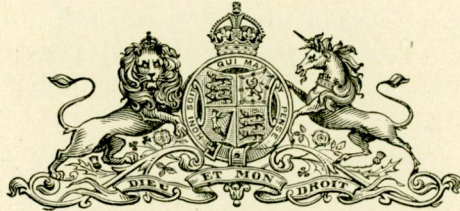


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 14th October, 1915.*

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1915.

An Act to amend the Oaths Act, 1900.

BE it enacted by the King'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 "Oaths (Amend- Short title ment) Act, 1915."

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c 300—

2.

Oaths (Amendment).

2. (1) Subsection two of section three of the Oaths Act, 1900, is hereby repealed, and the following subsections substituted therefor :—

5 (2) The oaths prescribed in the Second, Third, and Fourth Schedules to this Act may be taken and subscribed at any hour—

Before whom
the scheduled
oaths may be
taken.

(a) within the State of New South Wales before any Justice of the High Court of Australia or of the Supreme Court, any chairman of a court of quarter sessions, any District Court Judge, or before any justice of the peace who is authorised by writ of dedimus potestatem for that purpose; and

15 (b) without the said State before any Justice of the High Court of Australia or of the Supreme Court of any State of the Commonwealth of Australia, or before any person who is authorised by writ of dedimus potestatem for that purpose.

20 (3) A writ of dedimus potestatem for the purpose of administering any such oath may be issued for execution in any part of His Majesty's Dominions.

3. Subsection two of section seven, subsection two of section eight, subsection two of section nine, and subsection two of section ten of the Oaths Act, 1900, are repealed.

The following section is inserted next after section eleven of the said Act :—

30 11A. (1) Any person taking any oath on the Bible or on 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 the Bible or Testament in his hand, but it shall not be necessary for him to kiss such copy by way of assent.

35 (2) The officer administering the oath may repeat the appropriate form of adjuration, and the person taking the oath shall thereupon, while holding in his hand a copy of the Bible, New Testament,

Oaths (Amendment).

Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words "So help me. God"; or

5 (3) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Testament, repeat the words of the oath as prescribed or allowed by law.

10 (4) In all judicial proceedings the officer administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in subsection two; but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section. Special provision as to oaths in judicial proceedings.

15 (5) Provided that any witness in any judicial proceeding may swear with up-lifted hand in the following manner and form:— Proviso.

20 The witness with uplifted hand says—"I swear by Almighty God as I shall answer to God at the Great Day of Judgment that I will speak the truth, the whole truth, and nothing but the truth."

(6) Provided also that— Further proviso.

25 (a) an oath may be administered and taken in any form and in any manner which would have been lawful if this section had not passed;

30 (b) every oath shall be binding for all purposes for which it is administered and may be taken in any form and in any manner which the person taking the same declares to be binding;

35 (c) where an oath has been administered and taken, the fact that the person taking the same had at the time no religious belief shall not for any purpose affect the legality or validity of the oath.

4. (1) Section twenty-one of the said Act is repealed Repeal. and the following section substituted therefor:—

40 21. Any justice of the peace, notary public, commissioner of the court for taking affidavits, or other person by law authorised to administer an oath, Declaration in cases not specifically provided for. 9 Vic. No. 9, s. 9. 46 Vic. No. 17, s. 295.

Oaths (Amendment).

oath, may take and receive the declaration of any person voluntarily making the same before him, in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

5 (2) Any statutory declaration heretofore taken Validating.
and received before any commissioner of the court for taking affidavits shall be deemed to have been duly taken and received.

10 **5.** Section twenty-six of the said Act is repealed, Repeal.
and the following sections are substituted therefor:—

26. Any oath declaration or affidavit required for Before whom
the purpose of any court or for the purpose of the oaths or
registration of any instrument in the State of New affidavits may
South Wales may be taken or made— be taken.

15 (a) in any place in the said State before any
justice of the peace for the said State;
and
20 (b) in any place out of the said State before a
notary public, or before any person having
authority to administer an oath in that
place.

25 26A. In the case of any person having authority Judicial
by the law of any country within His Majesty's notice to be
Dominions to administer an oath, judicial and official taken of
notice shall be taken of his seal or signature affixed, certain
impressed, or subscribed to or on any oath or seals and
affidavit. signatures.
Ibid. subs. 2.

Legislative Council.

No. , 1915.

