



STATUTES AMENDMENT (REFERENCES TO BANKS) ACT 1997

No. 30 of 1997

SUMMARY OF PROVISIONS

**PART 1
PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation

**PART 2
AMENDMENT OF ACTS INTERPRETATION ACT 1915**

4. Amendment of s. 4—Interpretation

**PART 3
AMENDMENT OF ADMINISTRATION AND PROBATE ACT 1919**

5. Amendment of s. 72—Payment by bank of sums not exceeding \$2000

**PART 4
AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935**

6. Amendment of s. 212—Interpretation

**PART 5
AMENDMENT OF EQUAL OPPORTUNITY ACT 1984**

7. Amendment of s. 5—Interpretation

**PART 6
AMENDMENT OF EVIDENCE (AFFIDAVITS) ACT 1928**

8. Amendment of s. 2a—Power of proclaimed managers and other persons to take affidavits

**PART 7
AMENDMENT OF FAIR TRADING ACT 1987**

9. Amendment of s. 46—Interpretation

**PART 8
AMENDMENT OF FIREARMS ACT 1977**

10. Amendment of s. 12—Application for firearms licence

**PART 9
AMENDMENT OF HOLIDAYS ACT 1910**

11. Insertion of s. 2A
2A. Interpretation

**PART 10
AMENDMENT OF OATHS ACT 1936**

12. Amendment of s. 32—Interpretation
13. Amendment of s. 33—Appointment of persons to take declarations and attest instruments
14. Amendment of s. 34—Who may take declarations and attest instruments
15. Amendment of s. 35—Meaning of terms in declarations and instruments
16. Transitional

**PART 11
AMENDMENT OF PAY-ROLL TAX ACT 1971**

17. Amendment of s. 8—Wages liable to pay-roll tax

**PART 12
AMENDMENT OF SOUTH AUSTRALIAN CO-OPERATIVE AND COMMUNITY
HOUSING ACT 1991**

18. Amendment of s. 52—Share capital account

**PART 13
AMENDMENT OF WRONGS ACT 1936**

19. Amendment of s. 7—Privilege of newspaper, radio or television reports of proceedings of public meetings and of certain bodies and persons



ANNO QUADRAGESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1997

No. 30 of 1997

An Act to amend the Acts Interpretation Act 1915, the Administration and Probate Act 1919, the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Evidence (Affidavits) Act 1928, the Fair Trading Act 1987, the Firearms Act 1977, the Holidays Act 1910, the Oaths Act 1936, the Pay-roll Tax Act 1971, the South Australian Co-operative and Community Housing Act 1991 and the Wrongs Act 1936.

[Assented to 12 June 1997]

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Statutes Amendment (References to Banks) Act 1997*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading of the Part in which the reference occurs.

**PART 2
AMENDMENT OF ACTS INTERPRETATION ACT 1915**

Amendment of s. 4—Interpretation

4. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "Australian citizen" the following definition:

"bank" means a bank, building society, credit union or other body of a class proclaimed under subsection (2) for the purposes of this definition and its derivatives have a corresponding meaning;;

(b) by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) The Governor may, by proclamation, proclaim a class of bodies for the purposes of the definition of "bank" in subsection (1) and may, by subsequent proclamation, vary or revoke any such proclamation.

PART 3 AMENDMENT OF ADMINISTRATION AND PROBATE ACT 1919

Amendment of s. 72—Payment by bank of sums not exceeding \$2000

5. Section 72 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) In this section—

"bank" means a bank within the meaning of the *Banking Act 1959* of the Commonwealth.

PART 4 AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Amendment of s. 212—Interpretation

6. Section 212 of the principal Act is amended by striking out the definition of "bank" and substituting the following definition:

"bank" means a bank within the meaning of the *Banking Act 1959* of the Commonwealth or a foreign bank within the meaning of that Act;.

PART 5 AMENDMENT OF EQUAL OPPORTUNITY ACT 1984

Amendment of s. 5—Interpretation

7. Section 5 of the principal Act is amended by inserting in paragraph (c) of the definition of "services to which this Act applies" in subsection (1) "(within the meaning of the *Banking Act 1959* of the Commonwealth)" after "banking".

PART 6 AMENDMENT OF EVIDENCE (AFFIDAVITS) ACT 1928

Amendment of s. 2a—Power of proclaimed managers and other persons to take affidavits

8. Section 2a of the principal Act is amended—

(a) by striking out from subsection (1)(a) "bank";

(b) by striking out from subsection (2) "bank" (twice occurring).

PART 7
AMENDMENT OF FAIR TRADING ACT 1987

Amendment of s. 46—Interpretation

9. Section 46 of the principal Act is amended by inserting in paragraph (c) of the definition of "services" in subsection (1) "(within the meaning of the *Banking Act 1959* of the Commonwealth)" after "banking".

PART 8
AMENDMENT OF FIREARMS ACT 1977

Amendment of s. 12—Application for firearms licence

10. Section 12 of the principal Act is amended by inserting in subsection (5) ", within the meaning of the *Banking Act 1959* of the Commonwealth" after "bank".

PART 9
AMENDMENT OF HOLIDAYS ACT 1910

Insertion of s. 2A

11. The following section is inserted in the principal Act after section 2:

Interpretation

2A. In this Act—

"bank" means a bank within the meaning of the *Banking Act 1959* of the Commonwealth.

PART 10
AMENDMENT OF OATHS ACT 1936

Amendment of s. 32—Interpretation

12. Section 32 of the principal Act is amended—

(a) by striking out the definition of "bank manager";

(b) by inserting after the definition of "instrument" the following definition:

"manager" means a person appointed to be in charge of the head office or a branch office in the State of any bank, building society, credit union or other body of a class proclaimed under section 4(2) of the *Acts Interpretation Act 1915*;

(c) by striking out "bank" (twice occurring) from the definition of "proclaimed bank manager", "proclaimed postmaster" and "proclaimed member of the police force".

Amendment of s. 33—Appointment of persons to take declarations and attest instruments

13. Section 33 of the principal Act is amended—

(a) by striking out from subsection (1) "bank";

(b) by striking out from subsection (2)(b) "bank";

(c) by striking out subsection (4).

Amendment of s. 34—Who may take declarations and attest instruments

14. Section 34 of the principal Act is amended by striking out "bank" (twice occurring).

Amendment of s. 35—Meaning of terms in declarations and instruments

15. Section 35 of the principal Act is amended by striking out "bank" (twice occurring).

Transitional

16. (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".

**PART 11
AMENDMENT OF PAY-ROLL TAX ACT 1971**

Amendment of s. 8—Wages liable to pay-roll tax

17. Section 8 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) In this section—

"bank account" means an account maintained at a bank (within the meaning of the *Banking Act 1959* of the Commonwealth).

**PART 12
AMENDMENT OF SOUTH AUSTRALIAN CO-OPERATIVE AND COMMUNITY
HOUSING ACT 1991**

Amendment of s. 52—Share capital account

18. Section 52 of the principal Act is amended by striking out from subsection (1) "or building society" and substituting ", building society, credit union or other body of a class proclaimed under section 4(2) of the *Acts Interpretation Act 1915*".

**PART 13
AMENDMENT OF WRONGS ACT 1936**

Amendment of s. 7—Privilege of newspaper, radio or television reports of proceedings of public meetings and of certain bodies and persons

19. Section 7 of the principal Act is amended by inserting in subsection (1)(d) "(within the meaning of the *Banking Act 1959* of the Commonwealth)" after "bank".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor