



Oaths and affirmations made by the executive and members of federal parliament since 1901

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Abbreviations

ALP: Australian Labor Party

ANTI-SOC: Anti-Socialist Party

CP: Australian Country Party

FLP: Federal Labor Party

FT: Free Trade

Lang Lab: Lang Labor Party

Lib: Liberal Party of Australia

NAT: Nationalist Party

Introduction

After the federal election on 7 September 2013, members elected to serve in the House of Representatives and senators representing the Australian Capital Territory and the Northern Territory will be sworn in on the first sitting day of the 44th Parliament. State senators will be sworn in on the first parliamentary sitting day after their term commences on 1 July 2014.

Members of the new parliament and the executive will choose to swear an oath or make an affirmation. This paper explains the choice and its history. It also contains details of oaths and affirmations made by the Governor-General, the Prime Minister, ministers and parliamentary secretaries and members of the Federal Executive Council since 1901.¹ Appendix 1 shows the number of senators and members who, since 1901, have made an oath or affirmation.

Background

By the time of Federation all colonial legislatures had enacted:

... legislation to allow any person to make an affirmation rather than take an oath of allegiance or of office, though some moved more slowly than others.²

There are a number of reasons why the Constitution included an affirmation as an alternative to the oath for members of the federal parliament. Members of the Constitutional Conventions of the 1890s used the Constitution of the United States as one of their models, and therefore took into account that Constitution's provisions on the oaths and affirmations taken by the President and others appointed or elected to public office.³

Another, and perhaps stronger reason, is that:

The option of taking an affirmation was imported to Australia out of English law, where it has existed since the Act of Toleration of 1689. The 1689 provision formalised what was in any case becoming common practice in at least some areas. However, it was introduced out of respect for the consciences not of atheists, but of Quakers ...

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1. For details of state parliamentary oaths and affirmations see G Griffith, 'The Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011: background and commentary', *e-brief*, 4/2012, NSW Parliamentary Library Research Service, February 2012, viewed 7 March 2013, [http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/TheConstitutionAmendment\(RestorationofOathsofAllegiance\)Bill2011:BackgroundandCommentary/\\$File/Oaths+of+Allegiance+Bill+2011+E-brief.pdf](http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/TheConstitutionAmendment(RestorationofOathsofAllegiance)Bill2011:BackgroundandCommentary/$File/Oaths+of+Allegiance+Bill+2011+E-brief.pdf)
 2. E Campbell, 'Oaths and affirmations of public office', *Monash University Law Review*, Vol 25, No. 1, 1999, p. 145 and footnote 38.
 3. *Ibid.*

It was not until 1888 that English law unequivocally extended the same choice to atheists ... By Federation, the affirmation's applicability to atheists had gained a measure of acceptance.⁴

During the Constitutional Conventions there was very little discussion of proposed section 42, requiring the making of an oath or affirmation, or the wording of the oath and affirmation in the schedule to the Constitution. Both were accepted without a formal vote. There was certainly no discussion about whether or not to include an affirmation. Political scientist and academic Dr Marion Maddox notes that:

... the Australasian Conventions simply assum[ed] their [oath and affirmation] equal legitimacy without debate.⁵

Apart from the constitutional requirement that Federal Executive Councillors be sworn as members of Executive Council there was no suggestion that the Constitution should include provisions on oaths or affirmations to be taken by the Governor-General or by persons appointed to other offices within the executive branch of federal government.⁶

The power of the oath taken by members of parliament was evident in 1920 when the Parliament used the 'first and only exercise of its power, derived from the House of Commons, to expel one of its own members'.⁷

Nationalist Prime Minister William Hughes moved a motion to expel Hugh Mahon, ALP member for Kalgoorlie (WA), from the House of Representatives. Hughes moved:

That, in the opinion of this House, the honorable member for Kalgoorlie, the Hon. Hugh Mahon, having, by seditious and disloyal utterances at a public meeting on Sunday last, been guilty of conduct unfitting him to remain a member of this House, and inconsistent with the oath of allegiance which he has taken as a member of this House, be expelled [from] this House.⁸

Labor members did not support the motion. Frank Anstey, member for Bourke (Vic), warned that:

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4. M Maddox, *For God and country; religious dynamics in Australian federal politics*, Department of the Parliamentary Library, Canberra, 2001, p. 116, viewed 8 March 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2F1534047%22>. See also A Walker and E Wood, 'The Parliamentary oath', *Research Paper*, 00/17, House of Commons Library, February 2000, pp. 21–24, viewed 9 April 2013, <http://www.parliament.uk/briefing-papers/RP00-17>
 5. *Ibid.*, Maddox, p. 115.
 6. Campbell *op. cit.*, p. 145.
 7. G Souter, *Acts of parliament*, Commonwealth Parliament Bicentenary Publication, Melbourne University Press, 1988, p. 182. See also Souter pp. 182–184 and E Campbell, *op. cit.*, p. 156.
 8. W Hughes, 'Privilege. Speech of Mr Mahon: motion for expulsion', House of Representatives, *Debates*, 11 November 1920, p. 6382, viewed 18 March 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansard80%2F1920-11-11%2F0028%22>

This Parliament is not the judge of offences against the law; it is for the Courts of the country to judge them; and it is for the people who have elected us to Parliament to judge us. You have no ethical right to do what is proposed to be done. Your only right is that of might. I do not blame you for the exercise of that might because in politics there are no ethics. You are, therefore, simply laying down a precedent, of which you may be the victim ...⁹

Anstey highlighted the problems that can occur in swearing an oath of allegiance to the Crown rather than the member's own country:

In this Parliament am I called upon to be true to any definite principle, to uphold the rights and secure the well-being of the people, and to maintain Australian interests against all others? No. I am called here to be true and loyal, and to give my allegiance, not to my country, not to the people, but to the King, irrespective of his conduct, public or private ...

What has been said [by Mahon] has been said about a Government, but, because Mr Mahon has said something about a [British] Government, he is held to have disparaged his King. By this logic, by this code of ethics, whoever reflects on the chosen Ministers of the King defames His Majesty, and, by pursuing that argument, you can arrive at the conclusion that no man can criticise the King's Ministers without being liable to the punishment which it is proposed to mete out to the honourable member for Kalgoorlie.¹⁰

Hugh Mahon expressed a similar sentiment in a letter to Prime Minister Hughes:

My criticism, which was confined to the acts of British Ministers and their agents in Ireland, made no reference whatever to the Sovereign. I am not aware that the oath of an Australian parliamentarian binds him in allegiance to Mr Lloyd George and his associates ...¹¹

The motion was carried 34 to 17. A subsequent motion moved by Hughes that Mahon's seat 'be declared vacant by his expulsion from this House' was carried by the same margin.¹² Mahon was not successful when he stood as a candidate in the 1920 by-election for his seat of Kalgoorlie.

In 1987, the enactment of the *Parliamentary Privileges Act 1987*, removed the power of the Parliament to expel senators and members.

9. F Anstey, 'Privilege. Speech of Mr Mahon: motion for expulsion', House of Representatives, *Debates*, 11 November 1920, p. 6470.

10. *Ibid.*, pp. 6470–71.

11. W Hughes, 'Privilege. Speech of Mr Mahon: motion for expulsion', *op. cit.*, pp. 6382–4. Hughes read the letter to the House of Representatives.

12. *Ibid.*, p. 6473.

Oath or affirmation

There is no difference in legal force between an oath and an affirmation. The basic difference is that oaths conclude with the phrase 'So help me God!' while those making an affirmation are required to solemnly and sincerely affirm and declare.¹³

It is still more common for members of parliament to choose to swear the oath rather than make an affirmation, and there has been a view that:

... the choice provides an index of religiosity ... The assumption is that the religiously-committed would naturally swear on the Bible, while those without religious convictions would demur at asking the help of a God in whom they do not believe. In fact, the situation is considerably more complicated.¹⁴

It is interesting to note that a number of members of parliament who have chosen to make an affirmation have also held strong religious views.

