

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 March, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to make further provision with respect to the law of evidence, oaths, affirmations and affidavits; for these and other purposes to amend the Evidence Act, 1898, the Oaths Act, 1900, and the Justices Act, 1902; and for purposes connected therewith.

BE

Evidence and Oaths (Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Evidence and Oaths Short title. (Amendment) Act, 1973."

2. The Evidence Act, 1898, is amended—

Amendment
of Act No.
11, 1898.

10 (a) by inserting next after section 15 the following new section : — New sec.
15A.

15 15A. (1) The service, giving or sending, pursuant to an Act, regulation, rule, ordinance or by-law, of a written notification, notice, order or direction may, in any legal proceeding, be proved by the oath of the person who served, gave or sent it, or by affidavit. Proof of
service of
statutory
notice, etc.

20 (2) A person who, for the purposes of a legal proceeding, makes an affidavit referred to in subsection (1) is not, by reason of his making the affidavit, exonerated from attending for cross-examination if required so to do by a party to the proceeding.

(b) by inserting next after section 24 the following new section : — New sec.
24A.

25 24A. Judicial and official notice shall be taken of— Judicial
notice of
signature
of holders
of certain
offices.

(a) the fact that a person holds, or at any time held, the office of Minister of the Crown, Solicitor-General or any other office

declared

Evidence and Oaths (Amendment).

declared by the Governor by order published in the Gazette to be an office to which this section applies; and

5 (b) the signature of such a person purporting to be attached or appended to a judicial or official document.

(c) (i) by omitting from section 26 (1) (a) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary";

Sec. 26.
(Letters patent and Crown grants.)

10 (ii) by omitting from section 26 (1) the words "under the seal of the Colony duly recorded and signed by the Governor";

15 (iii) by omitting from section 26 (2) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary".

3. The Oaths Act, 1900, is amended—

Amendment of Act No. 20, 1900.

(a) by inserting next after section 3 (2) the following new subsection :—

Sec. 3.
(Before whom the scheduled oaths may be taken.)

20 (2A) Without prejudice to the operation of subsection (2) the oaths prescribed in the Second and Fourth Schedules may be taken and subscribed at any hour—

25 (a) by a stipendiary magistrate—before the Chairman of the Bench of Stipendiary Magistrates or the person for the time being acting in that office; or

(b) by a justice of the peace—before a stipendiary magistrate.

(b)

Evidence and Oaths (Amendment).

- (b) by inserting in section 9 after the word "Judges" the words ", stipendiary magistrates"; Sec. 9.
(District Court Judges and other judicial officers.)
- (c) by omitting section 12 and by inserting instead the following section :— Subst. sec. 12.
- 5 12. Subject to sections 13 and 14, when an oath is required to be taken, any person who objects to take an oath may instead of taking such oath make a solemn affirmation in the form of such oath substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" or for any other word or words to the like effect and omitting the words "so help me God" or any other word or words to the like effect. Affirmations.
- 10
- (d) by inserting next after section 26A the following new section :— New sec. 26B.
- 15 26B. (1) In this section "foreign authority" means a court, judge, person or body authorised by the law of a place outside New South Wales to take or receive evidence in that place. Appointee of foreign authority may, in certain circumstances, administer oath.
- 20 (2) For the purpose of proceedings (other than criminal proceedings) before a foreign authority, the foreign authority, or a person authorised by the foreign authority to take and receive evidence in New South Wales, may administer an oath to a person in New South Wales for the purpose of taking and receiving that evidence subject, in the case of a foreign authority that is not a court or judge, to the consent of the Chief Justice of the Supreme Court being first obtained.
- 25
- 30 (e) by inserting in section 27 (1) after the word "court" the words "or required for the purpose of registering an instrument in New South Wales"; Sec. 27.
(Authority to take and receive affidavits.)
- (f)

Evidence and Oaths (Amendment).

(f) by omitting from section 28 the words "any such commission" and by inserting instead the words "a commission issued pursuant to subsection (2) of section 27";

Sec. 28.
(Fees.)

5 (g) by inserting next after section 29 the following new sections :—

New secs.
30, 31.

10 30. Where a person wilfully makes and subscribes a document that purports to be, but is not, an affidavit taken and received in accordance with the requirements of section 11A, knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit, that person is guilty of an offence and—

Untrue document purporting to be affidavit.

