

NORTHERN TERRITORY OF AUSTRALIA

OATHS, AFFIDAVITS AND DECLARATIONS
(CONSEQUENTIAL AMENDMENTS) ACT 2010

Act No. 40 of 2010

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Schedule 2 Amendment of other subordinate legislation



NORTHERN TERRITORY OF AUSTRALIA

Act No. 40 of 2010

An Act to amend various laws consequent on the enactment
of the *Oaths, Affidavits and Declarations Act 2010*

[Assented to 18 November 2010]

[Second reading 12 August 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010*.

2 Commencement

This Act commences on the day on which, but immediately after, the *Oaths, Affidavits and Declarations Act 2010* commences.

3 Expiry

This Act expires on the day after it commences.

Part 2 Amendment of Acts

Division 1 Architects Act

4 Act amended

This Division amends the *Architects Act*.

5 Repeal and substitution of section 28

Section 28

repeal, substitute

28 Power to examine on oath

The Board may require a person appearing before it to give evidence on oath.

6 Amendment of section 31 (Refusal to be sworn or give evidence)

(1) Section 31, heading

omit

be sworn

substitute

take oath

(2) Section 31(1)(a)

omit

be sworn;

substitute

take an oath when required by the Board to do so;

Division 2 Biological Control Act

7 Act amended

This Division amends the *Biological Control Act*.

8 Repeal of section 42

Section 42

repeal

9 Amendment of section 43 (Refusal to be sworn or to answer questions)

(1) Section 43, heading

omit

be sworn

substitute

take oath

(2) Section 43(a)

omit, substitute

(a) refuse or fail to take an oath when required by the Commission to do so; or

Division 3 Building Act

10 Act amended

This Division amends the *Building Act*.

11 Amendment of section 34N (Powers to compel evidence)

Section 34N(1)(a)

omit, substitute

(a) to give evidence on oath; or

12 Repeal and substitution of section 148

Section 148

repeal, substitute

148 Evidence on oath

The Appeals Board may require a person who attends a hearing to give evidence on oath.

Division 4 Companies (Unclaimed Assets and Moneys) Act

13 Act amended

This Division amends the *Companies (Unclaimed Assets and Moneys) Act*.

14 Amendment of Schedule 2

Schedule 2

omit

all the words from "And I make" to "*is made*" (last reference)

substitute

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____

at *[place]* _____ on *[date]* _____

Witnessed by

[Signature of witness]

[Name]

[Address or telephone number] _____

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

Division 5 Coroners Act

15 Act amended

This Division amends the *Coroners Act*.

16 Amendment of section 5 (Deputy coroners)

(1) Section 5(2)(a), at the end

insert

or

(2) Section 5(3)

omit

or affirmation

17 Amendment of section 10 (Functions and powers of coroners' clerks)

(1) Section 10(2)(b)

omit

administer an oath or take

substitute

witness

(2) Section 10(2)(a), at the end

insert

and

18 Amendment of section 41 (Coroner's powers at inquest)

(1) Section 41(1)(c)

omit, substitute

(c) subject to section 38, order a witness to give evidence on oath; and

(2) Section 41(1)(a) and (b), at the end

insert

and

19 Amendment of Schedule 1

(1) Schedule 1

omit

A.B., do swear

substitute

_____ *[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]*

- (2) Schedule 1
omit
So help me God!
substitute
[So help me God! or as appropriate]

- (3) Schedule 1
omit
all the words from “AFFIRMATION” to “ill-will”

Division 6 Criminal Code

20 Act amended

This Division amends the Criminal Code.

21 Amendment of section 85 (False assumption of authority)

- (1) Section 85(b)
omit
or take a solemn declaration or affirmation or affidavit,
substitute
, witness an affidavit or declaration

- (2) Section 85(a), at the end

insert

or

22 Amendment of section 95 (Corrupting or threatening jurors)

- (1) Section 95(a) and (c)

omit

been sworn

substitute

taken the oath

(2) Section 95(a), at the end

insert

or

**23 Amendment of section 118 (False statements in statements
required to be under oath or solemn declaration)**

Section 118

omit (all references)

or affirmation

24 Amendment of section 119 (False declarations and statements)

Section 119

omit

all the words from "he is permitted" to "is to his"

substitute

he or she is permitted or required by law:

(a) to make a statutory declaration or an unattested declaration as provided for in the *Oaths, Affidavits and Declarations Act*, or

(b) to make a statement or declaration of any other kind before any person authorised by law to permit it to be made before him or her;

makes such a declaration or statement that, in any material particular, is to his or her

25 Amendment of section 331A (Notice of expert evidence)

Section 331A(7)(a)(i)

omit

have been sworn

substitute

has been empanelled

26 Amendment of section 334 (Adjournment of trial)

(1) Section 334(2)(c)

omit

sworn;

substitute

empanelled;

(2) Section 334(2)(a) and (b), at the end

insert

or

(3) Section 334(3)(a), at the end

insert

and

27 Amendment of section 341 (Separate trials where 2 or more charges against the same person)

Section 341(2)

omit

sworn

28 Amendment of section 350 (Separate trials)

Section 350

omit

sworn,

substitute

empanelled,

29 Amendment of section 352 (Accused person to be informed of his right of challenge)

(1) Section 352

omit

be sworn

substitute

be empanelled

(2) Section 352

omit

are sworn.

substitute

take the oath as jurors.

30 Amendment of section 353 (Challenge to array)

Section 353

omit

is sworn

substitute

takes the oath as a juror

31 Amendment of section 356 (Ascertainment of facts as to challenge)

(1) Section 356(1)

omit

already sworn

substitute

who have already taken the oath as jurors

(2) Section 356(1)
omit (all references)
been sworn
substitute
taken the oath as a juror

(3) Section 356(2)
omit
be sworn
substitute
take an oath

(4) Section 356(3)
omit
been sworn.
substitute
taken the oath as a juror.

32 Amendment of section 358 (Jury to be sworn and informed of charge)

(1) Section 358, heading
omit
Jury to be sworn and
substitute
Jurors to take oath and be

(2) Section 358(1)
omit
The jury are to be sworn
substitute
Each juror must take an oath

(3) Section 358(2)

omit

the jury have been sworn

substitute

all jurors have taken the oath

33 Amendment of section 359 (Discharge of juror by court)

(1) Section 359

omit

been sworn,

substitute

taken the oath as a juror,

(2) Section 359

omit

be sworn

substitute

take the oath

34 Amendment of section 365 (Jury not to separate)

(1) Section 365(1)

omit

have been sworn

substitute

has been empanelled

(2) Section 365(1)

omit

them by the proper officer they

substitute

the jury by the proper officer, the jurors

(3) Section 365(4)

omit

sworn

substitute

empanelled

35 Amendment of section 367 (View)

Section 367(2)

omit

sworn

substitute

empanelled

36 Amendment of section 371 (Discharge of jury)

(1) Section 371(1)

omit

have been sworn

substitute

has been empanelled

(2) Section 371(2)

omit

sworn

substitute

empanelled

37 Amendment of section 441 (Arrest without warrant)

(1) Section 441(2)(a)(i), (ii) and (iv), at the end

insert

or

(2) Section 441(2A)

omit

or made an affirmation

Division 7 Electrical Workers and Contractors Act

38 Act amended

This Division amends the *Electrical Workers and Contractors Act*.

39 Repeal and substitution of section 45D

Section 45D

repeal, substitute

45D Board may examine on oath

The Board may require a person appearing before it to give evidence on oath.

40 Amendment of section 45F (Refusal to be sworn or give evidence)

(1) Section 45F, heading

omit

be sworn

substitute

take oath

(2) Section 45F

omit

be sworn or to make an affirmation

substitute

take an oath when required by the Board to do so

Division 8 Evidence Act

41 Act amended

This Division amends the *Evidence Act*.

42 Amendment of section 49K (Administration of oaths and affirmations)

(1) Section 49K, heading

omit

and affirmations

(2) Section 49K

omit

sworn or affirmation to be made

substitute

taken

43 Amendment of Fourth Schedule

Fourth Schedule

omit

all the words from "Sworn at" to "is sworn."

