

South Australia

Oaths Act 1936

An Act relating to oaths, affirmations, declarations, affidavits and attestations.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Oaths Act 1936*.

Part 2—Promissory oaths and declarations

Division 1—Oaths

4—Interpretation

In this Part, unless the contrary intention appears:

judicial oath means the oath prescribed by section 11;

oath of allegiance means the oath prescribed by section 8;

oath of fidelity means the oath prescribed by section 10;

official oath means the oath prescribed by section 9.

5—Oaths to be taken by the Governor

- (1) The Governor, as soon as may be after his acceptance of office, shall take the oath of allegiance and the official oath in the presence of the Chief Justice or the Acting Chief Justice of the State.
- (2) The Master of the Supreme Court or the associate to the Chief Justice or Acting Chief Justice, as the case may be, shall tender those oaths to the Governor.

6—Oaths to be taken by members of the Executive Council

- (1) Every member of the Executive Council, as soon as may be after his acceptance of office, shall take the oath of allegiance, the official oath and the oath of fidelity, in the presence of the Governor in Council.
- (2) The Clerk of the Executive Council shall tender those oaths to the members of the Executive Council.
- (3) Subsection (1) does not require a person to take the oath of allegiance or the oath of fidelity more than once during the term of any Parliament.

6A—Oaths to be taken by Ministers who are not members of the Executive Council or by Parliamentary Secretary to a Minister

- (1) Every Minister of the Crown who is not a member of the Executive Council and any member of Parliament appointed as a Parliamentary Secretary to a Minister must, as soon as is practicable after accepting office, take the oath of allegiance and the official oath before the Governor.
- (2) Subsection (1) does not require a person to take the oath of allegiance more than once during the term of any Parliament.

7—Oaths to be taken by judicial officers

- (1) Each of the following officers, namely—
 - (a) the Chief Justice, President, puisne judges, Masters and Judicial Registrars of the Supreme Court; and
 - (b) the Chief Judge, other Judges, Masters and Judicial Registrars of the District Court; and
 - (c) Magistrates and Judicial Registrars of the Magistrates Court; and
 - (d) justices of the peace,shall, before proceeding to discharge any official duties, take the oath of allegiance and the judicial oath.
- (2) The oaths to be taken under this section must be taken—
 - (a) in the case of the oaths to be taken by the Chief Justice, the President or the puisne judges of the Supreme Court—before the Governor or, if the Governor so determines (or in the absence of a determination by the Governor), by the most senior judge of the Supreme Court that is available to take the oath;
 - (b) in the case of the oaths to be taken by any other judicial officer to whom this section applies (other than a justice of the peace)—by the most senior judge of the Supreme Court that is available to take the oath.
- (4) The oaths to be taken under this section by a justice of the peace shall be taken in the manner prescribed by the *Justices of the Peace Act 1991*.
- (5) This section does not apply to a person appointed to act in a judicial office on an auxiliary basis under the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* if that person has previously taken the oath of allegiance and the judicial oath in accordance with this Act.

8—Form of oath of allegiance

The oath of allegiance shall be in the following form:

I, _____ do swear that I will be faithful and bear true allegiance to His Majesty, King Edward the Eighth, His Heirs and Successors, according to law. SO HELP ME GOD!

9—Form of official oath

The official oath shall be in the following form:

I, _____, do swear that I will well and truly serve His Majesty King Edward the Eighth, His Heirs and Successors, according to law, in the office of _____. SO HELP ME GOD!

10—Form of oath of fidelity

The oath of fidelity shall be in the following form:

I, being chosen and admitted of His Majesty's Executive Council in the State of South Australia, do swear that I will, to the best of my judgment, and at all times when thereto required, freely give my counsel and advice to the Governor, for the time being, for the good management of the public affairs of the said State; that I will not directly nor indirectly reveal such matters as shall be debated in Council, and committed to my secrecy, but that I will in all things be a true and faithful Councillor. SO HELP ME GOD!

