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SECOND REPORT

of the

LAW REFORM COMMITTEE

of

SOUTH AUSTRALIA

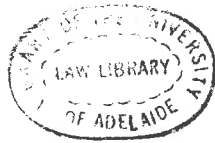
to

THE ATTORNEY-GENERAL

—

OATHS ACT, 1936

1969



The Law Reform Committee of South Australia was established by Proclamation which appeared in the *South Australian Government Gazette* of 19th September, 1968. The Members are:

THE HONOURABLE MR. ACTING JUSTICE ZELLING, *Chairman*.  
W. A. N. WELLS, Q.C., Solicitor-General.  
S. J. JACOBS, Q.C.  
K. P. LYNCH.  
D. ST.L. KELLY.

The Secretary of the Committee is Mr. H. G. Edwards, c/o Adelaide Magistrates' Court Department, Adelaide, South Australia.



B. The Committee has also considered the effect of taking a declaration in an "irregular" form. The Act prescribes a form for the declarant (Sec. 25, supra) but says nothing as to the manner in which the declaration is to be taken, and it is well known that attesting justices and others often use a form of words of their own choosing. It accordingly recommends a new subsection (2) to section 27 as follows:—

(2) "In any proceedings for an offence against this Part, if the Court is satisfied by evidence as to the manner in which the declaration was made that the declarant knew he was required to declare his belief in the truth of the declaration it shall not be a defence that the declaration was not duly made."

We have the honour to be

HOWARD ZELLING.  
W. A. N. WELLS.  
S. J. JACOBS.  
K. P. LYNCH.  
D. ST.L. KELLY.

Law Reform Committee of South Australia.