

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—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.

### **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

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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).

### Revocation of regulations

The *COVID-19 Emergency Response (Section 16) Regulations 2020* were revoked by s 19(5) of the *COVID-19 Emergency Response Act 2020* on 1.12.2021.

### Principal regulations and variations

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
2021	120	<i>Gazette 18.8.2021 p3102</i>	9.9.2021: r 2
2021	158	<i>Gazette 14.10.2021 p3755</i>	14.10.2021: r 2

### Provisions varied

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

Provision	How varied	Commencement
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	25.6.2020
r 5	inserted by 226/2020 r 4	25.6.2020
	deleted by 120/2021 r 4	9.9.2021
	inserted by 158/2021 r 4	14.10.2021
r 6	inserted by 226/2020 r 4	25.6.2020

### Historical versions

25.6.2020

9.9.2021