

Victorian Parliament Law Reform Committee

MEDIA RELEASE

30 October 2002

INQUIRY INTO OATHS AND AFFIRMATIONS WITH REFERENCE TO THE MULTICULTURAL COMMUNITY

Mr Murray Thompson MP, Chairman of the Victorian Parliament Law Reform Committee, tabled the Committee's latest Report today which investigates oath taking and affirmations in the Victorian legal system.

“Victoria is a multicultural community and our legal system needs to respect this diversity” Mr Thompson said. “We concluded that this is best achieved by treating the oath, made in accordance with the religious belief of the witness, and the affirmation, which is secular, as equal options. The use of a religious text should also be optional and used as appropriate to the particular religious belief”.

Attempts made in the past to accommodate different religions have not always been successful. Stories of outdated and inappropriate oaths were told during the inquiry and instances of misguided attempts to predict a person's religious affiliation on the basis of appearance. The Committee found that an updated manual outlining a variety of appropriate religions oaths was needed for use by the courts.

“A system which allows people to take an oath in a manner binding on their conscience underpins truth telling. It also accommodates diversity in Victoria's multicultural community” Mr Thompson said. “Witnesses need more information about the choices they have when making an oath or affirmation in court. The provision of up-to-date information through the legalonline website will also be an important reform. Courts should provide this information and court staff be in a position to provide witnesses and others with advice about their options. Witnesses must be able to exercise their choice without any prospect of adverse inferences being drawn.”

The Report recommends that Victoria adopt provisions similar to the Commonwealth position. This would have the added advantage of improving consistency in court practices between the two jurisdictions.

For more information contact:

Mr Murray Thompson, Chairman
Ms Merrin Mason, Executive Officer

Ph 9598 2688
Ph 9651 3642