11—Form of judicial oath

The judicial oath shall be in the following form:

I, _____, do swear that I will well and truly serve Our Sovereign Lord King Edward the Eighth, His Heirs and Successors, according to law, in the office of _____, and I will do right to all manner of people after the laws and usages of this State, without fear or favour, affection or illwill. SO HELP ME GOD!

12—Use of name of Sovereign for the time being

Every reference in any form of oath prescribed by this Part to His Majesty King Edward the Eighth shall be altered from time to time as occasion requires by substituting the name of the Sovereign of the United Kingdom of Great Britain and Northern Ireland for the time being.

Division 2—Affirmations

13—Affirmation in lieu of oath

Any person may make an affirmation in lieu of taking the oath required by the *Constitution Act 1934* or any oath of allegiance, official oath, oath of fidelity, or judicial oath.

14—Form of affirmation

Every affirmation shall commence "I, _____ do truly and solemnly affirm" and shall proceed in the same words as the oath required or permitted by law under the same circumstances, omitting all words of imprecation or calling to witness, and the attestation of any affirmation in writing may be in the same words as the jurat of an affidavit substituting the word "affirmed" for the word "sworn".

15—Persons entitled to take affirmations

Every person authorised to administer an oath shall have authority to take an affirmation.

16—Penalty on not taking prescribed oath

If any person declines or neglects when any oath or affirmation required to be taken by him under this Part is duly tendered, to take such oath or make such affirmation, he shall, if he has already entered on the office in relation to which the oath or affirmation is required vacate that office, and if he has not entered on that office he shall be disqualified from entering on it, but no person shall be compelled in respect of the same appointment to the same office to take an oath or make an affirmation under this Part more than once.

Division 3—Miscellaneous

17—Prohibition on use of oath of allegiance

Notwithstanding any Act, charter, or custom, no person shall be required or authorised to take the oath of allegiance or any oath substituted for that oath or to make any affirmation or declaration to the like effect of that oath, except in a case where this Part or some other Act of the State expressly so requires.

18—Substitution of declarations for oaths

- (1) Where in any case not otherwise provided for by this Part an oath is required to be taken by any person on or as a condition of admission to membership, fellowship, or participation in the privileges of any body corporate, society, or company, or on or as a condition of accepting any employment or office a declaration shall be taken in lieu of that oath to the like effect in all respects as that oath.
- (2) A declaration in pursuance of this section shall have the same effect in all respects as the oath for which the declaration is substituted would have had if this Part had not been passed.

19—Effect of not making declaration as required by this Part

If any person required by this Part to make a declaration instead of an oath declines or neglects to make that declaration, he shall be subject to the same penalties and disabilities (if any) as he would have been subject to for declining or neglecting to take the oath for which that declaration is substituted.

20—Saving of power to alter declaration

Where a declaration is substituted for an oath under this Part any person who but for the enactment of this Part would have had power to alter that oath or to substitute another oath in its place, may exercise the like power with regard to the substituted declaration.

21—Saving

Nothing in this Part shall affect—

- (a) the *Constitution Act 1934* or any Act specially requiring any particular form of oath to be taken:
- (b) any oath required or authorised by any Act to be taken or made for the purpose of attesting any fact or verifying any account or document:
- (c) any oath required to be taken by any juror, witness, or other person pursuant to any Act or custom as preliminary to or in the course of any civil, military, criminal, or other trial, or any inquest or proceedings of a judicial nature, any arbitration or any proceedings before a Committee of either House of Parliament, or before any Commissioner, or other special tribunal appointed by the Governor.

22—Saving of rights dependent upon taking an oath

Where but for the enactment of this Part, the taking of any oath would be a condition precedent or subsequent to the attainment by any person of any office, privilege, exemption, or other benefit and that person is by this Act prevented from fulfilling that condition he shall, nevertheless, on complying with any other conditions attached to the attainment of such office, privilege, or other benefit be entitled thereto as if the condition relating to that oath and any direction as to the certificate or registration of the taking of that oath or otherwise had been fulfilled and performed.

