



## Department of Justice

Justices of the Peace Registry

55 King St Melbourne Vic 3000

Telephone: (03) 9628 9869

Facsimile: (03) 9628 9907

DX 210160

[www.justice.vic.gov.au/justices](http://www.justice.vic.gov.au/justices)

19 July 2002

Ms Merrin Mason  
Executive Officer  
Law Reform Committee  
Victorian Parliament  
Melbourne

Dear Ms Merrin

### **INQUIRY INTO OATHS AND AFFIRMATIONS**

Thank you for your letter dated 14 June 2002, regarding the Inquiry into Oaths and Affirmations with reference to the Multicultural Community.

The current rules in the *Evidence Act* are appropriate for common usage, as they allow for the taking of an oath or affirmation. The question as to whether the multicultural community feels bound by such an oath or affirmation is one that would have to be put directly to the various ethnic communities.

I would not be adverse to a new system being implemented to replace all sacred texts with a non-religious generic affirmation to tell the truth. The primary issue, in my view, is that deponents be made aware of the consequences of making a false declaration or affidavit. From my experience, the type of oath or affirmation administered is of little value in our largely secular society. Legal sanction, rather than religious wrath, would seem to be the greater deterrent.

The current system of allowing religious oaths, with non-religious affirmations as an option, also works well. I do not believe that any lack of sacred texts on the part of Justices of the Peace or other authorised witnesses is of major significance, particularly given the lack of demand for such texts in the wider community. In most instances where a deponent does not wish to swear an oath on the Bible or other sacred text, an affirmation is simply made instead.

Provided that the deponent is made aware that an affirmation has the same legal effect as an oath and, perhaps more importantly, that it carries the same penalties for making a false affidavit, then the current system works effectively. If the current system were retained, I do not believe that an array of various religious texts would need to be kept by all Justices of the Peace or other authorised witnesses, as the limited demand does not warrant the expense of such an exercise.

Since my employment with this Department in 1986, I have only come across a few requests for a Koran to be used, rather than a Bible, and these requests have been made at various Magistrates' Courts. In the past seven or eight years as Registrar of Honorary Justices, I have not had one request from a Justice of the Peace or a Bail Justice to use any other form of oath or sacred text.

The Royal Victorian Association of Honorary Justices (RVAHJ), which represents the interests of Justices of the Peace and Bail Justices in Victoria, conducts training courses on behalf of this Department. In its training material, the RVAHJ provides information on the various types of oaths available to deponents.

Our own guidelines pamphlet has similar information, but does not provide a list of the different types of oaths available. This information could be included, however, if it were thought to be necessary.

I am available to attend one of the public hearings in August if any further information or clarification is required.

Yours faithfully

**John Kakos**  
**REGISTRAR**