15 (a) upon conviction on indictment—liable to be punished as for a misdemeanour; or

20 (b) upon conviction by a court of petty sessions constituted by a stipendiary magistrate—liable to a penalty not exceeding five hundred dollars or imprisonment for a term not exceeding six months.

25 31. Where, on the trial of a person for false swearing in an affidavit, it appears that the document purporting to be the affidavit was not taken in accordance with the requirements of section 11A but the jury is satisfied that the accused wilfully made and subscribed the document knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit the accused may be acquitted of the offence charged and convicted of a misdemeanour.

Alternative verdict where false swearing not proved.

Evidence and Oaths (Amendment).

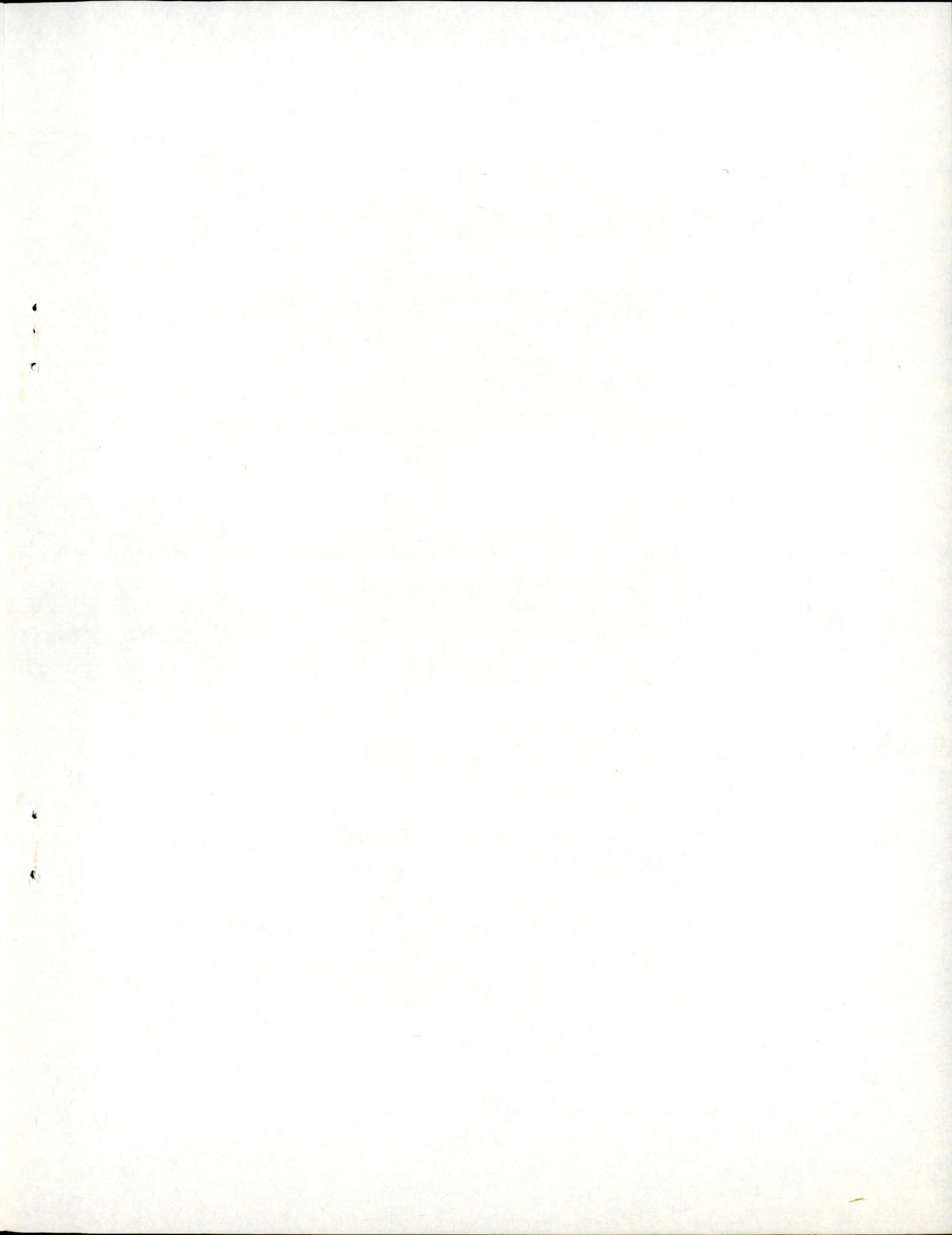
4. The Justices Act, 1902, is amended by omitting from section 9 the words "oath of office required of Justices" and by inserting instead the words "oaths prescribed by the Oaths Act, 1900, for Justices".