Part 3—Statutory declarations

23—Operation of the Imperial Act, 5 and 6 Wm. 4 c. 62

The enactment of this Part shall not affect the operation within the State of the Act of the Imperial Parliament, 5 and 6, William 4, chapter 62 (commonly called the *Statutory Declarations Act 1835*), except in so far as the provisions of this Part are inconsistent with the provisions of that Act.

24—Part not to apply to oaths in judicial proceedings

This Part does not apply to any oath, affirmation, or affidavit which may be made or taken, or be required to be made or taken, in any judicial proceedings in any court of justice, or in any proceeding for or by way of summary conviction before any justice.

25—Taking statutory declarations

- (1) Subject to this Part, a declaration may be made under this Part instead of an oath or affirmation if the declaration—
 - (a) complies with any requirements prescribed by the regulations; and

- (b) is made in accordance with the requirements set out in the code of practice in relation to statutory declarations published by the Minister under section 33.
- (2) The persons specified in Schedule 1 clause 1 are persons before whom a statutory declaration may be made.

26—Fees on taking of oath

Whenever a declaration is made under this Part in lieu of an oath or affirmation, all (if any) such fees as would have been payable if the oath or affirmation had been taken, shall be payable.

27—False declaration

- (1) Any person who wilfully makes any declaration by virtue of this Part, knowing that declaration to be untrue in any material particular, shall be guilty of an offence, and shall be liable, upon conviction thereof, to be imprisoned for any term not exceeding four years.
- (2) In any proceedings under this Part in relation to an offence referred to in subsection (1) of this section where the court is satisfied that the defendant knew that he was required to declare his belief in the truth of the declaration referred to in that subsection it shall not be a defence that the declaration was not duly made or that the declaration did not comply with the requirements of section 25 of this Act.

Part 4—Affidavits

27A—Taking affidavits

- (1) An affidavit must—
 - (a) comply with—
 - (i) any requirements prescribed by the regulations; and
 - (ii) any requirements set out in the rules of the relevant court; and
 - (b) be taken in accordance with the requirements set out in the code of practice in relation to affidavits published by the Minister under section 33.
- (2) For the purposes of subsection (1)(a), if an inconsistency exists between the requirements prescribed by the regulations and the requirements set out in the rules of the relevant court, the rules prevail and the requirements prescribed by the regulations do not apply to the extent of the inconsistency.
- (3) The persons specified in Schedule 1 clause 2 are persons authorised to take affidavits.

28—Commissioners for taking affidavits etc

- (1) The following shall be Commissioners for taking affidavits in the Supreme Court—
 - (a) all Judges and Masters of the Supreme Court; and
 - (b) all Judges and Masters of the District Court; and
 - (c) all magistrates; and

- (ca) all Judicial Registrars, Registrars and Deputy Registrars of the Supreme Court, the District Court, the Environment, Resources and Development Court, the South Australian Employment Tribunal, the Youth Court and the Magistrates Court; and
 - (d) all persons on the roll of practitioners of the Supreme Court (except any such person whose right to practise the profession of law is under suspension by virtue of disciplinary action taken against him); and
 - (e) any other persons appointed by the Attorney-General, by notice published in the Gazette, to be Commissioners for taking affidavits in the Supreme Court.
- (2) An oath, affirmation or declaration taken or made before a person specified in Schedule 1 clause 2 will be as valid and effectual as if it had been taken or made before the Supreme Court.

30—False statement by affidavit

A person who intentionally makes a false statement, whether orally or in writing, in an affidavit is guilty of an offence.

Maximum penalty: 7 years imprisonment.

31—Supreme Court to take judicial notice of signatures

The Supreme Court and the Judges, Master, and other officers thereof shall take judicial notice of the signature of every person before whom affidavits, declarations, and affirmations are by this Part authorised to be made, if that signature is subscribed to any affidavit, declaration or affirmation taken under this Part.

Part 5—Miscellaneous

32—Minor non-compliance does not affect validity

An oath, affirmation, statutory declaration or affidavit is not invalid merely because of an inadvertent and minor non-compliance with a requirement imposed under this Act that does not materially affect the nature of the oath, affirmation, statutory declaration or affidavit (as the case requires).

