I certify that this is a copy of the authorised version of this Act as at 20 November 2026, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026.

K Woodward
Chief Parliamentary Counsel
Dated 27 November 2026

TASMANIA

JUSTICES OF THE PEACE ACT 2018

No. 15 of 2018

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JUSTICES OF THE PEACE ACT 2018

No. 15 of 2018

An Act to provide for the appointment and duties of justices, for the issuing of a code of conduct that applies to justices, for the suspension and revocation of the appointment of justices, for the use of titles by justices and retired justices and for related purposes

[Royal Assent 5 October 2018]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justices of the Peace Act 2018*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

appointed justice means a justice who holds the office of Justice of the Peace under an appointment under section 5 or 8;

code of conduct means a code of conduct prescribed by the regulations for the purposes of section 20;

commission of the peace means the letters patent of 4th May 1895 which assign justices to keep the Queen's peace in this State and any letters patent to the same purpose that take the place of those letters patent;

duties includes powers and a reference to carrying out duties includes a reference to exercising powers;

insolvent, in relation to a person, means that the person –

(a) is bankrupt; or

(b) has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

(c) is compounding with his or her creditors; or

(d) has made an assignment of his or her remuneration or estate for the benefit of his or her creditors;

investigator means a person authorised under section 26 to undertake an investigation of the conduct of a justice or other person;

justice means –

(a) an appointed justice; or

(b) a magistrate;

removal from the office of Justice of the Peace means the revocation of the appointment as Justice of the Peace of an appointed justice;

Secretary means the Secretary of the Department.

PART 2 – APPOINTMENT AND POWERS OF JUSTICES OF THE PEACE

4. Application to be appointed as justice

(1) A person may apply to be appointed as a Justice of the Peace.

(2) An application is to be –

(a) in a form approved by the Secretary; and

(b) lodged with the Secretary.

5. Appointment of justice

(1) In this section –

eligible person means a person who –

(a) has attained the age of 18 years but has not attained the age of 75 years; and

(b) is an Australian citizen; and

(c) in the opinion of the Minister –

(i) understands the role and duties of a justice; and

(ii) has sufficient proficiency in the English language to carry out the duties of a justice; and

(iii) ordinarily resides in Tasmania; and

(iv) is likely to be reasonably available to exercise the powers of a justice for the purpose of meeting the needs of the community in the area in which he or she resides or works and to be reasonably active in doing so; and

(v) is a fit and proper person to hold the office of Justice of the Peace; and

(d) has completed any training required by the Secretary or the regulations to be undertaken before being appointed as a Justice of the Peace.

(2) The Governor may appoint such eligible persons resident in Tasmania as he or she thinks appropriate to the office of Justice of the Peace for Tasmania.

(3) Despite subsection (2), the Governor may only appoint an eligible person as a Justice of the Peace if satisfied that there is a need for a Justice of the Peace, or another Justice of the Peace, in the area in which the eligible person resides or works.

(4) An appointment of a person as a Justice of the Peace is to be notified in the *Gazette*.

6. Exercise of powers

An appointed justice is not entitled to exercise any of the powers of the office of Justice of the Peace until the appointed justice has –

(a) taken the judicial oath in accordance with the *Promissory Oaths Act 2015* on that appointment; and

(b) been allocated, and notified of, a registration number under section 38.

7. Application for reappointment as appointed justice

(1) An appointed justice may apply for reappointment as a Justice of the Peace within 12 months before he or she attains the age of 75 years or the term of his or her appointment expires.

(2) . . . . . .

(3) An application is to be –

(a) in a form approved by the Secretary; and

(b) lodged with the Secretary.

8. Reappointment as Justice of the Peace

(1) An appointed justice or a person referred to in section 7(2) is eligible to be appointed as a Justice of a Peace under this section if he or she –

(a) has not attained the age of 84 years and 6 months; and

(b) is an Australian citizen; and

(c) in the opinion of the Secretary –

(i) ordinarily resides in Tasmania; and

(ii) before the termination of the appointment is or was actively serving the community in the office of Justice of the Peace; and

(iii) is likely to continue to actively serve the community in the office of Justice of the Peace if reappointed; and

(d) continues to be a fit and proper person to hold the office of Justice of the Peace.

