

Original Oath 1975.

1975

VICTORIA.



ANNO VICESIMO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8750.

An Act to re-enact the Law relating to the Constitution
of the State of Victoria and for other purposes.

[19th November, 1975.]

Section 23.

SECOND SCHEDULE.

Oath.

Oath.

I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II. as lawful Sovereign of the United Kingdom and of this State of Victoria.^(a)

Affirmation.

I do solemnly and sincerely affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II. as lawful Sovereign of the United Kingdom and of this State of Victoria.^(a)

[The name of the reigning Sovereign for the time being is to be substituted from time to time for that of Her Majesty Queen Elizabeth II.]

(a) For forms of administering oaths, see *Evidence Act 1958*, section 100.

S. 23.

Second Schedule²⁵

Sch. 2
substituted by
No. 108/1994
s. 6(2),
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 11.2).

Oath

I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty and Her Majesty's heirs and successors according to law.

Affirmation

I do solemnly and sincerely affirm that I will be faithful and bear true allegiance to Her Majesty and Her Majesty's heirs and successors according to law.

[*If circumstances so require, His Majesty is to be substituted for Her Majesty.*]

NOTE: For forms of administering oaths, see Evidence (Miscellaneous Provisions) Act 1958, section 100.

Schedule 3—Oath of office

Section 88AA

Sch. 3
inserted by
No. 46/1998
s. 7(Sch. 1).

I (*name of deponent*) swear by almighty God that as (*name of office*) in the State of Victoria, I will at all times and in all things discharge the duties of (*name of office*) according to law and to the best of my knowledge and ability without fear, favour or affection.

As Premier of the State of Victoria I will at all times and in all things discharge the duties of my office according to law,

What authority does the Governor operate under?

7 Letters Patent and Instructions cease to have effect

- (1) The Letters Patent dated 29 October 1900, as amended, and the Letters Patent dated 14 February 1986, relating to the office of Governor of the State and all Instructions to the Governor cease to have effect on the commencement of this section.
- (2) Despite subsection (1), anything done or purporting to have been done before the commencement of this section pursuant to the terms of the Letters Patent or Instructions is, and continues to be, as valid and effective as if, at all relevant times, the Letters Patent and Instructions were valid and effective in all respects.

Queen removed from Oath!!!

Daniel Andrews sworn in as Victorian Premier, unveils ministerial portfolios

Updated M4 Dec 2014, 7:42pm

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PHOTO: Daniel Andrews shakes hands with Governor Alex Chernov after being sworn in. (AAP: Julian Smith)

Daniel Andrews has been officially sworn in as the 48th Victorian Premier and revealed the Government's ministerial team.

Mr Andrews took the oath of office in front of Governor Alex Chernov at Government House.

"As Premier of the State of Victoria I will at all times and in all things discharge the duties of my office according to law," he said in his oath.

James Merlino was sworn in as Deputy Premier and Education Minister, after serving as Mr Andrews's deputy in opposition.

Mr Merlino, who holds the seat of Monbulk, is one of many ministers sworn in that also held portfolios in the former Brumby government.

Oaths and Affirmations Act 2018 (Vic)

As made - Start date: 01/01/2018

Part 2—Oaths and affirmations

6 Application of Part

(1) This Part sets out basic requirements for oaths and affirmations that may be used if an oath or affirmation is required to be taken by or under an Act or by convention.

(2) Only section 12 of this Part applies in respect of an oath taken or an affirmation made by—

(a) a witness in a proceeding to which the **Evidence Act 2008** applies; or

(b) a person acting as an interpreter in a proceeding to which that Act applies.

8 Form of oaths and affirmations

(1) An oath may be taken or an affirmation may be made in accordance with the form of Schedule 1 or in a similar form unless the oath or affirmation is required to be in a particular form—

- (a) specified by or under any other Act; or
- (b) by convention or otherwise.

Examples

Section 88AA of the **Constitution Act 1975**.
Section 16(1)(c) of the Legal Profession Uniform Law (Victoria).

(2) An affirmation made in accordance with subsection (1) has the same effect for all purposes as an oath.

(3) For the purposes of subsection (1), without limiting the meaning of a similar form, in the case of a child or a person with a cognitive impairment, the following words are taken to be a similar form of oath or affirmation—
"I promise to tell the truth."

Note

Other Acts or regulations may also give a person power to administer an oath or affirmation and provide for the form or manner of the administration of an oath or affirmation.

Schedule 1—Form of oath and affirmation

Section 8

Form of oath

I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that [*words of the oath prescribed or allowed by law*].

Form of affirmation

I solemnly and sincerely declare and affirm that [*words of the affirmation prescribed or allowed by law*].

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 7 June 2017

Legislative Council: 21 September 2017

The long title for the Bill for this Act was "A Bill for an Act to re-enact and modernise the law relating to oaths, affirmations, affidavits and statutory declarations, to establish a scheme for the certification of copies of documents, to repeal Divisions 1 to 11 of Part IV and Part V and repeal or amend other provisions of the **Evidence (Miscellaneous Provisions) Act 1958**, to make consequential amendments to the **Evidence Act 2008**, the **Constitution Act 1975**, the **Interpretation of Legislation Act 1984** and other Acts and for other purposes."

CONSTITUTION ACT 1975 - SECT 88AA

Oath of office

If an oath of office is required to be taken by a person who accepts employment in the public service or who is otherwise required by or under this or any other Act to take an oath of office, the oath, unless the contrary intention appears, **must be taken in the form set out in Schedule 3.**