The former Labor senator and minister, ambassador and now Catholic priest and Tasmanian Parliamentary Standards Commissioner, Michael Tate, chose, during his parliamentary career, to make an affirmation rather than swear an oath. In the Senate he spoke several times about this choice and the view that those who make an affirmation are atheists. On one occasion, in 1983, during debate on the Labor Government's migration program, he referred to the reaction to the proposal that the reference to God and the Queen be removed from the oath of citizenship:

I was shocked to see in the Tasmanian Press an attack by Bishop Newell, an Anglican bishop, on this particular proposal. He claimed that only those who tend towards atheism would not wish to take the oath with the term 'God' within it. Even less defensible, he claimed, was the deletion of reference to the Queen, which of course is an Establishment view which confuses loyalty to the monarchy. I think that is an unfortunate comment to come from the lips of a bishop. But even more than being politically misguided, of course, his statement is theologically unsound. This is why I, as a Christian and as a senator, refused to take the oath in this chamber and took the affirmation. It is quite clear from Matthew 5:36 ... that according to the prescription set down there one ought not to take an oath invoking some divine intervention in order to back up one's integrity, validity or strength of one's promises or undertakings ... I for one will not allow claims that I would be an atheist to come into taking an oath which I believe ought not to be taken.¹⁵

13. Maddox, op. cit., p. 115.

14. Ibid., p. 116.

15. M Tate, 'Immigration and ethnic affairs policies – ministerial statement', Senate, *Debates*, 3 November 1983, p. 2200, viewed 3 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F1983-11->

The following year Tate reacted to a statement attributed to then Queensland Premier, Sir Joh Bjelke-Petersen. The latter was reported as saying:

We want people down there [in the federal parliament] who honour God and not atheists who won't take their oath of office on the Bible.¹⁶

Michael Tate claimed to have been misrepresented:

The assumption that those senators who make an affirmation are atheists is unfounded and insulting. It is offensive to me personally in that it is not for Sir Joh to put me in one category or another depending on public manifestation of religiosity or piety. Not all of us think constant display of outward trappings of religion is to be equated with living according to Christian precepts. Further, his theology is wrong and his understanding of the scriptures defective. It is quite clear from St Matthew's Sermon on the Mount, chapter 5, versus 33-37 ... that Christians should not invoke an oath to bolster their undertakings or truthfulness. A plain yes or no is all that is required of a Christian. I refuse to take the oath precisely because of my understanding of that injunction.¹⁷

In an interview with Dr Marion Maddox, Liberal Senator and later Member of the House of Representatives, Kathryn Sullivan, described her experience as an 'unreconstructed Methodist':

As a Senator, she chose to be sworn in by affirmation rather than by oath, emphasising that she had done so for theological reasons in keeping with her Dissenting traditions. When she moved to the House of Representatives (as member for Moncrieff), an unauthorised leaflet circulated in her electorate implying that her use of the affirmation indicated impiety. After careful thought, she decided that if her rural electors were upset by the affirmation, she would change, and has taken an oath ever since.¹⁸

The first Labor senator to affirm was William Senior (SA) who was elected to the Senate on 31 May 1913. When he died in 1926, an obituary described Senior's links to the church:

[03%2F0095%22](#). For changes to the Oath of Citizenship see D McKeown, *Changes in the Australian oath of citizenship*, Research note, no. 20, 2002-03, Department of the Parliamentary Library, Canberra, 2002, viewed 22 May 2013,

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2F1VW76%22>

16. M Tate, 'Personal explanations', Senate, *Debates*, 23 October 1984, p. 2208, viewed 3 April 2013,

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F1984-10-23%2F0060%22>

17. Ibid.

18. Quoted in Maddox, op. cit., p. 117. The interview with Sullivan was conducted in Parliament House on 28 June 1999.

He entered the Primitive Methodist ministry, and served for a few years. Although he relinquished the ministry, he continued as a Methodist local preacher, until his death, when he had served in that capacity about 50 years.¹⁹

One prominent member of the House of Representatives who made an affirmation was former Country Party leader, minister and Speaker, Archie Cameron (SA). It was reported that Cameron:

... immediately became the focus of public attention by making an affirmation instead of swearing the oath of allegiance.²⁰

Cameron made an affirmation nine times, from 1934 to 1956. In 1950 the *Sydney Morning Herald* noted Cameron's preference to make an affirmation of allegiance. The newspaper stated that:

Usually people who prefer to make an affirmation rather than swear on the Bible, belong to non-Christian religions or are unbelievers. Mr Cameron is neither. He is a deeply religious man.²¹

When asked why he didn't take the oath, the newspaper reported that Cameron replied:

... if a man's word is worthless no amount of oath-taking will make him worthy.²²

Increase in senators and members making an affirmation

The graphs below and tables in Appendix 1 show that, since Federation, the number of senators and members making an affirmation has increased in both chambers.²³

In 1901 all 75 members of the House of Representatives elected to swear the oath. At the 2010 election, of the 150 members, 112 or 75% swore the oath and 38 or 25% made the affirmation. In the Senate, in 1901, 34 or 94% of senators swore the oath and two senators or 6% made the affirmation and, of the 36 senators elected at the 2010 election, 22 or 61% chose to swear the oath and 14 or 39% affirmed.

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19. Obituary, *The Register*, 23 November 1926, p. 13, viewed 8 April 2013, <http://trove.nla.gov.au/ndp/del/article/54823491>. See also B Wimbourne, 'Senior, William (1850-1926)', *The Biographical Dictionary of the Australian Senate*, Vol. 1, 1901–1929, Melbourne University Press, Melbourne, 2000, p. 191.
 20. J Playford, 'Cameron, Archie Galbraith (1895–1956)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, viewed 8 April 2013, <http://adb.anu.edu.au/biography/cameron-archie-galbraith-9669/text1706>
 21. Column 8, *Sydney Morning Herald*, 23 February 1950, p. 1, viewed 8 April 2013, <http://trove.nla.gov.au/ndp/del/article/18143894>
 22. Ibid.
 23. The sources used to compile this information are *Senate Debates*, *Senate Journals*, *House of Representative Debates* and *House of Representatives Votes and Proceedings*. Where names have been recorded in these publications they are included in the tables in Appendix 1. The Senate Test Roll, signed by senators on the day on which they make an oath or affirmation, has been used to verify the number of senators swearing the oath and making an affirmation. Graphs prepared by the Parliamentary Library based on data in Appendix 1.

The overall trend in Graphs 1 and 2 shows an increase in senators and members making an affirmation but the increase in affirmations has been greater in the Senate than the House of Representatives. In the Senate the trend towards making an affirmation commenced in the mid-1960s, a decade earlier than in the House of Representatives. It is interesting to note that in the Senate, the average age of a senator elected at the 1964 election was 51.4 years compared with 45.5 for senators elected at the 1967 election.²⁴ These graphs also show, in election year 2010 compared with election year 2007, an increase in affirmations made in the Senate and a small decrease in those made in the House of Representatives.

Graph 3 shows that, since 1901, seven per cent of all senators have made an affirmation compared with four per cent of all members. Graphs 1 and 2 suggest that there is no correlation between Labor and Liberal prime ministers and the percentage of oaths and affirmations. Nor is there a correlation between the two Chambers. Since 1901 the highest percentage of senators to make an affirmation (41%) occurred in 1978 with a Liberal prime minister in power, while the highest percentage of members making an affirmation (29%) occurred in 2008 with a Labor prime minister in power.

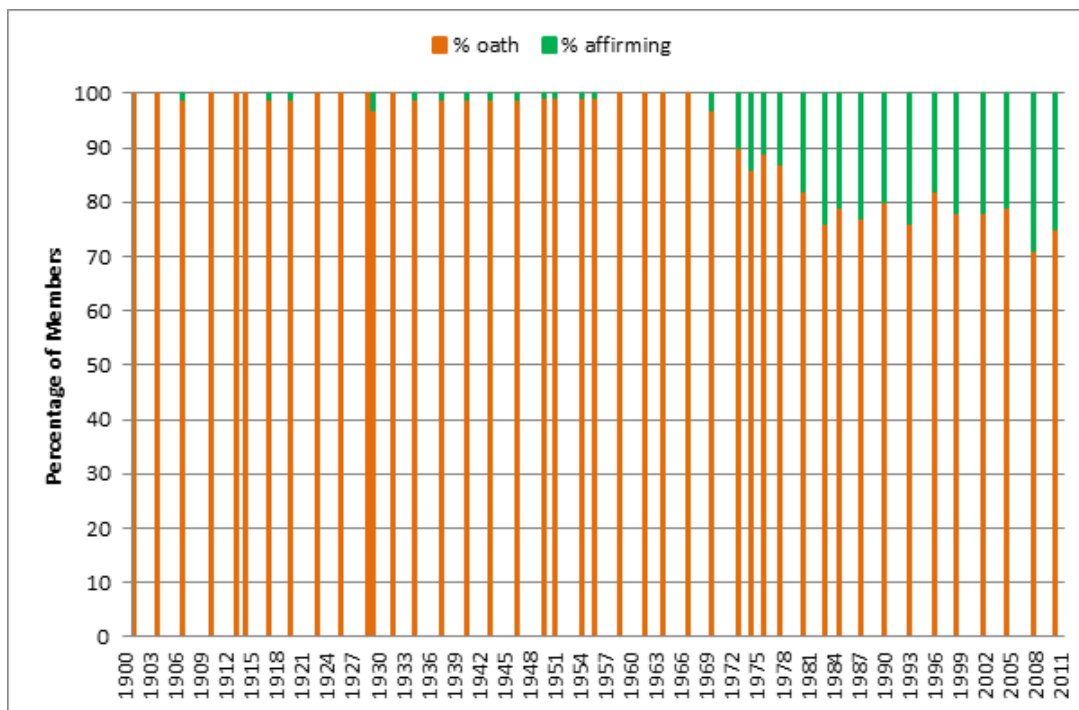
Graph 1: Percentage of senators making oaths and affirmations from 1901