(2) On receipt of an application made under section 7, the Secretary may appoint the applicant to the office of Justice of the Peace if he or she considers that the applicant is eligible to be so appointed.

(3) An appointment under this section is for the term of 5 years commencing on the termination of the current or immediately preceding appointment to the office of Justice of the Peace, regardless of whether that current or preceding appointment is terminated before or after the reappointment.

(4) An appointment under this section to the office of Justice of the Peace is to be notified in the *Gazette*.

(5) Section 6 does not apply in relation to an appointment under this section to the office of Justice of the Peace.

(6) Despite subsection (3), an appointment under this section terminates when the appointed justice attains the age of 85 years.

(7) If an appointed justice applies for reappointment before his or her appointment is terminated but the Secretary does not determine the application until after that termination, that appointment, for all purposes other than subsection (3), is taken to continue until the application is determined.

9. Magistrates as justices

A magistrate is a Justice of the Peace by virtue of holding the office of magistrate.

10. Powers of justices

(1) A justice may exercise the powers conferred on a Justice of the Peace by –

(a) this and any other Act; and

(b) any other law.

(2) Despite subsection (1)(b), a power conferred on a Justice of the Peace at common law is exercisable only by a justice who is a magistrate.

11. Ratepayer not disabled from acting as justice

A justice is not disabled from exercising the powers of a Justice of the Peace in any matter relating to a municipal area by reason only of being –

(a) a ratepayer; or

(b) a member of, or interested in, the concerns of the council.

12. Validity of acts of justice

(1) An act by an appointed justice in his or her capacity as a Justice of the Peace is not invalid only because –

(a) of a defect or irregularity in, or in connection with, his or her appointment as a Justice of the Peace; or

(b) of the failure of the justice to take an oath or affirmation of office as required by section 6; or

(c) the justice is suspended from the office of Justice of the Peace at the time of doing the act; or

(d) the appointment of the justice was terminated under section 43(4) before the doing of the act but, at the time of the doing of the act, the justice was unaware of the termination of the appointment; or

(e) the appointment of the justice had expired before the doing of the act but, at the time of the doing of the act, the justice was unaware of the expiry and had acted in good faith with regard to the doing of the act.

(2) An act by a magistrate in his or her capacity as a Justice of the Peace is not invalid only because of a defect or irregularity in, or in connection with, his or her appointment as a magistrate.

13. Protection from liability

A justice does not incur any personal liability in respect of any act done or omitted to be done in good faith –

(a) in the exercise or performance of a power or duty of a justice; or

(b) in the reasonable belief that the act or omission was in the exercise or performance of a power or duty of a justice.

14. Termination of appointment as Justice of the Peace, &c.

(1) An appointed justice ceases to hold the office of Justice of the Peace, and his or her instrument of appointment is terminated, if –

(a) the justice resigns from the office of Justice of the Peace; or

(b) the justice attains the age of 75 years; or

(c) the justice's appointment under section 8 expires or is terminated by reason of section 8(6) when the justice attains the age of 85 years; or

(d) the justice ceases to be an Australian citizen; or

(e) the justice ceases to reside ordinarily in Tasmania; or

(f) the justice becomes insolvent; or

(g) the justice is convicted or found guilty of –

(i) an offence punishable by a term of imprisonment of 6 months or more; or

(ii) an offence that, if committed in Tasmania, would constitute an offence referred to in subparagraph (i); or

(h) the justice is removed from office under section 31.

(2) At any time, an appointed justice may resign from the office of Justice of the Peace by notifying the Secretary, in writing, of the resignation.

