

# Justices of the Peace (Role) Guideline 2013

## Disallowable instrument DI2013—247

made under the

*Justices of the Peace Act 1989*, section 3A (Guidelines about the role of Justices of the Peace)

### EXPLANATORY STATEMENT

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This instrument approves a guideline, which sets out the role of ACT Justices of the Peace. The guideline is made under section 3A of the *Justices of the Peace Act 1989*. The guideline aims to assist Justices of the Peace and members of the community to understand the role and responsibilities of ACT Justices of the Peace.

The guideline essentially replicates the *Justice of the Peace (Role) Guideline 2006* that it revokes and replaces. The only change is that the guideline provides guidance on confirming a person's identity. The guideline recognises that since the occurrence of identity fraud is ever present, a Justice of the Peace must take reasonable steps to be satisfied as to the identity of the person seeking the services of the Justice of the Peace. If the Justice of the Peace is not satisfied as to the identity of the person claiming to be the signatory to the document being witnessed, the Justice of the Peace can take the following steps to be reasonably satisfied as to the identity of the person seeking their services:

- request confirmation of the person's identity. Photographic identification with a signature is preferred such as a drivers' licence, passport, proof of age card or employer ID card; and
- be satisfied that the facial characteristics of the client are of those on the submitted identification (this can be achieved through a face-to-face assessment); or
- if photographic identification is not available, request authoritative documentation such as a birth certificate or citizenship certificate, documentation that verifies the client's full name and address (such as a utility account) or a document that provides a sample of the client's signature (such as a debit or credit card from a financial institution).

A Justice of the Peace may refuse to provide the services requested if the client's identity is not proven **to the satisfaction of the Justice of the Peace**. The guideline recommends that a Justice of the Peace keep a brief record of what was supplied as proof of identity.