33—Codes of practice

- (1) For the purposes of this Act, the Minister may, by notice in the Gazette, publish—
 - (a) a code of practice in relation to statutory declarations;
 - (b) a code of practice in relation to affidavits.
- (2) A code of practice may—
 - (a) be of general or limited application; and
 - (b) vary in operation according to factors stated in the code; and
 - (c) provide for the granting by the Minister of exemptions (conditional or unconditional) from specified provisions of the code; and
 - (d) in the case of a code of practice made in relation to statutory declarations—impose requirements relating to the making of statutory declarations; and

- (e) in the case of a code of practice made in relation to affidavits—impose requirements relating to the taking of affidavits.
- (3) The Minister may, by subsequent notice in the Gazette, vary or revoke a code of practice.
- (4) A notice published in the Gazette under this section may come into operation on the day on which it is published or on a later day or days specified in the notice.
- (5) A declaration or affidavit is not invalid merely because of a failure to comply with a requirement in a code of practice, if the non-compliance does not materially affect the nature of the declaration or affidavit (as the case requires).

34—Requirements of other Acts taken to be complied with

If another Act requires that—

- (a) a declaration must be made before a specified class of person or authority; or
- (b) an instrument must be signed or executed in the presence of, or attested by, a specified class of person or authority,

the requirement will be taken to have been complied with if the declaration is made before, or the instrument is signed or executed in the presence of or attested by (as the case requires), a person specified in Schedule 1 clause 1.

35—Offence of taking affidavit, affirmation or declaration without authority

- (1) A person who knowingly takes an affidavit, affirmation or declaration without being authorised to do so is guilty of an offence.

Maximum penalty: \$10 000 or 6 months imprisonment.

- (2) A person who is not authorised to take an affidavit, affirmation or declaration must not represent that the person is authorised to do so.

Maximum penalty: \$1 500.

36—Immunity

A person authorised under Schedule 1 incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out functions under this Act.

37—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) The regulations may—
 - (a) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
 - (b) be of general or limited application; and
 - (c) provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister or another prescribed authority; and

- (d) make provisions of a saving or transitional nature consequent on the enactment of any amendments to this Act, on the commencement of specified provisions of this Act, on the repeal of the *Evidence (Affidavits) Act 1928* or on the making of regulations under this Act.

Schedule 1—Authorisation of persons

1—Persons before whom a statutory declaration may be made

The following are persons before whom a statutory declaration may be made for the purposes of section 25(2):

- (a) a Commissioner for taking affidavits in the Supreme Court;
- (b) a person who is registered as a conveyancer under the *Conveyancers Act 1994*;
- (c) a justice of the peace;
- (d) a police officer, other than a police officer who is a probationary constable;
- (e) persons admitted and enrolled as a notary public of the Supreme Court;
- (f) any other person of a class prescribed by regulation.

2—Persons authorised to take an affidavit

The following are persons authorised to take an affidavit for the purposes of section 27A(3):

- (a) a Commissioner for taking affidavits in the Supreme Court;
- (b) a justice of the peace;
- (c) a police officer, other than a police officer who is a probationary constable;
- (d) persons admitted and enrolled as a notary public of the Supreme Court;
- (e) any other person of a class prescribed by regulation.

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 this Act (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.

