

Administering Oaths - Bibles Not Necessary

Section 24(1) of the *Commonwealth Evidence Act* 1995 provides that it is no longer necessary to use a Bible or other religious text to administer or give effect to the oath.

This reflects the recommendation of the Australian Law Reform Commission Interim Report on Changes to the Law of Evidence that the method of taking the oath be simplified, and that the oath and an affirmation be equal options.

Historically, the taking of a religious oath was vital because it offered an assurance that the witness would tell the truth for fear of an eternal punishment. The necessity of physically swearing the oath on a Bible has long been regarded by the common law as a matter of form rather than substance. For instance, where non-Christian witnesses have sworn on the Bible - or where the person swearing the oath knew nothing of the Bible's significance other than its name - the validity of the oath has not been affected. This may also have been true in relation to child witnesses where an understanding of punishment by God for not telling the truth may not have been complemented by an understanding of the Bible being an expression of those religious values.

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