Source: Parliamentary Library estimates

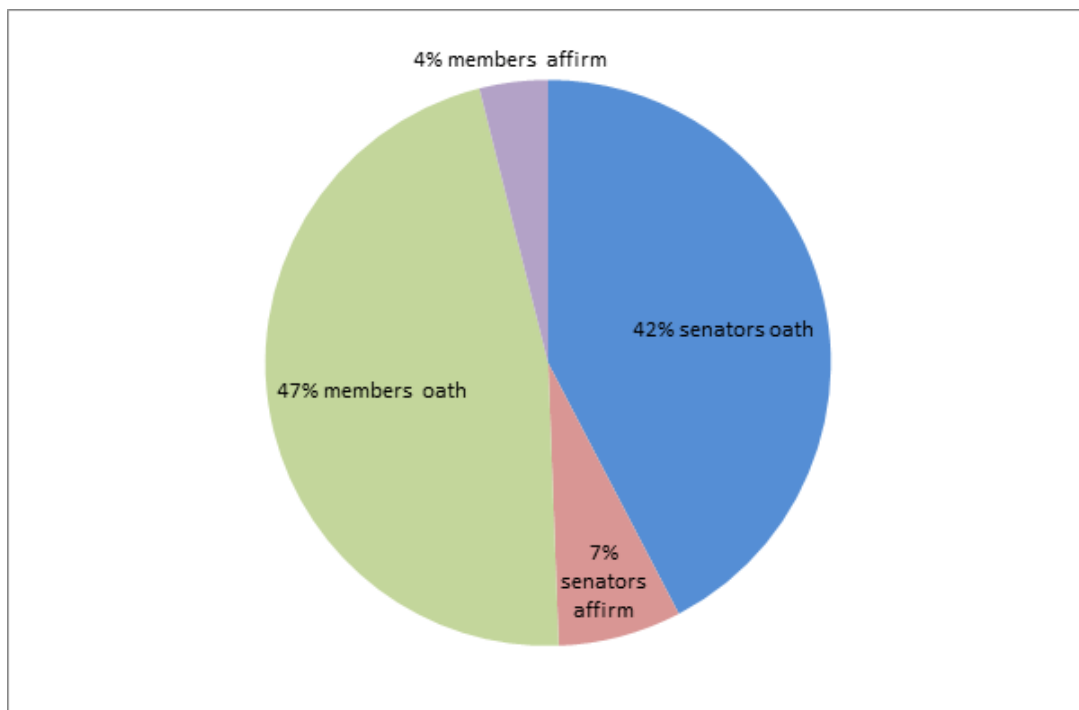
24. Parliamentary Library estimates.

Graph 2: Percentage of members making oaths and affirmations from 1901



Source: Parliamentary Library estimates

Graph 3: Total percentage of all MPs making oaths and affirmations since 1901



Source: Parliamentary Library estimates

It is evident from the names recorded in official parliamentary publications reproduced with party affiliation in Appendix 1 and media reports on recent swearing-in ceremonies, that the majority of those making an affirmation are members of the Australian Labor Party.²⁵ This was not always the case in the early decades of the 20th century. The first senators to affirm in 1901 were Josiah Symon (SA) and James Walker (NSW), Free Traders and, from 1906, both members of the Anti-Socialist Party.

In 1907 Edward Archer (Qld), a member of the Anti-Socialist Party, became the first member of the House of Representatives to make the affirmation. He was followed by Labor members Michael Considine (NSW) in 1917 and Edward Holloway (Vic) and Arthur Lewis (Vic) in 1929.

Prime ministers and ministers making an affirmation

It is likely that Archie Cameron (see reference above) was the first minister to make an affirmation. In 1938, for example, his official affirmation (on an official oath form with handwritten alterations) read:

I, Archie Galbraith Cameron do solemnly and sincerely declare that I will well and truly serve His Majesty King George the Sixth on the Office of Postmaster-General.²⁶

The first time a number of ministers made an affirmation occurred when the full ministry of then Prime Minister, Gough Whitlam, was sworn in on 19 December 1972. The following ministers made an affirmation: Members of the House of Representatives Jim Cairns, Tom Uren, Ken Wreidt, Kep Enderby, Doug Everingham and Moss Cass; and Senators Lionel Murphy, Jim Cavanagh, Jim McClelland and John Wheeldon.²⁷

In his study on the religious beliefs of Australia's prime ministers, Dr John Warhurst has categorised prime ministers according to their faith. He identifies two categories associated with agnosticism and the prime ministers he allocates to these categories are:

... articulate agnostics, who speak publicly about their disbelief (Hughes, Curtin, Whitlam, Hawke and Gillard), and nominal agnostics (Holt), who may be judged by their actions.²⁸

Dr Warhurst estimates that fewer than half (11) of Australia's 26 prime ministers 'have taken their religion seriously'.²⁹ Despite a number of her predecessors sharing her non-religious views, when

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25. On 28 September 2010, when members of the House of Representatives were sworn in, only one member of the Coalition chose to make an affirmation. B. Packham, 'MPs affirm place in history', *Herald Sun*, 29 September 2010, p. 11, viewed 12 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressclp%2F250513%22>
 26. National Archives of Australia, A5447, 34, 18th Commonwealth Ministry, 2nd Lyons Ministry, 7 November 1938 to 7 April 1939.
 27. National Archives of Australia, A463, 1972/4345, Swearing in of 2nd Whitlam Ministry, 19 December 1972.
 28. J Warhurst, 'The religious beliefs of Australia's prime ministers', *Eureka Street*, 11 November 2010, viewed 12 April 2013, <http://www.eurekastreet.com.au/article.aspx?aeid=24159>

Julia Gillard was sworn in as Prime Minister on 24 June 2010, she became the first prime minister to make an affirmation of office.³⁰

He suggests a reason former Prime Minister Gillard being the first to affirm was that:

... despite the fact there would have been earlier prime ministers like Curtin and maybe even Billy Hughes who saw themselves as non-religious ... my guess is there would have been much more of a fuss if they had refused to take the oath on the Bible.³¹

Specific oaths and affirmations

Governor-General

House of Representatives Practice states:

The Letters Patent provide that the appointment of a person as Governor-General shall be by Commission which must be published in the official gazette of the Commonwealth.³² They also provide that a person appointed to be Governor-General shall take the oath or affirmation of allegiance and the oath or affirmation of office. These acts are to be performed by the Chief Justice or another justice of the High Court. The ceremonial swearing-in of a new Governor-General has traditionally taken place in the Senate Chamber.³³

In 1901 the first Governor-General of the Commonwealth of Australia, the Earl of Hopetoun, swore three oaths: an oath of allegiance, an official oath and a judicial oath. These oaths were:

Oath of Allegiance

I, John Adrian Louis, Earl of Hopetoun, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors according to law. So help me, God.

29. Ibid.

30. J Warhurst, 'Having faith in politics', *Canberra Times*, 15 July 2010, p. 19, viewed 12 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressclp%2FM7BX6%22>

31. J Warhurst, quoted in J Gibson, 'The Gillard revolution: strange mix of politics and faith', *Sydney Morning Herald*, 26 June 2010, p. 6, viewed 4 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressclp%2FPH4X6%22>. See also Appendix 1.

32. *Letters Patent relating to the Office of Governor-General of the Commonwealth of Australia*, 21 August 2008, in Gazette S179 (9 September 2008). These revoked and replaced, with minor amendment and in gender-neutral language, the Letters Patent of 21 August 1984, in Gazette S334 (24.8.1984).

33. *House of Representative Practice*, Department of the House of Representatives, 6th edition, September 2012, p. 2, viewed 15 March 2013, <http://www.aph.gov.au/About Parliament/House of Representatives/Powers practice and procedure/Practice6>

Official Oath

I, John Adrian Louis, Earl of Hopetoun, do swear that I will well and truly serve Her Majesty Queen Victoria in the Office of Governor-General of the Commonwealth of Australia. So help me, God.

Judicial Oath

I, John Adrian Louis, Earl of Hopetoun, do swear that I will well and truly serve Our Sovereign Lady Queen Victoria in the Office of Governor-General of the Commonwealth of Australia, and that I will do right to all manner of people after the Laws and usages of this Commonwealth, without fear or favour, affection or ill-will. So help me, God.³⁴

By the time the Right Honourable William Humble Ward, Earl of Dudley, was sworn in as Australia's third Governor-General on 9 September 1908, the Judicial Oath appears to have been dropped. The Earl of Dudley swore an Oath of Allegiance and an Oath of Office. The latter combined the Official Oath and the Judicial Oath and is very similar to the Oath of Office sworn by the current Governor-General.³⁵

To mark the appointment of the current Governor-General a Special Government Gazette published the Queen's Commission, the Oath of Allegiance and Oath of Office sworn by the new Governor-General, Quentin Bryce, on 5 September 2008, and her Proclamation announcing that she had 'assumed office accordingly'.³⁶

The oaths sworn by the current Governor-General are:

Oath of Allegiance

I, Quentin Alice Louise Bryce, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law. So Help Me God!