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature deponent]* _____

Witnessed by

Signature _____

Office Justice of the peace / commissioner for oaths /
person authorised to witness affidavits in place
where affidavit is made

Name _____

Address or phone no. _____

Division 9 Inquiries Act

44 Act amended

This Division amends the *Inquiries Act*.

45 Repeal and substitution of section 10

Section 10

repeal, substitute

10 Board and Commissioner may examine on oath

A Board or Commissioner may require a person appearing before the Board or Commissioner to give evidence on oath.

46 Amendment of section 12 (Refusal to be sworn or give evidence)

(1) Section 12, heading

omit

be sworn

substitute

take oath

(2) Section 12

omit

be sworn

substitute

take an oath when required by the Board or Commissioner to do so

Division 10 Interpretation Act

47 Act amended

This Division amends the *Interpretation Act*.

48 Amendment of section 17 (Definitions)

(1) Section 17

insert (in alphabetical order)

commissioner for oaths, see section 3 of the *Oaths, Affidavits and Declarations Act*.

(2) Section 17, definition ***statutory declaration***

omit

Oaths Act.

substitute

Oaths, Affidavits and Declarations Act.

49 Repeal of section 33

Section 33

repeal

50 Amendment of section 70 (Powers of persons authorized to adjudicate)

(1) Section 70, heading

omit

authorized

substitute

authorised

(2) Section 70

omit

authorized

substitute

or body authorised

(3) Section 70

omit

witnesses and to administer an oath to all witnesses called before him.

substitute

on oath any witness appearing before the court, person or body.

Division 11 Juries Act

51 Act amended

This Division amends the *Juries Act*.

52 Amendment of section 8 (Payment of jury fee in civil cases)

Section 8(4)

omit

sworn and impanelled,

substitute

empanelled,

53 Amendment of section 13 (Impeachment of verdict of jury)

Section 13

omit

was sworn.

substitute

took the oath under section 58.

54 Amendment of Part VII, heading

Part VII, heading

omit

impanelling

substitute

empanelling

55 Amendment of section 37 (Striking jury in criminal cases)

Section 37(1A)

omit

upon being duly sworn,

substitute

after taking the oath under section 58,

56 Amendment of section 39 (Striking jury in civil cases)

Section 39(6)

omit

shall be sworn and

substitute

must take an oath under section 58 and be

57 Amendment of section 58 (Oath by jurors)

Section 58

omit

shall be sworn

substitute

must take an oath

58 Amendment of section 59 (Oath of officer in charge of jury)

Section 59

omit

be sworn

substitute

take an oath

59 Amendment of section 63 (Food and refreshment)

Section 63

omit

and sworn

60 Repeal of section 66

Section 66

repeal

61 Amendment of Schedule 6

(1) Schedule 6

omit (all references)

I swear that I will

substitute

I [*promise/swear etc. as required by Oaths, Affidavits and Declarations Act*]to

(2) Schedule 6

omit (all references)

evidence So help me, God!

substitute

evidence. [*So help me God! or as appropriate*]

(3) Schedule 6

omit

all the words from "You swear" to "So help you, God!"

substitute

I [*promise/swear etc. as required by Oaths, Affidavits and Declarations Act*] that I will keep this jury in my custody and suffer no one to speak to them nor speak to them myself except on some necessary occasion having reference to their health, business or family affairs. [*So help me God! or as appropriate*]

Division 12 Justices Act

62 Act amended

This Division amends the *Justices Act*.

63 Amendment of section 28 (Proof by affidavit of service of process, handwriting, &c.)

(1) Section 28(1)

omit

all the words from "affidavit taken" to "Supreme Court"

substitute

affidavit

(2) Section 28(2)

omit

64 Amendment of section 188 (After summary finding of guilt or order habeas not to issue except on an affidavit writ to be returnable at least 4 days after issue, and notice to be given thereof)

Section 188(1)

omit

, in writing and duly sworn,

65 Amendment of Schedule 3

(1) Schedule 3, Affidavit of Service

omit

[or affirm]

(2) Schedule 3, Affidavit of Service

omit

all the words from "Sworn [or" to "Peace"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature]* _____
Witnessed by _____
Signature _____
Justice of the peace / commissioner for oaths
Name _____
Address or phone no. _____

Division 13 Lands, Planning and Mining Tribunal Act

66 Act amended

This Division amends the *Lands, Planning and Mining Tribunal Act*.

67 Amendment of section 14 (Evidence)

(1) Section 14(3)

omit, substitute

- (3) The Tribunal may require a person appearing before it to give evidence on oath.

(2) Section 14(5)

omit

subsection (3)(a)

substitute

subsection (3)

Division 14 Licensed Surveyors Act

68 Act amended

This Division amends the *Licensed Surveyors Act*.

69 Repeal and substitution of sections 54 and 55

Sections 54 and 55

repeal, substitute

54 Power to examine on oath

A Board or the Tribunal may require a person appearing before it to give evidence on oath.

70 Amendment of section 57 (Refusal to be sworn or give evidence)

(1) Section 57, heading

omit

be sworn

substitute

take oath

(2) Section 57(1)

omit

be sworn

substitute

take an oath when required by the Board or Tribunal to do so

Division 15 Liquor Act

71 Act amended

This Division amends the *Liquor Act*.

72 Amendment of section 51 (Procedure at hearing)

(1) Section 51(3)(b)

omit, substitute

(b) the Commission may require a person appearing before it to give evidence on oath; and

(2) Section 51(3)(d)

omit

fit; and

substitute

fit.

(3) Section 51(3)(e)

omit

73 Amendment of section 54 (Refusal to be sworn or give evidence)

(1) Section 54, heading

omit

be sworn

substitute

take oath

(2) Section 54(1)

omit

be sworn or to make an affirmation

substitute

take an oath when required by the Commission to do so

Division 16 Local Court Act

74 Act amended

This Division amends the *Local Court Act*.

75 Amendment of section 10 (Powers of Registrar)

(1) Section 10(b)

omit

(2) Section 10(a), at the end

insert

and

76 Amendment of section 30 (Witnesses to be examined on oath)

Section 30(2)

omit

be sworn.

substitute

take an oath.

77 Amendment of section 34 (Contempt)

Section 34(1)(b) and (c) and (5)(b)

omit

be sworn

substitute

take an oath

Division 17 Local Government Act

78 Act amended

This Division amends the *Local Government Act*.

79 Amendment of section 116 (Power to enter land or premises)

Section 116(3)

omit

or affirmation

80 Amendment of section 210 (Power of formal questioning)

Section 210(3)(a)

omit

or make an affirmation (which may be administered by the inspector)

81 Amendment of section 218 (Evidentiary powers of commission)

(1) Section 218(3)

omit, substitute

(3) The commission may require a person appearing before it to give evidence on oath.

(2) Section 218(4)(b)(i)

omit

or affirmation

82 Amendment of section 236 (Witnesses)

(1) Section 236(3) and (4)

omit, substitute

(3) The Tribunal may require a person appearing before it to give evidence on oath.

(2) Section 236(5)(b)

omit

or make an affirmation

Division 18 Mineral Royalty Act

83 Act amended

This Division amends the *Mineral Royalty Act*.

84 Repeal and substitution of section 16

Section 16

repeal, substitute

16 Power to examine on oath

The Secretary or an authorised person may examine on oath a person attending before the Secretary or authorised person under section 15.

85 Amendment of section 47 (Refusal to give evidence or produce documents)

Section 47(b)

omit, substitute

(b) to take an oath; or

Division 19 Mining Act

86 Act amended

This Division amends the *Mining Act*.

87 Amendment of section 146 (Proceedings)

(1) Section 146(1)(a), at the end

insert

and

(2) Section 146(2)(b) and (c)

omit, substitute

(b) witnesses must give evidence on oath; and

(3) Section 146(2)(d)

omit

be sworn or to make an affirmation,

substitute

take an oath,

(4) Section 146(2)(a) and (d), at the end

insert

and

88 Amendment of section 157 (Affidavits)

Section 157

omit

shall be sworn

substitute

must be made

Division 20 Northern Territory Employment and Training Act

89 Act amended

This Division amends the *Northern Territory Employment and Training Act*.

