**South Australian Law Reform Institute**

**QUESTIONNAIRE**

***Nothing but the truth: witness oaths and affirmations***

**Issues Paper 3, October 2013**

Below are some questions seeking your views about the need for reform of the laws for witness oaths and affirmations and, if so, what such reforms should be.

This is a word document which you can complete electronically.

Please return your completed response by email to[**SALRI@adelaide.edu.au**](mailto:SALRI@adelaide.edu.au)no later than **Friday 17 January 2014.**

**INFORMATION ABOUT YOU**

**Your NAME** (optional):

**Your ORGANISATION**, if any(optional):

**Your CONTACT DETAILS**,for follow up (optional):

Telephone:

Email:

**DATE of this response:**

**What is your interest in this area of law reform?**

**We may publish responses to this paper on our webpage with the Final Report.**

If you do NOT wish your submission to be published in this way, or if you wish it to be published anonymously, please let us know **here**:

**QUESTIONNAIRE**

**Question 1:** Do you think our current laws about witness oaths and affidavits need to change? If so, why and how?

**Question 2:** Do you think witnesses should continue to be offered the choice of swearing on oath or affirming to tell the truth? Why or why not?

**Question 3:** Do you think the option of swearing an oath should be removed altogether? Why?

**Question 4:** Do you think witnesses should be warned, *before* they commit to telling the truth to the court, of the legal consequences of giving false evidence and the importance of reliable witness testimony to the justice process?

**Question 5:** Should witnesses who have been given such a warning be required to acknowledge, when they commit in court to tell the truth, that they understand the legal consequences of giving false evidence?

**Question 6:** What are your views on the reform models proposed in this paper? If you would you prefer a different model, please describe it here.

**Question 7:** Have you ever given evidence before a court or tribunal? If so, please briefly describe that experience and how it influences your answers to these questions.

**Question 8:** If you are a lawyer or paralegal with experience in preparing witnesses for court, or a lay person who supports people from non-mainstream cultures or groups, please describe your role and any problems your witnesses may have had with:

1. giving the commitment to tell the truth that is required for giving sworn evidence (currently by oath or affirmation);
2. understanding what commitment is required of them to give unsworn evidence;
3. understanding their liability for perjury.

**Question 9:** If you are a judge or magistrate, please describe any problems you have encountered:

1. with a witness’s apparent understanding of the oath or affirmation;
2. with a witness’s ability correctly to recite the wording of the affirmation response;
3. of any other nature in the administration of the oath or affirmation.

Thank you for taking the time to complete this questionnaire. **If you would like us to send you a copy of the Final Report when it is completed**, please indicate here:

By email YES / NO

OR

By post (if so please give postal address and postcode here): YES / NO

**South Australian Law Reform Institute**