



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

PARLIAMENT HOUSE
CANBERRA ACT 2600
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10 JUN 1999

Mr Peter Batten
PO Box 23A
SOMERS
Vic 3927

Dear Mr Batten

Your letter dated 31 May 1999 to the Australian Electoral Commission on the subject of Members' oaths or affirmations of allegiance was referred to the Department of the House of Representatives for answer in respect of Members of the House.

An oath or affirmation of allegiance by Members and Senators is a requirement of the Australian Constitution. No provisions of the *Commonwealth Electoral Act 1918* are involved. Section 42 of the Constitution states:

42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

The wording of the oath or affirmation is set out in the schedule to the Constitution, as follows:

OATH

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

AFFIRMATION

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.
(NOTE - The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.)

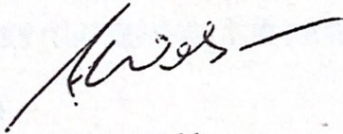
There is no provision for any deviation from this constitutional requirement. No Member may take part in proceedings of the House until sworn in.

The standing orders of the House state in relation to a new Parliament that Members shall 'be sworn, or make affirmation, as prescribed by the Constitution'. Although no more detailed procedures are specified, either in the standing orders or elsewhere, the traditional practice is as follows.

The oath or affirmation of allegiance taken by newly elected Members at the beginning of a Parliament is administered by a person authorised to do so by the Governor-General. This is traditionally a Justice of the High Court. The judge is escorted into the Chamber and to the Speaker's Chair by the Serjeant-at-Arms. The Clerk reads to the House the commission from the Governor-General authorising the judge to administer the oath or affirmation and then tables the returns to the writs for the general election, showing the Member elected for each electoral Division. Members are called by the Clerk in turn and approach the Table in groups of approximately ten to twelve, make their oath or affirmation, sign (subscribe) the oath or affirmation form and then return to their seats. The Ministry is usually sworn in first, followed by the opposition executive and then other Members.

Members not sworn in initially may be sworn in later in the day's proceedings or on a subsequent sitting day by the Speaker. The Speaker receives, after his or her appointment, a commission from the Governor-General to administer the oath or affirmation. Those Members elected at by-elections during the course of a Parliament are also sworn in by the Speaker.

Yours sincerely



Robyn Webber
Director
Chamber Research Office