90 Amendment of section 85 (Conduct of inquiry)

Section 85(11)(a)

omit

oath or affirmation;

substitute

oath; and

91 Amendment of section 86 (Summons)

(1) Section 86(1)(b)

omit

oath or affirmation; and

substitute

oath.

(2) Section 86(1)(c)

omit

(3) Section 86(1)(a), at the end

insert

and

(4) Section 86(2)(a), at the end

insert

or

92 Amendment of section 93 (Offences relating to inquiries)

(1) Section 93(2)(a), at the end

insert

or

(2) Section 93(3)(a)

omit

or affirmation

Division 21 Petroleum Products Subsidy Act

93 Act amended

This Division amends the *Petroleum Products Subsidy Act*.

94 Repeal and substitution of section 20

Section 20

repeal, substitute

20 Power to examine on oath

An authorised officer may examine on oath a person required under section 19 to attend before the officer.

95 Amendment of section 21

(1) Section 21(1)(b)

omit, substitute

(b) to take an oath; or

(2) Section 21(1)(a) and (2)(a), at the end

insert

or

Division 22 Petroleum (Submerged Lands) Act

96 Act amended

This Division amends the *Petroleum (Submerged Lands) Act*.

97 Repeal and substitution of section 116

Section 116

repeal, substitute

116 Power to examine on oath

The Minister or an inspector may examine on oath a person attending before the Minister or inspector under section 115.

Division 23 Price Exploitation Prevention Act

98 Act amended

This Division amends the *Price Exploitation Prevention Act*.

99 Amendment of section 12 (Failure to be sworn, produce documents or answer questions)

(1) Section 12, heading

omit

be sworn,

substitute

take oath,

(2) Section 12

omit

be sworn, or to make an affirmation,

substitute

take an oath when required to do so,

100 Repeal of section 13

Section 13

repeal

101 Amendment of section 14 (Power to obtain information)

(1) Section 14(2)

omit

, and for that purpose may administer an oath

(2) Section 14(4)(a), at the end

insert

or

Division 24 Prisons (Arbitral Tribunal) Act

102 Act amended

This Division amends the *Prisons (Arbitral Tribunal) Act*.

103 Repeal and substitution of sections 11L and 11M

Sections 11L and 11M

repeal, substitute

11L Power to examine on oath

The Tribunal may require a person appearing before it to give evidence on oath.

104 Amendment of section 11P (Penalty for refusing to be sworn or to give evidence)

(1) Section 11P, heading

omit

be sworn

substitute

take oath

(2) Section 11P

omit

be sworn or to make an affirmation

substitute

take an oath when required by the Tribunal to do so

Division 25 Prostitution Regulation Act

105 Act amended

This Division amends the *Prostitution Regulation Act*.

106 Amendment of section 39 (Power to summon witnesses, require production of documents, &c.)

(1) Section 39(2)(b)

omit

such a notice;

substitute

a notice under subsection (1).

(2) Section 39(2)

omit

all the words from "and, for the" to "administer an oath."

Division 26 Public Notaries Act

107 Act amended

This Division amends the *Public Notaries Act*.

108 Repeal and substitution of section 5

Section 5

repeal, substitute

5 Oath of office

(1) Before being enrolled as a public notary a person must take an oath of office in the form in Schedule 1.

(2) The oath must be administered by a Judge of the Court.

109 Amendment of Schedule 1

(1) Schedule 1

omit

do swear

substitute

[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]

(2) Schedule 1

omit

So help me, God.

substitute

[So help me God! or as appropriate]

(3) Schedule 1

omit

all the words from "Affirmation" to "and ability."

Division 27 Supreme Court Act

110 Act amended

This Division amends the *Supreme Court Act*.

111 Amendment of section 9 (Interpretation)

Section 9(1), definition *affidavit*

omit

112 Repeal and substitution of section 37

Section 37

repeal, substitute

37 Oath of office

(1) A Judge must take an oath in the form in Schedule 1 before discharging the duties of the office.

- (2) The oath must be administered by the Administrator or a person appointed by the Attorney-General to do so.

113 Amendment of section 41J (Oath of office)

- (1) Section 41J(1)

omit

before the Chief Justice or a Judge of the Court an oath or affirmation in accordance with one of the forms in

substitute

an oath in the form in

- (2) After section 41J(1)

insert

- (1A) The oath must be administered by the Chief Justice or a Judge of the Court.

- (3) Section 41J(2)

omit (all references)

or affirmation

114 Amendment of Schedule 1

- (1) Schedule 1

omit

do swear

substitute

[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]

- (2) Schedule 1

omit

So help me God!

substitute

[So help me God! or as appropriate]

(3) Schedule 1

omit

all the words from "I, , do solemnly" to "or ill will."

115 Amendment of Schedule 2

(1) Schedule 2

omit

do swear

substitute

[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]

(2) Schedule 2

omit

So help me God!

substitute

[So help me God! or as appropriate]

(3) Schedule 2

omit

all the words from " I, , do solemnly" to "or ill will."

Division 28 Veterinarians Act

116 Act amended

This Division amends the *Veterinarians Act*.

117 Amendment of section 32 (Procedure at inquiry)

(1) Section 32(3)

omit, substitute

(3) The Board may require a person appearing before it to give evidence on oath.

(2) Section 32(5)(a), at the end

insert

and

Division 29 Other Acts

118 Amendment of other Acts

Schedule 1 amends the Acts mentioned in it.

Part 3 Amendment of subordinate legislation

Division 1 Corporations Law Rules

119 Rules amended

This Division amends the *Corporations Law Rules*.

120 Amendment of rule 11.10 (Default in relation to examination)

(1) Rule 11.10(1)(a)(iii)

omit

or make an affirmation

(2) Rule 11.10(1)(a)(i) to (iv), at the end

insert

or

121 Amendment of Schedule 1 (Forms)

(1) Schedule 1, Form 7

omit

*make oath and say/*solemnly and sincerely affirm and declare:

substitute

make oath and say:

(2) Schedule 1, Form 7

omit

all the words from "**Sworn/*affirmed at:*" to "*affirms affidavit*"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

(3) Schedule 1, Form 14

omit

**make oath and say/*solemnly and sincerely declare and affirm]:*

substitute

make oath and say:

(4) Schedule 1, Form 14

omit

all the words from "**Sworn/*affirmed at:*" to "*affirms affidavit*"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

(5) Schedule 1, Form 17, paragraph (a)

omit

or affirmation

122 Amendment of Schedule 2 (Notes to these Rules)

(1) Schedule 2, Note 2

omit

*say on oath/*affirm [*or* *make oath and say/*solemnly and sincerely declare and affirm]:

substitute

make oath and say:

(2) Schedule 2, Note 2

omit

Sworn, *etc.*

substitute

Made at [*place*] _____ on [*date*] _____

By [*signature of deponent*] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 2 Crimes (Victims Assistance) Rules

123 Rules amended

This Division amends the *Crimes (Victims Assistance) Rules*.

124 Amendment of Schedule (Forms)

(1) Schedule, Form 13

omit

DATE SWORN OR AFFIRMED:

substitute

DATE AFFIDAVIT MADE:

(2) Schedule, Form 13

omit

* say on oath / do solemnly, sincerely and truly affirm *

substitute

make oath and say

(3) Schedule, Form 13

omit

all the words from "***Sworn/Affirmed***" to "Commissioner for Oaths"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 3 Criminal Property Forfeiture Regulations

125 Regulations amended

This Division amends the *Criminal Property Forfeiture Regulations*.

126 Amendment of Schedule 3

(1) Schedule 3, Form 2

omit

*oath / *affirmation

substitute

oath

(2) Schedule 3, Form 2

omit

*Sworn / *Affirmed before me

substitute

Made

(3) Schedule 3, Form 2

omit

all the words from "Signed" to "Peace"

substitute

Witnessed by

Signature _____
Justice of the peace

Name _____
Address or phone no. _____

Division 4 Fines and Penalties (Recovery) Regulations

127 Regulations amended

This Division amends the *Fines and Penalties (Recovery) Regulations*.