Amendment
of Act No.
27, 1902.
Sec. 9.
(Qualifica-
tion and
oath of
Stipendiary
Magi-
strates.)

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[5c]



No. , 1973.

A BILL

To make further provision with respect to the law of evidence, oaths, affirmations and affidavits; for these and other purposes to amend the Evidence Act, 1898, the Oaths Act, 1900, and the Justices Act, 1902; and for purposes connected therewith.

[MR McCaw—6 *March*, 1973.]

BE

Evidence and Oaths (Amendment).

5 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Evidence and Oaths Short title. (Amendment) Act, 1973."

2. The Evidence Act, 1898, is amended—

Amendment
of Act No.
11, 1898.

10 (a) by inserting next after section 15 the following new section : — New sec.
15A.

15 15A. (1) The service, giving or sending, pursuant to an Act, regulation, rule, ordinance or by-law, of a written notification, notice, order or direction may, in any legal proceeding, be proved by the oath of the person who served, gave or sent it, or by affidavit. Proof of
service of
statutory
notice, etc.

20 (2) A person who, for the purposes of a legal proceeding, makes an affidavit referred to in subsection (1) is not, by reason of his making the affidavit, exonerated from attending for cross-examination if required so to do by a party to the proceeding.

(b) by inserting next after section 24 the following new section : — New sec.
24A.

25 24A. Judicial and official notice shall be taken of— Judicial
notice of
signature
of holders
of certain
offices.

(a) the fact that a person holds, or at any time held, the office of Minister of the Crown, Solicitor-General or any other office

declared

Evidence and Oaths (Amendment).

declared by the Governor by order published in the Gazette to be an office to which this section applies; and

5 (b) the signature of such a person purporting to be attached or appended to a judicial or official document.

(c) (i) by omitting from section 26 (1) (a) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary"; Sec. 26. (Letters patent and Crown grants.)

10 (ii) by omitting from section 26 (1) the words "under the seal of the Colony duly recorded and signed by the Governor";

15 (iii) by omitting from section 26 (2) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary".

3. The Oaths Act, 1900, is amended—

Amendment of Act No. 20, 1900.

(a) by inserting next after section 3 (2) the following new subsection :— Sec. 3. (Before whom the scheduled oaths may be taken.)

20 (2A) Without prejudice to the operation of subsection (2) the oaths prescribed in the Second and Fourth Schedules may be taken and subscribed at any hour—

25 (a) by a stipendiary magistrate—before the Chairman of the Bench of Stipendiary Magistrates or the person for the time being acting in that office; or

(b) by a justice of the peace—before a stipendiary magistrate.

(b)

Evidence and Oaths (Amendment).

- (b) by inserting in section 9 after the word "Judges" Sec. 9.
the words ", stipendiary magistrates"; (District
Court
Judges
and other
judicial
officers.)
- 5 (c) by omitting from section 12 the words "by law Sec. 12.
entitled to make a solemn affirmation or declaration (Affirma-
instead of taking an oath" and by inserting instead tions.)
the words "who objects to take an oath";
- (d) by inserting next after section 26A the following New sec.
new section :— 26B.
- 10 26B. (1) In this section "foreign authority" Appointee
means a court, judge, person or body authorised of foreign
by the law of a place outside New South Wales authority may, in
to take or receive evidence in that place. certain cir-
cumstances,
administer
oath.
- 15 (2) For the purpose of proceedings (other
than criminal proceedings) before a foreign
authority, the foreign authority, or a person author-
ised by the foreign authority to take and receive
evidence in New South Wales, may administer an
oath to a person in New South Wales for the pur-
pose of taking and receiving that evidence subject,
20 in the case of a foreign authority that is not a court
or judge, to the consent of the Chief Justice of the
Supreme Court being first obtained.
- 25 (e) by inserting in section 27 (1) after the word Sec. 27.
"court" the words "or required for the purpose of (Authority
registering an instrument in New South Wales"; to take and
receive
affidavits.)

(f)

Evidence and Oaths (Amendment).

(f) by omitting from section 28 the words "any such commission" and by inserting instead the words "a commission issued pursuant to subsection (2) of section 27";

Sec. 28.
(Fees.)

