



*Oaths Act 1867*

# Oaths Regulation 2022

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Queensland

# Oaths Regulation 2022

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# Oaths Regulation 2022

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Oaths Regulation 2022*.

### 2 Definitions for regulation

In this regulation—

***officer-in-charge***, of a police station, police establishment or watch-house, includes a police officer nominated by the officer-in-charge of the police station, police establishment or watch-house as the officer-in-charge of the police station, police establishment or watch-house during the officer-in-charge's absence.

***relevant affidavit*** means each of the following types of affidavit—

- (a) an affidavit made by a police officer for use in a proceeding under the *Bail Act 1980*;
- (b) an affidavit made by a police officer for use in a proceeding under the *Youth Justice Act 1992* in which a court is deciding whether to release a child in custody in connection with a charge of an offence or keep the child in custody;
- (c) an affidavit made by a police officer about the giving of a document to a person where the document is required or permitted under an Act to be given to the person by a police officer;
- (d) an affidavit made by a police officer that forms part of a sworn application sent under the *Police Powers and Responsibilities Act 2000*, section 801(4)(a).

***senior police officer*** means—



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**2B Requirements for witnessing signature of substitute signatory in physical presence of signatory and substitute signatory [OA, s 31R]**

- (1) This section applies if—
  - (a) a substitute signatory is directed by a signatory in the signatory's physical presence to sign an affidavit or a declaration for the signatory; and
  - (b) the substitute signatory is to sign the affidavit or declaration in the physical presence of a witness.
- (2) The witness for the signing of the document must—
  - (a) observe the signatory direct the substitute signatory to sign the affidavit or declaration; and
  - (b) be satisfied that the substitute signatory is not excluded from signing the affidavit or declaration under section 2A; and
  - (c) be satisfied that the signatory is freely and voluntarily directing the substitute signatory to sign the affidavit or declaration.

**3 Information witness must include on affidavit—Act, s 13E**

For section 13E(d) of the Act, if the witness to the affidavit is a person prescribed under section 4, 6 or 8, the prescribed information is the witness's rank.

**4 Prescribed persons for witnessing affidavits—Act, s 16A**

For section 16A(1)(e) of the Act, a senior police officer is prescribed.

**5 Witnessing prescribed types of affidavits—Act, s 16A**

For section 16A(2)(a) of the Act, a relevant affidavit is prescribed as the only type of affidavit that may be witnessed by a person prescribed under section 4.

**6 Persons prescribed as witness—Act, s 16C**

For section 16C(2) of the Act, a senior police officer is prescribed as a person who may witness an affidavit under that section.

**7 Witnessing prescribed types of affidavits—Act, s 16C**

For section 16C(3)(a) of the Act, a relevant affidavit is prescribed as the only type of document that may be witnessed by a person prescribed under section 6.

**Part 3 Matters relevant to use of audio visual links**

**8 Persons prescribed as witness—Act, s 31S**

For section 31S(1) of the Act, a senior police officer is prescribed.

**9 Prescribed types of documents—Act, s 31S**

For section 31S(2)(a) of the Act, a relevant affidavit is prescribed as the only type of document that may be witnessed by a person prescribed under section 8.

**10 Prescribed condition—Act, s 31S**

- (1) This section prescribes, for section 31S(2)(a) of the Act, a condition for the witnessing, by a person prescribed under section 8, of an affidavit mentioned in section 2, definition *relevant affidavit*, paragraph (a) or (b).
- (2) The condition is that it is not reasonably practicable to witness the affidavit other than under section 31S of the Act.