

## SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

# GOVERNOR'S INSTRUMENTS

## APPOINTMENTS

Department of the Premier and Cabinet  
Adelaide, 18 August 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Metropolitan Fire Service Disciplinary Committee, pursuant to the provisions of the Fire and Emergency Services Act 2005:

Member: from 20 August 2021 until 19 August 2024

Colin James Lindsay  
Stephen John Smithson

Member: from 18 August 2021 until 31 January 2023

Andrew James Caire

By command,

VICKIE ANN CHAPMAN  
for Premier

21EMS0007CS

Department of the Premier and Cabinet  
Adelaide, 18 August 2021

His Excellency the Governor in Executive Council has revoked the appointment of Brad William Robertson as a Member of the South Australian Metropolitan Fire Service Disciplinary Committee, effective from 18 August 2021 - pursuant to the Fire and Emergency Services Act 2005 and Section 36 of the Acts Interpretation Act 1915.

By command,

VICKIE ANN CHAPMAN  
for Premier

21EMS0007CS

## EMERGENCY MANAGEMENT ACT 2004

### SECTION 23

#### *Approval by the Governor of Extension of a Major Emergency Declaration*

#### *Recital*

The State Co-ordinator declared a Major Emergency on 22 March 2020 under section 23(1) of the *Emergency Management Act 2004* (**the Act**) in respect of the outbreak of the human disease named COVID-19 within South Australia (**the Declaration**).

With the advice and consent of the Executive Council and pursuant to section 23(2) of the Act, on the days and for the periods set out below, I approved an extension of the Declaration.

- On 2 April 2020 for a period of 28 days to commence on 4 April 2020.
- On 30 April 2020 for a period of 28 days to commence on 2 May 2020.
- On 28 May 2020 for a period of 28 days to commence on 30 May 2020.
- On 27 June 2020 for a period of 28 days to commence on 27 June 2020.
- On 23 July 2020 for a period of 28 days to commence on 25 July 2020.
- On 20 August 2020 for a period of 28 days to commence on 22 August 2020.
- On 17 September 2020 for a period of 28 days to commence on 19 September 2020.
- On 15 October 2020 for a period of 28 days to commence on 17 October 2020.
- On 12 November 2020 for a period of 28 days to commence on 14 November 2020.
- On 10 December 2020 for a period of 28 days to commence on 12 December 2020.
- On 6 January 2021 for a period of 28 days to commence on 9 January 2021.
- On 4 February 2021 for a period of 28 days to commence on 6 February 2021.
- On 4 March 2021 for a period of 28 days to commence on 6 March 2021.
- On 1 April 2021 for a period of 28 days to commence on 3 April 2021.
- On 29 April 2021 for a period of 28 days to commence on 1 May 2021.
- On 27 May 2021 for a period of 28 days to commence on 29 May 2021.
- On 24 June 2021 for a period of 28 days to commence 26 June 2021.
- On 22 July 2021 for a period of 28 days to commence 24 July 2021.

Pursuant to section 23(2) of the Act and with the advice and consent of the Executive Council, I NOW approve a further extension of the Declaration for a period of 28 days commencing on 21 August 2021.

Given under my hand and the Public Seal of South Australia at Adelaide.

Dated: 18 August 2021

HIEU VAN LE  
Governor

## PROCLAMATIONS

South Australia

## **Statutes Amendment (COVID-19 Permanent Measures) Act (Commencement) Proclamation 2021**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (COVID-19 Permanent Measures) Act (Commencement) Proclamation 2021*.

### **2—Commencement of Act**

The *Statutes Amendment (COVID-19 Permanent Measures) Act 2021* (No 25 of 2021) comes into operation on 9 September 2021.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 18 August 2021

South Australia

## **Unexplained Wealth (Commonwealth Powers) Act (Commencement) Proclamation 2021**

### **1—Short title**

This proclamation may be cited as the *Unexplained Wealth (Commonwealth Powers) Act (Commencement) Proclamation 2021*.

### **2—Commencement of Act**

The *Unexplained Wealth (Commonwealth Powers) Act 2021* (No 27 of 2021) comes into operation on 1 September 2021.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 18 August 2021

South Australia

# **Administrative Arrangements (Administration of Unexplained Wealth (Commonwealth Powers) Act) Proclamation 2021**

under section 5 of the *Administrative Arrangements Act 1994*

## **1—Short title**

This proclamation may be cited as the *Administrative Arrangements (Administration of Unexplained Wealth (Commonwealth Powers) Act) Proclamation 2021*.