5 (g) by inserting next after section 29 the following new sections :—

New secs.
30, 31.

10 30. Where a person wilfully makes and subscribes a document that purports to be, but is not, an affidavit taken and received in accordance with the requirements of section 11A, knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit, that person is guilty of an offence and—

Untrue document purporting to be affidavit.

15 (a) upon conviction on indictment—liable to be punished as for a misdemeanour; or

20 (b) upon conviction by a court of petty sessions constituted by a stipendiary magistrate—liable to a penalty not exceeding five hundred dollars or imprisonment for a term not exceeding six months.

25 31. Where, on the trial of a person for false swearing in an affidavit, it appears that the document purporting to be the affidavit was not taken in accordance with the requirements of section 11A but the jury is satisfied that the accused wilfully made and subscribed the document knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit the accused may be acquitted of the offence charged and convicted of a misdemeanour.

Alternative verdict where false swearing not proved.

Evidence and Oaths (Amendment).

4. The Justices Act, 1902, is amended by omitting from section 9 the words "oath of office required of Justices" and by inserting instead the words "oaths prescribed by the Oaths Act, 1900, for Justices".

Amendment
of Act No.
27, 1902.
Sec. 9.
(Qualifica-
tion and
oath of
Stipendiary
Magi-
strates.)

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[5c]

EVIDENCE AND OATHS (AMENDMENT) BILL, 1973

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable proof of service of a notice pursuant to an Act or subordinate legislation to be given by affidavit;
- (b) to enable judicial notice to be taken of certain signatures and the fact that the signatories are the holders of certain offices;
- (c) to authorise the Chairman of the Bench of Stipendiary Magistrates to administer the oaths of office to a Stipendiary Magistrate and to authorise a Stipendiary Magistrate to administer those oaths to a justice of the peace;
- (d) to enable a person called upon to take the oath of allegiance or the judicial oath to make a solemn affirmation if he objects to being sworn;
- (e) to authorise, in certain circumstances, the administration of an oath by a person appointed by a foreign court or like authority to take evidence in the State;
- (f) to enable a solicitor, in certain circumstances, to take an affidavit required for the purpose of registering an instrument in the State;
- (g) to create certain offences relating to untrue statements in a document that purports to be an affidavit but has not been made in accordance with the Oaths Act, 1900;
- (h) to make provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1973.

A BILL

To make further provision with respect to the law of evidence, oaths, affirmations and affidavits; for these and other purposes to amend the Evidence Act, 1898, the Oaths Act, 1900, and the Justices Act, 1902; and for purposes connected therewith.

[Mr McCaw—6 March, 1973.]

BE

Evidence and Oaths (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Evidence and Oaths Short title. (Amendment) Act, 1973."

2. The Evidence Act, 1898, is amended—

Amendment of Act No. 11, 1898.

(a) by inserting next after section 15 the following new section : —

New sec. 15A.

15A. (1) The service, giving or sending, pursuant to an Act, regulation, rule, ordinance or by-law, of a written notification, notice, order or direction may, in any legal proceeding, be proved by the oath of the person who served, gave or sent it, or by affidavit.

Proof of service of statutory notice, etc.

(2) A person who, for the purposes of a legal proceeding, makes an affidavit referred to in subsection (1) is not, by reason of his making the affidavit, exonerated from attending for cross-examination if required so to do by a party to the proceeding.

(b) by inserting next after section 24 the following new section : —

New sec. 24A.

24A. Judicial and official notice shall be taken of—

Judicial notice of signature of holders of certain offices.

(a) the fact that a person holds, or at any time held, the office of Minister of the Crown, Solicitor-General or any other office

declared

Evidence and Oaths (Amendment).

declared by the Governor by order published in the Gazette to be an office to which this section applies; and

5 (b) the signature of such a person purporting to be attached or appended to a judicial or official document.

(c) (i) by omitting from section 26 (1) (a) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary";

Sec. 26.
(Letters patent and Crown grants.)

10 (ii) by omitting from section 26 (1) the words "under the seal of the Colony duly recorded and signed by the Governor";

15 (iii) by omitting from section 26 (2) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary".

3. The Oaths Act, 1900, is amended—

Amendment of Act No. 20, 1900.

(a) by inserting next after section 3 (2) the following new subsection :—

Sec. 3.
(Before whom the scheduled oaths may be taken.)