128 Amendment of Schedule 5

(1) Schedule 5, Forms 1, 2, 5, 6 and 7

omit (all references)

Date Sworn/Affirmed:

substitute

Date affidavit made:

(2) Schedule 5, Forms 1, 2, 5, 6 and 7

omit (all references)

all the words from "Sworn/Affirmed" to "for Oaths" (first reference)

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 5 Health and Community Services Complaints Regulations

129 Regulations amended

This Division amends the *Health and Community Services Complaints Regulations*.

130 Amendment of Schedule 5

Schedule 5

omit

all the words from "SWORN before" to "19 ."

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Name _____

Address or phone no. _____

Division 6 Justices Regulations

131 Regulations amended

This Division amends the *Justices Regulations*.

132 Amendment of Schedule

(1) Schedule, Form 1A, 1B, 2A and 2B, Proof of Service

omit

(*or affirm*)*

(2) Schedule, Form 1A, 1B, 2A and 2B, Proof of Service

omit

all the words from "Sworn (*or*)" to "the Peace"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

(3) Schedule, Forms 5, 6, 7, 15, 16, 19, 39, 41, 42, 52 and 58

omit

(*or* affirmation)

(4) Schedule, Forms 7, 13, 19, 38 and 41

omit

or affirmation

(5) Schedule, Forms 13 and 38

omit

(and sworn or affirmed)

substitute

on oath

(6) Schedule, Forms 14 and 40, Proof of Service

omit

(*or* affirm)

(7) Schedule, Forms 14 and 40, Proof of Service

omit

all the words from "Sworn (*or*" to "the Peace."

substitute

Made at [*place*] _____ on [*date*] _____

By [*signature of deponent*] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

(8) Schedule, Form 58

omit

(affirmation)

(9) Schedule, Form 58

omit

and sworn

substitute

on oath

Division 7 Local Court Rules

133 Rules amended

This Division amends the *Local Court Rules*.

134 Amendment of rule 4.06 (Service of summons)

Rule 4.06(4)

omit

swear

substitute

make

135 Amendment of rule 11.02 (Affidavit or declaration required)

Rule 11.02(b)(ii) and (iii)

omit

sworn

substitute

made

136 Amendment of rule 16.01 (Party to give discovery)

Rule 16.01(2)

omit

swear

substitute

make

137 Amendment of rule 22.01 (Form of affidavit)

(1) Rule 22.01(2)

omit

of swearing.

substitute

on which the affidavit is made.

(2) Rule 22.01(3)(a) and (4)(a), at the end

insert

and

(3) Rule 22.01(6), (7) and (8)

omit, substitute

(6) An affidavit must contain a statement of the name and address of the party on whose behalf it is filed.

Note for rule 22.01

An affidavit must also comply with the requirements of the Part 3 of the Oaths, Affidavits and Declarations Act.

138 Amendment of rule 22.03 (Affidavit by multiple deponents)

(1) Rule 22.03

omit (all references)

sworn

substitute

made

(2) Rule 22.03

omit

before

substitute

and is witnessed by

139 Amendment of rule 22.04 (Affidavit by person unable to read)

(1) Rule 22.04(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 22.04(1)(a), at the end

insert

and

140 Amendment of rule 22.05 (Affidavit by person unable to write)

(1) Rule 22.05(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 22.05(1)(c)

omit

sworn

substitute

made

(3) Rule 22.05(1)(a), at the end

insert

and

141 Amendment of rule 22.06 (Affidavit by person unable to understand English)

(1) Rule 22.06(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 22.06(1)(a)

omit

sworn

substitute

made

(3) Rule 22.06(1)(a)

omit

swore

substitute

took an oath

(4) Rule 22.06(1)(a)(ii) and (b), at the end

insert

and

(5) Rule 22.06(2)(a)

omit

sworn

substitute

made

142 Amendment of rule 22.08 (Annexures and exhibits)

(1) Rule 22.08(2)(c)

omit

before whom the affidavit is sworn.

substitute

witnessing the affidavit.

(2) Rule 22.08(2)(a), at the end

insert

and

143 Amendment of rule 22.10 (Alterations)

Rule 22.10

omit

before whom the affidavit was sworn

substitute

who witnessed the affidavit

144 Amendment of rule 22.12 (Affidavit sworn before party, &c.)

(1) Rule 22.12, heading

omit

sworn before party, &c.

substitute

witnessed by party etc.

(2) Rule 22.12(1), (2) and (3)

omit

sworn before

substitute

witnessed by

145 Amendment of rule 22.13 (Affidavit sworn before commencement of proceeding)

(1) Rule 22.13, heading

omit

sworn

substitute

made

(2) Rule 22.13

omit

sworn

substitute

made

146 Amendment of rule 23.08 (Expenses and losses incurred complying with summons)

Rule 23.08(3)

omit

being sworn,

substitute

taking the oath as a witness,

147 Amendment of Schedule 1 (Forms)

(1) Schedule 1, Forms 7A, 7B, 7C and 7F, Affidavit of Service

omit

DATE SWORN:

substitute

DATE AFFIDAVIT MADE:

(2) Schedule 1, Forms 7A, 7B and 7C, Affidavit of Service

omit

all the words from "Sworn at" to "(Cwlth)"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Commissioner for Affidavits or Declarations or
Notary Public (for service under *Service and Execution
of Process Act 1992* (Cth))

Name _____

Address or phone no. _____

(3) Schedule 1, Form 7F, Affidavit of Service

omit

all the words from "Sworn at" to "(Cth)"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Commissioner for Affidavits or Declarations or
Notary Public (for service under *Service and Execution
of Process Act 1992* (Cth))

Name _____

Address or phone no. _____

(4) Schedule 1, Form 16A

omit

swear

substitute

make

(5) Schedule 1, Form 22A

omit

filled out and sworn

substitute

made on oath

(6) Schedule 1, Form 22A

omit

DATE SWORN:

substitute

DATE AFFIDAVIT MADE:

(7) Schedule 1, Form 22A

omit

all the words from "Sworn at" to "Commissioner for Oaths*"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

(8) Schedule 1, Forms 47C and 47D, Declaration

omit

all the words from "And I make" to "or both."

substitute

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____

at *[place]* _____ on *[date]* _____

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

(9) Schedule 1, Form 48B

omit

DATE SWORN:

substitute

DATE AFFIDAVIT MADE:

(10) Schedule 1, Form 48B

omit

Sworn &c.

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 8 Local Court (Adoption of Children) Rules

148 Rules amended

This Division amends the *Local Court (Adoption of Children) Rules*.

149 Amendment of rule 3 (Interpretation)

Rule 3(1), definition *declaration*

omit

150 Amendment of rule 5 (Declaration in support of application)

(1) Rule 5, heading

omit

Declaration

substitute

Affidavit

- (2) Rule 5

omit

a declaration

substitute

an affidavit

- (3) Rule 5(a)(i) to (vi), (a)(viii) and (b)(i) to (ix), at the end

insert

and

- (4) Rule 5(b)(x)(A) and (B), at the end

insert

or

151 Amendment of rule 6 (Filing of application and declaration)

- (1) Rule 6, heading

omit

declaration

substitute

affidavit

- (2) Rule 6(3)

omit

A declaration

substitute

An affidavit

(3) Rule 6(4) and (5)

omit

declaration

substitute

affidavit

152 Amendment of rule 7 (Appearance)

Rule 7(1)

omit (all references)

declaration

substitute

affidavit

153 Amendment of rule 8 (Service)

(1) Rule 8(2)

omit

the declaration

substitute

the affidavit

(2) Rule 8(2)

omit

a declaration

substitute

an affidavit

(3) Rule 8(3)

omit

A declaration

substitute

An affidavit

Division 9 Marine (Hire-and-Drive Vessel) Regulations

154 Regulations amended

This Division amends the *Marine (Hire-and-Drive Vessel) Regulations*.

155 Amendment of Schedule

Schedule, Statutory Declaration

omit

all the words from "And I make" to "or both."

substitute

This declaration is true and I know it is an offence to make a statutory declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____
at *[place]* _____ on *[date]* _____

Witnessed by

[Signature of witness]

[Name]

[Address or telephone number] _____

NOTE: This declaration may be witnessed by any person who is at least 18 years of age.

