



New South Wales

Oaths Amendment Act 1996 No 83

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New South Wales

Oaths Amendment Act 1996 No 83

Act No 83, 1996

An Act to amend the *Oaths Act 1900* to create an offence of making a false declaration for material benefit; and for other purposes. [Assented to 6 November 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Oaths Amendment Act 1996*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Oaths Act 1900 No 20

The *Oaths Act 1900* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.

Schedule 1 Amendment of Oaths Act 1900

(Section 3)

[1] Section 2A Proceedings for offences

Omit “29, 30 or 35”. Insert instead “25A, 29 or 30”.

[2] Section 25A

Insert after section 25:

25A False declaration for material benefit

In all cases where by this Part, or under the authority thereof, or by virtue of any power or authority hereby given, a declaration:

- (a) is substituted in lieu of an oath or affidavit, or
- (b) is directed or authorised to be made and subscribed, although not substituted in lieu of an oath or affidavit,

any person who wilfully and corruptly makes and subscribes any such declaration, knowing the same to be untrue in any material particular, and who derives or attempts to derive a material benefit as a consequence of the untrue particular is guilty of an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

Schedule 2 Amendment of Criminal Procedure Act 1986

(Section 4)

[1] Section 33J Maximum penalties for Table 1 offences

Insert after section 33J (4):

- (4A) The maximum penalty that a Local Court may impose for an offence under section 25 of the *Oaths Act 1900* is imprisonment for 12 months, or a fine of 50 penalty units, or both.

[2] Part 9A, Table 1 Indictable offences that are to be dealt with summarily unless prosecuting authority or person charged elects otherwise

Omit “29, 30 or 35” from the matter relating to the *Oaths Act 1900* in clause 22 of Part 4 of Table 1.

Insert instead “25A, 29 or 30”.

[Minister's second reading speech made in—
Legislative Assembly on 15 October 1996
Legislative Council on 29 October 1996]