



SOUTH
AUSTRALIAN
**EMPLOYMENT
TRIBUNAL**

Practice Direction No 33 – Witnessing of affidavits during the COVID-19 pandemic

1. Practice Direction – The witnessing of affidavits during the COVID-19 pandemic, of 28 April 2020, is repealed and replaced with this practice direction.
2. On 14 October 2021 the *COVID-19 Emergency Response (Section 16) Regulations 2020* (the Regulations) were amended to allow the taking of affidavits by audio visual link.
3. If for health or logistical reasons it is not possible for an affidavit to be witnessed in person with appropriate safety precautions in place, an affidavit may be sworn by audio visual link in accordance with the Regulations.
4. If it is not possible to take an affidavit in person or by audio visual link, a solicitor should exhibit the deponent’s unsworn affidavit to the solicitor’s own affidavit, with an undertaking to file the sworn original once it is possible to have it sworn.
5. The solicitor’s affidavit should provide:
 - a. the reasons why it was not possible for the exhibited affidavit to be sworn by the deponent;
 - b. that the unsworn document has been prepared on the instructions of the deponent;
 - c. that the deponent has read the document and agrees with its content; and,
 - d. that upon it becoming possible to do so, the deponent will swear/affirm the document.
6. If the solicitor’s affidavit is filed unsworn, the solicitor is taken to have given an undertaking that the contents are true and correct.

Dated this 11th day of January 2022.

The Honourable Justice Steven Dolphin

President

South Australian Employment Tribunal