

RESPONSES TO VPLRC INQUIRY INTO OATHS AND AFFIRMATIONS WITH REFERENCE TO THE MULTICULTURAL COMMUNITY

BACKGROUND:

Victoria Police has been requested to provide comments in relation to the review by the Victoria Parliament Law Reform Committee (VPLRC) into the system of oaths and oath taking in Victoria courts and the making of statutory declarations and affidavits with reference to the multicultural community.

ISSUES:

Population data clearly indicate an ever increasing cultural, linguistic and religious diversity in Victoria's population.

This diversity is also reflected with the Police Force with more than 10% of police born overseas and more than 22% of all police having at least one parent born overseas.

Changes to the existing arrangements regarding oath and affirmation taking can influence police work in at least two of their roles, namely:

- (a) Taking declarations, affidavits etc.
- (b) Sworn evidence presented to courts.

DISCUSSION:

In both of the above cases, the primary police concerns relate to the integrity of the process. In particular, the oath or affirmation used must take account of the value system of the person taking the oath or affirmation. To that extent there is a strong argument for ensuring that there is a close relationship between a person's set of beliefs and values, the content of the oath/affirmation, and the procedures for its administration.

In addition, Victoria Police would be concerned to have a relatively simple, standardised system set in place. The integrity of the system, it is felt, could be undermined if a plethora of formats and procedures were to be formalised. Not only would this require extensive training of all concerned but would also possibly allow for situations that could be subjected to legal challenge over the appropriateness of the oath/affirmation and/or the way it was administered.

Finally, it is considered that the existing system is catering sufficiently for followers of the three main monotheistic religions and traditions. The present challenges will need to mainly consider the variety of polytheistic and atheistic traditions with a view to ensuring that the format and procedures of oath/affirmation administration harness the set of values and beliefs of the individual to the maximum extent possible.

SUMMARY:

In summary, the main concerns of Victoria Police in relation to any changes are:

- The implementation of a system which will continue to seek to maximise the integrity of the legal process by making oath/affirmation taking as relevant as possible to a person's value system and system of beliefs; and
- The implementation of a system which can be standardised across all relevant areas ie police, courts, Justices of Peace etc. and can be implemented as effectively as possible.