

TASMANIA

PROMISSORY OATHS (CONSEQUENTIAL AMENDMENTS) BILL 2015

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PROMISSORY OATHS (CONSEQUENTIAL AMENDMENTS) BILL 2015

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
23 April 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Section 30 of the Principal Act is repealed and the following section is substituted: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Section 11 of the Principal Act is repealed and the following section is substituted: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.