## **2—Commencement**

This proclamation comes into operation on the day on which it is made.

## **3—Administration of Act committed to Attorney-General**

The administration of the *Unexplained Wealth (Commonwealth Powers) Act 2021* is committed to the Attorney-General.

## **Made by the Governor**

with the advice and consent of the Executive Council  
on 18 August 2021

## REGULATIONS

South Australia

# Acts Interpretation (Audiovisual Meetings) Regulations 2021

under the *Acts Interpretation Act 1915*

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## Contents

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| 1 | Short title         |
| 2 | Commencement        |
| 3 | Interpretation      |
| 4 | Prescribed meetings |
- 

### 1—Short title

These regulations may be cited as the *Acts Interpretation (Audiovisual Meetings) Regulations 2021*.

### 2—Commencement

These regulations come into operation on the day on which section 5 of the *Statutes Amendment (COVID-19 Permanent Measures) Act 2021* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—  
*Act* means the *Acts Interpretation Act 1915*.

### 4—Prescribed meetings

For the purposes of section 53(3) of the Act, the following meetings, and classes of meetings, are prescribed:

- (a) meetings of councils, council committees, subsidiaries of councils, and regional subsidiaries under the *Local Government Act 1999*;
- (b) meetings of electors convened under section 93 of the *Local Government Act 1999*;
- (c) meetings of the Stormwater Management Authority under Schedule 1A of the *Local Government Act 1999*;
- (d) meetings held for the purposes of public consultation referred to in section 123(4), 151(7) or 156(14d) of the *Local Government Act 1999*.

#### 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 18 August 2021

No 119 of 2021

South Australia

# **COVID-19 Emergency Response (Section 16) (Real Property Act) Variation Regulations 2021**

under the *COVID-19 Emergency Response Act 2020*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *COVID-19 Emergency Response (Section 16) Regulations 2020***

- 4 Revocation of regulation 5
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *COVID-19 Emergency Response (Section 16) (Real Property Act) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on the day on which Part 9 of the *Statutes Amendment (COVID-19 Permanent Measures) Act 2021* 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 *COVID-19 Emergency Response (Section 16) Regulations 2020***

### **4—Revocation of regulation 5**

Regulation 5—delete the regulation

#### **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 18 August 2021

No 120 of 2021

South Australia

# **Planning, Development and Infrastructure (General) (Electricity Infrastructure) Variation Regulations 2021**

under the *Planning, Development and Infrastructure Act 2016*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Planning, Development and Infrastructure (General) Regulations 2017***

- 4 Insertion of regulation 3CA  
3CA Exclusions from definition of *development*—essential infrastructure
  - 5 Insertion of Schedule 4A  
Schedule 4A—Exclusions from definition of development—essential infrastructure
    - 1 Essential infrastructure
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Electricity Infrastructure) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **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 *Planning, Development and Infrastructure (General) Regulations 2017***

### **4—Insertion of regulation 3CA**

After regulation 3C insert:

#### **3CA—Exclusions from definition of *development*—essential infrastructure**

- (1) Subject to this regulation, an act or activity specified in Schedule 4A is, when carried on by a prescribed person, declared not to constitute development for the purposes of the Act.

- (2) If a prescribed person proposes to undertake any building work which is within the ambit of Schedule 4A, the person must, before commencing that building work—
  - (a) give notice of the proposed work to the council for the area in which the building work is to be undertaken; and
  - (b) furnish the council with—
    - (i) a description of the nature of the proposed work; and
    - (ii) so far as may be relevant, details of the location, siting, layout and appearance of the proposed work.
- (3) Subregulation (2) does not apply if the building work is within the ambit of Schedule 4, Schedule 5 or Schedule 7.
- (4) An exclusion under Schedule 4A is subject to any condition or limitation prescribed by Schedule 4A for the relevant act or activity.
- (5) An exclusion under Schedule 4A does not apply in respect of a State heritage place.
- (6) An exclusion under Schedule 4A does not apply in respect of any work involving any repair to, or alteration or restoration of, a building that would cause the building not to comply with the Building Rules.
- (7) Nothing in this regulation or Schedule 4A affects the operation of Schedule 5.
- (8) In this regulation—

