

Western Australia

**Oaths, Affidavits and Statutory Declarations  
(Consequential Provisions) Act 2005**

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## Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005

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### CONTENTS

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<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
<b>Part 2 — Repeals</b>		
3.	<i>Declarations and Attestations Act 1913</i> repealed	3
4.	Imperial Acts repealed	3
<b>Part 3 — <i>Constitution Act 1889</i> amended</b>		
5.	The Act amended in this Part	5
6.	Section 22 amended	5
7.	Schedule E replaced	5
<b>Schedule E — Oath and affirmation of office</b>		
<b>Part 4 — <i>Constitution Acts Amendment Act 1899</i> amended</b>		
8.	The Act amended in this Part	7
9.	Section 43 amended	7
10.	Section 44A amended	7
11.	Section 45 inserted	8
	45. Oath of office for members of Executive Council	8
12.	Schedule VI inserted	8

Contents

---

	<b>Schedule VI — Oaths and affirmations of office</b>	
	<b>Division 1 — Holders of principal executive offices and for Parliamentary Secretaries</b>	
	<b>Division 2 — Members of the Executive Council</b>	
	<b>Part 5 — <i>Children’s Court of Western Australia Act 1988</i> amended</b>	
13.	The Act amended in this Part	10
14.	Section 12 amended	10
15.	Section 18 amended	10
16.	Schedule 1 replaced	11
	<b>Schedule 1 — Oath and affirmation of office</b>	
	<b>Part 6 — <i>District Court of Western Australia Act 1969</i> amended</b>	
17.	The Act amended in this Part	12
18.	Section 11 amended	12
19.	Section 27 amended	12
20.	Schedule replaced	13
	<b>Schedule 1 — Oath and affirmation of office</b>	
	<b>Part 7 — <i>Family Court Act 1997</i> amended</b>	
21.	The Act amended in this Part	14
22.	Section 13 replaced	14
	13. Oath of office	14
23.	Section 22 amended	14
24.	Schedule 1 replaced	15
	<b>Schedule 1 — Oath and affirmation of office</b>	
	<b>Part 8 — <i>Magistrates Court Act 2004</i> amended</b>	
25.	The Act amended in this Part	16
26.	Schedule 3 replaced	16

**Schedule 3 — Oath and affirmation of office**

**Part 9 — *Supreme Court Act 1935*  
amended**

27.	The Act amended in this Part	17
28.	Section 4 amended	17
29.	Section 9 amended	17
30.	Section 11 amended	17
31.	Section 11AA amended	17
32.	Section 11A amended	17
33.	Section 13 inserted	18
	13. Oath of office	18
34.	Section 49 amended	18
35.	Sections 175, 176 and 177 repealed	18
36.	Second Schedule replaced	18

**Second Schedule — Oath and affirmation of office**

**Part 10 — *State Administrative  
Tribunal Act 2004* amended**

37.	The Act amended in this Part	19
38.	Section 142A inserted	19
	142A. Oath of office	19
39.	Schedule 2 inserted	20

**Schedule 2 — Oath and affirmation of office**

**Part 11 — *The Criminal Code*  
amended**

40.	<i>The Criminal Code</i> amended in this Part	21
41.	Section 169 replaced	21
	169. False statements on oath	21
42.	Section 170 replaced	22
	170. False information to officials etc.	22

**Part 12 — *Evidence Act 1906*  
amended**

43.	The Act amended in this Part	23
44.	Section 97 amended	23
45.	Sections 98, 98A, 99 and 100 repealed	23
46.	Section 100A amended	23

