

First print



New South Wales

Oaths Amendment Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Oaths Act 1900* to create a new offence of making a false declaration for material benefit.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Oaths Act 1900* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

Schedule 1 Amendment of Oaths Act 1900

Schedule 1 [2] inserts proposed section 25A into the *Oaths Act 1900*. Proposed section 25A repeats the existing offence of making a false declaration but with an additional element, namely making a false declaration for material benefit, so as to create an aggravated offence. The maximum penalty for the new aggravated offence will be 7 years' imprisonment.

Schedule 1 [1] makes a consequential amendment (the insertion of a reference to the proposed section creating the new aggravated offence) and an amendment by way of statute law revision (the omission of a reference to a section that has been repealed).

Schedule 2 Amendment of Criminal Procedure Act 1986

Part 9A of the *Criminal Procedure Act 1986* contains provisions that enable indictable offences to be dealt with summarily in certain circumstances. For those offences that may be dealt with summarily unless the prosecuting authority or the person charged elects otherwise (Table 1 offences) the maximum penalty that may be imposed by a Local Court, generally speaking, is 2 years' imprisonment or a fine of 100 penalty units (\$10,000). The proposed new aggravated offence will come under these arrangements. The maximum penalty for the existing offence if dealt with summarily is reduced to 12 months' imprisonment or a fine of 50 penalty units (\$5,000), or both.

Schedule 2 [1] reduces the maximum penalty on summary conviction for the existing offence.

Schedule 2 [2] applies the standard regime of Table 1 to Part 9A of the *Criminal Procedure Act 1986* to the proposed new aggravated offence and makes an amendment by way of statute law revision.