***prescribed person*** means—

  - (a) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a distribution network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that distribution network; or
  - (b) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the generation of electricity or some other licence under the *Electricity Act 1996* authorising the generation of electricity by means of an electricity generating plant previously operated pursuant to the licence issued in accordance with the order of the Minister; or
  - (c) the holder of a licence under the *Electricity Act 1996* issued in accordance with an order of the Minister under Part 5 of the *Electricity Corporations (Restructuring and Disposal) Act 1999* authorising the operation of a transmission network or some other licence under the *Electricity Act 1996* authorising the operation of all or part of that transmission network,

but does not include a State agency within the meaning of section 131 of the Act.



## 5—Insertion of Schedule 4A

After Schedule 4 insert:

### **Schedule 4A—Exclusions from definition of development—essential infrastructure**

Note—

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3CA. For example, that regulation provides that an exclusion under Schedule 4A does not apply in respect of a State heritage place.

#### **1—Essential infrastructure**

- (1) The following forms of development, other than within the Adelaide Park Lands:
  - (a) if the work is certified by a building certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules)—
    - (i) accepted development or deemed-to-satisfy development under the Planning and Design Code; or
    - (ii) the construction, reconstruction or alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or
    - (iii) the development of land dedicated under the *National Parks and Wildlife Act 1972*, other than on or under land that is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future, unless the Coast Protection Board has authorised the development; or
    - (iv) the construction, reconstruction or alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or
    - (v) the construction, reconstruction or alteration of, or addition to, a building which is to be located wholly underground, other than on or under land which is subject to coastal processes, or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future;
  - (b) the construction, reconstruction, alteration, repair or maintenance of any underground cable, other than under land which is subject to coastal processes or in relation to which there is evidence to suggest that the land is likely to be affected by coastal processes within the foreseeable future;

- (c) the undertaking of any temporary development which is required in an emergency situation in order to—
    - (i) prevent loss of life or injury; or
    - (ii) prevent loss or damage to land or buildings; or
    - (iii) maintain essential public services; or
    - (iv) prevent a health or safety hazard; or
    - (v) protect the environment where authority to undertake the development is given by or under another Act;
  - (d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;
  - (e) an alteration, or repairs, to a building—
    - (i) which are predominantly internal; and
    - (ii) which do not change the external appearance or total floor area of the building; and
    - (iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;
  - (f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more;
  - (g) the construction, reconstruction, alteration or addition to a security fence of an existing electricity substation or other electricity infrastructure within the meaning of the *Electricity Act 1996* subject to the following limitations:
    - (i) the fence must not exceed a height of 3.2 m (measured as a height above the natural surface of the ground);
    - (ii) —
      - (A) in the case of a fence that has a frontage to a public road—the fence must be a chain mesh fence; or
      - (B) in any other case—the fence must be a chain mesh fence or a fence clad in pre-colour treated sheet metal.
- (2) The following forms of development within the Adelaide Park Lands:
- (a) if the work is certified by a building certifier, or by some person nominated by the Minister for the purposes of this provision, as complying with the Building Rules (or the Building Rules to the extent that is appropriate in the circumstances after taking into account the requirements of the Building Rules)—
    - (i) the alteration of a building or equipment used for or associated with the supply, conversion, transformation or control of electricity (other than an electricity generating station or an electricity substation); or

- (ii) the alteration of, or addition to, a building contained within the existing security-fenced area of an existing electricity substation; or
- (iii) the alteration of, or addition to, a building—
  - (A) which is to be located wholly underground; and
  - (B) which will not result in a material change to the existing landform at the site of the development; or
- (iv) without limiting subparagraph (iii), the construction or reconstruction of a building—
  - (A) which is to be located wholly underground; and
  - (B) which is intended only to house electricity infrastructure (within the meaning of the *Electricity Act 1996*); and
  - (C) which has a total floor area not exceeding 15 m<sup>2</sup> and a depth (determined according to the distance below ground level of the base of the building) not exceeding 4 m; and
  - (D) which will not result in a material change to the existing landform at the site of the development;
- (b) the construction, reconstruction, alteration, repair or maintenance of any underground cable;
- (c) the undertaking of any temporary development which is required in an emergency situation in order to—
  - (i) prevent loss of life or injury; or
  - (ii) prevent loss or damage to land or buildings; or
  - (iii) maintain essential public services; or
  - (iv) prevent a health or safety hazard; or
  - (v) protect the environment where authority to undertake the development is given by or under another Act;
- (d) a division of land arising out of, or reasonably incidental to, the implementation of any matter referred to above;
- (e) an alteration, or repairs, to a building—
  - (i) which are predominantly internal; and
  - (ii) which do not change the external appearance or total floor area of the building; and
  - (iii) which will not adversely affect the structural soundness of the building or the safety of any person occupying or using it;
- (f) the construction, reconstruction or alteration of an electricity power line, other than a transmission line of 33 000 volts or more.