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

Division 10 Prostitution Regulations

156 Regulations amended

This Division amends the *Prostitution Regulations*.

157 Amendment of Schedule 2

Schedule 2, Form 2

omit

all the words from "And I make" to "or both."

substitute

This declaration is true and I know it is an offence to make a statutory declaration knowing it is false in a material particular.

Declared by (11)

at (12)

on (13)

Witnessed by (14)

.....

IMPORTANT NOTE

Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

Division 11 Small Claims Rules

158 Rules amended

This Division amends the *Small Claims Rules*.

159 Amendment of rule 12.02 (Affidavit or statutory declaration required)

Rule 12.02(2)(b)

omit

sworn

substitute

made

160 Amendment of rule 15.02 (Form of affidavit or statutory declaration)

(1) Rule 15.02(1)

omit

(1)

(2) Rule 15.02(2)

omit, substitute

Note for rule 15.02

An affidavit or statutory declaration must comply with the requirements of the Oaths, Affidavits and Declarations Act.

161 Amendment of Schedule 1 (Forms)

(1) Schedule 1, Forms 6A, 7A, 7B and 7C, Declaration of Service

omit

all the words from "And I make" to "person making declaration"

substitute

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____

at *[place]* _____ on *[date]* _____

(2) Schedule 1, Forms 6A, 7A, 7B and 7C, Declaration of Service

omit

all the words from "A person wilfully" to "or both."

substitute

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

- (3) Schedule 1, Forms 7A, 7B and 7C, Instructions for Defendant, items 1(a), 2(a) and 3(a), at the end

insert

and

- (4) Schedule 1, Forms 22C and 22D, Declaration

omit

all the words from "And I make" to "or both."

substitute

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____

at *[place]* _____ on *[date]* _____

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

- (5) Schedule 1, Form 23A, Declaration of Service

omit

all the words from "And I make" to "person making declaration"

substitute

This declaration is true and I know it is an offence to make a declaration knowing it is false in a material particular.

Declared by

[Signature of person making declaration] _____

at *[place]* _____ on *[date]* _____

- (6) Schedule 1, Form 23A, Declaration of Service

omit

all the words from "A person wilfully" to "or both."

substitute

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

Division 12 Status of Children Regulations

162 Regulations amended

This Division amends the *Status of Children Regulations*.

163 Amendment of Schedule

(1) Schedule, Form 1, item 1

omit

*make oath and say/*affirm:

substitute

make oath and say:

(2) Schedule, Form 1, Parts 1 and 2

omit

swearing or affirming

substitute

making

(3) Schedule, Form 1

omit

all the words from "***SWORN/*AFFIRMED**" to "*sworn or affirmed*"
(last reference)

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 13 Supreme Court Rules

164 Rules amended

This Division amends the *Supreme Court Rules*.

165 Amendment of rule 1.15 (Signature of solicitor)

(1) Rule 1.15(1)

omit

or affirmation

(2) Rule 1.15(1)(a) and (b), at the end

insert

or

166 Amendment of rule 31.08 (Powers of examiner)

Rule 31.08(a)

omit

or receive an affirmation

167 Amendment of rule 41.10 (Default of witness)

Rule 41.10(1) and (2)(a)

omit

be sworn

substitute

take an oath

168 Amendment of rule 43.01 (Form of affidavit)

(1) Rule 43.01(5) and (6)

omit

(2) Rule 43.01(7) and (8)

omit

of swearing.

substitute

on which the affidavit is made.

- (3) After rule 43.01(8)

insert

Note for rule 43.01

An affidavit must also comply with the requirements of the Part 3 of the Oaths, Affidavits and Declarations Act.

169 Amendment of rule 43.02 (Affidavit by illiterate or blind person)

- (1) Rule 43.02(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

- (2) Rule 43.02(1)(a), at the end

insert

and

170 Amendment of rule 43.04 (Affidavit by 2 or more deponents)

- (1) Rule 43.04

omit (all references)

sworn

substitute

made

- (2) Rule 43.04

omit

before

substitute

and is witnessed by

171 Amendment of rule 43.05 (Alterations)

Rule 43.05(1)(b)

omit

before whom it is sworn

substitute

who witnessed the affidavit

172 Amendment of rule 43.06 (Annexures and exhibits)

Rule 43.06(4)

omit

before whom the affidavit is sworn.

substitute

witnessing the affidavit.

173 Amendment of rule 43.07 (Time for swearing)

(1) Rule 43.07, heading

omit

swearing

substitute

making affidavit

(2) Rule 43.07

omit

sworn

substitute

made

174 Amendment of rule 43.10 (Affidavit sworn before party)

(1) Rule 43.10, heading

omit

sworn before

substitute

witnessed by

(2) Rule 43.10(1) and (2)

omit

sworn before

substitute

witnessed by

(3) Rule 43.10(3)

omit

175 Amendment of rule 44.05 (Expert witnesses giving evidence on same or similar question)

Rule 44.05(2)(e)(i)

omit

be sworn 1

substitute

take the oath as a witness one

176 Amendment of rule 48.23 (Proceedings commenced in Alice Springs)

Rule 48.23(2)(g)

omit

are duly sworn

substitute

have taken the oath as witnesses

177 Amendment of rule 48.24 (Other proceedings)

Rule 48.24(2)

omit

are duly sworn

substitute

take the oath as witnesses

178 Amendment of rule 68.04 (Issue of warrant of execution)

(1) Rule 68.04(3)(c)

omit

sworn

substitute

made

(2) Rule 68.04(3)(c)(iii) and (iv)

omit

of swearing of the affidavit

substitute

the affidavit is made

(3) Rules 68.04(3)(a) and (c)(i) and (ii), at the end

insert

and

179 Amendment of rule 88.23 (Evidence and documents in applications for probate)

(1) Rule 88.23(1)(a), (b)(i) to (vi) and (c)(i) to (iii), at the end

insert

and

(2) Rule 88.23(6)

omit

before whom the affidavit is sworn

substitute

who witnesses the affidavit

(3) Rule 88.23(7)

omit

before whom an affidavit of the applicant might be sworn,

substitute

who might witness an affidavit of the applicant,

180 Amendment of rule 88.24 (Evidence and documents in applications for administration)

(1) Rule 88.24(1)(a), (b)(i) to (x) and (c)(i) to (iv), at the end

insert

and

(2) Rule 88.24(5)(a), at the end

insert

or

(3) Rule 88.24(8)

omit

before whom an affidavit of the applicant might be sworn,

substitute

who might witness an affidavit of the applicant,

181 Amendment of Schedule 1

(1) Schedule 1, Form 15B

omit

sworn

substitute

made

- (2) Schedule 1, Forms 41B, 41D and 81A-T

omit

or affirmation

- (3) Schedule 1, Forms 72B and 72E

omit

Sworn etc.

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

- (4) Schedule 1, Form 81A-T

omit

(and sworn or affirmed)

- (5) Schedule 1, Forms 83C, 85A, 85C, 86G, 86HA and 86L

omit

sworn

substitute

made on

- (6) Schedule 1, Form 88F

omit

all the words from "Sworn at" to "before me)"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

- (7) Schedule 1, Form 88G

omit

Sworn etc (*as in Form 88F*)

on

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

- (8) Schedule 1, Forms 88H, 88Q and 88T, clause 2

omit

before whom this affidavit is sworn

substitute

witnessing this affidavit

- (9) Schedule 1, Form 88H

omit

Sworn etc (*as in Form 88F*)

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Address or phone no. _____

(13) Schedule 1, Form 88T, clause 2

omit

swearing

substitute

making

182 Amendment of Schedule 2

Schedule 2, clauses 29 and 30

omit, substitute

29. Is it proposed to call as a witness a person who wishes to take an oath under section 10 of the *Oaths, Affidavits and Declarations Act*? If so, what form of oath is required and how is it to be administered?

30. Is it proposed to call as a witness a person to whom section 26 of the *Oaths, Affidavits and Declarations Act* will apply? If so, has the identity of this witness been disclosed to the other party?

