



New South Wales

# Justices of the Peace Amendment Bill 2008

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Justices of the Peace Act 2002* (*the Principal Act*) to implement certain recommendations contained in the report (tabled in Parliament on 5 December 2007) on the statutory review of that Act. The Bill:

- (a) enables the Director-General to re-appoint a justice of the peace (the Principal Act currently allows only the Governor to appoint and re-appoint a justice of the peace), and
- (b) provides that a person's appointment as a justice of the peace continues until a determination is made in respect of any duly made application for re-appointment, and
- (c) provides that the guidelines issued by the Minister (with respect to the exercise of specified functions by justices of the peace) are to incorporate relevant provisions of any code of conduct for justices of the peace that has been prescribed by the regulations.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1     Amendments**

**Schedule 1 [1]** amends section 4 of the Principal Act to give effect to the object described in paragraph (a) of the Overview above.

**Schedule 1 [2]** amends section 4 of the Principal Act to give effect to the object described in paragraph (b) of the Overview above.

**Schedule 1 [3]** amends section 8 of the Principal Act to give effect to the object described in paragraph (c) of the Overview above.

**Schedule 1 [4]** makes a consequential amendment.

First print



New South Wales

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## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Justices of the Peace Act 2002 No 27	2
4 Repeal of Act	2
Schedule 1 Amendments	3





New South Wales

# Justices of the Peace Amendment Bill 2008

No. , 2008

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## A Bill for

An Act to amend the *Justices of the Peace Act 2002* with respect to the re-appointment of justices of the peace and a code of conduct for justices of the peace.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Justices of the Peace Amendment Act 2008</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Amendment of Justices of the Peace Act 2002 No 27</b>	6
The <i>Justices of the Peace Act 2002</i> is amended as set out in Schedule 1.	7
<b>4 Repeal of Act</b>	8
(1) This Act is repealed on the day following the day on which this Act commences.	9 10
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	11 12

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## Schedule 1 Amendments

		1
	(Section 3)	2
<b>[1] Section 4 Appointment of justices of the peace</b>		3
Omit “re-appointed.” from section 4 (3). Insert instead:		4
re-appointed:		5
(a) by the Governor, on the recommendation of the Minister,		6
or		7
(b) by the Director-General of the Attorney General’s		8
Department.		9
<b>[2] Section 4 (4)</b>		10
Insert after section 4 (3):		11
(4) Despite subsection (3), if an application for re-appointment is		12
duly made by a person, the person’s appointment as a justice of		13
the peace continues in force until a determination is made in		14
respect of the application.		15
<b>[3] Section 8 Functions of justices of the peace</b>		16
Insert after section 8 (2):		17
(3) The guidelines are to incorporate relevant provisions of any code		18
of conduct for justices of the peace that has been prescribed by		19
the regulations.		20
<b>[4] Section 9 Vacation of office</b>		21
Omit section 9 (1) (a). Insert instead:		22
(a) completes a term of office and is not re-appointed, or		23