Contents

---

47.	Section 102 amended	23
48.	Section 103 amended	24
49.	Section 104 repealed	24
50.	Section 105 inserted	24
	105. <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> , application of	24
51.	Section 106 repealed	25
52.	Section 106B amended	25
53.	Section 106C amended	25
	<b>Part 13 — Interpretation Act 1984 amended</b>	
54.	The Act amended in this Part	26
55.	Section 5 amended	26
	<b>Part 14 — Local Government Act 1995 amended</b>	
56.	The Act amended in this Part	28
57.	Section 2.29 amended	28
58.	Section 2.32 amended	28
59.	Section 2.42 amended	28
	<b>Part 15 — Mining Act 1978 amended</b>	
60.	The Act amended in this Part	29
61.	Section 144 amended	29
62.	Section 160D amended	29
	<b>Part 16 — Various Acts amended</b>	
63.	Various Acts amended	31
	<b>Schedule 1 — Amendments to various Acts</b>	
1.	<i>Administration Act 1903</i>	32
2.	<i>Adoption Act 1994</i>	32
3.	<i>Agricultural Practices (Disputes) Act 1995</i>	32
4.	<i>Bills of Sale Act 1899</i>	32
5.	<i>Companies (Co-operative) Act 1943</i>	33
6.	<i>Consumer Affairs Act 1971</i>	33
7.	<i>Criminal Law Amendment (Simple Offences) Act 2004</i>	33

8.	<i>Education Service Providers (Full Fee Overseas Students) Registration Act 1991</i>	33
9.	<i>Finance Brokers Control Act 1975</i>	33
10.	<i>Juries Act 1957</i>	33
11.	<i>Justices of the Peace Act 2004</i>	33
12.	<i>Petroleum Products Pricing Act 1983</i>	34
13.	<i>Public Notaries Act 1979</i>	34
14.	<i>Prisons Act 1981</i>	34
15.	<i>Real Estate and Business Agents Act 1978</i>	34
16.	<i>Settlement Agents Act 1981</i>	34
17.	<i>Transfer of Land Act 1893</i>	35
18.	<i>Veterinary Surgeons Act 1960</i>	35





Western Australia

## **Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005**

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**No. 24 of 2005**

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**An Act to —**

- **repeal the *Declarations and Attestations Act 1913* and various adopted Imperial Acts; and**
  - **amend various Acts,**
- as a consequence of the enactment of the *Oaths, Affidavits and Statutory Declarations Act 2005*, and for related purposes.**

[Assented to 2 December 2005]

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005*.

### **2. Commencement**

- (1) Subject to this section, this Act comes into operation on the day on which the *Oaths, Affidavits and Statutory Declarations Act 2005* comes into operation.
- (2) If when the *Oaths, Affidavits and Statutory Declarations Act 2005* comes into operation the *Mining Amendment Act 2004* section 76 has come into operation, section 61 of this Act is repealed without coming into operation.
- (3) If when the *Oaths, Affidavits and Statutory Declarations Act 2005* comes into operation the *Mining Amendment Act 2004* section 82 has not come into operation, section 62 of this Act comes into operation immediately after section 82 of that Act comes into operation.

## **Part 2 — Repeals**

### **3. *Declarations and Attestations Act 1913* repealed**

The *Declarations and Attestations Act 1913* is repealed.

### **4. *Imperial Acts* repealed**

(1) The following Imperial Acts are repealed in so far as they are part of the law of Western Australia —

(a) 1 & 2 William IV c. 4

[An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof.]

[*Excise Declarations Act 1831*]

[Adopted by *Imperial Acts Adopting Act 1836*];

(b) 3 & 4 William IV c. 49

[An Act to allow Quakers and Moravians to make Affirmation in all cases where an Oath is or shall be required.]

[*Quakers and Moravians Act 1833*]

[Adopted by *Imperial Acts Adopting Act 1844*];

(c) 1 & 2 Victoria c. 77

[An Act for permitting Affirmation to be made instead of an Oath in certain Cases.]

[*Quakers and Moravians Act 1838*]

[Adopted by *Imperial Acts Adopting Act 1844*];

(d) 1 & 2 Victoria c. 105

[An Act to remove Doubts as to the Validity of certain Oaths.]

[*Oaths Act 1838*]

[Adopted by *Imperial Acts Adopting Act 1844*].

(2) In respect of each Imperial enactment referred to in subsection (1), the *Interpretation Act 1984* Part V applies as if a reference in that Part to the repeal of a written law or to the

***Oaths, Affidavits and Statutory Declarations (Consequential Provisions)  
Act 2005***

**Part 2**                      Repeals

**s. 4**

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repeal of an enactment were a reference to the repeal of the  
Imperial enactment.