Division 14 Volatile Substance Abuse Prevention Regulations

183 Regulations amended

This Division amends the *Volatile Substance Abuse Prevention Regulations*.

184 Amendment of Schedule

(1) Schedule, Form 1

omit

*say on oath *do solemnly, sincerely and truly affirm

substitute

say on oath

(2) Schedule, Form 1

omit

all the words from "**SWORN/AFFIRMED**" to "Magistrate"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Magistrate

Name _____

Division 15 Work Health Court Rules

185 Rules amended

This Division amends the *Work Health Court Rules*.

186 Amendment of rule 6.06 (Evidence by affidavit)

(1) Rule 6.06(4)

omit

swear

substitute

make

(2) Rule 6.06(4)(a), at the end

insert

and

187 Amendment of rule 12.03 (Affidavit verifying list of documents)

Rule 12.03(1)

omit

swear

substitute

make

188 Amendment of rule 15.07 (Application for commutation)

- (1) Rule 15.07(1)(c) and (d) and (2)(c)

omit

statement made under oath or a statutory declaration by

substitute

statement, made as an affidavit or statutory declaration, by

- (2) Rule 15.07(1)(a) and (b) and (2)(a) and (c)(i) to (iii), at the end

insert

and

189 Amendment of rule 17.01 (Form of affidavit)

- (1) Rule 17.01(2)

omit

of swearing.

substitute

on which the affidavit is made.

- (2) Rule 17.01(3)(a) and (4)(a), at the end

insert

and

- (3) Rule 17.01(6), (7) and (8)

omit, substitute

- (6) An affidavit must contain a statement of the name and address of the party on whose behalf it is filed.

Note for rule 17.01

An affidavit must also comply with the requirements of the Part 3 of the Oaths, Affidavits and Declarations Act.

190 Amendment of rule 17.02 (Affidavit by multiple deponents)

(1) Rule 17.02
omit (all references)

sworn

substitute

made

(2) Rule 17.02

omit

before

substitute

and is witnessed by

191 Amendment of rule 17.03 (Affidavit by person unable to read)

(1) Rule 17.03(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 17.03(1)(a), at the end

insert

and

192 Amendment of rule 17.04 (Affidavit by person unable to write)

(1) Rule 17.04(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 17.04(1)(c)

omit

sworn

substitute

made

(3) Rule 17.04(1)(a), at the end

insert

and

193 Amendment of rule 17.05 (Affidavit by person unable to understand English)

(1) Rule 17.05(1)

omit

before whom an affidavit is sworn

substitute

witnessing an affidavit

(2) Rule 17.05(1)(a)

omit

sworn

substitute

made

(3) Rule 17.05(1)(a)

omit

swore

substitute

took an oath

(4) Rule 17.05(1)(a)(ii) and (b), at the end

insert

and

(5) Rule 17.05(2)(a)

omit

sworn

substitute

made

194 Amendment of rule 17.07 (Annexures and exhibits)

(1) Rule 17.07(2)(c)

omit

before whom the affidavit is sworn.

substitute

witnessing the affidavit.

(2) Rule 17.07(2)(a), at the end

insert

and

195 Amendment of rule 17.09 (Alterations)

Rule 17.09

omit

before whom the affidavit was sworn

substitute

who witnessed the affidavit

196 Amendment of rule 17.11 (Affidavit sworn before party, &c.)

(1) Rule 17.11, heading

omit

sworn before party, &c.

substitute

witnessed by party etc.

(2) Rule 17.11(1), (2) and (3)

omit

sworn before

substitute

witnessed by

197 Amendment of rule 17.12 (Affidavit sworn before commencement of proceeding)

(1) Rule 17.12, heading

omit

sworn

substitute

made

(2) Rule 17.12

omit

sworn

substitute

made

198 Amendment of rule 19.08 (Expenses and losses incurred complying with summons)

Rule 19.08(3)

omit

being sworn,

substitute

taking the oath as a witness,

199 Amendment of Schedule (Forms)

(1) Schedule, Form 5B

omit

DATE SWORN OR AFFIRMED:

substitute

DATE AFFIDAVIT MADE:

(2) Schedule, Form 5B

omit

* swear/do solemnly, sincerely and truly affirm *

substitute

make oath and say

(3) Schedule, Form 5B

omit

all the words from "* Sworn/affirmed *" to "(Cwlth))"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Commissioner for Affidavits or Declarations or
Notary Public (for service under *Service and Execution of
Process Act 1992 (Cth)*)

Name _____
Address or phone no. _____

(4) Schedule, Form 12B

omit

swear

substitute

make

(5) Schedule, Forms 15E and 15F

omit

all the words from "*(Complete*" to "*declaration.)*"

substitute

(Insert required statement(s) in the form of an affidavit or
statutory declaration under the *Oaths, Affidavits
and Declarations Act.*)

(6) Schedule, Form 17A

omit

DATE SWORN OR AFFIRMED:

substitute

DATE AFFIDAVIT MADE:

(7) Schedule, Form 17A

omit

* swear/do solemnly, sincerely and truly affirm *

substitute

make oath and say

(8) Schedule, Form 17A

omit

all the words from "**Sworn/affirmed **" to "*Commissioner for Oaths**"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

Division 16 Youth Justice Regulations

200 Regulations amended

This Division amends the *Youth Justice Regulations*.

201 Amendment of Schedule 2 (Forms)

(1) Schedule 2, Form 1

omit

*sworn/*affirmed

substitute

*made on oath

(2) Schedule 2, Form 18

omit

*make oath and say/*affirm

substitute

make oath and say

(3) Schedule 2, Form 18

omit

all the words from "*[Signed]*" (first reference) to "Date:"

substitute

Made at *[place]* _____ on *[date]* _____

By *[signature of deponent]* _____

Witnessed by

Signature _____
Justice of the peace / commissioner for oaths

Name _____
Address or phone no. _____

Division 17 Other subordinate legislation

202 Amendment of other subordinate legislation

Schedule 2 amends the subordinate legislation mentioned in it.

Schedule 1 Amendment of other Acts

section 118

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
<i>Administration and Probate Act</i>		
section 107(1)(a)	;	; and
section 107(2)(a)	swear the	administer an oath to the
section 148(1)(a) and (b) and (2)(a), (b), (c) and (d)	;	; and
section 148(2)(e)	sworn value	value, verified on oath,
<i>Agents Licensing Act</i>		
section 77(5)	whole subsection	(5) At an inquiry the Board may require a person appearing before it to give evidence on oath.
section 80, heading	be sworn	take oath
section 80(1)	shall not refuse to be sworn or to make an affirmation	must not refuse to take an oath when required by the Board to do so
<i>Agricultural and Veterinary Chemicals (Northern Territory) Act</i>		
section 3(1), definition <i>instrument</i> , paragraph (g)	sworn,	made,

section 3(1), definition <i>instrument</i> , paragraphs (a) to (g)	;	; or
<i>Anglican Church of Australia Act</i>		
section 8	administer an oath to, or take an affirmation from, a witness,	require a witness to give evidence on oath,
<i>Anti-Discrimination Act</i>		
section 92(1)(b)	oath or affirmation;	oath; or
section 92(1)(a)	;	; or
section 92(2)(a)	;	; and
section 92(3)	whole subsection	(3) A witness attending the proceedings under subsection (1) may be examined, cross-examined and re-examined.
<i>AustralAsia Railway (Third Party Access) Act</i>		
Schedule, clause 29, heading	or affirmation	
Schedule, clause 29(1)	whole subclause	(1) The arbitrator may require a person appearing before the arbitrator to give evidence on oath.
Schedule, clause 31(1)(a)	whole paragraph	(a) to take an oath when required by the arbitrator to do so; or

***Australian Crime
Commission
(Northern Territory)
Act***

section 19(8) and (8)(b)	or affirmation	
section 19(8)(a)	either to take an oath or to make an affirmation	to take an oath
section 23(2)(a)	either to take an oath or make an affirmation	to take an oath
	;	; or
section 23(7)(a)(ii)	;	; and
section 30(2)	sworn	made on oath
section 30(3)(a) and (b)	;	; and
section 30(5)	sworn	made