Oath of Office

I, Quentin Alice Louise Bryce, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, in the office of Governor-General of the Commonwealth of Australia, and I will do right to all manner of people after the laws and usages of the Commonwealth of Australia, without fear or favour, affection or ill will. So Help Me God!³⁷

34. National Archives of Australia, A6661, 146, Governor-General, Oaths of Office, pp. 40-43. Following the death of Queen Victoria, Hopetoun was re-sworn on 6 April 1901, swearing allegiance to King Edward VII.

35. *Ibid.*, see pp. 25–28.

36. Commonwealth of Australia, Gazette S181, 10 September 2008.

37. *Ibid.*

Members of Parliament

The Australian Constitution requires that those elected to the Senate and the House of Representatives swear or solemnly affirm their allegiance to the Crown. Senators and members are required to both 'make and subscribe' (sign) an oath or affirmation. The same oath and affirmation have been used since Federation and can only be changed by constitutional referendum.

Section 42 of the Constitution states:

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to the Constitution.³⁸

The Schedule to the Constitution contains the wording of the oath and affirmation:

Oath

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. So Help Me God!

Affirmation

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.³⁹

NOTE - The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.⁴⁰

In the Senate, a senator must be sworn in before sitting in the Senate or participating in its proceedings, but there is nothing to prevent a senator performing other official functions before taking the oath or affirmation. Thus the Senate appoints senators to committees, and senators may participate in the proceedings of those committees, before they have been sworn.⁴¹

38. *Commonwealth of Australia Constitution Act*, Part IV, section 42, viewed 12 March 2013, <http://www.comlaw.gov.au/Series/C2004Q00685>. In the UK, the current wording of the oath was established under the provisions of the *Promissory Oaths Act 1868* (UK) and in the House of Commons, the requirement to take the oath or affirmation is also enshrined in the Code of Conduct for Members of Parliament. See Walker, 'The parliamentary oath', *op. cit.*, pp. 9–12.

39. *Ibid.*, Schedule.

40. *Ibid.*

41. *Odgers' Australian Senate Practice*, Department of the Senate, 13th edition, p. 167, viewed 14 March 2013, http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/odgers13. Senators commence their term on 1 July even though the Senate may not sit until some weeks later when senators are formally sworn in. However, senators-elect may be appointed to Senate committees as full or participating members before their terms commence, but may only participate in committee inquiries from 1 July.

In the House of Representatives a member cannot take part in any proceedings of the House until sworn in. This includes not participating in the work of committees until members have been sworn.⁴²

At the first meeting of a new Parliament the oath or affirmation is normally administered by a person authorised by the Governor-General, usually a Justice of the High Court. After reading the judge's authorisation to the House, the Clerk of the House of Representatives tables the returns to the writs for the general election, then calls members elected, usually in groups of 10 to 12, to the Table of the House to make the oath or affirmation and subscribe the oath or affirmation form. Members not sworn in at this stage may be sworn in later in the day's proceedings or on a subsequent sitting day by the Speaker, who receives a commission from the Governor-General to administer the oath or affirmation. Members elected at by-elections during the Parliament are also sworn in by the Speaker.⁴³

Advice from the Attorney-General's Department has confirmed that members making the oath of allegiance are not bound to use the authorised version of the Bible:

The oath of allegiance need not necessarily be made on the authorised version of the Bible, although this has been the common practice. A Member may recite the oath while holding another form of Christian holy book, or, in respect of a non-Christian faith, a book or work of such a nature. The essential requirement is that every Member taking an oath should take it in a manner which affects his or her conscience regardless of whether a holy book is used or not.⁴⁴

In September 2010, Ed Husic, Member for Chifley (NSW), became the first Muslim to be sworn into the federal parliament. The *Age* reported that:

For the first time an MP, Labor's Ed Husic, took the oath while holding a Koran rather than a Bible. The Koran belonged to his parents, immigrants from Bosnia.⁴⁵

The problems that can arise when members of parliament are not sworn correctly were evident in June 1901, one month after the commencement of the first Parliament. Donald Cameron, member for the electorate of Tasmania, claimed, in a personal explanation, that:

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42. *House of Representatives Practice*, p. 140, viewed 14 March 2013, http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice6
43. Ibid. Note: the President of the Senate also receives a commission to administer the oath and affirmation. See also House of Representatives, 'A new parliament', *Infosheets*, No. 9, 20 January 2013, viewed 1 May 2013, http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_9_-_A_new_parliament
44. Quoted in *House of Representatives Practice*, Ibid., the Attorney-General's Department advice is dated 16 February 1962.
44. T Wright, 'Healing smoke clears and hating resumes', *Age*, 29 September 2010, viewed 3 May 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressclp%2F249438%22>

... a large proportion of the members of this House, including myself, have not been properly sworn.⁴⁶

Cameron said that when he arrived with other members to be sworn by the Governor-General, he:

... saw a number of honorable members sign their names on sheets of vellum before they attended. I did not do so. When I arrived with other honorable members in the room where we were to be sworn in, as I understood, I listened most attentively; but I was never called up ... and I was never asked to make and subscribe the oath of allegiance.⁴⁷

Following discussion, the then Prime Minister, Edmund Barton, stated that:

I submit to the House that the honorable member should tender himself to the Speaker to be sworn now, in order to save any question arising hereafter.⁴⁸

The Speaker asked Mr Cameron to 'take a seat behind the Bar of the House' while the necessary papers were obtained.⁴⁹ House of Representatives *Debates* records that:

The honorable member for Tasmania, Mr Cameron, having re-entered the chamber, subscribed the oath.⁵⁰

In September 1901, Attorney-General, Alfred Deakin, advised that, in his opinion, the direction in section 42 of the Constitution, that a member of the federal Parliament 'shall before taking his seat make and subscribe' the oath of allegiance, was 'directory and not absolute' in the sense that 'neglect of the requirement does not invalidate what is done afterwards'.⁵¹ This has been interpreted to mean that:

... the validity of parliamentary proceedings would not be affected by the participation in them of members who had not complied with s 42.⁵²

Members of the federal parliament do not incur a penalty if they participate in proceedings of the Senate or the House of Representatives without fulfilling the requirement of section 42. This is very different to the approach in the United Kingdom Parliament where:

46. D Cameron, 'The oath of allegiance', House of Representatives, *Debates*, 12 June 1901, p. 947, viewed 15 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansardr80%2F1901-06-12%2F0010%22>

47. Ibid.

48. Ibid., p. 948.

49. Ibid.

50. Ibid., p. 949. See also Australia, House of Representatives, *Votes and Proceedings*, 12 June 1901, p. 47, viewed 15 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1901-06-12%22>

51. Quoted in Campbell, op. cit., p. 154 and footnote 72.

52. Ibid.

Should a Member take part in parliamentary proceedings without having sworn the oath or made the affirmation, the penalty is £500 for every offence, together with vacation of his or her seat ...

There have been cases where Members and Peers have inadvertently neglected to take the oath and they have sometimes been relieved of the consequences of their omission by an Act of Indemnity. Such an Act cannot, however, prevent a Member's seat from being immediately vacated; a new writ must be moved for at once.⁵³

Recent attempt to change the oath and affirmation

The most recent suggestion to change the oath and affirmation was included in the 2001 House of Representatives Procedure Committee report on its inquiry into procedures for the opening of Parliament.⁵⁴ The Committee recommended that:

... the form of the oath and affirmation of allegiance taken by Members and Senators be reviewed with a view to including recognition of the people of Australia and that a proposed new form be put to the people in a referendum.⁵⁵

The Committee did not include a form of words but suggested that:

Any review might initially consider the versions passed by both Houses (but not approved at referendum) in the Constitution Alteration (Establishment of Republic) Bill 1999 resulting from the 1998 Constitutional Convention.⁵⁶

The Constitution Alteration (Establishment of Republic) Bill 1999 contained the following oath and affirmation for members of Parliament:

Oath

Under God I swear that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.

Affirmation

I solemnly and sincerely affirm that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.⁵⁷

53. Walker, 'The parliamentary oath', op. cit., p. 11.

54. House of Representatives, Standing Committee on Procedure, *Balancing tradition and progress: procedures for the opening of Parliament*, House of Representatives, Canberra, August 2001, viewed 18 April 2013, http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/rep_orts/opening/index.htm

55. Ibid., para 3.51, p. 52.

56. Ibid. para 3.53, p. 35.

The Government did not accept the Committee's recommendations:

The government considers that the current procedures for the opening of the Parliament continue to reflect Australia's parliamentary traditions and democratic heritage. Accordingly, the government does not propose to seek changes to existing procedures at this time.⁵⁸

Prime minister, minister and parliamentary secretary

The prime minister, ministers and parliamentary secretaries make the oath or affirmation of allegiance (as members of parliament) and, at the ministerial swearing-in, an additional oath or affirmation of office and the Executive Councillor's Oath or affirmation (see below for details of the latter).