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**Part 3 — Constitution Act 1889 amended**

**5. The Act amended in this Part**

The amendments in this Part are to the *Constitution Act 1889*\*.

[\* *Reprinted as at 3 July 2000.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 79.]*

**6. Section 22 amended**

Section 22 is amended as follows —

- (a) by deleting “allegiance” and inserting instead —  
“ office ”;
- (b) by deleting “the” before “form” and inserting instead —  
“ a ”.

**7. Schedule E replaced**

Schedule E is repealed and the following Schedule is inserted  
instead —

“

**Schedule E — Oath and affirmation of office**

[s. 22]

Either —

- (a) I, [name], [insert an oath or affirmation according to the  
*Oaths, Affidavits and Statutory Declarations Act 2005*] that  
I will faithfully serve the people of Western Australia as a  
member of the \*Legislative Council/Legislative Assembly.

[\*Delete the inapplicable.]

**Oaths, Affidavits and Statutory Declarations (Consequential Provisions)  
Act 2005**

**Part 3** Constitution Act 1889 amended

**s. 7**

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or —

- (b) I, *[name]*, *[insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005]* that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law and will faithfully serve the people of Western Australia as a member of the \*Legislative Council/Legislative Assembly.

[\*Delete the inapplicable.]

”.

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**Part 4 — *Constitution Acts Amendment Act 1899*  
amended**

**8. The Act amended in this Part**

The amendments in this Part are to the *Constitution Acts Amendment Act 1899*\*.

[\* *Reprint 12 as at 3 October 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 88-9.]*

**9. Section 43 amended**

After section 43(3) the following subsection is inserted —

“

- (4) Before a person who accepts such an executive office performs any function of the office, he is to take before the Governor, or some person authorised for the purpose by the Governor, the oath or affirmation set out in Division 1 of Schedule VI.

”.

**10. Section 44A amended**

After section 44A(5) the following subsection is inserted —

“

- (6) Before a person who is appointed to be a Parliamentary Secretary performs any function of the office, he is to take before the Governor, or some person authorised for the purpose by the Governor, the oath or affirmation set out in Division 1 of Schedule VI.

”.

**11. Section 45 inserted**

After section 44A the following section is inserted —

“

**45. Oath of office for members of Executive Council**

The form of the oath or affirmation of office for a person who has been appointed to be a member of the Executive Council is that set out in Division 2 of Schedule VI.

”.

**12. Schedule VI inserted**

After Schedule V the following Schedule is inserted —

“

**Schedule VI — Oaths and affirmations of office**

[s. 43(4), 44A(6) & 45]

**Division 1 — Holders of principal executive offices and for  
Parliamentary Secretaries**

I, [name], [insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005] that I will faithfully serve the people of Western Australia in the office of [title of office].

**Division 2 — Members of the Executive Council**

I, [name], [insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005] —  
that I will faithfully serve the people of Western Australia as a member of the Executive Council;  
that as and when required to do so I will freely give my advice as such a member to the Governor, or the person performing the functions of the Governor, for the good management of the public affairs of Western Australia;



and that I will not, directly or indirectly, reveal any matters that come before the Council and that I am required by the Council to keep secret.

”.

**Part 5 — *Children's Court of Western Australia  
Act 1988* amended**

**13. The Act amended in this Part**

The amendments in this Part are to the *Children's Court of Western Australia Act 1988*\*.

[\* *Reprint 3 as at 10 September 2004.*]

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 63.*]

**14. Section 12 amended**

- (1) Section 12(1) is repealed and the following subsection is inserted instead —

“

- (1) Before a person who is appointed to be a Judge, or a magistrate, of the Court performs any function of the office, he or she shall take before the Governor, a Supreme Court Judge, or some person authorised for the purpose by the Governor, an oath or affirmation in the form set out in Schedule 1.

”.

- (2) Section 12(1a)(a) is amended by deleting “allegiance and a judicial oath or affirmation” and inserting instead —

“ office in respect of that office of judge ”.

**15. Section 18 amended**

Section 18(2) is repealed.