***Business Tenancies
(Fair Dealings) Act***

section 100(1)(d)	whole paragraph	(d) require a person appearing before the Commissioner to give evidence on oath;
-------------------	-----------------	--

***Care and Protection
of Children Act***

section 104(3)	sworn statement.	statement made on oath.
section 104(4)(a)	sworn;	made on oath;
section 104(4)(b)	sworn	duly made
section 271(3)(a)	whole paragraph	(a) to give information on oath; or
section 271(6)	whole subsection	
section 291(1)	make	take

Catholic Church in the Northern Territory Act

section 15(2)	all the words from "swear an oath" to "itself sworn or"	take an oath or make a declaration, and the oath or declaration must be received for all purposes as though the property trust had been a natural person and had itself taken or
---------------	---	--

Commercial Arbitration Act

section 18(1)(b)(i)	affirmation or	
section 18(1)(a) and (b)(i) and (2)(a)	;	; or
section 19(1)(b)	or affirmation	
section 19(2)	or affirmation or take	or witness

Community Justice Centre Act

section 34	of admitting sworn statements:	to take evidence on oath:
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Competition Policy Reform (Northern Territory) Act

section 3(1), definition <i>instrument</i> , paragraph (g)	sworn,	made,
section 3(1), definition <i>instrument</i> , paragraphs (a) to (g)	;	; or

Consumer Affairs and Fair Trading Act

section 8(2) (the Commissioner being empowered for this purpose to administer an oath)

Co-operatives Act

section 400(1)(c) or affirmation

section 400(1)(a) ; ; or

section 400(2) whole subsection

section 403(1)(c)(ii) whole subparagraph (ii) fail to take an oath when required by the investigator to do so.

section 403(1)(a) ; ; or

Dangerous Goods (Road and Rail Transport) Act

section 25(3) sworn. made on oath.

section 25(4)(a) ; ; and

section 25(6) not sworn, duly sworn. not made on oath, duly made.

Director of Public Prosecutions Act

section 7, heading **or affirmation**

section 7(1) made an oath or affirmation taken an oath

of oath or affirmation of oath

section 7(2) or affirmation under subsection (1) shall be made before under subsection (1) must be administered by

Schedule	A.B., do swear	_____ <i>[promise/ swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	So help me God! all the words from "AFFIRMATION" to "Prosecutions."	<i>[So help me God! or as appropriate]</i>
<i>Electoral Act</i>		
section 216(2)(a) and (b)	;	; or
sections 216(10) and 217(8)	and for that purpose may administer an oath	
section 258(1)(b)	oath, affirmation or declaration;	oath;
section 258(1)(a)	;	; or
<i>Fines and Penalties (Recovery) Act</i>		
section 69(3)	sworn	made
<i>Firearms Act</i>		
Schedule 7, clause 5(1)(a)	whole paragraph	(a) require a person appearing before it to give evidence on oath; or
<i>Fuel Subsidies Act</i>		
section 36(4)(a)	whole paragraph	(a) to take an oath to truthfully answer all questions put to the person; and
<i>Guardianship of Infants Act</i>		
The Schedule	Commissioner for Oaths,	commissioner for oaths,

***Health and
Community Services
Complaints Act***

section 16(1)	make an oath or affirmation	take an oath
section 16(2)	or affirmation is to be made before (all references)	must be administered by
section 56(1)(a)	whole paragraph	(a) require a person appearing before the Commissioner to give evidence on oath; or
section 92(1)(b)	whole paragraph	(b) to take an oath; or
section 92(1)(a) and(2)(a)	;	; or

***Health Practitioners
Act***

section 108(1)(b)	affirm or be sworn;	take an oath; or
section 108(1)(a) and (c)	;	; or
Schedule 4, clause 2(1)(c)	or affirmation	
Schedule 4, clause 2(1)(a) to (e)	;	; and

Information Act

section 124(1)(a)	whole paragraph	(a) to give evidence on oath; or
-------------------	-----------------	-------------------------------------

***Justices of the Peace
Act***

section 7(1) and (2)	or make an affirmation	
section 7(2)	or made an affirmation	
section 11(3)(b)	take	witness

section 11(3)(a)	;	; and
Schedule 2	do swear	<i>[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	So help me God! all the words from "AFFIRMATION" to "or ill-will."	<i>[So help me God! or as appropriate]</i>
<i>Land Title Act</i>		
section 23(1)	(1) In	In
section 23(1)(b)	receive evidence on oath or affirmation	require a person to give evidence on oath
section 23(1)(a), (b) and (c)	;	; and
section 23(2)	whole subsection	
section 25(2)(a)	or make an affirmation ;	; or
section 27(1)(c)	or make an affirmation	
section 27(1)(a), (b) and (c)	;	; or
Schedule 1	Commissioner for Oaths	commissioner for oaths
<i>Legal Profession Act</i>		
section 43(2)(a)(v)	or affirmation or made	
section 595(1)	or affirmation	

***Legislative Assembly
(Powers and
Privileges) Act***

section 21(b)	whole paragraph	(b) refuse to take an oath if required under section 19 to do so; or
section 21(a), (c) and (d)	;	; or

Magistrates Act

section 20, heading	or affirmation	
section 20(1)	or made an affirmation	
section 20(2)	or affirmation must be taken or made before:	must be administered by:
section 20(2)(b)	or made	
section 20(3)	or made the affirmation or make an affirmation	
Schedule	A.B., do swear	_____ <i>[promise/ swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	So help me God! all the words from "AFFIRMATION" to "or ill-will."	<i>[So help me God! or as appropriate]</i>

***New Tax System
Price Exploitations
Code (Northern
Territory) Act 1999***

section 4(1), definition <i>instrument</i> , paragraphs (a) to (g)	;	; or
section 4(1), definition <i>instrument</i> , paragraph (g)	sworn,	made,

Ombudsman Act 2009

section 127, heading	be sworn or make affirmation	take oath
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section 127(a)	be sworn or make an affirmation;	take an oath;
----------------	----------------------------------	---------------

section 144(1)	make	take
----------------	------	------

Pastoral Land Act

section 117(1)(d)	whole paragraph	(d) require a person appearing before it to give evidence on oath; or
-------------------	-----------------	---

section 117(1)(a), (b) and (c)	;	; or
--------------------------------	---	------

section 117(2)(d)	be sworn or to affirm,	take an oath,
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section 117(2)(a) and (b)	;	; or
---------------------------	---	------

Police Administration Act

section 4(3)	or made an affirmation	
--------------	------------------------	--

section 16A, Note	<i>or made an affirmation</i>	
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section 18(2)	or make an affirmation	
---------------	------------------------	--

section 26(1)	he has taken an oath or made an affirmation in accordance with	he or she has taken and subscribed an oath in
---------------	--	---

section 26(2)	whole subsection	(2) An oath under subsection (1) must be administered by the Commissioner, a Deputy Commissioner or an Assistant Commissioner.
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sections 27 and 28(1)	or making the affirmation	
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section 32, heading	or make affirmation	
section 32(1)	or make and subscribe an affirmation	
section 32(2)	or affirmation	
section 32(3)	or affirmation may be taken or made	may be taken
section 32(4)	or affirmation is taken or made	is taken
section 32(4)(a) and (b)	or affirmation	
section 34E, heading	or affirmation	
section 34E(1)	or make an affirmation	
section 34E(2)	or make and subscribe an affirmation	
section 37A, heading	or affirmation	
section 37A(1)	make an oath or affirmation	take the oath
section 37A(2)	or affirmation	
	is to be made before	must be administered by
section 46, heading	Oaths	Evidence on oath
section 46	administer an oath to Tribunal.	require Tribunal to give evidence on oath.
section 48(1)	shall not refuse to be sworn or to make an affirmation	must not refuse to take an oath when required by the Tribunal to do so
section 95(14)(b)	whole paragraph	(b) require a person appearing before it to give evidence on oath; and
section 95(14)(a)	;	; and

section 95(15)	be sworn or make an affirmation,	take an oath,
section 118(2)	sworn.	made on oath.
section 118(4)(a)	;	; and
section 118(5)	sworn	made
section 122(2)	sworn.	made on oath.
section 122(4)(a)	;	; and
section 122(5)	sworn	made
Schedule, Form 1	A.B., do swear	_____ <i>[promise/ swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	law – So help me God!	law. <i>[So help me God! or as appropriate]</i>
	Before	Administered by
Schedule, Form 2	whole Form	
Schedule, Form 3	do swear	<i>[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	"So help me God!"	<i>[So help me God! or as appropriate]</i>
	all the words from "FORM OF AFFIRMATION" to "Tribunal."	
<i>Powers of Attorney Act</i>		
Schedule 2	Commissioner for Oaths	commissioner for oaths
<i>Professional Standards Act</i>		
section 40(2)(c)	administer an	require evidence to be given on

