

South Australia

Justices of the Peace Variation Regulations 2017

under the *Justices of the Peace Act 2005*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Justices of the Peace Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which the *Justices of the Peace (Miscellaneous) Amendment Act 2016* comes into operation.

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 *Justices of the Peace Regulations 2006*

4—Variation of regulation 4—Prescribed requirements for appointment as justice

- (1) Regulation 4(1)—delete "his or her" wherever occurring and substitute in each case:
the person's
 - (2) Regulation 4(2)(b)—delete "his or her" and substitute:
the person's
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5—Variation of regulation 5—Additional prescribed requirements for appointment as special justice

Regulation 5(3)—delete "him or her" and substitute:

them

6—Variation of Schedule 1—Code of Conduct for Justices of the Peace and Special Justices

(1) Schedule 1, Part 1, clause 1—delete "his or her" and substitute:

the justice's

(2) Schedule 1, Part 1, clause 2—delete clause 2 and substitute:

2—Prohibition on soliciting or accepting fees, gifts etc in connection with office of justice

(1) A justice must not, whether directly or indirectly, solicit or accept any fee or reward from any person in connection with the office of justice.

(2) In this clause—

reward includes any gift, gratuity, benefit or favour.

(3) Schedule 1, Part 1, clause 3(1)—before "interest" insert:

personal, family, financial or business

(4) Schedule 1, Part 1, clause 5—delete "his or her"

(5) Schedule 1, Part 1, clause 6—delete clause 6 and substitute:

6—Restrictions on use of office or title of justice

(1) A justice must not—

(a) use, or seek to use, the office of justice of the peace for the purpose of advancing the justice's business, commercial or personal interests; or

(b) use, or seek to use, the title of justice of the peace for the purpose of advancing the justice's business or commercial interests; or

(c) use, or seek to use, the office or title of justice of the peace in a manner, or for a purpose, that may bring the office of justice of the peace into disrepute.

(2) Subclause (1) does not apply to the use of the title of justice of the peace by a Member of Parliament or member of a council on a personal web site or social media page.

(3) In this clause—

member of a council has the same meaning as in the *Local Government Act 1999*.

- (6) Schedule 1, Part 1, clause 7(1)—delete "a declaration" and substitute:
an affirmation
- (7) Schedule 1, Part 1, clause 7(2)—delete "his or her" and substitute:
the justice's
- (8) Schedule 1, Part 1, clause 7(3)—delete subclause (3) and substitute:
(3) A justice must not engage in dishonest activities or conduct themself in such a way as to bring the office of justice of the peace into disrepute.
- (9) Schedule 1, Part 1, clause 8(1)(d)—delete paragraph (d) and substitute:
(d) being found to have acted dishonestly by any court, tribunal, inquiry, regulatory agency or complaint handling or dispute resolution body;
- (10) Schedule 1, Part 1, clause 8(3)—delete "he or she" wherever occurring and substitute in each case:
the justice
- (11) Schedule 1, Part 1, clause 8(3)(b)—delete "his or her"
- (12) Schedule 1, Part 2, clause 10(3)—delete "he or she" and substitute:
the justice
- (13) Schedule 1, Part 2, clause 10(3)—delete "his or her" and substitute:
the justice's
- (14) Schedule 1, Part 2, clause 10(4)—delete "his or her" and substitute:
the justice's
- (15) Schedule 1, Part 2, clause 10(5)(a)—delete "his or her"
- (16) Schedule 1, Part 2, clause 11(d)—delete paragraph (d) and substitute:
(d) being found to have acted dishonestly by any court, tribunal, inquiry, regulatory agency or complaint handling or dispute resolution body;
- (17) Schedule 2, clause 1—delete "his or her business" and substitute:
the person's business or commercial

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 19 December 2017

No 343 of 2017

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