**16. Schedule 1 replaced**

Schedule 1 is repealed and the following schedule is inserted instead —

“

**Schedule 1 — Oath and affirmation of office**

[s. 12(1)]

I, *[name]*, *[insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005]* that I will faithfully serve the people and the State of Western Australia in the office of *[title of office]* of the Children's Court of Western Australia and I will do right to all manner of people, according to law, without fear or favour, affection or ill will.

”.

**Part 6 — *District Court of Western Australia Act 1969*  
amended**

**17. The Act amended in this Part**

The amendments in this Part are to the *District Court of Western Australia Act 1969*\*.

[\* *Reprinted as at 19 January 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 127.]*

**18. Section 11 amended**

Section 11(2) is repealed and the following subsection is inserted instead —

“

- (2) Before a person who is appointed to be a District Court Judge, an acting District Court Judge, an auxiliary District Court Judge, or a commissioner of the Court, performs any function of the office, he or she shall take before the Governor, a Supreme Court Judge, or some person authorised for the purpose by the Governor, an oath or affirmation in the form set out in Schedule 1.

”.

**19. Section 27 amended**

- (1) Section 27(2) is repealed.
- (2) Section 27(3) is amended by deleting “Sections 174, 176 and 177” and inserting instead —

“ Section 174 ”.

**20. Schedule replaced**

The Schedule is repealed and the following schedule is inserted instead —

“

**Schedule 1 — Oath and affirmation of office**

[s. 11(2)]

I, *[name]*, *[insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005]* that I will faithfully serve the people and the State of Western Australia in the office of *[title of office]* of the District Court of Western Australia and I will do right to all manner of people, according to law, without fear or favour, affection or ill will.

”.

**Part 7 — Family Court Act 1997 amended**

**21. The Act amended in this Part**

The amendments in this Part are to the *Family Court Act 1997*\*.

[\* *Reprint 1 as at 15 August 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 155-6.]*

**22. Section 13 replaced**

Section 13 is repealed and the following section is inserted  
instead —

“

**13. Oath of office**

Before a person who is appointed to be a Judge  
performs any function of the office, he or she shall take  
before the Governor, a Supreme Court Judge, or some  
person authorised for the purpose by the Governor, an  
oath or affirmation in the form set out in Schedule 1.

”.

**23. Section 22 amended**

Section 22(4) is repealed and the following subsection is  
inserted instead —

“

(4) Before a person who is appointed to be an acting Judge  
performs any function of the office, he or she shall take  
before the Governor, a Supreme Court Judge, or some  
person authorised for the purpose by the Governor to  
do so, an oath or affirmation in the form set out in  
Schedule 1.

”.

**24. Schedule 1 replaced**

Schedule 1 is repealed and the following schedule is inserted instead —

“

**Schedule 1 — Oath and affirmation of office**

[s. 13 & 22(4)]

I, [name], [insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005] that I will faithfully serve the people and the State of Western Australia in the office of [title of office] of the Family Court of Western Australia and I will do right to all manner of people, according to law, without fear or favour, affection or ill will.

”.

**Part 8 — Magistrates Court Act 2004 amended**

**25. The Act amended in this Part**

The amendments in this Part are to the *Magistrates Court Act 2004*\*.

[\* *Act No. 47 of 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 269.]*

**26. Schedule 3 replaced**

Schedule 3 is repealed and the following schedule is inserted instead —

“

**Schedule 3 — Oath and affirmation of office**

[Sch. 1 cl. 4]

I, [name], [insert an oath or affirmation according to the  
*Oaths, Affidavits and Statutory Declarations Act 2005*] that  
I will faithfully serve the people and the State of Western  
Australia in the office of a magistrate [or acting magistrate]  
of the Magistrates Court and I will do right to all manner of  
people, according to law, without fear or favour, affection or  
ill will.

”.



**Part 9 — *Supreme Court Act 1935* amended**

**27. The Act amended in this Part**

The amendments in this Part are to the *Supreme Court Act 1935*\*.

[\* *Reprinted as at 9 February 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 445.]*

**28. Section 4 amended**

Section 4(1) is amended by deleting the definition of “Oath”.

**29. Section 9 amended**

Section 9(2) is repealed.

**30. Section 11 amended**

Section 11(1a) is repealed.