***Public Interest
Disclosure Act***

section 27(6)(a)	or affirmation	
section 27(7)	whole subsection	
section 40(3)	before the Administrator	, administered by the Administrator,

***Public Sector
Employment and
Management Act***

section 15(1)(c)	whole paragraph	(c) require a person appearing before the Commissioner to give evidence on oath; and
section 15(1)(a) and (b)	;	; and
section 15(2)	be sworn or make an affirmation,	take an oath,
section 58(12)(b)	whole paragraph	(b) require a person appearing before it to give evidence on oath; and
section 58(12)(a)	;	; and
section 58(13)	be sworn or make an affirmation,	take an oath,

Public Trustee Act

section 11(2)	shall make and subscribe an oath of secrecy before a person authorized by law to take an oath.	must take and subscribe an oath of secrecy.
section 11(3)(a)	;	; or

Rail Safety Act

section 126(1)(c)	make an oath or affirmation	take an oath
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section 132(2) or affirmation

Referendums Act

section 66(1)(c) whole paragraph (c) require a person appearing before it to give evidence on oath; and

section 66(1)(a), (b) ; ; and
and (d) to (k)

Residential Tenancies Act

section 140(1)(d) whole paragraph (d) require a person appearing before the Commissioner to give evidence on oath;

Serious Crime Control Act 2009

section 89, proposed section 103A(5)(b)(ii) has been sworn has taken the oath

Sexual Offences (Evidence and Procedure) Act

section 4(4) sworn or unsworn evidence evidence, given on oath or otherwise,

section 4(5)(b)(i) ; ; or

Surveillance Devices Act 2007

section 4, definition *unsworn application* whole definition

section 19(4), (4)(b) and (5)(b) sworn made

section 20(2)(a) sworn or unsworn or not it has been made

section 21(1)(b)	unsworn application	application mentioned in section 19(4)
	sworn before it	made before the application
section 27(4), (4)(b) and (5)(b)	sworn	made
section 28(2)(a)	sworn or unsworn	or not it has been made
section 29(1)(b)	unsworn application	an application mentioned in section 27(4)
	sworn	made
<i>Taxation Administration Act</i>		
section 92(4)(a)	or affirmation	
section 92(5)	whole subsection	
<i>Terrorism (Emergency Powers) Act</i>		
section 27X(3)	or affirmation	
<i>Traffic Act</i>		
section 29AD(2)	sworn statement of	statement made on oath by
<i>Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010</i>		
section 61(3)(b)	sworn	made on oath
section 61(6)	the information mentioned in subsection (3) was not sworn,	the application was made as mentioned in subsection (3)(b),
	duly sworn	duly made on oath

***Uniting Church in
Australia Act***

section 23(2)	swear	make
section 23(3)(a)	;	; and

Water Act

section 31(1)(a) to (d) and (2)(a) to (c)	;	; or
section 31(2)(d)	be sworn,	take an oath,

***Water Efficiency
Labelling and
Standards Act 2006***

section 59(4) and (7)(b)	sworn or affirmed.	made.
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***Workplace Health and
Safety Act***

section 13(1)(a)	or affirmation
section 13(2)	whole subsection

Schedule 2 Amendment of other subordinate legislation

section 202

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
<i>Adoption of Children Regulations</i>		
regulation 6(2)(a)	Commissioner for Oaths,	commissioner for oaths,
<i>Agents Licensing Regulations</i>		
regulation 17(1)(c)(i)	authorized by the <i>Oaths Act</i>	authorised under the <i>Oaths, Affidavits and Declarations Act</i>
<i>Consumer Affairs and Fair Trading (Pawnbrokers and Second-hand Dealers) Regulations</i>		
regulation 7(c)	a Commissioner for Oaths under the <i>Oaths Act</i>	as a commissioner for oaths under the <i>Oaths, Affidavits and Declarations Act</i>
<i>Co-operatives Regulations</i>		
Schedule 8, paragraph (c)	or affirmation	
Schedule 8, paragraph (a)	;	; and
<i>Legal Profession Admission Rules</i>		
Part 3, heading and rule 7, heading	or affirmation	

rule 7(1)	or make an affirmation, in the relevant form in Schedule 1, before	in the form in Schedule 1, administered by a judge of
rule 7(2)	all words from "the person must" to "or before"	the oath must be administered by a Registrar of the Supreme Court of another jurisdiction or
rule 7(3)	the person must take the oath or make the affirmation before	the oath must be administered by
rule 7(4)	whole subrule	(4) If the oath is administered under subrule (2) or (3), the signature on the form in Schedule 2 of the officer who administered the oath is sufficient proof that the person taking the oath has complied with the subrule.
rule 7(5)	or making the affirmation	
Schedule 1	do swear	<i>[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]</i>
	SO HELP ME GOD! all the words from "AFFIRMATION" to "ability."	<i>[So help me God! or as appropriate]</i>
Schedule 2	/Affirmation	

***Motor Accidents
(Compensation)
Appeal Tribunal Rules***

rule 8(2)	<i>Oaths Act</i>	<i>Oaths, Affidavits and Declarations Act</i>
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***Prisons (Correctional
Services) Regulations***

regulation 4(1)(c)	, affirmation and, for that purpose, may administer an oath	
regulation 4(1)(a)(i) and (ii) and (2)(a) to (c)	;	; and
regulation 8(8)(c)(ii)	, affirmation and, for that purpose, may administer an oath	
regulation 8(8)(a) and (c)(i)	;	; and

***Public Sector
Employment and
Management
Regulations***

regulation 15(2)	shall take the evidence of the appellant or witness on oath or affirmation	may require a person appearing before him or her to give evidence on oath
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***Referendum
Regulations***

regulation 22(1), heading	Statutory declaration	Declaration
regulation 22(1)	Schedule 1.	Schedule 1 before an adult witness.
regulation 22(2)	statutory	

***Retirement Villages
Regulations***

Schedule 1, Note 4	Commissioners of Oaths,	commissioners of oaths,
Schedule 1, Note 5	<i>Oaths Act.</i>	<i>Oaths, Affidavits and Declarations Act.</i>

***Totalisator Licensing
and Regulation
(Arbitration)
Regulations***

regulation 9(c)	whole paragraph	(c) request a person mentioned in paragraph (b) to take an oath to answer truthfully all such questions; or
regulation 9(a), (b) and (d)	;	; or
regulation 15(b)	make an oath or affirmation	take an oath
regulation 15(a) to (c)	;	; or

***Totalisator Licensing
and Regulation
(Hearings)
Regulations***

regulation 6(4)(c)	whole paragraph	(c) request a person mentioned in paragraph (b) to take an oath to answer truthfully all such questions; or
regulation 6(4)(a), (b) and (d)	;	; or
regulation 9	requirement	request
regulation 9(b)	make an oath or affirmation	take an oath

regulation 9(a) to (d) ; ; or

***Unit Titles
Regulations***

Schedule 4, Form 1 Note 10, Form 2 Note 13, Form 3 Note 8, Form 4 Note 17, Form 5 Note 8, Form 6 Note 8, Form 7 Note 11, Form 8 Note 6, Form 9 Note 7 and Form 10 Note 9	Commissioner for Oaths,	commissioner for oaths,
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***Workers
Rehabilitation and
Compensation
Regulations***

regulation 11	made before a person before whom a statutory declaration may be made under the <i>Oaths Act.</i>	witnessed by a person who is authorised under the <i>Oaths, Affidavits and Declarations Act</i> to witness a statutory declaration.
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