

Justices of the Peace (Eligibility) Guideline 2006

Disallowable instrument DI2006—216

made under the

Justices of the Peace Act 1989, S 2 (Who may be appointed justice of the peace?)

1 Name of instrument

This instrument is the Justices of the Peace (Eligibility) Guideline 2006.

2 Declaration

Under section 2(2) I make the attached guideline about the eligibility for appointment as a Justice of the Peace.

Simon Corbell MLA
Attorney General
5 October 2006

Justices of the Peace (Eligibility) Guideline 2006

This guideline sets out who is eligible to be appointed as a Justice of the Peace. This guideline is made under section 2 of the *Justices of the Peace Act 1989*.

Eligibility criteria

1. For the purposes of section 2 of the *Justices of the Peace Act 1989* a person is eligible to be appointed as a Justice of the Peace if the person:
 - (a) is an Australian citizen; and
 - (b) is a permanent resident of the ACT; and
 - (c) is on the electoral roll for an ACT electorate; and
 - (d) is of good character and standing in the ACT community; and
 - (e) is capable of understanding the functions and duties of the office of Justice of the Peace; and
 - (f) has satisfactorily completed a relevant course as approved by the Minister, or the Minister is satisfied that their experience or qualifications are sufficient to carry on the function of a Justice of the Peace; and
 - (g) is not an undischarged bankrupt; and
 - (h) has consented to their name and contact details being published on the Register of Justices of the Peace of the Australian Capital Territory and being made available to the ACT community; and
 - (i) has consented to inquiries being made to determine suitability for appointment, including a criminal records check to determine whether they are of good character and standing; and
 - (j) has consented to be available to the public at all reasonable times.
2. A person will not be appointed as a Justice of the Peace unless there is a demonstrated community need for that appointment.
3. For the purposes of paragraph 1(b) of this guideline, any of the following documents may be produced to demonstrate permanent residency in the ACT:
 - (a) a current residential tenancy agreement;
 - (b) a rates notice, electricity account or telephone account, paid within three months before the application for appointment as a Justice of the Peace;
 - (c) a taxation notice not more than twelve months old;
 - (d) a bank statement showing transactions for at least three months prior to the application for appointment as a Justice of the Peace;
 - (e) a current social security card;
 - (f) for a person resident within a rural area in the ACT, a rates notice or electricity account that identifies the property on which the person resides.
4. For the purposes of paragraph 1(d) of this guideline, a person's application for appointment must be accompanied by at least three written references, from people who have known the applicant for at least twelve months, specifically addressing the person's suitability for appointment as a Justice of the Peace.

References must be no more than three months old. If the person intends to be available as a Justice of the Peace at the person's place of work, one of the required references must be from the person's employer, and should state the employer's agreement to the person being available during working hours to perform the duties of a Justice of the Peace.

5. For the purposes of paragraph 1(i) of this guideline, an enquiry will be made with the Australian Federal Police about the existence or status of a criminal record in the person's name. The Minister may refuse to appoint a person as a Justice of the Peace if the person has at any time been convicted of an offence, whether the offence was committed within or outside Australia.