**31. Section 11AA amended**

Section 11AA(4) is amended as follows:

(a) by inserting after paragraph (a) —  
“ and ”;

(b) by deleting paragraph (b) and “and” after it.

**32. Section 11A amended**

Section 11A(4) is repealed.

**s. 33**

---

**33. Section 13 inserted**

After section 12 the following section is inserted —

“

**13. Oath of office**

Before a person who is appointed to an office referred to in section 6(3), or to the office of judge of appeal, Chief Justice or President, performs any function of the office, he or she shall take before the Governor, or some person authorised for the purpose by the Governor, an oath or affirmation in the form set out in the Second Schedule.

”.

**34. Section 49 amended**

Section 49(1a) is repealed.

**35. Sections 175, 176 and 177 repealed**

Sections 175, 176 and 177 are repealed.

**36. Second Schedule replaced**

The Second Schedule is repealed and the following schedule is inserted instead —

“

**Second Schedule — Oath and affirmation of office**

[s. 13]

I, [name], [insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005] that I will faithfully serve the people and the State of Western Australia in the office of [title of office] of the Supreme Court of Western Australia and I will do right to all manner of people, according to law, without fear or favour, affection or ill will.

”.

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**Part 10 — *State Administrative Tribunal Act 2004*  
amended**

**37. The Act amended in this Part**

The amendments in this Part are to *State Administrative Tribunal Act 2004*\*.

[\* *Act No. 54 of 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 427.]*

**38. Section 142A inserted**

After section 142 the following section is inserted —

“

**142A. Oath of office**

Before a person who is appointed under this Part to any of the following offices performs any function of the office, he or she must take before the Governor, or some person authorised for the purpose by the Governor, an oath or affirmation in the form set out in Schedule 2.

**Offices**

President  
Acting President  
Supplementary President  
Deputy President  
Acting Deputy President  
Supplementary Deputy President

”.

**s. 39**

---

**39. Schedule 2 inserted**

After Schedule 1 the following Schedule is inserted —

“

**Schedule 2 — Oath and affirmation of office**

[s. 142A]

I, [name], [insert an oath or affirmation according to the  
*Oaths, Affidavits and Statutory Declarations Act 2005*] that  
I will faithfully serve the people and the State of Western  
Australia in the office of [title of office] of the State  
Administrative Tribunal and I will do right to all manner of  
people, according to law, without fear or favour, affection or  
ill will.

”.

---

**Part 11 — *The Criminal Code* amended**

**40. *The Criminal Code* amended in this Part**

The amendments in this Part are to *The Criminal Code*\*.

[\* *Reprint 11 as at 3 September 2004 (see the Schedule to the Criminal Code Act 1913 appearing as Appendix B to the Criminal Code Compilation Act 1913).*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 110-11.]*

**41. Section 169 replaced**

Section 169 is repealed and the following section is inserted instead —

“

**169. False statements on oath**

- (1) Any person who, when under oath or any sanction that may be lawfully substituted for an oath, knowingly makes a statement, whether orally or in writing, that is false in a material particular is guilty of a crime and is liable to imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

- (2) Any person who knowingly makes a statement that is false in a material particular in a statutory declaration is guilty of a crime and is liable to imprisonment for 5 years.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

”.

**42.      Section 170 replaced**

Section 170 is repealed and the following section is inserted instead —

“

**170.      False information to officials etc.**

- (1) Any person who, being required under a written law to give information, whether orally or in writing, to another person, knowingly gives information to the other person that is false in a material particular is guilty of a crime and is liable to imprisonment for 3 years.

Summary conviction penalty: imprisonment for 18 months and a fine of \$18 000.

- (2) Subsection (1) does not apply if the person is required to give the information on oath or in a statutory declaration.

”.

---

**Part 12 — Evidence Act 1906 amended**

**43. The Act amended in this Part**

The amendments in this Part are to the *Evidence Act 1906*\*.

[\* *Reprint 12 as at 10 October 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 151.]*

**44. Section 97 amended**

Section 97(3) and (4) are repealed and the following subsection is inserted instead —

“

(3) The form of oath for a witness is as follows —

I [*insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005*] that the evidence I will give in this case will be the truth, the whole truth and nothing but the truth.

”.

