



*Oaths Act 1867*

# Oaths Regulation 2022

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Queensland

# Oaths Regulation 2022

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# Oaths Regulation 2022

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Oaths Regulation 2022*.

### 2 Definitions

In this regulation—

***officer-in-charge***, of a police station, police establishment or watch-house, includes a police officer nominated by the officer-in-charge of the police station, police establishment or watch-house as the officer-in-charge of the police station, police establishment or watch-house during the officer-in-charge's absence.

***relevant affidavit*** means an affidavit made by a police officer in the course of the police officer's duty.

***relevant declaration*** means a declaration made by a police officer in the course of the police officer's duty.

***senior police officer*** means—

- (a) an officer-in-charge of a police station, police establishment or watch-house; or
- (b) a watch-house manager; or
- (c) a police officer of or above the rank of sergeant.

## **Part 2**                      **Matters relevant to affidavits and declarations**

### **Division 1**                **General**

#### **3**            **Information witness must include on affidavit or declaration**

For section 13E(3)(b) of the Act, if the witness to the affidavit or declaration is a person prescribed under section 4, 5B, 6 or 8, the prescribed information is the witness's rank or position.

### **Division 2**                **Witnessing affidavits in person**

#### **4**            **Prescribed persons for witnessing affidavits—Act, s 16A**

For section 16A(1)(e) of the Act, a senior police officer is prescribed.

#### **5**            **Witnessing prescribed types of affidavits—Act, s 16A**

For section 16A(2)(a) of the Act, a relevant affidavit is prescribed as the only type of affidavit that may be witnessed by a person prescribed under section 4.

#### **5A**        **Prescribed condition for witnessing affidavits—Act, s 16A**

- (1) For section 16A(2)(a) of the Act, this section prescribes a condition for the witnessing, by a person prescribed under section 4, of a type of affidavit prescribed under section 5.
- (2) The condition is that the person must not be directly involved in the matter to which the contents of the affidavit relates.

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## **Division 3                      Witnessing declarations in person**

### **5B        Prescribed persons for witnessing declarations—Act, s 16B**

For section 16B(1)(d) of the Act, a senior police officer is prescribed.

### **5C        Witnessing prescribed types of declarations—Act, s 16B**

For section 16B(2)(a) of the Act, a relevant declaration is prescribed as the only type of declaration that may be witnessed by a person prescribed under section 5B.

### **5D        Prescribed condition for witnessing declarations—Act, s 16B**

- (1) For section 16B(2)(a) of the Act, this section prescribes a condition for the witnessing, by a person prescribed under section 5B, of a type of declaration prescribed under section 5C.
- (2) The condition is that the person must not be directly involved in the matter to which the contents of the declaration relates.

## **Division 4                      Witnessing electronically signed affidavits or declarations in person**

### **6        Persons prescribed as witness—Act, s 16C**

For section 16C(2) of the Act, a senior police officer is prescribed as a person who may witness an affidavit or declaration under that section.

**7 Witnessing prescribed types of affidavits and declarations—Act, s 16C**

For section 16C(3)(a) of the Act, a relevant affidavit and a relevant declaration are prescribed as the only types of documents that may be witnessed by a person prescribed under section 6.

**7A Prescribed condition—Act, s 16C**

- (1) For section 16C(3)(a) of the Act, this section prescribes a condition for the witnessing, by a person prescribed under section 6, of a type of affidavit or declaration prescribed under section 7.
- (2) The condition is that the person must not be directly involved in the matter to which the contents of the affidavit or declaration relates.

**Part 3 Matters relevant to use of audio visual links**

**8 Persons prescribed as witness—Act, s 31S**

For section 31S(1) of the Act, a senior police officer is prescribed.

**9 Prescribed types of documents—Act, s 31S**

For section 31S(2)(a) of the Act, a relevant affidavit and a relevant declaration are prescribed as the only types of documents that may be witnessed by a person prescribed under section 8.

**10 Prescribed conditions**

- (1) For section 31S(2)(a) of the Act, this section prescribes conditions for the witnessing, by a person prescribed under



section 8, of a type of affidavit or declaration prescribed under section 9.

- (2) The conditions are that—
- (a) the person must not be directly involved in the matter to which the contents of the affidavit or declaration relates; and
  - (b) it is not reasonably practicable to witness the affidavit or declaration other than under section 31S of the Act.