

## CLAUSE NOTES

### *Promissory Oaths Bill 2015*

- Clause 1:** Short Title of the Bill.
- Clause 2:** Commencement on Royal Assent.
- Clause 3:** Requires that a Member of Parliament must take and subscribe the Oath of Allegiance as soon as practicable after becoming a Member, and provides for how that oath is to be taken and subscribed.
- Clause 4:** Requires that a Member of the Executive Council must take and subscribe the Executive Councillor's Oath, and if they hold an office, the Oath of Allegiance and the Official Oath as well, as soon as practicable after being appointed to that office. This Clause also provides for how those oaths are to be taken and subscribed, as well as the consequences for declining or neglecting to take the required oaths.
- Clause 5:** Requires that the Secretary to Cabinet must take and subscribe the Oath of Allegiance and the Official Oath as soon as practicable after being appointed and provides for how those oaths are to be taken and subscribed, as well as the consequences for declining or failing to take the required oaths.
- Clause 6:** Requires that the Clerk and a Clerk Assistant of the Executive Council must take and subscribe the Oath of Allegiance and the Clerk of Executive Council's oath as soon as practicable after being appointed, and provides for how those oaths are to be taken and subscribed, as well as the consequences for declining or failing to take the required oaths.
- Clause 7:** Requires that the Chief Justice, a Puisne Judge and an Associate Judge of the Supreme Court must take and subscribe the Judicial Oath as soon as practicable after being appointed, and provides for how that oath is taken and subscribed as well as the consequences for declining to take the required oath.
- Clause 8:** Requires that a Magistrate must take and subscribe the Judicial Oath as soon as practicable after being appointed, provides for how that oath is taken and subscribed, as well as the consequences for declining to take the required oath.
- Clause 9:** Requires that a Justice must take and subscribe the Judicial Oath as soon as practicable after being appointed, that an extra-territorial Justice take and subscribe the Official Oath as soon as practicable after being

appointed, and provides for how those oaths are to be taken and subscribed, as well as the consequences for declining to take the required oaths.

- Clause 10:** Requires that a Coroner must take and subscribe the Judicial Oath as soon as practicable after being appointed, and provides for how those oaths are to taken and subscribed, as well as the consequences for declining to take the required oaths.
- Clause 11:** Requires that a Sheriff appointed under the *Sheriff Act 1873* must take and subscribe the official oath as soon as practicable after their appointment, and provides for how that oath is to be taken and subscribed and the consequences for failing to take and subscribe the required oath.
- Clause 12:** States that a person who has been appointed to an office and who has taken and subscribed an oath as required under this Act is not required to take and subscribe that oath again in relation to the same appointment to that office.
- Clause 13:** Prescribes the wording for the Oath of Allegiance.
- Clause 14:** Prescribes the wording for the Official Oath.
- Clause 15:** Prescribes the wording for the Judicial Oath.
- Clause 16:** Prescribes the wording for the Executive Councillor's Oath.
- Clause 17:** Prescribes the wording for the Clerk of Executive Council's oath.
- Clause 18:** Deems that any reference in this Act to the Queen or Her Majesty be read as a reference to the King or His Majesty, in the event that the Sovereign is a King at the time any oath required by this Act is taken and subscribed.
- Clause 19:** Allows that any oath required to be taken and subscribed by this Act may instead be taken as an affirmation, and prescribes the appropriate language to use to make such an affirmation.
- Clause 20:** Prohibits any person from taking the oath of allegiance, supremacy or abjuration, or any substitute for them except as required by this Act or another Act.
- Clause 21:** Validates any past taking of oaths or affirmations, or purported taking of oaths or affirmations, by persons who held an office to which this Act applies, and deems any past actions taken by those persons as valid.
- Clause 22:** Provides that the Governor may make regulations for the purposes of this Act.

**Clause 23:** States that a person to whom section 21 applies, and who was appointed to an office an prior to this Act commencing and has not ceased to hold the office, is not required to take and subscribe an oath under this Act.

**Clause 24:** Repeals the Act that this Act is to replace.