**45. Sections 98, 98A, 99 and 100 repealed**

Sections 98, 98A, 99 and 100 are repealed.

**46. Section 100A amended**

- (1) Section 100A(1) is amended by deleting “solemn”.
- (2) Section 100A(2) is amended by deleting “solemn” in the 2 places where it occurs.

**47. Section 102 amended**

- (1) Section 102(1) is repealed and the following subsection is inserted instead —

“

- (1) If a person is called to act as an interpreter in any court, or before any person acting judicially, and that person, had he or she been tendered as a witness, would have been required to take an oath or make an affirmation, he or she shall be required to take an oath or affirmation as follows —

I [*insert an oath or affirmation according to the Oaths, Affidavits and Statutory Declarations Act 2005*] that I will well and truly translate any evidence that I am asked to translate in this case.

”.

- (2) Section 102(2) is amended by deleting “or made a solemn affirmation or declaration” and inserting instead —

“ or made an affirmation ”.

**48. Section 103 amended**

Section 103(1) is amended by deleting “a solemn” and inserting instead —

“ an ”.

**49. Section 104 repealed**

Section 104 is repealed.

**50. Section 105 inserted**

After section 104A the following section is inserted —

“

**105. Oaths, Affidavits and Statutory Declarations Act 2005, application of**

This Act does not limit the operation of the *Oaths, Affidavits and Statutory Declarations Act 2005* and in particular Part 2 of that Act.



”.

**51. Section 106 repealed**

Section 106 is repealed.

**52. Section 106B amended**

- (1) Section 106B(1) is amended by deleting “under section 97(3) or after making a solemn affirmation under section 97(4)” and inserting instead —

“ or after making an affirmation ”.

- (2) Section 106B(2) is amended by deleting “a solemn” and inserting instead —

“ an ”.

**53. Section 106C amended**

Section 106C is amended by deleting “a solemn” and inserting instead —

“ an ”.

**Part 13 — Interpretation Act 1984 amended**

**54. The Act amended in this Part**

The amendments in this Part are to the *Interpretation Act 1984*\*.

[\* *Reprint 4 as at 6 February 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 222.]*

**55. Section 5 amended**

Section 5 is amended as follows:

- (a) by deleting the definition of “affidavit” and inserting instead —

“

“**affidavit**” means an affidavit made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* or made before the commencement of that Act in accordance with law;

”;

- (b) by deleting the definition of “oath” and inserting instead —

“

“**oath**” means an oath or affirmation taken or made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* or taken or made before the commencement of that Act in accordance with law;

”;

- (c) by deleting the definition of “statutory declaration” and inserting instead —

“

**“statutory declaration”** means a statutory declaration made in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* or made before the commencement of that Act in accordance with law;

”;

- (d) by deleting the definition of “swear” and inserting instead —

“

**“swear”** includes to affirm;

”.

**Part 14 — *Local Government Act 1995* amended**

**56.        The Act amended in this Part**

The amendments in this Part are to the *Local Government Act 1995*\*.

[\* *Reprint 2 as at 2 April 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 266.]*

**57.        Section 2.29 amended**

- (1) Section 2.29(1) is amended by deleting “take an oath or affirmation of allegiance and”.
- (2) Section 2.29(3) is amended by deleting “An oath, affirmation or declaration” and inserting instead —  
“ A declaration ”.

**58.        Section 2.32 amended**

Section 2.32(c) is amended by deleting “take the oath or affirmation, and make the declaration,” and inserting instead —

“ make the declaration ”.

**59.        Section 2.42 amended**

Section 2.42(1) is amended by deleting “taken an oath or affirmation of allegiance and”.

---

**Part 15 — Mining Act 1978 amended**

**60. The Act amended in this Part**

The amendments in this Part are to the *Mining Act 1978*\*.

[\* *Reprinted as at 7 September 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 294-5.]*

**61. Section 144 amended**

Section 144 is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) any person who, under the *Oaths, Affidavits and Statutory Declarations Act 2005*, is an authorised witness for an affidavit;

”;

- (b) by inserting after paragraph (c) —

“ or ”;

- (c) by deleting paragraph (d) and “or” after it.