**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 18 August 2021

No 121 of 2021

South Australia

## Justices of the Peace Regulations 2021

under the *Justices of the Peace Act 2005*

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### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed requirements for appointment as justice
- 5 Additional prescribed requirements for appointment as special justice
- 6 Disciplinary action
- 7 Period of service prescribed for retired justices
- 8 Special justices must comply with Code

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

#### Part 1—Provisions applicable to all justices of the peace

- 1 Justice must act within conditions of appointment
- 2 Prohibition on soliciting or accepting fees, gifts etc in connection with office of justice
- 3 Conflict of interest and improper influence
- 4 Administering oaths, taking affidavits, witnessing instruments, etc
- 5 Justice must not divulge confidential information
- 6 Justice must not provide legal advice
- 7 Restrictions on use of office or title of justice
- 8 General conduct
- 9 Notice of certain information to be provided to Attorney-General

#### Part 2—Additional provisions applicable to special justices

- 10 Interpretation
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- 12 Notice of certain information to be provided to Chief Magistrate and Judge of Youth Court

### Schedule 2—Code of Conduct for Retired Justices of the Peace

- 1 Prohibition on profiting from office of justice

### Schedule 3—Revocation of *Justices of the Peace Regulations 2006*

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#### 1—Short title

These regulations may be cited as the *Justices of the Peace Regulations 2021*.

#### 2—Commencement

These regulations come into operation on 1 September 2021.

#### 3—Interpretation

In these regulations—

*Act* means the *Justices of the Peace Act 2005*.

#### 4—Prescribed requirements for appointment as justice

- (1) For the purposes of section 4(8)(d) of the Act, a person who is to be appointed as a justice must meet the following prescribed requirements:
- (a) the person must be able to understand the duties and powers of a justice;
  - (b) the person must be sufficiently proficient in speaking English, and in reading and writing in the English language, so as to be able to—
    - (i) identify the nature of documents; and
    - (ii) read and understand instructions relating to the person’s official duties; and
    - (iii) seek advice about the person’s official duties;
  - (c) the person must not be bankrupt or have applied as a debtor to take the benefit of the laws relating to bankruptcy;
  - (d) the person must not be disqualified from managing or being involved in the management of any company under the *Corporations Act 2001* of the Commonwealth;
  - (e) the person must provide at least 2 references as to the person’s good character, reputation and standing in the community;
  - (f) the person must live or work in an area or community in which there is a need for a justice.

##### Examples—

- 1 The community in which the applicant lives or works may be scattered over a wide area. In that case, it may be desirable to appoint more justices per head of population than in a densely populated urban community.
  - 2 The community in which the applicant lives or works may include particular ethnic or cultural groups. In that case, it may be desirable to appoint a justice of the same ethnic or cultural group.
  - 3 Some places of employment (such as a local council office or the electorate office of a Member of Parliament) have a higher than usual demand for the services of a justice. In that case, it may be desirable to appoint an applicant employed in such a place as a justice.
- (2) A person applying for reappointment as a justice on the expiration of the person’s term of appointment under section 4 of the Act is exempt from meeting the requirements under subregulation (1)(e) and (f).

