

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

- Variations of this version that are uncommenced are not incorporated into the text.
- 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](http://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
<b>2020</b>	<b>226</b>	<b><i>Gazette 25.6.2020 p3558</i></b>	<b>25.6.2020: r 2</b>
2021	120	<i>Gazette 18.8.2021 p3102</i>	9.9.2021: 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