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New South Wales

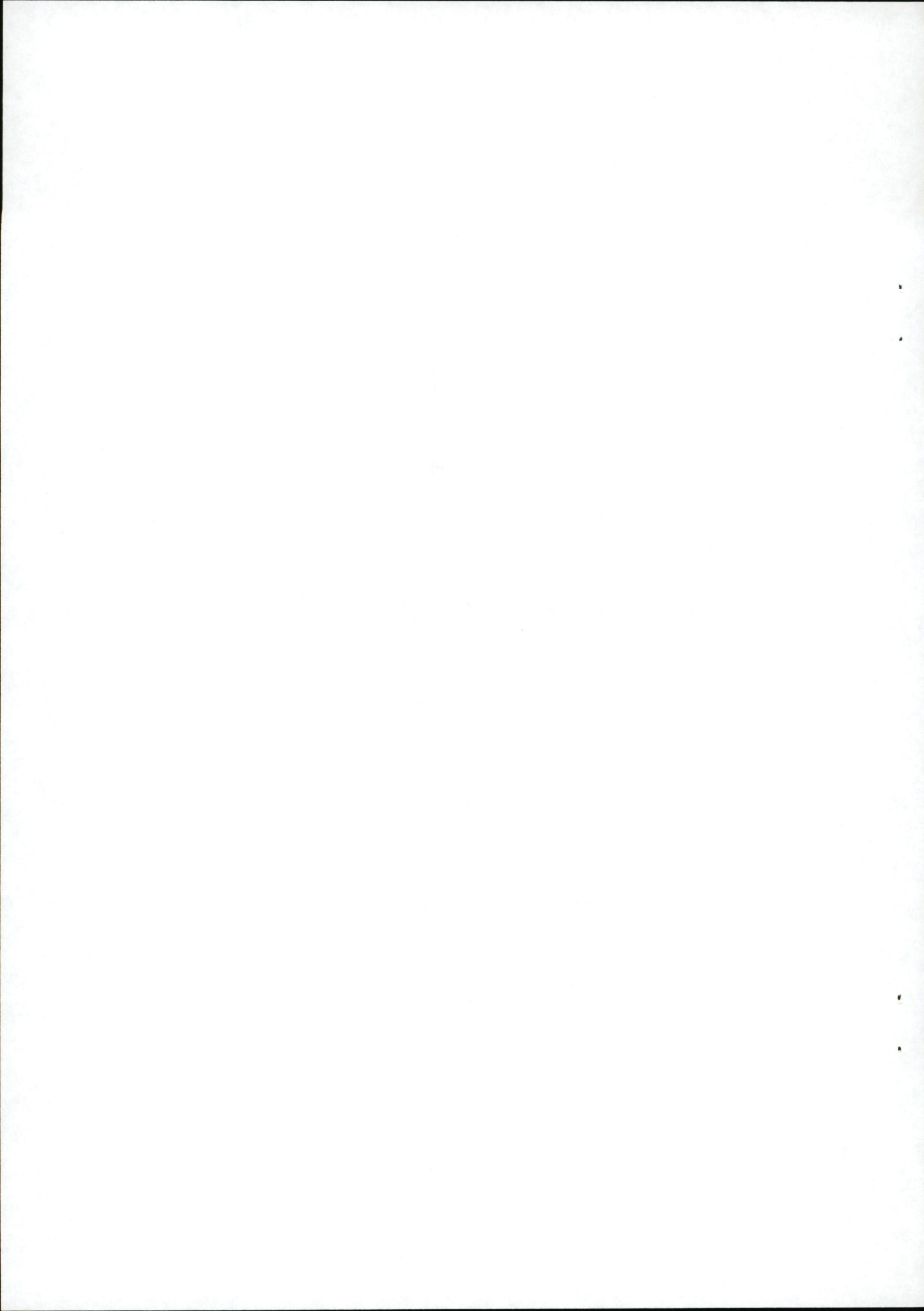
Oaths Amendment Bill 1996

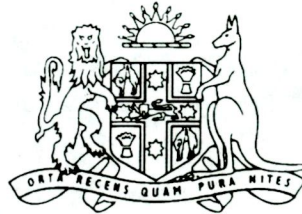
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New South Wales

Oaths Amendment Bill 1996

No. , 1996

A Bill for

An Act to amend the *Oaths Act 1900* to create an offence of making a false declaration for material benefit; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Oaths Amendment Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation. 5

3 Amendment of Oaths Act 1900 No 20

The *Oaths Act 1900* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2. 10

Schedule 1 Amendment of Oaths Act 1900

(Section 3)

[1] Section 2A Proceedings for offences

Omit "29, 30 or 35". Insert instead "25A, 29 or 30".

[2] Section 25A

5

Insert after section 25:

25A False declaration for material benefit

In all cases where by this Part, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration:

10

- (a) is substituted in lieu of an oath or affidavit, or
- (b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, and who derives or attempts to derive a material benefit as a consequence of the untrue particular is guilty of an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

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Schedule 2 Amendment of Criminal Procedure Act 1986

(Section 4)

[1] Section 33J Maximum penalties for Table 1 offences

Insert after section 33J (4):

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(4A) The maximum penalty that a Local Court may impose for an offence under section 25 of the *Oaths Act 1900* is imprisonment for 12 months, or a fine of 50 penalty units, or both.

[2] Part 9A, Table 1 Indictable offences that are to be dealt with summarily unless prosecuting authority or person charged elects otherwise

10

Omit "29, 30 or 35" from the matter relating to the *Oaths Act 1900* in clause 22 of Part 4 of Table 1.

Insert instead "25A, 29 or 30".