(3) If an appointed justice is no longer capable of carrying out the duties of a Justice of the Peace for any reason, a person responsible for the

justice, within the meaning of the *Guardianship and Administration Act 1995*, may notify the Secretary, in writing, of that fact and, on behalf of the justice, resign the justice from the office of Justice of the Peace.

(4) A notice under subsection (3) is not valid for the purposes of the resignation of an appointed justice from the office of Justice of the Peace unless accompanied by a certificate from a medical practitioner, or a statutory declaration by the person responsible, stating that the justice is incapable of carrying out the duties of a Justice of the Peace.

(5) The resignation of an appointed justice takes effect when the notice of resignation is received by the Secretary.

(6) A justice who holds the office of Justice of the Peace because he or she is a magistrate ceases to hold the office of Justice of the Peace if the justice ceases to hold the office of magistrate.

PART 3 – DUTIES OF JUSTICES

15. Duties of justices

A justice has the duties imposed by this Act and by any other Act.

16. Providing information to Secretary

(1) The Secretary, in writing, may require an appointed justice to provide to the Secretary information relating to one or more of the following:

(a) the name, residential address and contact details of the justice;

(b) the date of birth of the justice;

(c) the extent to which the justice has been, or proposes to be, available to exercise the powers of a justice for the purpose of meeting the needs of the community where he or she works or resides;

(d) the carrying out of the justice's duties;

(e) any matter that the justice is required to report to the Secretary;

(f) any matter that may be a ground for suspension of the justice or removal of the justice from the office of Justice of the Peace;

(g) any other prescribed matter.

(2) . . . . . .

(3) An appointed justice must comply with a requirement within a reasonable time.

17. Notifying of change in circumstances

(1) In this section –

change in circumstances, in relation to an appointed justice, means any of the following changes in circumstances:

(a) a change in the name, residential address or contact details of the justice;

(b) the justice ceases to be an Australian citizen;

(c) the justice becomes insolvent;

(d) the justice has been charged with, or found guilty of –

(i) an offence punishable by a term of imprisonment of 6 months or more; or

(ii) an offence that, if committed in Tasmania, would constitute an offence referred to in subparagraph (i);

(e) any other change in circumstances prescribed by the regulations.

(2) Not later than 21 days after a change in his or her circumstances, an appointed justice must notify the Secretary, in writing, of that change.

(3) An appointed justice who has been charged with an offence referred to in paragraph (d)(i) or (ii) of the definition of *change in circumstances* in subsection (1) must notify the Secretary, in writing, of the outcome of the proceedings on the charge within 21 days after the charge has been determined.

18. Requirement to undertake training or professional development

(1) An appointed justice must undertake and complete –

(a) any training or professional development prescribed by the regulations; and

(b) any training that the Secretary requires to be undertaken by the justice or a class of appointed justices of which the justice is a member.

(2) The Secretary may require an individual appointed justice, by written notice provided to the justice, to undertake the training or professional development specified in the notice.

(3) The Secretary may require all members of a class of appointed justices specified in a notice published on the Department's website, or in such other manner as the Secretary determines, to undertake the training or professional development specified in the notice.

(4) In addition to publishing a notice referred to in subsection (3), the Secretary may provide a copy of that notice to any or all members of the class of appointed justices specified in the notice.

19. Requirement to be reasonably available and active

An appointed justice must be reasonably available to exercise his or her powers as a justice and reasonably active in doing so in the areas in which he or she resides or works.

20. Requirement to comply with code of conduct

An appointed justice must comply with –

(a) any code of conduct prescribed by the regulations that applies to all appointed justices; and

(b) any code of conduct prescribed by the regulations that applies to a class of appointed justices of which the justice is a member.

PART 4 – SUSPENSION AND REMOVAL FROM OFFICE OF JUSTICE OF THE PEACE

Division 1 – Suspension from office of Justice of the Peace

21. Suspension of justice

(1) The Secretary may suspend an appointed justice from the office of Justice of the Peace if satisfied on reasonable grounds that –

(a) an investigation is warranted as to whether there are grounds for the revocation of the appointment of the justice; or

(b) the justice is charged with an offence referred to in section 14(1)(g); or

(c) the justice has failed to undertake training or professional development as required by or under section 18.