#### 5—Additional prescribed requirements for appointment as special justice

- (1) For the purposes of section 7(3)(c) of the Act, a justice who is to be recommended by the Attorney-General for appointment as a special justice must meet the following prescribed requirements:
- (a) the justice must be under the age of 65 years;
  - (b) the justice must speak English fluently, and be sufficiently proficient in reading and writing in the English language, so as to be able to—
    - (i) communicate clearly in a courtroom; and
    - (ii) read and understand court documents and legislation;

- (c) the justice must not have been convicted of any offence and must not have any outstanding charges or proceedings in relation to an offence alleged to have been committed by the justice;
  - (d) the justice must have been recommended to the Attorney-General by the Chief Magistrate or the Judge of the Youth Court.
- (2) Despite subregulation (1)(a), the Attorney-General may recommend for appointment as a special justice a justice who is of or over the age of 65 years if satisfied that there is good reason to do so.
- (3) Despite subregulation (1)(c), the Attorney-General may recommend for appointment as a special justice a justice who has been convicted of an offence or who has outstanding against them a charge or proceedings in relation to an offence if the Attorney-General is satisfied that the conviction, or outstanding charge or proceedings should, in the circumstances, be disregarded.
- (4) In this regulation—  
*offence* does not include an offence that is expiable.

## **6—Disciplinary action**

Pursuant to section 11(1)(c) of the Act, there is proper cause for taking disciplinary action against a justice if the justice breaches, or fails to comply with, Part 1 (other than clause 9(2) or (3)) of the Code of Conduct for Justices of the Peace and Special Justices.

## **7—Period of service prescribed for retired justices**

For the purposes of section 16(4)(a) of the Act, the prescribed period is 20 years.

## **8—Special justices must comply with Code**

Special justices must comply with the Code of Conduct for Justices of the Peace and Special Justices.

# **Schedule 1—Code of Conduct for Justices of the Peace and Special Justices**

## **Part 1—Provisions applicable to all justices of the peace**

### **1—Justice must act within conditions of appointment**

A justice must not breach, or fail to comply with, a condition of the justice's appointment.

### **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—Conflict of interest and improper influence**

- (1) A justice must not exercise the powers of a justice in respect of a matter in which the justice has a direct or indirect personal, family, financial or business interest.

- (2) A justice must not improperly influence, or attempt to improperly influence, a person who seeks the services of the justice.

#### **4—Administering oaths, taking affidavits, witnessing instruments, etc**

- (1) If, under an Act, it is provided—
- (a) that a declaration may be made before a justice; or
  - (b) that an instrument may be signed or executed in the presence of, or be attested by, a justice,

the justice taking the declaration, or witnessing or attesting to the instrument, must do so in accordance with any directions provided under the Act.

**Example—**

Regulation 23 and Schedule 6 Document 1 (Waiver of Rights) under the *Second-hand Vehicle Dealers Regulations 2010*.

- (2) A justice must not—
- (a) administer an oath or affirmation to a person; or
  - (b) take the declaration or affidavit of a person; or
  - (c) witness the signing or execution of an instrument,

if the justice reasonably doubts that the person is legally or mentally competent to make the oath, affirmation, declaration or affidavit or to execute the document.

#### **5—Justice must not divulge confidential information**

A justice must not intentionally divulge information of a private, confidential or commercially sensitive nature obtained by the justice in carrying out official duties except—

- (a) as authorised or required by law; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates.

#### **6—Justice must not provide legal advice**

A justice must not provide legal advice when acting in their capacity as a justice.

#### **7—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 website or social media page.

- (3) In this clause—

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



## 8—General conduct

- (1) A justice must not criticise or comment on the choice of a person as to whether the person takes an oath or makes an affirmation.
- (2) A justice must behave in a proper and courteous manner to any person who seeks the justice's services as a justice.
- (3) A justice must not engage in dishonest activities or conduct themselves in such a way as to bring the office of justice of the peace into disrepute.

## 9—Notice of certain information to be provided to Attorney-General

- (1) A justice must, within 14 days after any of the following matters occurring:
  - (a) being charged with an offence (other than an offence that is expiable);
  - (b) the charge of an offence (other than an offence that is expiable) alleged to have been committed by the justice being withdrawn, dismissed or discontinued;
  - (c) being convicted or acquitted of an offence (other than an offence that is expiable);
  - (d) being issued with an interim intervention order or an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*;
  - (e) being issued with an interim firearms prohibition order or a firearms prohibition order under the *Firearms Act 2015*;
  - (f) being subject to any of the following:
    - (i) a control order under the *Serious and Organised Crime (Control) Act 2008*;
    - (ii) a control order under Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or a law of the Commonwealth that replaces that Code;
    - (iii) a control order under the *Child Sex Offenders Registration Act 2006*;
  - (g) being diagnosed with a mental illness where there are concerns the justice may cause harm to themselves, others or property;
  - (h) being found to have acted dishonestly by any court, tribunal, inquiry, regulatory agency or complaint handling or dispute resolution body;
  - (i) becoming bankrupt or applying as a debtor to take the benefit of the laws relating to bankruptcy;
  - (j) being disqualified from managing or being involved in the management of any company under the *Corporations Act 2001* of the Commonwealth,

provide written notice of the details of the matter to the Attorney-General.