Legislation repealed by principal Act

The *Oaths Act 1936* repealed the following:

The Affirmations Act 1896

The Declarations and Attestations Act 1913

Promissory Oaths Act 1869

The Promissory Oaths Amendment Act 1911

The Statutory Declarations Act 1915

Legislation amended by principal Act

The *Oaths Act 1936* amended the following:

An Act for increasing the facilities for the taking of acknowledgments of married women, and for other purposes (No. 23 of 1872)

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1936	2278	<i>Oaths Act 1936</i>	3.9.1936	3.9.1936
1968	24	<i>Oaths Act Amendment Act 1968</i>	5.12.1968	5.12.1968
1969	41	<i>Oaths Act Amendment Act 1969</i>	13.11.1969	13.11.1969
1981	34	<i>Statutes Amendment (Administration of Courts and Tribunals) Act 1981</i>	19.3.1981	1.7.1981 (<i>Gazette</i> 25.6.1981 p1896)
1983	53	<i>Oaths Act Amendment Act 1983</i>	16.6.1983	1.7.1983 (<i>Gazette</i> 30.6.1983 p1760)
1984	56	<i>Statutes Amendment (Oaths and Affirmations) Act 1984</i>	24.5.1984	1.7.1984 (<i>Gazette</i> 28.6.1984 p1897)
1993	62	<i>Statutes Amendment (Courts) Act 1993</i>	27.5.1993	s 29—1.7.1993 (<i>Gazette</i> 24.6.1993 p2047)
1994	17	<i>State Bank (Corporatisation) Act 1994</i>	12.5.1994	Sch 4—1.7.1994 (<i>Gazette</i> 23.6.1994 p1784)

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1994	59	<i>Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994</i>	27.10.1994	1.1.1995 (<i>Gazette</i> 8.12.1994 p1942)
1996	67	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1996</i>	15.8.1996	ss 23 & 24—17.10.1996 (<i>Gazette</i> 17.10.1996 p1361)
1997	30	<i>Statutes Amendment (References to Banks) Act 1997</i>	12.6.1997	Pt 10 (ss 12—16)—3.7.1997 (<i>Gazette</i> 3.7.1997 p4)
1997	69	<i>Statutes Amendment (Ministers of the Crown) Act 1997</i>	11.12.1997	Pt 5 (s 10)—17.12.1997 (<i>Gazette</i> 17.12.1997 p1639)
1998	59	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1998</i>	3.9.1998	Pt 7 (ss 11—16)—13.12.1998 (<i>Gazette</i> 3.12.1998 p1676)
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 36)—1.7.1999 being the date specified under section 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2002	29	<i>Constitution (Parliamentary Secretaries) Amendment Act 2002</i>	7.11.2002	7.11.2002
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 (<i>Gazette</i> 13.11.2003 p4048)
2004	44	<i>Oaths (Judicial Officers) Amendment Act 2004</i>	18.11.2004	18.11.2004
2005	8	<i>Oaths (Abolition of Proclaimed Managers) Amendment Act 2005</i>	21.4.2005	Pt 1 (ss 1—3) & Pt 2 (s 4)—21.4.2005: s 2(1); Pt 3 (ss 5—9)—1.1.2007: s 2(2)
2006	44	<i>Statutes Amendment (Justice Portfolio) Act 2006</i>	14.12.2006	Pt 20 (s 34)—18.1.2007 (<i>Gazette</i> 18.1.2007 p234)
2016	63	<i>Statutes Amendment (South Australian Employment Tribunal) Act 2016</i>	8.12.2016	Pt 16 (s 121)—1.7.2017 (<i>Gazette</i> 16.5.2017 p1221)
2017	10	<i>Statutes Amendment (Judicial Registrars) Act 2017</i>	11.4.2017	Pt 4 (ss 30 & 31)—23.5.2017 (<i>Gazette</i> 23.5.2017 p1725)
2019	45	<i>Supreme Court (Court of Appeal) Amendment Act 2019</i>	19.12.2019	Sch 1 (cl 69)—1.1.2021 (<i>Gazette</i> 10.12.2020 p5638)
2020	34	<i>Statutes Amendment (Attorney-General's Portfolio) Act 2020</i>	1.10.2020	Pt 4 (s 10)—1.10.2020: s 2(1)
2021	31	<i>Oaths (Miscellaneous) Amendment Act 2021</i>	2.9.2021	Pt 2 (ss 4 to 11)—1.12.2021 (<i>Gazette</i> 25.11.2021 p4129)

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 664.

New entries appear in bold.