**62. Section 160D amended**

Section 160D is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) any person who, under the *Oaths, Affidavits and Statutory Declarations Act 2005*, is an authorised witness for an affidavit;

”;

- (b) by inserting after paragraph (b) —

“ or ”;

- (c) by deleting paragraphs (c), (d) and (e) and “or” after paragraph (e).

## **Part 16 — Various Acts amended**

### **63. Various Acts amended**

Each Act listed in Schedule 1 is amended as set out in that Schedule below the short title of the Act.

cl. 1

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**Schedule 1 — Amendments to various Acts**

[s. 63]

**1. Administration Act 1903**

s. 54(2)	Delete “Commissioners of the Supreme Court” and insert instead — “ the Principal Registrar ”.
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**2. Adoption Act 1994**

Sch. 1 cl. 2(1)(j)	Delete the paragraph and insert instead — “ (j) any person before whom a person may make a statutory declaration under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> or under the <i>Statutory Declarations Act 1959</i> of the Commonwealth; ”.
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**3. Agricultural Practices (Disputes) Act 1995**

Sch. 1 cl. 7(7)(c)	Delete “, affirmation or declaration required” and insert instead — “ or affirmation required ”.
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**4. Bills of Sale Act 1899**

s. 8(1)	Delete “misdemeanour, and shall be punishable as if he were guilty of an offence under section 170 of <i>The Criminal Code.</i> ” and insert instead — “ crime and be liable to imprisonment for 5 years. Summary conviction penalty: Imprisonment for 2 years or a fine of \$8 000. ”.
s. 9	Repeal the section.



**5. Companies (Co-operative) Act 1943**

s. 432	Delete “commissioner for taking affidavits in the Supreme Court or commissioner for declarations” and insert instead — “ any person who may witness a statutory declaration ”.
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**6. Consumer Affairs Act 1971**

s. 19(1a)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**7. Criminal Law Amendment (Simple Offences) Act 2004**

s. 2(7)	Repeal the subsection.
s. 39	Repeal the section.

**8. Education Service Providers (Full Fee Overseas Students) Registration Act 1991**

s. 32(2)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**9. Finance Brokers Control Act 1975**

s. 15(2)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**10. Juries Act 1957**

s. 56(2)	Delete “sworn before a commissioner for affidavits or a Justice of the Peace and”.
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**11. Justices of the Peace Act 2004**

Schedule 2	Delete “Act 2003” and insert instead — “ Act 2005 ”.
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**Oaths, Affidavits and Statutory Declarations (Consequential Provisions)  
Act 2005**

**Schedule 1** Amendments to various Acts

**cl. 12.**

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**12. *Petroleum Products Pricing Act 1983***

s. 23(1)(b)(iii)	Delete “has the authority of a Commissioner for Declarations” and insert instead — “ may witness a statutory declaration ”.
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**13. *Public Notaries Act 1979***

s. 13	Delete “some Commissioner duly appointed to take affidavits therein” and insert instead — “ a person prescribed for the purpose by rules made under section 17 ”.
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**14. *Prisons Act 1981***

s. 9(3)(b)(ii)	Delete “has the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**15. *Real Estate and Business Agents Act 1978***

s. 15(2)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**16. *Settlement Agents Act 1981***

s. 15(2)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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**17. Transfer of Land Act 1893**

Second Schedule Fourth Schedule Twenty-eighth Schedule	In each Schedule, delete “(The applicant if within the State to sign before the Registrar or an Assistant Registrar or a notary public, justice of the peace, commissioner for taking affidavits in the Supreme Court of Western Australia or legal practitioner; if out of the State, before a notary public, justice of the peace, or a commissioner for taking affidavits in the Supreme Court of Western Australia).” and insert instead — “  [The applicant, if in the State, to sign before the Registrar, an Assistant Registrar or any person who, under the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> , is an authorised witness for an affidavit made in the State; if out of the State, to sign before any person who, under that Act, is an authorised witness for an affidavit made out of the State.]  ”.
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**18. Veterinary Surgeons Act 1960**

s. 16B(2)(c)(iv)	Delete “have the authority of a commissioner for declarations.” and insert instead — “ may witness a statutory declaration. ”.
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