A BILL

To amend the law as to the manner of taking
oaths.

[MR. TRICKETT ;—25 *August*, 1915.]

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

Preliminary.

1. This Act may be cited as the "Oaths (Amendment) Short title.
Act, 1915."

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2.

Interpre-
tation.

2. In this Act—

“Oath” means an oath administered or taken for any purpose whatever, whether in judicial proceedings or otherwise.

“Officer” means any person authorised to ad- 5
minister an oath.

Ordinary
manner of
taking oath.

3. Subject to the provisions of this Act, and except where the person to whom an oath is administered requests that the oath be administered in some other manner, an oath shall be administered and taken in the 10 following manner, namely :—

The person taking the oath shall, standing up, hold a copy of the Bible, New Testament, or Old Testament in his hand, and, after the oath has been tendered by the officer administering the 15 same, shall utter the words “I swear”:

Provided that no oath shall be deemed illegal or invalid by reason of any breach of this section.

Oaths may be
taken in other
forms and
manners.

4. Notwithstanding anything in this Act or in any other Act of law— 20

- (I) an oath may be administered and taken in any form and in any manner which would have been lawful if this Act had not passed;
- (II) every oath shall be binding for all purposes which is administered and taken in any form 25 and in any manner which the person taking the same declares to be binding;
- (III) where an oath has been administered and taken, the fact that the person taking the same had at the time no religious belief shall not for any 30 purpose affect the legality or validity of the oath.

[3d.]

Legislative Council.

No. , 1915.

A BILL

To amend the Oaths Act, 1900.

[MR. J. D. FITZGERALD ;—29 *September*, 1915.]

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

1. This Act may be cited as the "Oaths (Amend- Short title,
ment) Act, 1915."

33619

C 300—

2.

Repeal.

2. (1) Subsection two of section three of the Oaths Act, 1900, is hereby repealed, and the following subsections substituted therefor :—

Before whom
the scheduled
oaths may be
taken.

(2) The oaths prescribed in the Second, Third, and Fourth Schedules to this Act may be taken and 5
subscribed at any hour—

(a) within the State of New South Wales before any Justice of the High Court of Australia or of the Supreme Court, any chairman of a court of quarter sessions, any District Court 10
Judge, or before any justice of the peace who is authorised by writ of dedimus potestatem for that purpose; and

(b) without the said State before any Justice of the High Court of Australia or of the 15
Supreme Court of any State of the Commonwealth of Australia, or before any person who is authorised by writ of dedimus potestatem for that purpose.

(3) A writ of dedimus potestatem for the purpose 20
of administering any such oath may be issued for execution in any part of the Commonwealth of Australia.

3. Subsection two of section seven, subsection two of section eight, subsection two of section nine, and sub- 25
section two of section ten of the Oaths Act, 1900, are repealed.

The following section is inserted next after section eleven of the said Act :—

11A. (1) Any person taking any oath on the 30
Bible or on 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 the Bible or Testament in his hand, but it shall not be necessary 35
for him 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 his hand a copy of the Bible, New 40
Testament,

Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words "So help me, God"; or

5 (3) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Testament, repeat the words of the oath as prescribed or allowed by law.

10 (4) In all judicial proceedings the officer administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in subsection two; but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section.

Special provision as to oaths in judicial proceedings.

15 (5) Provided that any witness in any judicial proceeding may swear with up-lifted hand in the following manner and form:—

Proviso.

20 The witness with uplifted hand says—"I swear by Almighty God as I shall answer to God at the Great Day of Judgment that I will speak the truth, the whole truth, and nothing but the truth."

(6) Provided also that—

Further proviso.

25 (a) an oath may be administered and taken in any form and in any manner which would have been lawful if this section had not passed;

30 (b) every oath shall be binding for all purposes which is administered and taken in any form and in any manner which the person taking the same declares to be binding;

35 (c) where an oath has been administered and taken, the fact that the person taking the same had at the time no religious belief shall not for any purpose affect the legality or validity of the oath.

4. (1) Section twenty-one of the said Act is repealed and the following section substituted therefor:—

Repeal.