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New South Wales

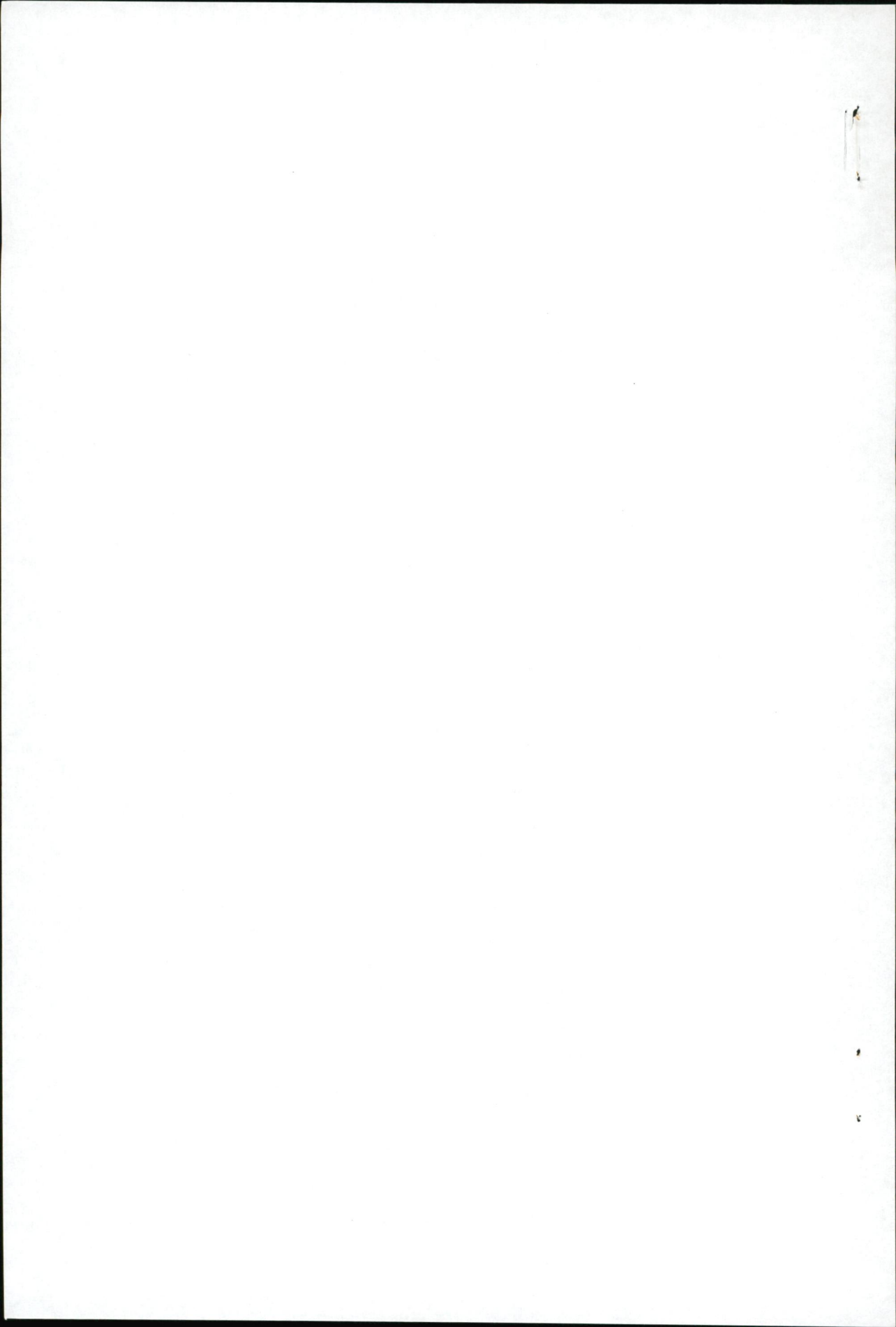
Oaths Amendment Act 1996 No 83

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New South Wales

Oaths Amendment Act 1996 No 83

Act No 83, 1996

An Act to amend the *Oaths Act 1900* to create an offence of making a false declaration for material benefit; and for other purposes. [Assented to 6 November 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Oaths Amendment Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Oaths Act 1900 No 20

The *Oaths Act 1900* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.

Schedule 1 Amendment of Oaths Act 1900

(Section 3)

[1] Section 2A Proceedings for offences

Omit "29, 30 or 35". Insert instead "25A, 29 or 30".

[2] Section 25A

Insert after section 25:

25A False declaration for material benefit

In all cases where by this Part, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration:

- (a) is substituted in lieu of an oath or affidavit, or
- (b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, and who derives or attempts to derive a material benefit as a consequence of the untrue particular is guilty of an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

Schedule 2 Amendment of Criminal Procedure Act 1986

(Section 4)

[1] Section 33J Maximum penalties for Table 1 offences

Insert after section 33J (4):

- (4A) The maximum penalty that a Local Court may impose for an offence under section 25 of the *Oaths Act 1900* is imprisonment for 12 months, or a fine of 50 penalty units, or both.

[2] Part 9A, Table 1 Indictable offences that are to be dealt with summarily unless prosecuting authority or person charged elects otherwise

Omit "29, 30 or 35" from the matter relating to the *Oaths Act 1900* in clause 22 of Part 4 of Table 1.

Insert instead "25A, 29 or 30".

[Minister's second reading speech made in—
Legislative Assembly on 15 October 1996
Legislative Council on 29 October 1996]

BY AUTHORITY