



New South Wales

Constitution Amendment (Restoration of Oaths of Allegiance) Act 2012 No 33

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Constitution Act 1902 No 32	3



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Constitution Amendment (Restoration of Oaths of Allegiance) Act 2012 No 33

Act No 33, 2012

An Act to amend the *Constitution Act 1902* to provide that Members of Parliament and Ministers may make an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors as an alternative to the current pledge of loyalty to Australia and the people of New South Wales. [Assented to 5 June 2012]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Constitution Amendment (Restoration of Oaths of Allegiance) Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Constitution Act 1902 No 32

[1] Section 12 No member to sit or vote until pledge of loyalty or oath of allegiance taken

Insert “or oath of allegiance” after “pledge of loyalty” in section 12 (1).

[2] Section 12 (4)–(4B)

Omit section 12 (4). Insert instead:

- (4) The oath of allegiance is to be in the following form (with the name of the reigning Sovereign substituted, where appropriate):

I swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God.

- (4A) A Member may, instead of taking an oath of allegiance, make an affirmation to the same effect.

- (4B) It is not necessary for a Member who has taken or made an oath or affirmation of allegiance to take or make that oath or affirmation again after any demise of the Crown, including by or on abdication.

[3] Section 35CA Executive Councillor’s pledge of loyalty or oath of allegiance and oath of office

Insert “or oath of allegiance” after “pledge of loyalty” in section 35CA (1) (a).

[4] Section 35CA (3A)

Insert after section 35CA (3):

- (3A) The oath of allegiance is to be in the following form (with the name of the reigning Sovereign substituted, where appropriate):

I swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God.

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No 33

Schedule 1 Amendment of Constitution Act 1902 No 32

[5] Section 35CA (5)

Omit “the Executive Councillor’s oath”.

Insert instead “an oath under this section”.

[Second reading speech made in—
Legislative Council on 11 November 2011
Legislative Assembly on 23 May 2012]