
JUSTICES ACT 1976

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**JUSTICES**

No. 15 of 1976

AN ACT to amend the Justices Act 1959 and the Promissory Oaths Act 1869.

[27 May 1976]

BE it enacted by His 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:—

1—(1) This Act may be cited as the *Justices Act 1976*.

(2) The *Justices Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The Act shall commence on a date to be fixed by proclamation.

Short title,
citation, and
commencement.

Interpretation.

2 Section 3 of the Principal Act is amended by omitting from subsection (1) the definitions of “ Clerk of the Peace ”, “ district justice ”, “ jurisdiction ”, and “ territorial justice ”.

General saving of powers of justices.

3 Section 4 of the Principal Act is repealed.

4 Part II of the Principal Act is amended by inserting at the beginning of that Part the following sections:—

Appointment of justices.

“ 4—(1) The Governor may appoint such persons resident in this State as he thinks fit as justices.

“(2) When a person appointed a justice under this section ceases to reside in this State, his appointment shall be deemed to be revoked.

“(3) Every appointment under subsection (1) shall be notified in the *Gazette*.

Powers of justices.

“ 4A A justice may exercise all the powers conferred on a justice by this Act or by any other Act or Imperial Act in force in this State notwithstanding that he has not been assigned a justice by a commission of the peace.

Abrogation of assignment of justices under commission of the peace.

“ 4B—(1) After the commencement of the *Justices Act* 1976 no person shall be assigned a justice under a commission of the peace.

“(2) Nothing in subsection (1) affects the appointment of any person assigned a justice under a commission of the peace but any such justice may exercise all the powers of a justice appointed under section 4.

Continuance in office of district justices.

“ 4C A person holding office as a district justice immediately before the commencement of the *Justices Act* 1976 shall, on that commencement, hold office as if he were appointed a justice under section 4, but shall not be required to take the oaths referred to in section 5 (1).”

Oaths to be taken by justices.

5 Section 5 of the Principal Act is amended by omitting from subsection (1) the words “ created a justice by the commission of the peace or appointed under section 7 ” and substituting the words “ appointed under section 4 ”.

6 Section 6 of the Principal Act is repealed and the following section is substituted:—

“ 6 The mayors of cities and the wardens of other municipalities are, by virtue of their offices and without any further authority than this Act, justices during their continuance in office.”

Mayors and wardens to be justices *ex officio*.

7 Section 7 of the Principal Act is repealed and the following section is substituted:—

“ 7—(1) A justice who has attained the age of 70 years shall not—

Justices not to engage in judicial duties on attaining age of 70 years.

- (a) sit alone or with other justices in a court of summary jurisdiction; or
- (b) do any act as an examining justice in respect of a person charged with an indictable offence.

“(2) No finding, decision, or order of a court of summary jurisdiction may be impugned, reversed, or invalidated on the ground that a justice sitting in the court had attained the age of 70 years, and no act of a justice to which subsection (1) (b) applies shall be invalidated or may be impugned on the ground that the justice had attained that age when he did that act.”

8 Section 10 of the Principal Act is amended by omitting the words “ assigned or ”.

Bankrupt incapable of acting as justice.

9 Section 12 of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “ territorial ” wherever occurring; and
- (b) by omitting from subsection (2) the word “ territorial ”.

Powers of extra-territorial justices.

10 Section 13 of the Principal Act is amended by omitting the word “ territorial ”.

Acts of extra-territorial justices to be effectual in Tasmania.

11 Section 15 of the Principal Act is repealed and the following section is substituted:—

“ 15 The Secretary of the Attorney-General’s Department shall cause to be kept a list of the names and addresses of all extra-territorial justices, the dates of their respective appointments, and the respective places or countries at or in which their powers under this Act are exercisable.”

List of extra-territorial justices.

The Clerk of
the Peace.

12 Section 16 of the Principal Act is repealed.

Amendment of
*Promissory
Oaths Act 1869.*

13 The Schedule to the *Promissory Oaths Act 1869* is amended by omitting the words “ District justices ”.