

South Australia

## **Oaths (Abolition of Proclaimed Managers) Amendment Act 2005**

An Act to amend the *Oaths Act 1936*; and to make a related amendment to the *Evidence (Affidavits) Act 1928*.

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

#### **Part 2—Amendment of *Oaths Act 1936* to take effect immediately**

- 4 Amendment of section 33—Appointment of persons to take declarations and attest instruments

#### **Part 3—Amendment of *Oaths Act 1936* to take effect on 1 January 2007**

- 5 Amendment of heading to Part 5
- 6 Amendment of section 32—Interpretation
- 7 Amendment of section 33—Appointment of police officers to take declarations and attest instruments
- 8 Amendment of section 34—Who may take declarations and attest instruments
- 9 Amendment of section 35—Meaning of terms in declarations and instruments

#### **Schedule 1—Related amendments of *Evidence (Affidavits) Act 1928***

- 1 Amendment of section 2A—Power of members of police force to take affidavits
- 

**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Oaths (Abolition of Proclaimed Managers) Amendment Act 2005*.

#### **2—Commencement**

- (1) Part 1 and Part 2 of this Act will come into operation on assent.
- (2) Part 3 and Schedule 1 of this Act will come into operation on 1 January 2007.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Oaths Act 1936* to take effect immediately**

### **4—Amendment of section 33—Appointment of persons to take declarations and attest instruments**

Section 33—after subsection (3) insert:

- (4) Despite subsection (1), after the commencement of this subsection, the Governor may not appoint a manager to take declarations and attest the execution of instruments.
- (5) The appointment of a person as a proclaimed manager that has not earlier been terminated will terminate on 31 December 2006.

## **Part 3—Amendment of *Oaths Act 1936* to take effect on 1 January 2007**

### **5—Amendment of heading to Part 5**

Heading to Part 5—delete "persons" and substitute:

police officers

### **6—Amendment of section 32—Interpretation**

Section 32, definitions of *manager* and *proclaimed manager*—delete the definitions

### **7—Amendment of section 33—Appointment of police officers to take declarations and attest instruments**

- (1) Section 33(1)—delete "managers, and"
- (2) Section 33(2)(b)—delete paragraph (b) and substitute:
  - (b) the person ceasing to be a member of the police force; or
- (3) Section 33(4) and (5)—delete subsections (4) and (5)

### **8—Amendment of section 34—Who may take declarations and attest instruments**

- (1) Section 34(d)—delete paragraph (d)
- (2) Section 34—delete "manager, or"
- (3) Section 34—delete "his office is situated, or"

### **9—Amendment of section 35—Meaning of terms in declarations and instruments**

Section 35—delete "'proclaimed manager" or"

**Schedule 1—Related amendments of *Evidence (Affidavits)*  
*Act 1928***

**1—Amendment of section 2A—Power of members of police force to take affidavits**

- (1) Section 2A(1)—delete "a proclaimed manager or"
- (2) Section 2A(2)—delete subsection (2) and substitute:
  - (2) In this section—

*proclaimed member of the police force* means a member of the police force appointed to take declarations and attest the execution of instruments under Part 5 of the *Oaths Act 1936*.