(2) The Secretary may not suspend an appointed justice from the office of Justice of the Peace under subsection (1) unless satisfied that the suspension is required –

(a) to protect the administration of justice; or

(b) because public confidence in the office of Justice of the Peace may be damaged if the justice is not suspended.

22. Notice of suspension

(1) If the Secretary decides to suspend an appointed justice from the office of Justice of the Peace, the Secretary is to provide written notice of the suspension to the justice.

(2) A notice is to specify –

(a) the grounds for the suspension; and

(b) the day on which the suspension takes effect.

23. Term of suspension

The suspension of an appointed justice takes effect on the day specified in the notice provided under section 22 and continues until whichever of the following first occurs:

(a) the suspension is revoked under section 24;

(b) the justice is removed from the office of Justice of the Peace.

24. Revocation of suspension

(1) If –

(a) an appointed justice is suspended from the office of Justice of the Peace under section 21(1)(a); and

(b) a report from an investigator under section 28 includes the finding that there

are no grounds for the removal from the office of Justice of the Peace of the justice –

the Secretary is to revoke the suspension as soon as practicable after receipt of the report.

(2) Despite subsection (1), if in a case to which that subsection would otherwise apply the Secretary –

(a) under section 28(6) requires the justice to take an action; and

(b) under section 28(7) determines to continue the suspension until the justice complies with the requirement –

the Secretary is to revoke the suspension when the justice complies with the requirement.

(3) If –

(a) an appointed justice is suspended from the office of Justice of the Peace under section 21(1)(a); and

(b) a report from an investigator under section 28 includes the finding that there are grounds for the removal from the office of Justice of the Peace of the justice; and

(c) the Minister —

(i) under section 30(2), notifies the Secretary that he or she has determined not to recommend to

the Governor that the justice be removed from the office of Justice of the Peace –

the Secretary is to revoke the suspension as soon as practicable after receipt of the notice from the Minister.

(4) Despite subsection (3), if in a case to which that subsection would otherwise apply –

(a) the Minister, under section 30(2), notifies the Secretary that the Secretary is to require the justice to take an action; and

(b) the Secretary determines to continue the suspension until the justice complies with the requirement –

the Secretary is to revoke the suspension when the justice complies with the requirement.

(5) If an appointed justice is suspended from the office of Justice of the Peace under section 21(1)(b), the Secretary is to revoke the suspension (whether or not it has taken effect) if the charge is dismissed or the justice is found not guilty on the charge.

(6) The Secretary does not need to comply with subsection (5) if satisfied that there are other grounds for continuing the suspension of the appointed justice from the office of Justice of the Peace.

(7) The Secretary, at any time, may revoke a suspension (whether or not it has taken effect

and whether it was imposed under section 21(1)(a) or (b)) if satisfied that it is appropriate to do so.

(8) Without limiting the grounds on which the Secretary may determine under subsection (7) that it is appropriate to revoke a suspension, the Secretary may so revoke a suspension imposed because the appointed justice had failed to undertake training or professional development as required by section 18 if satisfied that the justice has undertaken that training or professional development.

(9) A revocation of the suspension of an appointed justice from the office of Justice of the Peace takes effect on the day specified in the notice of the revocation provided to the justice under section 25.

25. Notice of revocation of suspension

If the Secretary revokes the suspension of an appointed justice from the office of Justice of the Peace, the Secretary is to provide to the justice written notice of the revocation and the day on which the revocation takes effect.

Division 2 – Investigation of appointed justice's conduct

26. Authorisation of investigator

(1) If the Secretary suspends an appointed justice from the office of Justice of the Peace on any ground other than that the justice has been

charged with an offence referred to in section 14(1)(g), the Secretary is to authorise a State Service officer or State Service employee employed in the Department to undertake an investigation into the justice's conduct.

