

South Australia

# **COVID-19 Emergency Response (Section 16) (Affidavits) Variation Regulations 2021**

under the *COVID-19 Emergency Response Act 2020*

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *COVID-19 Emergency Response (Section 16) Regulations 2020***

- 4 Insertion of regulation 5
    - 5 Taking of affidavits by audio visual link
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *COVID-19 Emergency Response (Section 16) (Affidavits) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *COVID-19 Emergency Response (Section 16) Regulations 2020*

### 4—Insertion of regulation 5

After regulation 4 insert:

#### 5—Taking of affidavits by audio visual link

- (1) Pursuant to section 16 of the Act, the requirements under an Act or law relating to the taking of an affidavit before a person authorised to take affidavits (an *authorised person*) are modified to the extent necessary to enable those requirements to be performed by the authorised person and the deponent of the affidavit meeting remotely by audio visual link in accordance with this regulation.
- (2) A reference to requirements under an Act or law relating to the taking of an affidavit in subregulation (1) includes a reference to the requirement to—
  - (a) swear or affirm the contents of an affidavit; and
  - (b) witness or attest the signature or initial of a deponent by an authorised person.
- (3) For the purposes of subregulation (1)—
  - (a) the remote meeting between an authorised person and a deponent of an affidavit by audio visual link must be conducted so that the authorised person and the deponent are visible to each other and can hear each other while the deponent swears or affirms the contents of the affidavit and signs the affidavit; and
  - (b) the authorised person must—
    - (i) observe the deponent signing the affidavit in real time; and
    - (ii) attest or otherwise confirm that—
      - (A) the affidavit was sworn or affirmed by the deponent; and
      - (B) the deponent's signature on the affidavit was witnessed,  
by signing the affidavit or a copy of the affidavit;  
and
    - (iii) be reasonably satisfied the affidavit the authorised person signs is the same affidavit, or a copy of the affidavit, sworn or affirmed and signed by the deponent; and
    - (iv) endorse the affidavit, or the copy of the affidavit, with a statement—

- (A) specifying the method used to witness the swearing or affirming and signing of the affidavit by the deponent; and
  - (B) that the requirements of this regulation were complied with in relation to the taking of the affidavit.
- (4) Without limiting the ways an authorised person may confirm the witnessing of the signing of an affidavit, the authorised person may, if the deponent sends a copy of the signed affidavit electronically to the authorised person, countersign the affidavit as soon as practicable after witnessing the signing of the affidavit.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 14 October 2021

No 158 of 2021