20 (2A) Without prejudice to the operation of subsection (2) the oaths prescribed in the Second and Fourth Schedules may be taken and subscribed at any hour—

25 (a) by a stipendiary magistrate—before the Chairman of the Bench of Stipendiary Magistrates or the person for the time being acting in that office; or

(b) by a justice of the peace—before a stipendiary magistrate.

(b)

Evidence and Oaths (Amendment).

- (b) by inserting in section 9 after the word "Judges" the words ", stipendiary magistrates"; Sec. 9.
(District Court Judges and other judicial officers.)
- 5 (c) by omitting from section 12 the words "by law entitled to make a solemn affirmation or declaration instead of taking an oath" and by inserting instead the words "who objects to take an oath"; Sec. 12.
(Affirmations.)
- (d) by inserting next after section 26A the following new section :— New sec.
26B.
- 10 26B. (1) In this section "foreign authority" means a court, judge, person or body authorised by the law of a place outside New South Wales to take or receive evidence in that place. Appointee of foreign authority may, in certain circumstances, administer oath.
- 15 (2) For the purpose of proceedings (other than criminal proceedings) before a foreign authority, the foreign authority, or a person authorised by the foreign authority to take and receive evidence in New South Wales, may administer an oath to a person in New South Wales for the purpose of taking and receiving that evidence subject, in the case of a foreign authority that is not a court or judge, to the consent of the Chief Justice of the Supreme Court being first obtained.
- 20
- 25 (e) by inserting in section 27 (1) after the word "court" the words "or required for the purpose of registering an instrument in New South Wales"; Sec. 27.
(Authority to take and receive affidavits.)

(f)

Evidence and Oaths (Amendment).

(f) by omitting from section 28 the words "any such commission" and by inserting instead the words "a commission issued pursuant to subsection (2) of section 27";

Sec. 28.
(Fees.)

(g) by inserting next after section 29 the following new sections :—

New secs.
30, 31.

30. Where a person wilfully makes and subscribes a document that purports to be, but is not, an affidavit taken and received in accordance with the requirements of section 11A, knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit, that person is guilty of an offence and—

Untrue document purporting to be affidavit.

(a) upon conviction on indictment—liable to be punished as for a misdemeanour; or

(b) upon conviction by a court of petty sessions constituted by a stipendiary magistrate—liable to a penalty not exceeding five hundred dollars or imprisonment for a term not exceeding six months.

31. Where, on the trial of a person for false swearing in an affidavit, it appears that the document purporting to be the affidavit was not taken in accordance with the requirements of section 11A but the jury is satisfied that the accused wilfully made and subscribed the document knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit the accused may be acquitted of the offence charged and convicted of a misdemeanour.

Alternative verdict where false swearing not proved.

Evidence and Oaths (Amendment).

4. The Justices Act, 1902, is amended by omitting from section 9 the words "oath of office required of Justices" and by inserting instead the words "oaths prescribed by the Oaths Act, 1900, for Justices".

Amendment
of Act No.
27, 1902.
Sec. 9.
(Qualifica-
tion and
oath of
Stipendiary
Magi-
strates.)

