

# 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?)**

### EXPLANATORY STATEMENT

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This instrument approves a guideline, which sets out who is eligible to be appointed as an ACT Justice of the Peace. This guideline is made under section 2 of the *Justices of the Peace Act 1989*. The guideline contains information from the previous Guidelines and Procedures for appointment of Justices of Peace in the Australian Capital Territory.

In the ACT, Justices of the Peace are appointed by the Minister, under the *Justices of the Peace Act 1989*, but the Act does not prescribe the role. Generally, the role of Justices of the Peace in the ACT is determined by procedural requirements of other ACT legislation. Justices of the Peace may, however, perform a wider range of functions under Commonwealth law, including the witnessing of statutory declarations.

Justices of the Peace in the ACT serve the community primarily by:

- administering oaths or affidavits, and taking statutory declarations and affirmations;
- witnessing signatures; and
- attesting and certifying documents.

The guideline requires prospective Justices of the Peace to be Australian citizens and residents of the ACT. Prospective Justices of the Peace must have completed a relevant course or have relevant experience, must be of good character and standing and cannot be an undischarged bankrupt. In addition, the applicant must be willing to have their name and contact details being made available to the ACT community and must be available to perform his or her role as a Justice of the Peace at all reasonable times.

The guideline states that a person will not be appointed as a Justice of the Peace unless there is a demonstrated community need for that appointment. Further, the guideline sets out what documents can be produced to demonstrate permanent residency in the ACT and what evidence is required to prove good character and standing in the ACT community.