

Australian Capital Territory

Justices of the Peace (Role) Guideline 2016

Disallowable instrument DI2016—53

made under the

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

EXPLANATORY STATEMENT

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 2013* that it revokes and replaces.

The revised guideline corrects the introduction to clarify that there are circumstances in which ACT Justices of the Peace are permitted to exercise their functions while not physically present in the ACT and also in relation to documents under Commonwealth legislation. These circumstances relate to the administration of oaths and affirmations under the *Oaths and Affirmations Act 1984* and functions prescribed under Commonwealth legislation. Under the *Australian Capital Territory (Self-Government) Act 1988* (Cth), ACT legislation is unable to restrict the operation of a Commonwealth law, including in relation to ACT Justices of the Peace.

In addition, the obligations of ACT Justice of the Peace relating to confirmation of identity have been moved into the numbered paragraphs to ensure that these are viewed as obligations.