The prime minister, who makes the same oath or affirmation as his or her ministry, determines the form of the oath and affirmation of office which can be changed according to the preference of the prime minister of the day. These oaths and affirmations are administered by the Governor-General. An official note on the date of the swearing in of the second Gorton ministry on 12 November 1969 stated that:

There is no constitutional requirement as to when Ministers should be sworn in following an election – but it is necessary that they be sworn in in time for the meeting of the Parliament.⁵⁹

There is also no legal requirement that the ministry, including the prime minister, take an oath or affirmation of office nor that this include a statement of allegiance to the Crown. A former Official Secretary to the Governor-General has noted that:

There is ... no constitutional or statutory prescription of the oath of allegiance to be taken by Ministers of the Crown, and its use for this purpose was governed by nothing more than custom and tradition.⁶⁰

The Department of the Prime Minister and Cabinet has noted that when the government is returned at a general election, the prime minister can choose whether or not to resign his or her commission. It is usual practice for a re-elected prime minister to submit his or her resignation (which by

57. Constitution Alteration (Establishment of Republic) Bill 1999, Schedule 1, Part 1, viewed 18 April 2013,

<http://www.comlaw.gov.au/Details/C2004B00491/Download>

58. 'Committees, reports: Government responses', House of Representatives, *Debates*, 23 June 2005, p. 96, viewed 18 April 2013,

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F2005-06-23%2F0190%22>

59. National Archives of Australia, A463, 1971/5209, Third Gorton Ministry 12 November 1969 – 10 March 1971 appointment and swearing in.

60. D Smith, 'On my oath: Sir David Smith', *The Australian National Review*, June 1996, p. 27.

convention automatically results in the termination of other ministers' appointments) and at the same time seek a fresh commission from the Governor-General.⁶¹

In 1901, the oaths taken by the first ministry were: the oath of allegiance (the same oath was taken twice: as a member of the ministry and as a member of parliament), the official oath and the Executive Councillor's oath.

The Official Oath sworn by the ministry in 1901 (no minister made an affirmation) was:

I [Minister's name] do swear that I will well and truly serve Her Majesty Queen Victoria in the Office of [name] So Help Me God⁶²

Following Queen Victoria's death on 22 January 1901 and the accession of Edward VII, Executive Councillors and Ministers of State, who had been sworn in on 1 January 1901, were re-appointed and re-sworn at Government House, Melbourne, on 26 April 1901.⁶³

When the first Menzies ministry was sworn in on 19 December 1949 the official oath was called the oath of office and according to a newspaper report of the ceremony only ministers 'who had not had previous cabinet experience were called upon to make three oaths'.⁶⁴ This practice was in place as early as 1903 when the first Deakin ministry was sworn in on 24 September 1903. A historical note that accompanied the official papers relating to the swearing in of these ministers stated that:

Only new Ministers ... subscribed the Oath of Allegiance, the Official oath and the Executive Councillor's Oath ... Ministers from the previous administration took only the Official Oath.⁶⁵

On 5 July 1905, when the second Deakin ministry was sworn in the historical note stated:

All Ministers who had been in previous administrations as well as all new Ministers took the Oath of Allegiance, the Official Oath and the Executive Councillor's Oath. This is the first occasion on which this has occurred.⁶⁶

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61. Department of the Prime Minister and Cabinet (DPMC), *Annual report 1984-85*, DPMC, Canberra, 1985, pp. 31–32.
 62. National Archives of Australia, A5447, 1, First Commonwealth Ministry, 1 January 1901 to 24 September 1903, Ministerial oaths. This was still the form of the official oath sworn by ministers in the second Chifley ministry on 1 November 1946, National Archives of Australia, A5447, 44, 28th Commonwealth Ministry, 2nd Chifley Ministry 1946–1949, Ministerial oaths and correspondence,
 63. National Archives of Australia, A5447, 44, *Ibid.*, includes historical note on the first administration 1901–03, p. 3, 'Upon the death of Victoria and the accession of Edward VII all Ministers re-subscribed all three oaths'.
 64. 'Menzies cabinet takes over from Chifley Govt.', *The Canberra Times*, 20 December 1949, viewed 20 May 2013, <http://trove.nla.gov.au/ndp/del/article/2758203> The three oaths were: the oath of allegiance, the oath of office and the Executive Councillor's oath.
 65. National Archives of Australia, A5447, 4, 2nd Commonwealth Ministry, Deakin Ministry, 24 September 1903 to 27 April 1904 (Correspondence and historical note).
 66. National Archives of Australia, A5447, 9 Part 2, 5th Commonwealth Ministry, Deakin Ministry, 5 July 1905 to 13 November 1908 (Correspondence and historical note)

By 1908, when the first Fisher ministry was sworn in on 13 November 1908, the practice had resumed with the historical note stating that '[o]nly new Ministers subscribed all three oaths'.⁶⁷

For the next four decades new ministers continued to make the three oaths or affirmations and the oath and affirmation of office remained largely unchanged:

Oath of Office

I [full name], do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, in the office of [Minister, Portfolio].
So Help Me God!

Affirmation of Office

I [full name], do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, in the office of [Minister, Portfolio].

In April 1993, when, as the result of a by-election, Michael Lavarch was sworn in as Attorney-General, Prime Minister Paul Keating changed the oath and affirmation of office:

Ministers no longer promised to serve the Queen but to serve the Commonwealth of Australia. The oath of allegiance was dropped altogether as part of the swearing-in ceremony ... on the grounds that it was sworn before taking a seat in the Parliament, as required by the Constitution, and that its repetition before taking ministerial office was superfluous.⁶⁸

Oath of Office (1993)

I [full name], do swear that I will well and truly serve the Commonwealth of Australia in the office of [Minister, Portfolio]. So Help Me God!

Affirmation of Office (1993)

I [full name], do solemnly and sincerely affirm and declare that I will well and truly serve the Commonwealth of Australia in the office of [Minister, Portfolio].

When John Howard became Prime Minister in 1996, he also made changes to the oath and affirmation of office. He combined the oath of office with 'a partial return to the traditional oath of allegiance'.⁶⁹ The reference to the Commonwealth of Australia was replaced by reference to 'the

67. National Archives of Australia, A5447, 11, 6th Commonwealth Ministry, Fisher Ministry, 13 November 1908 to 1 June 1909 (Correspondence and historical note).

68. Smith, op. cit.

69. Ibid.

people of Australia' and allegiance to the sovereign was reinstated but not to her heirs and successors.

Oath of Office (1996)

I, [Minister's full name], do swear that I will well and truly serve the people of Australia in the office of [position] and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second. So help me God!

Affirmation of Office (1996)

I, [Minister's full name], do solemnly and sincerely affirm and declare that I will well and truly serve the people of Australia in the office of [position] and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.⁷⁰

In 2007, Prime Minister Kevin Rudd reinstated the Commonwealth of Australia, added the reference to 'her people and her lands' and dropped allegiance to the sovereign.

Oath of Office (2007)

I, [Minister's full name], do swear that I will well and truly serve the Commonwealth of Australia, her land and her people in the office of [position]. So help me God!

Affirmation of Office (2007)

I, [Minister's full name], do solemnly and sincerely affirm and declare that I will well and truly serve the Commonwealth of Australia, her land and her people in the office of [position]

In September 2010 Prime Minister Julia Gillard dropped reference to 'her land and her people' from the oath and affirmation.

Oath of Office (2010)

I, [Minister's full name], do swear that I will well and truly serve the Commonwealth of Australia in the office of [position]. So help me God!

Affirmation of Office (2010)

I, [Minister's full name], do solemnly and sincerely affirm and declare that I will well and truly serve the Commonwealth of Australia in the office of [position]⁷¹

70. J Howard, 'Answer to Question on notice: oaths of office', [Questioner: M Latham], House of Representatives, *Debates*, 2 December 1998, p. 1264, viewed 17 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F1998-12-02%2F0215%22>

In September 2013 Prime Minister Tony Abbott reinstated the oath and affirmation used by John Howard, with the addition of the phrase 'Queen of Australia'.

Oath of Office (2013)

I, [Minister's full name], do swear that I will well and truly serve the people of Australia in the office of [position] and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Australia. So help me God!