(2) If the Secretary is satisfied on reasonable grounds that an investigation is warranted as to whether there are grounds for the removal from the office of Justice of the Peace of an appointed justice, but the justice has not been suspended from that office, the Secretary may authorise a State Service officer or State Service employee employed in the Department to undertake an investigation into the justice's conduct.

27. Conduct of investigation of appointed justice's conduct

(1) An investigator is to investigate whether there are grounds for the removal from the office of Justice of the Peace of an appointed justice.

(2) Before commencing an investigation, the investigator must provide to the appointed justice written notice stating –

(a) the reason for the investigation; and

(b) that, within 21 days after receiving the notice the justice may make submissions to the investigator, either orally or in writing, or both, in relation to the matters specified in the notice.

(3) If the investigator and appointed justice agree, the investigator, by written notice provided to the justice, may extend the period within which the justice may make submissions.

(4) The investigator must not make a report under section 28 unless the investigator has considered any submissions made by the appointed justice within the period allowed for such submissions under this section.

28. Report of investigator

(1) On concluding an investigation into the conduct of an appointed justice, the investigator is to provide to the Secretary a report on the investigation which includes –

(a) the investigator's finding as to whether or not there are grounds for the removal from the office of Justice of the Peace of the justice; and

(b) if he or she finds that there are such grounds, what those grounds are.

(2) If the investigator finds that there are no grounds for the removal from the office of Justice of the Peace of the appointed justice, the investigator may include in his or her report recommendations in relation to the justice.

(3) Without limiting the recommendations that the investigator may include in his or her report under subsection (2), the recommendations may

include that the appointed justice take any actions, including, but not limited to –

(a) apologising; and

(b) undertaking training or professional development.

(4) On receiving a report from the investigator that finds that there are grounds for the removal from the office of Justice of the Peace of the appointed justice, the Secretary is to provide a copy of it to the Minister together with –

(a) the recommendations of the Secretary as to whether or not the justice should be removed from the office of Justice of the Peace; and

(b) if the Secretary recommends not removing the justice from the office of Justice of the Peace, recommendations as to whether it would be suitable to require the justice to take any actions, including, but not limited to –

(i) apologising; and

(ii) undertaking training or professional development.

(5) The Minister is to proceed under section 30 on receiving a copy of the report and the recommendations of the Secretary.

(6) On receiving a report from the investigator that finds that there are no grounds for the removal

from the office of Justice of the Peace of the appointed justice, the Secretary, in addition to proceeding to revoke any relevant suspension of the justice, may require the justice to take any actions the Secretary considers appropriate, including, but not limited to –

(a) apologising; and

(b) undertaking training or professional development.

(7) If the Secretary, under subsection (6), requires an appointed justice to apologise or undertake training or professional development, the Secretary may determine that the suspension of the justice continue until the Secretary is satisfied that the justice has complied with that requirement.

Division 3 – Removal of justice from office of Justice of the Peace

29. Grounds for removal from office of Justice of the Peace

The grounds for the removal from the office of Justice of the Peace of an appointed justice are –

(a) the justice has committed serious or repeated breaches of the code of conduct; or

(b) the justice has failed, without reasonable excuse, to undertake training or

professional development as required by or under section 18; or

(c) the justice has failed, without reasonable excuse, to comply with another requirement made or given by the Secretary under this Act; or

(d) on at least 3 occasions, the justice has failed, without reasonable excuse, to carry out his or her duties; or

(e) the justice has failed, without reasonable excuse, to comply with any provision of this Act; or

(f) the justice no longer has the physical or mental capacity to carry out the duties of the office of Justice of the Peace; or

(g) the justice has brought the office of Justice of the Peace into disrepute.

30. Recommendation that appointed justice be removed from office of Justice of the Peace

(1) The Minister may recommend to the Governor that an appointed justice be removed from the office of Justice of the Peace if the report of an investigator in relation to the conduct of the justice includes the finding that there are grounds for the removal.