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

Provision	How varied	Commencement
Long title	amended by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 31/2021 s 4	1.12.2021
Pt 1		
s 2	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
s 3	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>24.11.2003</i>
Pt 2		
Pt 2 Div 1	heading inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 6		
s 6(3)	inserted by 59/1998 s 11	13.12.1998
s 6A		
s 6A(1)	s 6A inserted by 69/1997 s 10	17.12.1997
	s 6A redesignated as s 6A(1) by 59/1998 s 12	13.12.1998
	amended by 29/2002 s 4	7.11.2002
s 6A(2)	inserted by 59/1998 s 12	13.12.1998
s 7		
s 7(1)	substituted by 34/1981 s 41(a)	1.7.1981
	amended by 67/1996 s 23(a)	17.10.1996
	amended by 44/2004 s 3	18.11.2004
	(e)—(g) deleted by 44/2004 s 3	18.11.2004
	amended by 10/2017 s 30(1)—(3)	23.5.2017
	amended by 45/2019 Sch 1 cl 69(1)	1.1.2021
s 7(2)	substituted by 67/1996 s 23(b)	17.10.1996
	substituted by 45/2019 Sch 1 cl 69(2)	1.1.2021
s 7(3)	<i>substituted by 34/1981 s 41(b)</i>	<i>1.7.1981</i>
	<i>substituted by 67/1996 s 23(b)</i>	<i>17.10.1996</i>
	<i>deleted by 45/2019 Sch 1 cl 69(2)</i>	<i>1.1.2021</i>
s 7(3a)	<i>inserted by 67/1996 s 23(b)</i>	<i>17.10.1996</i>
	<i>deleted by 45/2019 Sch 1 cl 69(2)</i>	<i>1.1.2021</i>
s 7(4)	amended by 62/1993 s 29	1.7.1993
s 7(5)	inserted by 67/1996 s 23(c)	17.10.1996
<i>heading preceding s 13</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
Pt 2 Div 2	heading inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
<i>heading preceding s 17</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
Pt 2 Div 3	heading inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
<i>heading preceding s 21</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>	<i>24.11.2003</i>
Pt 3		
s 25	substituted by 31/2021 s 5	1.12.2021

s 27		
s 27(1)	amended by 59/1994 Sch 2	1.1.1995
	amended by 44/2006 s 34	18.1.2007
s 27(2)	amended by 59/1994 Sch 2	1.1.1995
	amended by 31/2021 s 6	1.12.2021
Pt 4		
heading	substituted by 31/2021 s 7	1.12.2021
s 27A	inserted by 31/2021 s 8	1.12.2021
s 28	substituted by 53/1983 s 3	1.7.1983
s 28(1)	amended by 67/1996 s 24	17.10.1996
	amended by 44/2004 s 4(1), (2)	18.11.2004
	amended by 10/2017 s 31	23.5.2017
	amended by 63/2016 s 121	1.7.2017
	amended by 34/2020 s 10	1.10.2020
s 28(2)	amended by 31/2021 s 9	1.12.2021
s 29	<i>substituted by 53/1983 s 3</i>	<i>1.7.1983</i>
	<i>deleted by 56/1984 s 7</i>	<i>1.7.1984</i>
s 30	amended by 59/1994 Sch 2	1.1.1995
	substituted by 31/2021 s 10	1.12.2021
s 31	amended by 53/1983 s 4	1.7.1983
<i>Pt 5 before substitution by 31/2021</i>		
<i>heading</i>	<i>amended by 8/2005 s 5</i>	<i>1.1.2007</i>
s 32		
<i>bank</i>	<i>deleted by 17/1994 Sch 4 cl 7</i>	<i>1.7.1994</i>
<i>bank manager</i>	<i>deleted by 30/1997 s 12(a)</i>	<i>3.7.1997</i>
<i>manager</i>	<i>inserted by 30/1997 s 12(b)</i>	<i>3.7.1997</i>
	<i>amended by 33/1999 Sch (item 36)</i>	<i>1.7.1999</i>
	<i>deleted by 8/2005 s 6</i>	<i>1.1.2007</i>
<i>postmaster</i>	<i>deleted by 59/1998 s 13</i>	<i>13.12.1998</i>
<i>proclaimed bank manager</i>	<i>amended by 30/1997 s 12(c)</i>	<i>3.7.1997</i>
	<i>deleted by 59/1998 s 13</i>	<i>13.12.1998</i>
<i>proclaimed postmaster</i>	<i>amended by 30/1997 s 12(c)</i>	<i>3.7.1997</i>
	<i>deleted by 59/1998 s 13</i>	<i>13.12.1998</i>
<i>proclaimed member of the police force</i>	<i>amended by 30/1997 s 12(c)</i>	<i>3.7.1997</i>
	<i>deleted by 59/1998 s 13</i>	<i>13.12.1998</i>
<i>proclaimed manager</i>	<i>inserted by 59/1998 s 13</i>	<i>13.12.1998</i>
	<i>deleted by 8/2005 s 6</i>	<i>1.1.2007</i>