Affirmation of Office (2013)

I, [Minister's full name], do solemnly and sincerely affirm and declare that I will well and truly serve the people of Australia in the office of [position] and that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Australia.⁷²

Member of Federal Executive Council

The requirement that members of the Federal Executive Council make an oath or affirmation is prescribed in the Constitution, but not the form of the oath or affirmation. Ministers make the oath or affirmation of an Executive Councillor before being sworn in as a Minister of State. Once sworn as a member of Executive Council, ministers are not required to make this oath or affirmation again.

The Constitution states:

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.⁷³

The Governor-General may appoint officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.⁷⁴

The first Prime Minister, Edmund Barton, swore the following Executive Councillor's Oath:

71. 'Gillard sworn in as prime minister', *Sydney Morning Herald*, video, 14 September 2010, viewed 18 April 2013, <http://www.smh.com.au/national/gillard-sworn-in-as-prime-minister-20100914-15ae6.html>

72. E Griffiths, 'Tony Abbott sworn in as Australia's 28th prime minister', *ABC News*, video, 18 September 2013, viewed 21 October 2013, <http://www.abc.net.au/news/2013-09-18/tony-abbott-sworn-in-as-australian-prime-minister/4965104>

73. Constitution, section 62.

74. *Ibid.*, section 64.

I, Edmund Barton, being chosen and admitted of Her Majesty's Executive Council in the Commonwealth of Australia, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor-General of the Commonwealth of Australia for the time being for the good management of the public affairs of the Commonwealth of Australia; that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me, God.⁷⁵

During World War II, the Governor-General determined the form of the oath and affirmation to be taken by each member of the Australian Advisory War Council:⁷⁶

I, being chosen and admitted of His Majesty's Australian Advisory War Council in the Commonwealth of Australia, do swear (or, in the ease of affirmation, solemnly and sincerely affirm and declare) that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor-General or Officer Administering the Government of the Commonwealth of Australia for the time being with respect to matters relating to the defence of the Commonwealth of Australia or the prosecution of the war, that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me, God! [In the case of affirmation these words to be omitted.]⁷⁷

In 1946, the Executive Councillor's Oath was still very similar to the one sworn by ministers in the first ministry (differences are in italics):

I, being chosen and admitted of His Majesty's Executive Council in the Commonwealth of Australia, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor-General of the Commonwealth of Australia *or Officer Administering the Government of the Commonwealth of Australia* for the time being for the good management of the public affairs of the Commonwealth of Australia; that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me, God.⁷⁸

75. National Archives of Australia, A5447, 1, op. cit.

76. The Governor-General determined the form of the oath and affirmation under Regulation 4 of Statutory Rules 1940, No. 235.

77. A Fadden, 'Answer to Question on notice: Australian Advisory War Council', [Questioner: M Blackburn], House of Representatives, *Debates*, 2 April 1941, p. 600, viewed 18 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansard80%2F1941-04-02%2F0244%22> .

78. National Archives of Australia, A5447, 44, op. cit., p. 64.

In 1977, Prime Minister Malcolm Fraser provided the words of the oath taken by a member of the Federal Executive Council. The oath was still very similar to the one sworn in 1946 (differences are in italics):

I, being chosen and *summoned by the Governor-General of the Commonwealth of Australia as a member of the Federal Executive Council*, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor-General or *the person* Administering the Government of the Commonwealth of Australia for the time being for the good management of the public affairs of the Commonwealth of Australia and that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me God!⁷⁹

In April 1993, Prime Minister Paul Keating simplified the wording of the Executive Councillor's oath and affirmation.⁸⁰ The following wording was introduced by Paul Keating and used by Prime Ministers Howard, Rudd, and Abbott:

Executive Councillor's Oath

I, [NAME], being chosen and summoned by the Governor-General of the Commonwealth of Australia to be a member of the Federal Executive Council, do swear that I will, when required, advise the Governor-General (or the person for the time being administering the Government of the Commonwealth of Australia) to the best of my judgment, and consistently with the good government of the Commonwealth of Australia, and that I will not disclose the confidential deliberations of the Council. So help me God!

Executive Councillor's Affirmation

I, [NAME], being chosen and summoned by the Governor-General of the Commonwealth of Australia as a member of the Federal Executive Council, do solemnly and sincerely affirm and declare that I will, when required, advise the Governor-General (or the person for the time being administering the Government of the Commonwealth of Australia) to the best of my judgment, and consistently with the good government of the Commonwealth of Australia, and that I will not disclose the confidential deliberations of the Council.⁸¹

79. M Fraser, 'Answer to Question on notice: oaths and affirmations: Federal Executive Council and Privy Council', [Questioner: E G Whitlam], House of Representatives, *Debates*, 6 October 1977, p. 1804, viewed 17 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansard80%2F1977-10-06%2F0191%22>

80. Smith, op. cit.

81. J Howard, 'Answer to Question in writing: Federal Executive Councillors: oaths and affirmations', [Questioner: D Melham], House of Representatives, *Debates*, 15 August 2005, p. 171, viewed 17 April 2013,

It is likely that the secrecy clause in the Executive Councillor's oath and affirmation, 'I will not disclose the confidential deliberations of the Council', is derived from the Oath sworn by members of the Privy Council in the United Kingdom. The relevant provisions in the latter oath are that:

... [you] will keep secret all matters committed and revealed unto you, or that shall be treated of secretly in Council. And if any of the said Treaties or Counsels shall touch any of the Counsellors you will not reveal it unto him but will keep the same until such time as, by the consent of Her Majesty or of the Council, Publication shall be made thereof.⁸²

In 1977, Prime Minister, Malcolm Fraser was asked about the wording of the oath or affirmation taken by members of the Privy Council. He responded:

It is the practice in respect of the Privy Council that oaths taken by Privy Councillors are regarded as being confidential between Her Majesty and those who take them.⁸³

The wording of the Privy Council Oath was officially made public in 1998, in answer to a written question in the House of Commons.⁸⁴

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F2005-08-16%2F0165%22>

82. 'Privy Council members', Privy Council website, viewed 1 May 2013, <http://privycouncil.independent.gov.uk/privy-council/privy-council-members/>. The enactment of the *Australia Act 1986* terminated appeals to the Privy Council.
83. M Fraser, 'Answer to Question on notice: oaths and affirmations: Federal Executive Council and Privy Council', op. cit.
84. M Beckett, 'Written answers to questions: Privy Counsellors', United Kingdom, House of Commons, *Debates*, 28 July 1998, col. 182, viewed 1 May 2013, http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980728/text/80728w22.htm#80728w22.html_sbhd8. See also See Walker and Wood, 'The parliamentary oath', op. cit., p.49, and, 'Privy Council of the United Kingdom'.

Appendix 1: Oaths and affirmations in the Senate and the House of Representatives from 1901

Senate

Note: 1901–1903 data are from Senate *Journals*, 1904–2012: dates and number of senators taking the oath and affirmation are from the Senate Test Rolls.⁸⁵ Shaded rows indicate oaths and affirmations taken at the start of the Parliament, either on the first day or shortly afterwards. The latter figures are shown as “+ (number)”. Rows not shaded indicate senators appointed to a casual vacancy under section 15 of the Constitution. These numbers are not included in the statistics. From time to time, the names of senators electing to make an affirmation are recorded in official parliamentary publications. These names are recorded in the table below.

Table 1: Number and percentage of senators making oaths and affirmations from 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
9.5.1901	34	2 Josiah Symon, SA, FT, Anti-Soc from 1906 James Walker, NSW, FT ⁸⁶	36	6	36	HoR and Senate 29-30 March 1901
26.5.1903	1					
4.6.1903	1					
14.10.1903	1					
2.3.1904	18		18		36	HoR + Half-Senate 16 December 1903
9.3.1904	1					
20.1.1907	15	2 Josiah Symon, SA, FT, Anti-Soc from 1906 James Walker, NSW, FT ⁸⁷	17	12	36	HoR + Half-Senate 12 December 1906
17.3.1908	3					
1.7.1910	18		18		36	HoR + Half-Senate 13 April 1910 (from

85. Senate Test Rolls viewed with the kind permission of the Clerk of the Senate, Dr Rosemary Laing. Note: there is no Senate Test Roll for the period 1901–3. Note: senators are required to sign the Senators’ Roll on the day on which they make the oath or affirmation of allegiance, see *Odgers*, op. cit., p. 183.

86. Australia, Senate, *Journals*, vol. 1, 1901–02, p. 3.

87. *Ibid.*, vol. 1, 1907, p. 3.