(2) If, despite a report of an investigator finding that there are grounds for the removal of an appointed justice from the office of Justice of the

Peace, the Minister determines not to recommend to the Governor that the justice be removed from the office of Justice of the Peace –

(a) the Minister is to notify the Secretary of that determination as soon as reasonably practicable; and

(b) the Minister may inform the Secretary that he or she is to require the justice to take one or more actions which may include, but are not limited to –

(i) apologising; and

(ii) undertaking training or professional development; and

(c) if the justice is suspended from the office of Justice of the Peace, the Secretary is to revoke the suspension.

(3) If the Secretary, in compliance with subsection (2)(b), requires an appointed justice who is suspended to take any action, the Secretary may determine that the suspension of the justice continue until the Secretary is satisfied that the justice has complied with that requirement.

31. Removal from office of Justice of the Peace

(1) The Governor may remove an appointed justice from the office of Justice of the Peace on the recommendation of the Minister.

(2) If the Governor removes an appointed justice from the office of Justice of the Peace, notice of that removal is to be –

(a) provided to the justice; and

(b) published in the *Gazette*.

(3) The notice provided to a justice under subsection (2)(a) is to include the reason for his or her removal from the office of Justice of the Peace.

(4) Subsection (2) does not apply to a removal of an appointed justice from the office of Justice of the Peace on the ground that the justice no longer has the physical or mental capacity to carry out the duties of that office.

32. Re-appointment after removal from office of Justice of the Peace

(1) A person who has been removed from the office of Justice of the Peace may not be appointed to that office within the period of 5 years commencing on the day on which the notice of the removal is published in the *Gazette* under section 31(2)(b).

(2) A person who has been removed from the office of Justice of the Peace may be appointed to that office again only on application.

(3) An application –

(a) may be made only after the end of the 5-year period referred to in subsection (1); and

(b) is to be in writing; and

(c) is to include the ground on which the applicant was removed from the office of the Justice of the Peace; and

(d) is to include any other information prescribed by the regulations or required by the Secretary; and

(e) is to be lodged with the Secretary.

PART 5 – USE OF TITLES

33. Use of title of Justice of the Peace

A justice may use the title "Justice of the Peace" or "JP" after his or her name.

PART 6 – OFFENCES

34. Impersonating justice

A person who is not a justice must not hold himself or herself out to be a justice.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

35. False or misleading information

(1) A person must not, in providing any information under this Act to the Minister, the Secretary or an investigator –

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter from a statement knowing that without that matter the statement is false or misleading.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 6 months, or both.

(2) Proceedings for an offence against subsection (1) may be commenced at any time within the period of 3 years commencing on the day on which the offence was allegedly committed.

36. Demanding or accepting fee, gratuity, &c.

(1) A justice must not demand, take or accept from a person any fee, gratuity, patronage or reward for carrying out the duties of a justice.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) Subsection (1) does not apply to the remuneration paid to a magistrate in respect of his or her office as magistrate.

(3) If an appointed justice is employed in any position, subsection (1) does not apply to the remuneration paid to the appointed justice by his or her employer in respect of that employment despite one of the duties of that employment being that the person carry out the duties of a Justice of the Peace.

(4) For the purposes of subsection (1), it is immaterial –

(a) whether the fee, gratuity, patronage or reward is paid to the appointed justice or to another person; or

(b) whether the appointed justice personally benefits from the fee, gratuity, patronage or reward.

PART 7 – MISCELLANEOUS

37. Abrogation of assignment of justices under commission of the peace

A person may not be assigned a justice under a commission of the peace.

38. Register of justices

(1) The Secretary is to maintain a register of –

(a) the name, address and date of birth of each appointed justice; and

(b) the registration number allocated under subsection (3)(a) to each appointed justice; and

(c) in the case of an appointed justice –

(i) the date of his or her appointment; and

(ii) the date on which he or she will attain the age of 75 years, being the date on which his or her appointment is terminated under section 14(1)(b); and

(d) in the case of –

(i) the termination, under section 14(1)(d), (e), (f) or (g), of a justice's appointment as Justice of the Peace; or

(ii) the removal of the justice from the office of Justice of the Peace under section 31 –

the date of that termination or removal; and

(e) such other matters as the Secretary considers appropriate.

