

South Australia

COVID-19 Emergency Response (Section 16) Regulations 2020

under the *COVID-19 Emergency Response Act 2020*

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1—Short title

These regulations may be cited as the *COVID-19 Emergency Response (Section 16) Regulations 2020*.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *COVID-19 Emergency Response Act 2020*.

4—Statutory Declarations

In accordance with section 16 of the Act, requirements under any Act or law relating to the taking of a statutory declaration are modified such that the persons, and classes of person, who may take the declaration are those listed in Schedule 1.

5—*Real Property Act 1886*

- (1) The following requirements under section 128 of the *Real Property Act 1886* are suspended:
 - (a) the requirement under section 128(5)(a) that the Registrar-General be satisfied that a corresponding mortgage has been executed by the mortgagee;
 - (b) the requirement under section 128(1) as it relates to the execution of the corresponding mortgage by the mortgagee.
- (2) The requirement to witness the signing of an instrument in accordance with section 267 of the *Real Property Act 1886* is suspended.

6—*Motor Vehicles Act 1959*

The requirement in section 79A(1)(a)(ii)(A) of the *Motor Vehicles Act 1959* to produce to the Registrar a logbook will be taken to be satisfied if the applicant sends an electronic copy of the logbook to the Registrar in accordance with any requirements of the Registrar.

Schedule 1—Persons who may take statutory declarations

- (a) persons authorised to take a statutory declaration under the law of the State as in force immediately before the commencement of this Schedule;
- (b) agents of the Australian Postal Corporation in charge of an office supplying postal services to the public;
- (c) Australian Consular Officers or Australian Diplomatic Officers within the meaning of the *Consular Fees Act 1955* of the Commonwealth;
- (d) bailiffs;
- (e) bank officers with 5 or more continuous years of service;
- (f) building society officers with 5 or more years of continuous service;
- (g) chief executive officers of Commonwealth courts;
- (h) clerks of courts;
- (i) commissioners for taking affidavits;
- (j) commissioners for declarations;
- (k) credit union officers with 5 or more years of continuous service;
- (l) employees of the Australian Trade Commission who are—
 - (i) in a country or place outside Australia; and
 - (ii) authorised under paragraph 3(d) of the *Consular Fees Act 1955* of the Commonwealth; and
 - (iii) exercising his or her function in that place;
- (m) employees of the Commonwealth who are—
 - (i) in a country or place outside Australia; and
 - (ii) authorised under paragraph 3(c) of the *Consular Fees Act 1955* of the Commonwealth; and
 - (iii) exercising his or her function in that place;
- (n) fellows of the National Tax and Accountants' Association;
- (o) health practitioners;
- (p) finance company officers with 5 or more years of continuous service;
- (q) holders of a statutory office not specified in another item in this list;
- (r) Judges of courts;
- (s) Justices of the Peace;

- (t) Magistrates;
- (u) marriage celebrants registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961* of the Commonwealth;
- (v) Masters of court;
- (w) members of Governance Institute of Australia;
- (x) members of Engineers Australia, other than at the grade of student;
- (y) members of the Association of Taxation and Management Accountants;
- (z) members of the Australasian Institute of Mining and Metallurgy;
- (za) a member of the Australian Defence Force who is—
 - (i) an officer; or
 - (ii) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth with 5 or more years of continuous service; or
 - (iii) a warrant officer within the meaning of that Act;
- (zb) members of the Institute of Chartered Accountants in Australia, CPA Australia (Certified Public Accountants) or the Institute of Public Accountants;
- (zc) Members of—
 - (i) the Parliament of the Commonwealth; or
 - (ii) the Parliament of a State; or
 - (iii) a Territory legislature; or
 - (iv) a local government authority of a State or Territory;
- (zd) ministers of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961* of the Commonwealth;
- (ze) notary public;
- (zf) patent attorneys or trade marks attorneys;
- (zg) permanent employees of the Australian Postal Corporation with 5 or more years of continuous service who are employed in an office supplying postal services to the public;
- (zh) permanent employees of—
 - (i) the Commonwealth or a Commonwealth authority; or
 - (ii) a State or Territory or a State or Territory authority; or
 - (iii) a local government authority,with 5 or more years of continuous service who are not specified in another item in this list;
- (zi) persons enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described);
- (zj) police officers;
- (zk) Registrars, or Deputy Registrars, of a court;

- (zl) Senior Executive Service employees of—
 - (i) the Commonwealth or a Commonwealth authority; or
 - (ii) a State or Territory or a State or Territory authority;
- (zm) sheriffs;
- (zn) sheriff's officers;
- (zo) teachers employed on a full-time basis at a school or tertiary education institution;
- (zp) veterinary surgeons.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2020	47	<i>Gazette 20.4.2020 p804</i>	20.4.2020: r 2
2020	226	<i>Gazette 25.6.2020 p3558</i>	25.6.2020: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>25.6.2020</i>
rr 5 and 6	inserted by 226/2020 r 4	25.6.2020