40 21. Any justice of the peace, notary public, commissioner of the court for taking affidavits, or other person by law authorised to administer an oath,

Declaration in cases not specifically provided for. 9 Vic. No. 9, s. 9. 46 Vic. No. 17, s. 295.

oath, may take and receive the declaration of any person voluntarily making the same before him, in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Validating. (2) Any statutory declaration heretofore taken and received before any commissioner of the court for taking affidavits shall be deemed to have been duly taken and received. 5

Repeal. 5. Section twenty-six of the said Act is repealed, and the following sections are substituted therefor:— 10

Before whom oaths or affidavits may be taken. English Act, 1889, s. 3 (1). 26. Any oath declaration or affidavit required for the purpose of any court or for the purpose of the registration of any instrument in the State of New South Wales may be taken or made—

- (a) in any place in the said State before any justice of the peace for the said State; and 15
- (b) in any place out of the said State before a notary public, or before any person having authority to administer an oath in that place. 20

Judicial notice to be taken of certain seals and signatures. *Ibid.* subs. 2. 26A. In the case of any person having authority by the law of any country within His Majesty's Dominions to administer an oath, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any oath or affidavit. 25

New South Wales.



ANNO SEXTO

GEORGI V REGIS.

Act No. 5, 1916.

An Act to amend the Oaths Act, 1900.
[Assented to, 29th March, 1916.]

BE it enacted by the King'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 "Oaths (Amendment) Act, 1916." Short title.

2.

Oaths (Amendment).

Repeal.

2. Subsection two of section three of the Oaths Act, 1900, is hereby repealed, and the following subsections substituted therefor :—

Before whom
the scheduled
oaths may be
taken.

(2) The oaths prescribed in the Second, Third, and Fourth Schedules to this Act may be taken and subscribed at any hour—

(a) within the State of New South Wales before any Justice of the High Court of Australia or of the Supreme Court, any chairman of a court of quarter sessions, any District Court Judge, or before any justice of the peace who is authorised by writ of *dedimus potestatem* for that purpose; and

(b) without the said State before any Justice of the High Court of Australia or of the Supreme Court of any State of the Commonwealth of Australia, or before any person who is authorised by writ of *dedimus potestatem* for that purpose.

(3) A writ of *dedimus potestatem* for the purpose of administering any such oath may be issued for execution in any part of His Majesty's Dominions.

3. Subsection two of section seven, subsection two of section eight, subsection two of section nine, and subsection two of section ten of the Oaths Act, 1900, are repealed.

The following section is inserted next after section eleven of the said Act :—

11A. (1) Any person taking any oath on the Bible or on 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 the Bible or Testament in his hand, but it shall not be necessary for him 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 his hand a copy of the Bible, New Testament,

Oaths (Amendment).

Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words "So help me. God"; or

(2) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Testament, repeat the words of the oath as prescribed or allowed by law.

(4) In all judicial proceedings the officer administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in subsection two; but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section.

Special provision as to oaths in judicial proceedings.

(5) Provided that any witness in any judicial proceeding may swear with up-lifted hand in the following manner and form:—

Proviso.

The witness with uplifted hand says—"I swear by Almighty God as I shall answer to God at the Great Day of Judgment that I will speak the truth, the whole truth, and nothing but the truth."

(6) Provided also that—

Further proviso.

(a) an oath may be administered and taken in any form and in any manner which would have been lawful if this section had not passed;

(b) every oath shall be binding for all purposes for which it is administered and may be taken in any form and in any manner which the person taking the same declares to be binding;

(c) where an oath has been administered and taken, the fact that the person taking the same had at the time no religious belief shall not for any purpose affect the legality or validity of the oath.

4. (1) Section twenty-one of the said Act is repealed and the following section substituted therefor:—

Repeal.

21. Any justice of the peace, notary public, commissioner of the court for taking affidavits, or other person by law authorised to administer an oath,

Declaration in cases not specifically provided for. 9 Vic. No. 9, s. 46 Vic. No. 17, s. 295.

Oaths (Amendment).

oath, may take and receive the declaration of any person voluntarily making the same before him, in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Validating. (2) Any statutory declaration heretofore taken and received before any commissioner of the court for taking affidavits shall be deemed to have been duly taken and received.

Repeal. 5. Section twenty-six of the said Act is repealed, and the following sections are substituted therefor:—

Before whom oaths or affidavits may be taken.
English Act, 1889, s. 3 (1).
26. Any oath declaration or affidavit required for the purpose of any court or for the purpose of the registration of any instrument in the State of New South Wales may be taken or made—

(a) in any place in the said State before any justice of the peace for the said State; and

(b) in any place out of the said State before a notary public, or before any person having authority to administer an oath in that place.

