

[Act 1996 No 83]



New South Wales

Oaths Amendment Bill 1996

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 *Oaths Act 1900* to create a new offence of making a false declaration for material benefit.

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 a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Oaths Act 1900* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 2.

Schedule 1 Amendment of Oaths Act 1900

Schedule 1 [2] inserts proposed section 25A into the *Oaths Act*. Proposed section 25A repeats the existing offence of making a false declaration but with an additional element, namely making a false declaration for material benefit, so as to create an aggravated offence. The maximum penalty for the new aggravated offence will be 7 years' imprisonment.

Schedule 1 [1] makes a consequential amendment (the insertion of a reference to the proposed section creating the new aggravated offence) and an amendment by way of statute law revision (the omission of a reference to a section that has been repealed).

Schedule 2 Amendment of Criminal Procedure Act 1986

Part 9A of the *Criminal Procedure Act 1986* contains provisions that enable indictable offences to be dealt with summarily in certain circumstances. For those offences that may be dealt with summarily unless the prosecuting authority or the person charged elects otherwise (Table 1 offences) the maximum penalty that may be imposed by a Local Court, generally speaking, is 2 years' imprisonment or a fine of 100 penalty units (\$100,000). The proposed new aggravated offence will come under these arrangements. The maximum penalty for the existing offence if dealt with summarily is reduced to 12 months' imprisonment or a fine of 50 penalty units (\$5,000), or both.

Schedule 2 [1] reduces the maximum penalty on summary conviction for the existing offence.

Schedule 2 [2] applies the standard regime of Table 1 to Part 9A of the *Criminal Procedure Act 1986* to the proposed new aggravated offence and makes an amendment by way of statute law revision.