- (2) A justice must, within 28 days after a change in—
  - (a) the justice's name; or
  - (b) the justice's business or home address; or
  - (c) the telephone number on which the justice can be contacted during business hours or after business hours; or
  - (d) the justice's occupation,

provide written notice of the change to the Attorney-General.

- (3) A justice must, as soon as practicable after becoming aware—
- (a) that the justice will be absent from the State for a period expected to last at least 3 months; or
  - (b) that the justice will, for some other reason, be unable to carry out official duties as a justice for a period of at least 3 months,

provide written notice of that information to the Attorney-General.

## **Part 2—Additional provisions applicable to special justices**

### **10—Interpretation**

In this Part—

*supervising judicial officer* means—

- (a) the Chief Magistrate; or
- (b) the Magistrate who is designated as the Supervising Regional Manager of the Magistrates Court; or
- (c) a Magistrate who is designated as a Regional Manager of the Magistrates Court; or
- (d) the Judge of the Youth Court.

### **11—Court duties etc**

- (1) A special justice must observe the directions of the relevant supervising judicial officer relating to the administration of the Magistrates Court or the Youth Court.
- (2) A special justice must attend court at the time and place notified to the special justice.
- (3) However, a special justice will be excused from attending court if the justice has given reasonable notice to the relevant supervising judicial officer of the justice's inability to attend.
- (4) A special justice must attend to the business of the court that is entrusted to the special justice diligently and to the best of the justice's ability.
- (5) A special justice must, at all times—
  - (a) when carrying out official duties as a special justice; and
  - (b) while in the precincts of a court,observe the standard of conduct and dress expected of a judicial officer.

### **12—Notice of certain information to be provided to Chief Magistrate and Judge of Youth Court**

A special justice must, within 14 days after any of the following matters occurring:

- (a) being charged with an offence (other than an offence that is expiable);
- (b) the charge of an offence (other than an offence that is expiable) alleged to have been committed by the justice being withdrawn, dismissed or discontinued;
- (c) being convicted or acquitted of an offence (other than an offence that is expiable);
- (d) being issued with an interim intervention order or an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*;
- (e) being issued with an interim firearms prohibition order or a firearms prohibition order under the *Firearms Act 2015*;

- (f) being subject to any of the following:
- (i) a control order under the *Serious and Organised Crime (Control) Act 2008*;
  - (ii) a control order under Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or a law of the Commonwealth that replaces that Code;
  - (iii) a control order under the *Child Sex Offenders Registration Act 2006*;
- (g) being diagnosed with a mental illness where there are concerns the justice may cause harm to themselves, others or property;
- (h) being found to have acted dishonestly by any court, tribunal, inquiry, regulatory agency or complaint handling or dispute resolution body;
- (i) becoming bankrupt or applying as a debtor to take the benefit of the laws relating to bankruptcy;
- (j) being disqualified from managing or being involved in the management of any company under the *Corporations Act 2001* of the Commonwealth,

provide written notice of the details of the matter to the Chief Magistrate or the Judge of the Youth Court (depending on the court to which the special justice is assigned).

**Note—**

See also clause 9 of the Code (Notice of certain information to be provided to Attorney-General).

## **Schedule 2—Code of Conduct for Retired Justices of the Peace**

### **1—Prohibition on profiting from office of justice**

A person must not use, or seek to use, "JP (Retired)", or any other title or description that implies that the person is a retired justice, for the purpose of advancing the person's business or commercial interests.

**Note—**

See also section 16(4) of the *Justices of the Peace Act 2005* which makes it an offence (punishable by a fine of \$2 500) to use the title or description when not entitled to do so.

## **Schedule 3—Revocation of *Justices of the Peace Regulations 2006***

The *Justices of the Peace Regulations 2006* are revoked.

**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 18 August 2021

No 122 of 2021

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

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