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
						1910 election Senate terms commenced on 1 July)
14.8.1912	1					
9.7.1913	16	1 William Senior, SA, ALP, NAT from 1917 ⁸⁸	17 + 1	6	36	HoR + Half-Senate 31 May 1913
13.8.1913	1					
8.10.1914	33	2 William Senior, SA, ALP, NAT from 1917 Albert Blakey, Vic, ALP ⁸⁹	35 + 1	6	36	Double Dissolution 5 September 1914
21.10.1914	1					
2.3.1917	1					
14.6.1917	1					
11.7.1917	17	1 William Senior, SA, ALP, NAT from 1917 ⁹⁰	18	6	36	HoR + Half-Senate 5 May 1917
26.6.1919	1					
13.5.1920	1					
1.7.1920	16		16 + 2		36	HoR + Half-Senate 13 December 1919
21.7.1920	2					
28.6.1922	2					
28.2.1923	3					
4.7.1923	17		17		36	HoR + Half-Senate 16 December 1922
26.3.1924	2					
24.7.1924	1					
10.6.1925	1					
14.8.1925	1					
29.8.1925	1					
13.1.1926	7					
3.3.1926	1					
1.7.1926	15		15 + 1		36	HoR + Half-Senate

88. *Ibid.*, vol. 1, 1913, p. 3.

89. *Ibid.*, vol. 1, 1914–15–16–17, p. 4.

90. *Ibid.*, vol. 1, 1917–18–19, p. 2.

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
						14 November 1925
9.7.1926	1					
28.9.1927	1					
26.4.1928	1					
1.6.1928	1					
29.8.1928	1					
6.2.1929	5					
14.8.1929	14	1 Arthur Rae, NSW, ALP, Lang Lab from 1931 ⁹¹	15	7	36	HoR + Half-Senate 17 November 1928
15.4.1931	1					
20.5.1931	1					
17.2.1932	3					
8.3.1932	1					
31.8.1932	14	1 Joseph Collings, Qld, FLP, ALP from 1937 ⁹²	15	7	36	HoR + Half-Senate 19 December 1931
16.11.1932	1					
25.5.1933	1					
23.10.1934	2					
27.3.1935	1					
23.9.1935	15		15		36	HoR + Half-Senate 15 September 1934
2.10.1935	1					
10.9.1936	1					
7.9.1937	1					
30.11.1937	4					
1.7.1938	13	1 Joseph Collings, Qld, FLP, ALP from 1937 ⁹³	14 + 1	7	36	HoR + Half-Senate 23 October 1937
26.9.1938	2 ⁹⁴					

91. See, for example, 'Short session yesterday', *The Advertiser* (Adelaide), 15 August 1929, p. 17, viewed 30 April 2013, <http://trove.nla.gov.au/ndp/del/article/73771518>

92. J Collings, 'Conciliation and Arbitration Bill', Senate, *Debates*, 7 September 1932, p. 238, viewed 29 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22hansard80%2Fhansards80%2F1932-09-07%2F0057%22>. Collings said '... a few days ago, I affirmed my allegiance in this chamber, and by that affirmation I stand.'

93. Ibid.

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
20.11.1940	1					
1.7.1941	17		17 + 1		36	HoR + Half-Senate 21 September 1941
12.11.1941	1					
10.12.1942	1					
23.9.1943	2					
17.7.1944	16	1 Joseph Collings, Qld, FLP, ALP from 1937 ⁹⁵	17	6	36	HoR + Half-Senate 21 August 1943
22.11.1944	1					
18.6.1946	1					
6.11.1946	2					
15.10.1947	17		17		36	HoR + Half-Senate 28 September 1946
22.2.1950	24		42		60	HoR + Half-Senate 10 December 1949, Senate increased to 60 seats
6.7.1950	18					
12.6.1951	59		59 + 1		60	Double Dissolution 28 April 1951
16.10.1951	1					
26.2.1952	1					
7.10.1952	1					
11.3.1953	1					
8.9.1953	30		30		60	Half-Senate 9 May 1953
9.9.1953	1					
16.9.1955	1					
18.10.1955	1					
15.2.1956	1					
29.8.1956	29		29		60	HoR + Half-Senate 10 December 1955
27.8.1957	1					
5.8.1958	1					
19.8.1958	1					
17.2.1959	4					

94. Senate, *Journals*, vol 1, 1937–40, p. 82, includes one senator elected at the 1937 election but not sworn in on 1 July 1938.

95. Collings, Senate, *Debates*, op. cit.

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
11.8.1959	28		28		60	HoR + Half-Senate 22 November 1958
3.10.1961	1					
20.2.1962	2					
7.8.1962	29		29		60	HoR + Half-Senate 9 December 1961
16.10.1962	1					
25.2.1964	1					
16.3.1965	2					
17.8.1965	30		30		60	Half-Senate 5 December 1964
8.3.1966	1					
20.4.1966	1					
27.10.1966	1					
21.2.1967	5	1				
2.11.1967	1					
12.3.1968	1					
13.8.1968	26	4	30	13	60	Half-Senate 5 November 1967
27.5.1969	1					
25.11.1969	3					
18.8.1970	1					
16.2.1971	2					
16.3.1971		1				
17.8.1971	24	6	30	20	60	Half-Senate 21 November 1970
10.11.1971	1					
27.2.1973	1					
28.2.1974	1					
9.7.1974	43	17	60	28	60	Double Dissolution 18 May 1974
4.3.1975	1					
9.9.1975	1					
17.2.1976	45	19	64	30	64	Double Dissolution 13 December 1975 Includes Territory senators ⁹⁶
8.12.1976	1					
21.2.1978	4	1	5			

96. Territory senators serve for the same term as that of members of the House of Representatives. They are included in these statistics only when both Houses of Parliament are dissolved and a double dissolution election is held.

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
15.8.1978	19	13	32	41	64	HoR + Half-Senate 10 December 1977
18.3.1980	1					
25.11.1980	3	2				
24.3.1981	2					
5.5.1981	1					
18.8.1981	21	9	30	30	64	HoR + Half-Senate 18 October 1980
21.4.1983	41	23	64	36	64	Double Dissolution 5 March 1983
24.5.1983	1					
21.2.1985	14	3	17	18	76	HoR + Half-Senate 1 December 1984 Senate increased to 76 seats
20.8.1985	24	11	35	31		
19.3.1986	1					
27.5.1986	1					
16.9.1986	1					
17.2.1987		1				
14.9.1987	49	24	73 + 3	33	76	Double Dissolution 11 July 1987
6.10.1987		1				
7.10.1987	2					
16.2.1988		1				
22.8.1988		1				
6.4.1989		1				
8.5.1990	6					
9.5.1990	1					
10.5.1990		1				
21.5.1990	1					
21.8.1990	27	9	36	25	76	HoR + Half-Senate 24 March 1990
12.12.1991	1					
3.9.1991	1					
24.3.1992		1				
1.6.1992	1					
4.5.1993	3	2				
17.8.1993	22	13	35	37	76	HoR + Half-Senate 13 March 1993
30.8.1993		1	1			
23.2.1994	1					
14.3.1994	1	1				
11.5.1994	1					

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
9.5.1995	1					
29.5.1995	1					
30.11.1995		1				
30.4.1996	4	2				
20.8.1996	26	10	36	28	76	HoR + Half-Senate 2 March 1996
9.9.1996		1				
19.9.1996	1					
6.5.1997		1				
14.5.1997	1					
6.5.1997	1					
22.9.1997	1	1				
30.10.1997	1					
22.6.1998	1					
10.11.1998	4	1				
9.8.1999	25	11	36	30	76	HoR + Half-Senate 3 October 1998
9.5.2000	1					
5.6.2000	1					
3.10.2000	1					
6.8.2001	1					
12.2.2001	4	1				
11.3.2002	1					
19.8.2002	22	14	36	39	76	HoR + Half-Senate 10 November 2001
11.11.2002	1					
3.3.2003	1					
1.4.2004	1					
16.11.2004	3	1				
10.5.2005	1					
9.8.2005	25	10	35 + 1	31	76	HoR + Half-Senate 9 October 2004
16.8.2005		1				
5.9.2005		1				
9.5.2006	1					
8.5.2007		2				
12.6.2007	1					
20.6.2007	1					
10.9.2007	1					
12.2.2008	3	1				
13.5.2008	1					
26.8.2008	25	10	35 + 1	28	76	HoR + Half-Senate 24 November 2007
27.8.2008	1					

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Date sworn or affirmed	Oath	Affirmation	Total (oaths and affirmations)	% of senators affirming	Senate size	Election
12.3.2009	1					
28.9.2010	3	1				
4.7.2011	22	13	35 + 1	39	76	HoR + Half-Senate 21 August 2010
16.8.2011		1				
31.10.2011	1					
13.3.2012	1					
8.5.2012	1					
21.6.2012		2				
11.9.2012	1					

House of Representatives

The figures relate to oaths and affirmations taken at the start of the Parliament only, either on the first sitting day or shortly after. Where members are not present to be sworn in or make an affirmation by the Governor-General's representative, but later take an oath/affirmation administered by the Speaker, those figures are shown as "+ (number)".⁹⁷ From time to time, the names of members electing to make an affirmation are recorded in official parliamentary publications. These names are recorded in the table below.