Judicial notice to be taken of certain seals and signatures.
Ibid. subs. 2.
26A. In the case of any person having authority by the law of any country within His Majesty's Dominions to administer an oath, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any oath or affidavit.

By Authority:

WILLIAM APPELATE GULLICK, Government Printer, Sydney, 1916.

[3d.]

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

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 15th March, 1916. 6*

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. 5, 1916.

An Act to amend the Oaths Act, 1900.
[Assented to, 29th March, 1916.]

BE it enacted by the King'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 "Oaths (Amend- Short title.
ment) Act, 1916." **2.**

Oaths (Amendment).

Repeal.

2. Subsection two of section three of the Oaths Act, 1900, is hereby repealed, and the following subsections substituted therefor :—

Before whom
the scheduled
oaths may be
taken.

(2) The oaths prescribed in the Second, Third, and Fourth Schedules to this Act may be taken and subscribed at any hour—

(a) within the State of New South Wales before any Justice of the High Court of Australia or of the Supreme Court, any chairman of a court of quarter sessions, any District Court Judge, or before any justice of the peace who is authorised by writ of *dedimus potestatem* for that purpose; and

(b) without the said State before any Justice of the High Court of Australia or of the Supreme Court of any State of the Commonwealth of Australia, or before any person who is authorised by writ of *dedimus potestatem* for that purpose.

(3) A writ of *dedimus potestatem* for the purpose of administering any such oath may be issued for execution in any part of His Majesty's Dominions.

3. Subsection two of section seven, subsection two of section eight, subsection two of section nine, and subsection two of section ten of the Oaths Act, 1900, are repealed.

The following section is inserted next after section eleven of the said Act :—

11A. (1) Any person taking any oath on the Bible or on 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 the Bible or Testament in his hand, but it shall not be necessary for him 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 his hand a copy of the Bible, New Testament,

Oaths (Amendment).

Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words "So help me, God"; or

(3) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Testament, repeat the words of the oath as prescribed or allowed by law.

(4) In all judicial proceedings the officer administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in subsection two; but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section.

Special provision as to oaths in judicial proceedings.

(5) Provided that any witness in any judicial proceeding may swear with up-lifted hand in the following manner and form:—

Proviso.

The witness with uplifted hand says—"I swear by Almighty God as I shall answer to God at the Great Day of Judgment that I will speak the truth, the whole truth, and nothing but the truth."

(6) Provided also that—

Further proviso.

- (a) an oath may be administered and taken in any form and in any manner which would have been lawful if this section had not passed;
- (b) every oath shall be binding for all purposes for which it is administered and may be taken in any form and in any manner which the person taking the same declares to be binding;
- (c) where an oath has been administered and taken, the fact that the person taking the same had at the time no religious belief shall not for any purpose affect the legality or validity of the oath.

4. (1) Section twenty-one of the said Act is repealed and the following section substituted therefor:—

Repeal.

21. Any justice of the peace, notary public, commissioner of the court for taking affidavits, or other person by law authorised to administer an oath,

Declaration in cases not specifically provided for.
9 Vic. No. 9, s. 9.
46 Vic. No. 17, s. 295.

Oaths (Amendment).

oath, may take and receive the declaration of any person voluntarily making the same before him, in the form or to the effect of the form in either the Eighth or the Ninth Schedule to this Act.

Validating.

(2) Any statutory declaration heretofore taken and received before any commissioner of the court for taking affidavits shall be deemed to have been duly taken and received.

Repeal.

5. Section twenty-six of the said Act is repealed, and the following sections are substituted therefor:—

Before whom oaths or affidavits may be taken.

English Act, 1889, s. 3 (1).

26. Any oath declaration or affidavit required for the purpose of any court or for the purpose of the registration of any instrument in the State of New South Wales may be taken or made—

(a) in any place in the said State before any justice of the peace for the said State; and

(b) in any place out of the said State before a notary public, or before any person having authority to administer an oath in that place.

Judicial notice to be taken of certain seals and signatures.

Ibid. subs. 2.

26A. In the case of any person having authority by the law of any country within His Majesty's Dominions to administer an oath, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any oath or affidavit.

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

Government House,
Sydney, 29th March, 1916.

G. STRICKLAND,
Governor.