



New South Wales

# Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Constitution Act 1902* to give a Member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors as an alternative to the pledge of loyalty to Australia and the people of New South Wales. Taking the pledge of loyalty is currently required before a Member of Parliament can sit or vote and before a Member of the Executive Council can assume office.

This Bill also makes it clear that a Member of Parliament who has taken or made an oath or affirmation of allegiance does not have to take or make a further oath or affirmation in the event of the demise of the Crown.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011

Explanatory note

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## **Schedule 1      Amendment of the Constitution Act 1902 No 32**

**Schedule 1** amends the *Constitution Act 1902* to give effect to the matters set out in the Overview.



New South Wales

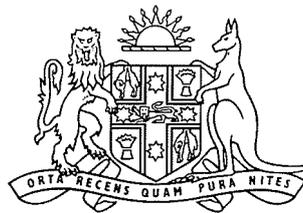
# Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011

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New South Wales

# Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011

No. , 2011

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## A Bill for

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Constitution Amendment (Restoration of Oaths of Allegiance) Act 2011</i> .	3 4
<b>2    Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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<b>Schedule 1</b>	<b>Amendment of Constitution Act 1902</b>	1
	<b>No 32</b>	2
<b>[1]</b>	<b>Section 12 No member to sit or vote until pledge of loyalty or oath of allegiance taken</b>	3
	Insert “or oath of allegiance” after “pledge of loyalty” in section 12 (1).	4
		5
<b>[2]</b>	<b>Section 12 (4)–(4B)</b>	6
	Omit section 12 (4). Insert instead:	7
	(4) The oath of allegiance is to be in the following form (with the name of the reigning Sovereign substituted, where appropriate):	8
	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.	9
		10
		11
		12
	(4A) A Member may, instead of taking an oath of allegiance, make an affirmation to the same effect.	13
		14
	(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.	15
		16
		17
		18
<b>[3]</b>	<b>Section 35CA Executive Councillor’s pledge of loyalty or oath of allegiance and oath of office</b>	19
	Insert “or oath of allegiance” after “pledge of loyalty” in section 35CA (1) (a).	20
		21
<b>[4]</b>	<b>Section 35CA (3A)</b>	22
	Insert after section 35CA (3):	23
	(3A) The oath of allegiance is to be in the following form (with the name of the reigning Sovereign substituted, where appropriate):	24
	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.	25
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Schedule 1      Amendment of Constitution Act 1902 No 32

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<b>[5] Section 35CA (5)</b>	1
Omit “the Executive Councillor’s oath”.	2
Insert instead “an oath under this section”.	3