(2) The Secretary may publish the register, or information contained in the register –

(a) if he or she considers it appropriate and convenient; and

(b) in such manner as he or she considers appropriate.

(3) The Secretary is to –

(a) allocate a unique registration number to each appointed justice as soon as practicable after the appointed justice takes the judicial oath as required under section 6(a); and

(b) notify, in writing, each appointed justice of the registration number allocated to that appointed justice as soon as practicable after allocating the number.

39. Guidelines

(1) The Secretary may issue guidelines for or with respect to any matter relating to appointed justices including, but not limited to –

(a) the process relating to the appointment of justices; and

(b) the manner in which justices are to carry out their duties; and

(c) the training and professional development of justices; and

(d) the handling of complaints against justices.

(2) The Secretary may amend, revoke or revoke and substitute the guidelines.

(3) The Secretary is to publish the guidelines in such manner as he or she considers appropriate.

40. Delegation by Secretary

The Secretary may delegate to a State Service officer, or State Service employee, employed in the Department any of his or her functions or powers under this Act, other than this power of delegation.

41. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may be made in relation to –

(a) a code of conduct applying to all, or a class of, appointed justices that includes, but is not limited to –

(i) the use of titles; and

(ii) conflicts of interest; and

(iii) competency and knowledge requirements; and

(iv) confidentiality of information obtained by appointed justices in the course of exercising their powers; and

(v) the requirement to be reasonably available to exercise the powers of an appointed justice for the purpose of meeting the needs of the community in the area in which the justice resides or works and to be reasonably active in doing so; and

(b) the courses of training or professional development to be completed by any of the following:

(i) a person seeking to be appointed as a justice;

(ii) an appointed justice; and

(c) the records to be kept by appointed justices.

(3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(4) The regulations may –

(a) provide that a contravention of any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

(5) The regulations may authorise any matter to be from time to time determined, applied or regulated by a person or body specified in the regulations.

(6) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference any rules, codes or guidelines, whether the rules, codes or guidelines were published or issued before or after the commencement of this Act.

(7) A reference in subsection (6) to rules, codes or guidelines includes a reference to an amendment of those rules, codes or guidelines whether the amendment is published or issued before or after the commencement of this Act.

42. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Justice; and

(b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

43. Transitional and savings

(1) In this section –

commencement day means the day on which this Act commences.

(2) If, immediately before the commencement day –

(a) a person holds the office of Justice of the Peace in accordance with an appointment under section 4(1) of the *Justices Act 1959*; and

(b) the person has not attained the age of 75 years –

the person may notify the Secretary, in the form provided by the Secretary, that he or she wishes to continue in the office of Justice of the Peace.

(3) If under subsection (2) a person notifies the Secretary, before the commencement day, that he or she wishes to continue in the office of

Justice of the Peace and the person is eligible under section 5 to be appointed as a Justice of the Peace –

(a) the person is taken to have been appointed as a Justice of the Peace under section 5 of this Act; and

(b) this Act, accordingly, applies to the person in his or her capacity as Justice of the Peace; and

(c) a reference in his or her instrument of appointment to a provision or Part of the *Justices Act 1959* that has been repealed by this Act is taken to be a reference to the corresponding provision or Part of this Act.

(4) If, before the commencement day, a person referred to in subsection (2) –

(a) has not notified the Secretary, under subsection (2), that he or she wishes to continue in the office of Justice of the Peace; or

(b) has so notified the Secretary but is not eligible under section 5 to be appointed to the office of Justice of the Peace –

the appointment of the person to the office of Justice of the Peace is terminated on the commencement day.