BY AUTHORITY

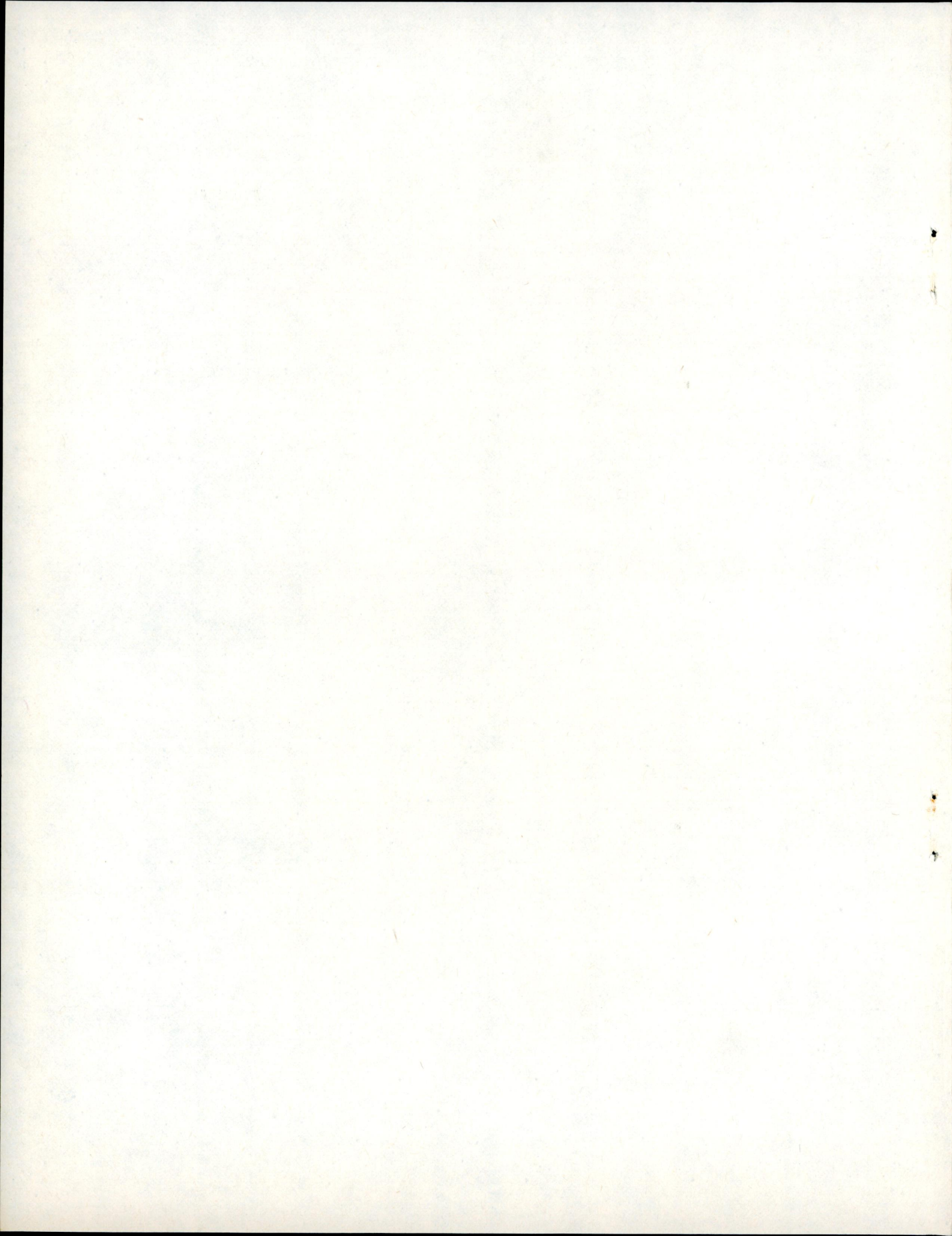
V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

Administrative and Financial Statements

The following table shows the results of the operations of the Corporation for the year ended December 31, 1937, as compared with the results of the operations for the year ended December 31, 1936, and the results of the operations for the year ended December 31, 1935.

Item	1937	1936	1935
Net Income	\$1,234,567	\$987,654	\$765,432
Operating Expenses	\$2,345,678	\$2,123,456	\$1,987,654
Depreciation	\$123,456	\$112,345	\$101,234
Amortization	\$56,789	\$67,890	\$78,901
Income Tax	\$345,678	\$234,567	\$123,456
Other	\$12,345	\$23,456	\$34,567

Approved: _____



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 March, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 10, 1973.

An Act to make further provision with respect to the law of evidence, oaths, affirmations and affidavits; for these and other purposes to amend the Evidence Act, 1898, the Oaths Act, 1900, and the Justices Act, 1902; and for purposes connected therewith. [Assented to, 10th April, 1973.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Evidence and Oaths (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Evidence and Oaths (Amendment) Act, 1973."

Amendment of Act No. 11, 1898. 2. The Evidence Act, 1898, is amended—

New sec. 15A. (a) by inserting next after section 15 the following new section : —

Proof of service of statutory notice, etc.

15A. (1) The service, giving or sending, pursuant to an Act, regulation, rule, ordinance or by-law, of a written notification, notice, order or direction may, in any legal proceeding, be proved by the oath of the person who served, gave or sent it, or by affidavit.

(2) A person who, for the purposes of a legal proceeding, makes an affidavit referred to in subsection (1) is not, by reason of his making the affidavit, exonerated from attending for cross-examination if required so to do by a party to the proceeding.

New sec. 24A. (b) by inserting next after section 24 the following new section : —

Judicial notice of signature of holders of certain offices.

