



ANNO QUADRAGESIMO

# ELIZABETHAE II REGINAE

A.D. 1991

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**No. 82 of 1991**

**An Act to provide for the appointment of Justices of the Peace; and for other purposes.**

*[Assented to 12 December 1991]*

The Parliament of South Australia enacts as follows:

## **Short title**

1. This Act may be cited as the *Justices of the Peace Act 1991*.

## **Commencement**

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

## **Interpretation**

3. In this Act—

“Justice” means a Justice of the Peace for South Australia, and includes a Special Justice.

## **Appointment of Justices**

4. (1) The Governor may appoint suitable persons to be Justices.

(2) A Justice must, before exercising official powers, take the oaths required of a Justice under the *Oaths Act 1936*.

- (3) The oaths must be taken—

(a) in open court or in chambers before a Judge of the Supreme Court or the District Court or a Magistrate;

or

(b) before a commissioner for taking affidavits in the Supreme Court.

(4) The oath must be signed by the person taking it and attested by the person before whom it is taken.

**Special Justices**

5. (1) The Governor may, on the recommendation of the Attorney-General, appoint a Justice to be a Special Justice.

(2) The Attorney-General will not recommend the appointment of a Special Justice unless satisfied that the prospective appointee is a fit and proper person to hold the appointment by virtue of his or her knowledge and experience of the law.

(3) A Special Justice is entitled to such remuneration as may be determined by the Governor for the performance of judicial duties.

**Removal of Justices from office**

6. If a Justice—

(a) is mentally or physically incapable of carrying out official functions satisfactorily;

(b) is convicted of an offence that, in the opinion of the Governor, shows the convicted person to be unfit to hold office as a Justice;

(c) is bankrupt, or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors;

or

(d) should, in the Governor's opinion, be removed from office for any other reason, the Governor may, by notice in the *Gazette*, remove the Justice from office.

**Roll of Justices**

7. (1) The Attorney-General will keep a Roll of Justices.

(2) The Roll will contain the names of all persons currently holding office as Justices.

(3) The names of Justices who die or are removed from office must be removed from the Roll.

**Use of abbreviation**

8. The letters "J.P." appearing after a signature will be taken to signify that the signatory is a Justice.

**Holding out, etc.**

9. (1) A person who is not a Justice must not—

(a) hold himself or herself out as a Justice;

(b) permit another person to do so;

or

(c) use the letters "J.P." after his or her signature.

Penalty: Division 5 fine.

(2) A person must not hold out another as a Justice unless that other person is a Justice.

Penalty: Division 5 fine.

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

ROMA MITCHELL Governor