(5) If –

(a) immediately before the commencement day, a person holds the office of Justice of the Peace in accordance with an appointment under section 4(1) of the *Justices Act 1959*; and

(b) the person has attained the age of 75 years before the commencement day –

the person may notify the Secretary, in the form provided by the Secretary, that he or she wishes to continue in the office of Justice of the Peace.

(6) If under subsection (5) a person notifies the Secretary, before the commencement day, that he or she wishes to continue in the office of Justice of the Peace and the person is eligible under section 8 to be appointed as a Justice of the Peace –

(a) the person is taken to have been appointed as a Justice of the Peace under section 8 of this Act; and

(b) despite anything to the contrary in his or her instrument of appointment, the term of that reappointment is the period of 2 years commencing on the commencement day unless sooner terminated under section 14(1)(a), (c), (d), (e), (f), (g) or (h); and

(c) this Act, accordingly, applies to the person in his or her capacity as Justice of the Peace; and

(d) a reference in his or her instrument of appointment –

(i) to the section of the *Justices Act 1959* under which he or she was appointed a Justice of the Peace is taken to be a reference to section 8 of this Act; and

(ii) to another provision, or a Part, of the *Justices Act 1959* that has been repealed by this Act is taken to be a reference to the corresponding provision or Part of this Act.

(7) If, before the commencement day, a person referred to in subsection (5) –

(a) has not notified the Secretary, under subsection (5), that he or she wishes to continue in the office of Justice of the Peace; or

(b) has so notified the Secretary but is not eligible under section 8 to be appointed to the office of Justice of the Peace –

the appointment of the person to the office of Justice of the Peace is terminated on the commencement day.

(8) For the purposes of this section, a person who was assigned a justice under a commission of the peace is taken to have been appointed, before the commencement day, to the office of Justice of

the Peace in accordance with section 4(1) of the *Justices Act 1959*.

44. *See Schedule 1.*

45. Validation

(1) In this section –

amending Act means the *Validation Act 2021*;

commencement day means the day on which this Act commenced;

validation day means the day on which the amending Act commences.

(2) If –

(a) a person was a person who held, immediately before the commencement day, the office of Justice of the Peace in accordance with an appointment under section 4(1) of the *Justices Act 1959* or who is taken, in accordance with section 43(8), to be such a person for the purposes of section 43; and

(b) the person did not, before the commencement day, notify the Secretary under section 43(2) or (5) that he or she wishes to continue in the office of Justice of the Peace; and

(c) after the commencement day but before the validation day, the person purported

to perform or exercise a function or power of a Justice of the Peace under this Act –

then, despite any other provision of this Act, and irrespective of whether or not the person was eligible under section 8 to be appointed as a Justice of the Peace under that section –

(d) the person is to be taken to have been, and to always have been, validly appointed under section 8 as a Justice of the Peace on and from the commencement day until the validation day; and

(e) the performance or exercise of the function or power is not to be taken to be, or to ever have been, invalid by reason only that the person was not, but for this section, validly appointed under section 8 as a Justice of the Peace on and from the commencement day until the validation day.

SCHEDULE 1

The amendments effected by Section 44 and this Schedule have been incorporated into the authorised version of the Justices Act 1959.

NOTES

The foregoing text of the *Justices of the Peace Act 2018* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
Justices of the Peace Act 2018	No. 15 of 2018	1.7.2019 see SR 2019 No. 32
Validation Act 2021	No. 19 of 2021	5.11.2021
Justice and Related Legislation (Miscellaneous Amendments) Act 2026	No. 25 of 2026	20.11.2026

TABLE OF AMENDMENTS

Provision affected	How affected
Section 5	Amended by No. 25 of 2026, s. 26
Section 6	Substituted by No. 25 of 2026, s. 27
Section 7	Amended by No. 25 of 2026, s. 28
Section 8	Amended by No. 25 of 2026, s. 29
Section 12	Amended by No. 25 of 2026, s. 30
Section 16	Amended by No. 25 of 2026, s. 31
Section 38	Amended by No. 25 of 2026, s. 32
Section 45	Inserted by No. 19 of 2021, s. 12