<i>proclaimed member of the police force</i>	<i>inserted by 59/1998 s 13</i>	13.12.1998
<i>s 33</i>		
<i>s 33(1)</i>	<i>amended by 30/1997 s 13(a)</i>	3.7.1997
	<i>amended by 59/1998 s 14(a)</i>	13.12.1998
	<i>amended by 8/2005 s 7(1)</i>	1.1.2007
<i>s 33(2)</i>	<i>amended by 30/1997 s 13(b)</i>	3.7.1997
	<i>amended by 59/1998 s 14(b)</i>	13.12.1998
	<i>amended by 8/2005 s 7(2)</i>	1.1.2007
<i>s 33(4)</i>	<i>deleted by 30/1997 s 13(c)</i>	3.7.1997
	<i>inserted by 8/2005 s 4</i>	21.4.2005
	<i>deleted by 8/2005 s 7(3)</i>	1.1.2007
<i>s 33(5)</i>	<i>inserted by 8/2005 s 4</i>	21.4.2005
	<i>deleted by 8/2005 s 7(3)</i>	1.1.2007
<i>s 34</i>	<i>amended by 30/1997 s 14</i>	3.7.1997
	<i>amended by 59/1998 s 15</i>	13.12.1998
	<i>s 34 I—III redesignated as s 34(c)—(e) by 44/2003 s 3(1) (Sch 1)</i>	24.11.2003
	<i>(d) deleted by 8/2005 s 8(1)</i>	1.1.2007
	<i>amended by 8/2005 s 8(2), (3)</i>	1.1.2007
<i>s 35</i>	<i>amended by 30/1997 s 15</i>	3.7.1997
	<i>substituted by 59/1998 s 16</i>	13.12.1998
	<i>amended by 8/2005 s 9</i>	1.1.2007
Pt 5	substituted by 31/2021 s 11	1.12.2021
Sch 1	inserted by 31/2021 s 11	1.12.2021

Transitional etc provisions associated with Act or amendments

Statutes Amendment (References to Banks) Act 1997

16—Transitional

- (1) A person who was, immediately before the commencement of this Part, a proclaimed bank manager under section 33 of the principal Act will be taken to have been appointed as a proclaimed manager under that section as amended by this Act.
- (2) A reference in an Act or other instrument (whether of a statutory nature or not) to a *proclaimed bank manager* will be taken to be a reference to a *proclaimed manager*.

Historical versions

Reprint No 1—1.10.1991

Reprint No 2—1.7.1993

Reprint No 3—1.7.1994

Reprint No 4—1.1.1995

Reprint No 5—17.10.1996

Oaths Act 1936—1.12.2021

Legislative history

Reprint No 6—3.7.1997

Reprint No 7—17.12.1997

Reprint No 8—13.12.1998

Reprint No 9—1.7.1999

Reprint No 10—7.11.2002

Reprint No 11—24.11.2003

18.11.2004

21.4.2005

1.1.2007

18.1.2007

23.5.2017

1.7.2017

1.10.2020

1.1.2021