7 Table of renumbered provisions

**TABLE OF RENUMBERED PROVISIONS**  
under the Reprints Act 1992 ss 43

| Original         | Renumbered as |
|------------------|---------------|
| 3, 1st sentence  | 3(1)          |
| 3, 2nd sentence  | 3(2)          |
| 17, 1st sentence | 17(1)         |
| 17, 2nd sentence | 17(2)         |
| 17, 3rd sentence | 17(3)         |
| 18, 1st sentence | 18(1)         |
| 18, 2nd sentence | 18(2)         |
| 19, 1st sentence | 19(1)         |
| 19, 2nd sentence | 19(2)         |
| 22, 1st sentence | 22(1)         |
| 22, 2nd sentence | 22(2)         |
| 28, 1st sentence | 28(1)         |
| 28, 2nd sentence | 28(2)         |
| 29, 1st sentence | 29(1)         |
| 29, proviso      | 29(2)         |
| 30, 1st sentence | 30(1)         |
| 30, 2nd sentence | 30(2)         |
| 33, 1st sentence | 33(1)         |
| 33, 2nd sentence | 33(2)         |
| 34, 1st sentence | 34(1)         |
| 34, proviso      | 34(2)         |

## **8 Table of comparative legislation**

|             |   |
|-------------|---|
| <b>s 1</b>  | 20 Vic No. 9 s 1  |
| <b>s 2</b>  | 20 Vic No. 9 s 2  |
| <b>s 3</b>  | 20 Vic No. 9 s 3  |
| <b>s 4</b>  | 20 Vic No. 9 s 4  |
| <b>s 5</b>  | 20 Vic No. 9 s 5  |
| <b>s 6</b>  | 9 Vic No. 9 s 1   |
| <b>s 7</b>  | 9 Vic No. 9 s 5, see 20 Vic No. 9                               |
| <b>s 8</b>  | 9 Vic No. 9 s 6   |
| <b>s 9</b>  | 9 Vic No. 9 s 2   |
| <b>s 10</b> | 9 Vic No. 9 s 3   |
| <b>s 13</b> | 9 Vic No. 9 s 9   |
| <b>s 14</b> | 9 Vic No. 9 s 11 and Sch  |
| <b>s 15</b> | 9 Vic No. 9 s 10  |
| <b>s 17</b> | 17 & 18 Vic c 125 s 20, 20 Vic No. 31 s 10                      |
| <b>s 18</b> | 3 & 4 Wm 4 c 49 s 1, 1 & 2 Vic c 77                             |
| <b>s 19</b> | 3 & 4 Wm 4 c 82   |
| <b>s 34</b> | 17 Vic No. 21 s 174, 15 & 16 Vic c 76 s 223, 27 Vic No. 14 s 20 |

## **9 Transitional and savings provisions**

**Section 4 and Schedule 4 of the Statute Law (Miscellaneous Provisions) Act 1992 provide—**

**1.** A declaration made before the commencement of the amendments made by this Act to the *Oaths Act 1867* in a way that would have been lawful under that Act had it been made after the commencement of this clause is, from the commencement, taken to have been lawfully made.

## **10 Revised form of oath of allegiance**

**Section 52(1) of the Acts Interpretation Act 1954 provides as follows—**

### **Form of oath of allegiance**

**52.(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 of the *Oaths Act 1867*, for the oath of allegiance prescribed by section 4 of the *Constitution Act 1867*, and for any oath of allegiance prescribed by or under any other Act an oath of allegiance in the following form—

I, \_\_\_\_\_, 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.

So Help Me God!

## **11 Revised form of oath or affirmation of office for justices of the peace**

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

### **Oath or affirmation of office**

**20.(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*.