

TASMANIA

PROMISSORY OATHS (CONSEQUENTIAL AMENDMENTS) BILL 2015

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PROMISSORY OATHS (CONSEQUENTIAL AMENDMENTS) BILL 2015

*(Brought in by the Premier, the Honourable William Edward
Felix Hodgman)*

A BILL FOR

**An Act to amend various Acts consequent on the
enactment of the Promissory Oaths Act 2015**

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Promissory Oaths
(Consequential Amendments) Act 2015*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

s. 3

Part 2 – Constitution Act 1934 Amended

PART 2 – CONSTITUTION ACT 1934 AMENDED

3. Principal Act

In this Part, the *Constitution Act 1934** is referred to as the Principal Act.

4. Section 30 substituted

Section 30 of the Principal Act is repealed and the following section is substituted:

30. Oath to be taken by Members

No Member of either House may act or vote in the House until he or she has either –

- (a) after becoming a Member and before the day on which the *Promissory Oaths Act 2015* commences, taken before the Governor, or before another person authorised by the Governor to administer it, the oath of allegiance prescribed by the former *Promissory Oaths Act 1869*; or
- (b) after becoming a Member and after the day on which the *Promissory Oaths Act 2015* commences, taken and subscribed

*No. 94 of 1934

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

Part 2 – Constitution Act 1934 Amended

s. 4

under section 3 of that Act the
oath of allegiance.

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

s. 5

Part 3 – Coroners Act 1995 Amended

PART 3 – CORONERS ACT 1995 AMENDED

5. Principal Act

In this Part, the *Coroners Act 1995** is referred to as the Principal Act.

6. Section 11 substituted

Section 11 of the Principal Act is repealed and the following section is substituted:

11. Oaths to be taken

- (1) A coroner must not perform or exercise any of the functions, duties or powers of his or her office until he or she has, under section 10(1) of the *Promissory Oaths Act 2015*, taken and subscribed the judicial oath.
- (2) Subsection (1) only applies to a person who is appointed as a coroner after the day on which the *Promissory Oaths Act 2015* commences.

*No. 73 of 1995

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

Part 4 – Justices Act 1959 Amended

s. 7

PART 4 – JUSTICES ACT 1959 AMENDED

7. Principal Act

In this Part, the *Justices Act 1959** is referred to as the Principal Act.

8. Section 5 substituted

Section 5 of the Principal Act is repealed and the following section is substituted:

5. Oaths to be taken by justices

- (1) A person appointed under section 4 as a justice must not perform or exercise any of the functions, duties or powers of his or her office until he or she has, under section 9(1) of the *Promissory Oaths Act 2015*, taken and subscribed the judicial oath.
- (2) Subsection (1) only applies to a person appointed as a justice under section 4 after the day on which the *Promissory Oaths Act 2015* commences.

9. Section 14 substituted

Section 14 of the Principal Act is repealed and the following section is substituted:

*No. 77 of 1959

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

s. 9

Part 4 – Justices Act 1959 Amended

14. Oaths to be taken by extra-territorial justices

- (1) A person appointed as an extra-territorial justice must not perform or exercise any of the functions, duties or powers of his or her office until he or she has, under section 9(5) of the *Promissory Oaths Act 2015*, taken and subscribed the official oath.
- (2) Subsection (1) only applies to a person appointed as an extra-territorial justice after the day on which the *Promissory Oaths Act 2015* commences.

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

Part 5 – Magistrates Court Act 1987 Amended

s. 10

PART 5 – MAGISTRATES COURT ACT 1987
AMENDED

10. Principal Act

In this Part, the *Magistrates Court Act 1987** is referred to as the Principal Act.

11. Section 7 substituted

Section 7 of the Principal Act is repealed and the following section is substituted:

7. Oaths to be taken

- (1) A magistrate must not perform or exercise any of the functions, duties or powers of his or her office until he or she has, under section 8(1) of the *Promissory Oaths Act 2015*, taken and subscribed the judicial oath.
- (2) Subsection (1) only applies to a person appointed as a magistrate after the day on which the *Promissory Oaths Act 2015* commences.

*No. 45 of 1987

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

s. 12

Part 6 – Parliamentary (Disclosure of Interests) Act 1996 Amended

**PART 6 – PARLIAMENTARY (DISCLOSURE OF
INTERESTS) ACT 1996 AMENDED**

12. Principal Act

In this Part, the *Parliamentary (Disclosure of Interests) Act 1996** is referred to as the Principal Act.

13. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting paragraph (b) from the definition of *primary return date* and substituting the following paragraph:

- (b) in relation to a person who becomes a Member after that day, other than a re-elected Member, the day on which the person takes the oath of allegiance as required under an Act to be taken in relation to the office of Member;

14. Section 4 amended (Primary returns)

Section 4(2) of the Principal Act is amended by omitting “under the *Promissory Oaths Act 1869*” and substituting “as required under an Act to be taken in relation to the office of Member”.

*No. 22 of 1996

Promissory Oaths (Consequential Amendments) Act 2015
Act No. of

Part 7 – Concluding Provision

s. 15

PART 7 – CONCLUDING PROVISION

15. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.