24A. Judicial and official notice shall be taken of—

(a) the fact that a person holds, or at any time held, the office of Minister of the Crown, Solicitor-General or any other office

declared

Evidence and Oaths (Amendment).

declared by the Governor by order published in the Gazette to be an office to which this section applies; and

(b) the signature of such a person purporting to be attached or appended to a judicial or official document.

- (c) (i) by omitting from section 26 (1) (a) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary"; Sec. 26. (Letters patent and Crown grants.)
- (ii) by omitting from section 26 (1) the words "under the seal of the Colony duly recorded and signed by the Governor";
- (iii) by omitting from section 26 (2) the words "Colonial Secretary" and by inserting instead the words "Chief Secretary".

3. The Oaths Act, 1900, is amended—

Amendment of Act No. 20, 1900.

- (a) by inserting next after section 3 (2) the following new subsection :—

Sec. 3. (Before whom the scheduled oaths may be taken.)

(2A) Without prejudice to the operation of subsection (2) the oaths prescribed in the Second and Fourth Schedules may be taken and subscribed at any hour—

- (a) by a stipendiary magistrate—before the Chairman of the Bench of Stipendiary Magistrates or the person for the time being acting in that office; or
- (b) by a justice of the peace—before a stipendiary magistrate.

(b)

Evidence and Oaths (Amendment).

Sec. 9.
(District
Court
Judges
and other
judicial
officers.)

- (b) by inserting in section 9 after the word "Judges" the words ", stipendiary magistrates";

Subst.
sec. 12.

- (c) by omitting section 12 and by inserting instead the following section :—

Affirma-
tions.

12. Subject to sections 13 and 14, when an oath is required to be taken, any person who objects to take an oath may instead of taking such oath make a solemn affirmation in the form of such oath substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" or for any other word or words to the like effect and omitting the words "so help me God" or any other word or words to the like effect.

New sec.
26B.

- (d) by inserting next after section 26A the following new section :—

Appointee
of foreign
authority
may, in
certain cir-
cumstances,
administer
oath.

26B. (1) In this section "foreign authority" means a court, judge, person or body authorised by the law of a place outside New South Wales to take or receive evidence in that place.

(2) For the purpose of proceedings (other than criminal proceedings) before a foreign authority, the foreign authority, or a person authorised by the foreign authority to take and receive evidence in New South Wales, may administer an oath to a person in New South Wales for the purpose of taking and receiving that evidence subject, in the case of a foreign authority that is not a court or judge, to the consent of the Chief Justice of the Supreme Court being first obtained.

Sec. 27.
(Authority
to take and
receive
affidavits.)

- (e) by inserting in section 27 (1) after the word "court" the words "or required for the purpose of registering an instrument in New South Wales";
(f)

Evidence and Oaths (Amendment).

(f) by omitting from section 28 the words “any such commission” and by inserting instead the words “a commission issued pursuant to subsection (2) of section 27”;

Sec. 28.
(Fees.)

(g) by inserting next after section 29 the following new sections :—

New secs.
30, 31.

30. Where a person wilfully makes and subscribes a document that purports to be, but is not, an affidavit taken and received in accordance with the requirements of section 11A, knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit, that person is guilty of an offence and—

Untrue
document
purporting
to be
affidavit.

(a) upon conviction on indictment—liable to be punished as for a misdemeanour; or

(b) upon conviction by a court of petty sessions constituted by a stipendiary magistrate—liable to a penalty not exceeding five hundred dollars or imprisonment for a term not exceeding six months.

31. Where, on the trial of a person for false swearing in an affidavit, it appears that the document purporting to be the affidavit was not taken in accordance with the requirements of section 11A but the jury is satisfied that the accused wilfully made and subscribed the document knowing it to be untrue in a material particular not related to any requirement or formality necessary for the making of an affidavit the accused may be acquitted of the offence charged and convicted of a misdemeanour.

Alternative
verdict
where false
swearing
not proved.

Evidence and Oaths (Amendment).

Amendment
of Act No.
27, 1902.
Sec. 9.
(Qualifica-
tion and
oath of
Stipendiary
Magi-
strates.)

4. The Justices Act, 1902, is amended by omitting from section 9 the words "oath of office required of Justices" and by inserting instead the words "oaths prescribed by the Oaths Act, 1900, for Justices".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 10th April, 1973.*