Table 2: Number and percentage of members making oaths and affirmations from 1901

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
1 st (9.5.1901)	75		75		75
2 nd (2.3.1904)	75		75		75
3 rd (20.2.1907)	69 + 5	1 (Edward Archer, Capricornia, Qld, Anti- Soc) ⁹⁸	75	1	75
4 th (1.7.1910)	68 + 6		74 ⁹⁹		75
5 th (9.7.1913)	75		75		75
6 th (8.10.1914)	69 + 5		74 ¹⁰⁰		75
7 th (14.6.1917)	66 + 7	1 (Michael Considine, Barrier, NSW, ALP) ¹⁰¹	74 ¹⁰²	1	75
8 th (26.2.1920)	71 + 3	+ 1 (Michael Considine, Barrier, NSW, ALP) ¹⁰³	75	1	75

97. Figures for Parliaments 30–43 provided by the House of Representatives Chamber Research Office. Note: the figures do not include oaths and affirmations that may have been made by a member elected following a by-election during the Parliamentary term.

98. Australia, House of Representatives, *Votes and Proceedings*, 20 February 1907, p. 4, viewed 30 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1907-02-20%22>

99. William Knox resigned because of ill health on 26 July 1910 without taking his seat, *ibid.*, 27 July 1910, p. 43, viewed 29 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1910-07-27%22>

100. John Arthur died on 9 December 1914 without taking his seat, *ibid.*, 11 November 1914, p. 30, viewed 29 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1914-11-11%22>

101. *Ibid.*, 14 June 1917, p. 4, viewed 29 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1917-06-14%22>

102. Charles Howroyd died on 10 May 1917. On 6 June 1917, a writ was issued for an election to fill the vacancy, *ibid.*

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
9 th (28.2.1923)	74 + 2		76		76
10 th (13.1.1926)	73 + 2		75 ¹⁰⁴		76
11 th (6.2.1929)	75 + 1		76		76
12 th (20.11.1929)	70 + 3	2 (Edward Holloway, Flinders, Vic, ALP and Arthur Lewis, Corio, Vic, ALP) ¹⁰⁵	75 ¹⁰⁶	3	76
13 th (17.2.1932)	75		75		76
14 th (23.10.1934)	72 + 2	1 (Archie Cameron, Barker, SA, CP) ¹⁰⁷	75	1	75
15 th (30.11.1937)	71 + 3	1 (Archie Cameron, Barker, SA, CP) ¹⁰⁸	75	1	75
16 th (20.11.1940)	70 + 2	+ 1 (Archie Cameron, Barker, SA, CP) ¹⁰⁹	73 ¹¹⁰	1	75
17 th (23.9.1943)	71 + 3	1 (Archie Cameron, Barker, SA, CP) ¹¹¹	75	1	75

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103. Ibid., 5 March 1920, p. 17, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1920-03-05%22>
104. Sir Austin Chapman died 12 January 1926, *ibid.*, 13 January 1926, p. 8, viewed 29 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1926-01-13%22>
105. Ibid., 20 November 1929, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1929-11-20%22>
106. William McWilliams died on 22 October 1929 without taking his seat, *ibid.*, p. 7.
107. Ibid., 23 October 1934, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1934-10-23%22>
108. Ibid., 30 November 1937, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1937-11-30%22>
109. Ibid., 21 November 1940, p. 9, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1940-11-21%22>
110. Albert Green died on 2 October 1940 and Henry Gregory died on 15 November 1940 without taking their seats, *ibid.*, 20 November 1940, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1940-11-20%22>

Oaths and affirmations taken by the executive and members of federal parliament since 1901

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
18 th (6.11.1946)	73 +1	1 (Archie Cameron, Barker, SA, CP) ¹¹²	75	1	75
19 th (22.2.1950)	122	1 (Archie Cameron, Barker, SA, CP) ¹¹³	123	0.8	123
20 th (12.6.1951)	121 + 1	1 (Archie Cameron, Barker, SA, CP) ¹¹⁴	123	0.8	123
21 st (4.8.1954)	115 + 7	1 (Archie Cameron, Barker, SA, CP) ¹¹⁵	123	0.8	123
22 nd (15.2.1956)	119 +4	1 (Archie Cameron, Barker, SA, CP) ¹¹⁶	124	0.8	124
23 rd (17.2.1959)	123 + 1		124		124
24 th (20.2.1962)	123 + 1		124		124
25 th (25.2.1964)	123 + 1		124		124
26 th (21.2.1967)	122 + 2		124		124
27 th (25.11.1969)	119 + 2	4 (Dr Moss Cass, Maribyrnong, Vic, ALP, Frank Kirwan, Forrest, WA, ALP, Dr Dick Klugman, Prospect, NSW, ALP, Laurie	125	3	125

111. Ibid., 23 September 1943, p.4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1943-09-23%22>

112. Ibid., 6 November 1946, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1946-11-06%22>

113. Ibid., 22 February 1950, p. 5, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1950-02-22%22>

114. Ibid., 12 June 1951, p, 5, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1951-06-12%22>

115. Ibid., 4 August 1954, p. 4, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1954-08-04%22>

116. Ibid., 15 February 1956, p. 5, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1956-02-15%22>

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
		Wallis, Grey, SA, ALP) ¹¹⁷			
28 th (27.2.1973)	112 + 1	12 (Dr Jim Cairns, Lalor, Vic, ALP, Dr Moss Cass, Maribyrnong, Vic, ALP, John Coates, Denison, Tas, ALP, Kep Enderby, Canberra, ACT, ALP, Dr Douglas Everingham, Capricornia, Qld, ALP, Dr Richard Gun, Kingston, SA, ALP, Dr Dick Klugman, Prospect, NSW, ALP, Tony Lamb, La Trobe, Vic, ALP, Race Mathews, Casey, Vic, ALP, Tom Uren, Reid, NSW, ALP, Laurie Wallis, Grey, SA, ALP, Ralph Willis, Gellibrand, Vic, ALP) ¹¹⁸	125	10	125
29 th (9.7.1974)	105 + 4	17 + 1 (Dr Jim Cairns, Lalor, Vic, ALP, Dr Moss Cass, Maribyrnong, Vic, ALP, Joan Child, Henty, Vic, ALP, Gareth Clayton, Isaacs, Vic, ALP, John Coates, Denison, Tas, ALP, John Dawkins, Tangney, WA, ALP, Kep Enderby, Canberra, ACT, ALP, Dr Douglas	127	14	127

117. Ibid, 25 November 1969, p. 6, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1969-11-25%22>

118. Ibid, 27 February 1973, p. 6, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1973-02-27%22>

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
		Everingham, Capricornia, Qld, ALP, Ken Fry, Fraser, ACT, ALP, Dr Richard Gun, Kingston, SA, ALP, Dr Dick Klugman, Prospect, NSW, ALP, Tony Lamb, La Trobe, Vic, ALP, Race Mathews, Casey, Vic, ALP, Tom Uren, Reid, NSW, ALP, Ralph Willis, Gellibrand, Vic, ALP, Mick Young, Port Adelaide, SA, ALP and Laurie Wallis, Grey, SA, ALP.) ¹¹⁹ +1: Ian Macphee, Balaclava, Vic, Lib ¹²⁰			
30 th (17.2.76)	113	14	127	11	127
31 st (21.2.78)	106 +2	15 +1	124	13	124
32 nd (25.11.80)	103	22	125	18	125
33 rd (21.4.83)	92 +2	29 +1	124 ¹²¹	24	125
34 th (21.2.85)	116 +1	31	148	21	148
35 th (14.9.87)	109 +5	31 +3	148	23	148
36 th (8.5.90)	119	29	148	20	148
37 th (4.5.93)	107 +4	36	147	24	147
38 th (30.4.96)	120	27	147 ¹²²	18	148
39 th (10.11.98)	113 +1	33	147 ¹²³	22	148

119. Ibid., 9 July 1974, p. 6, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1974-07-09%22>

120. Ibid., 25 July 1974, p. 82, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvoteshistorical%2F1974-07-25%22>

108 Malcolm Fraser resigned prior to taking his seat, *ibid.*, 21 April 1983, p. 6, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2F1983-04-21%2F0006%22>

109 Paul Keating resigned prior to taking his seat, *ibid.*, 30 April 1996, p. 8, viewed 30 April 2013,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2F1996-04-30%2F0006%22>

Parliament (date of first sitting)	Oath	Affirmation	Total (oaths and affirmations)	% of members affirming	Total no. electoral divisions
40 th (12.2.02)	115 +2	33	150	22	150
41 st (16.11.04)	116 +3	30 +1	150	21	150
42 nd (12.2.08)	106	44	150	29	150
43 rd (28.9.10)	112	38	150	25	150

110 Only 147 writs returned. A supplementary election was held with the writ returned on 1 December 1998, *ibid.*, 1 December 1998, p. 9, Alan Morris, Member for Newcastle, made and subscribed the affirmation of allegiance, viewed 30 April 2013, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fvotes%2F1998-12-01%2F0004%22>

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