



APPLICATION FOR APPOINTMENT AS A JUSTICE OF THE PEACE

Information Guide

Justices of the Peace (JPs) provide quality, coordinated and accessible justice services which contribute to a safe and orderly community. The services they provide to the community are voluntary and without remuneration.

Duties and responsibilities

The *Oaths, Affidavits and Statutory Declarations Act 2005*, provides the general public with a wide range of persons, authorised to witness statutory declarations etcetera. In this context, the appointment of JPs is made primarily to perform the judicial functions required of their office.

Judicial duties include:

- Court proceedings:- At many locations throughout the State, JPs are required to preside in the Magistrates Court.

It is a requirement that JPs make themselves available to sit in court where the need arises, and that JPs on court rosters attend *annual training on court procedures* delivered by a magistrate.

Administrative duties include:

Bail, search warrants and witnessing documents

A JP may be called upon to:

- Process bail applications. Accused persons may be granted bail by a court. In these circumstances, JPs may be requested to process bail and surety applications. A JP usually attends a court house, police station lockup or prison to process bail/surety applications.
- Prosecution notices and summonses. Prosecution notices can be made or sworn before a JP. In some circumstances a JP may be required to consider whether to issue a summons or court hearing notice which requires the accused person to appear in court.
- Issue search warrants. When considering an application for the issue of a search warrant, the JP must be satisfied from sworn evidence that there is sufficient cause to issue the warrant. A JP may be requested by police officers and other officers involved in law enforcement to issue search warrants at any time of the day or night, including weekends.
- Witness documents. The *Oaths, Affidavits and Statutory Declarations Act 2005* authorises a JP to witness affidavits and statutory declarations. JPs are also authorised to witness other documents such as Enduring Power of Attorney, Enduring Power of Guardianship and Advance Health Directive.

JPs must be reasonably available to the community to witness documents and are encouraged to provide this service on rosters at JP Document Witnessing Centres located in shopping centres, public libraries etcetera.

Contact Details

The *Justices of the Peace Act 2005* requires a JP's contact details to be made available to the public. To facilitate this JP contact details are posted on the Department website.

Please consider your availability to this voluntary position before applying to become a JP. Your availability to the community is a vital requirement of this role.

Criteria for appointment

Applicants must meet the following criteria:

1. be an Australian citizen with a minimum of 12 months current residency in Western Australia; and
2. be an enrolled voter on the Western Australian Electoral Roll. Exceptions apply to applicants from the Cocos (Keeling) and Christmas Islands.
(If you are a silent elector you must provide proof that you are currently enrolled.)
3. be of good character. An applicant's past behaviour and any criminal record will be considered. For the purpose of progressing applications to become a Justice of the Peace, screening including criminal history checks is conducted. With your consent a check will be made of criminal and traffic records and screening reports will be obtained.
4. demonstrate a willingness and capacity to undertake all of the duties of a JP when called upon, including attendance and successful completion of the appropriate training course.
5. must not be an insolvent under administration.

Other considerations

- The **age, gender balance and ethnic representation** of an applicant.
Due to the limited legal capacity of JPs to perform functions after 70 years of age, applicants nearing, or over, the age of 65 are not usually considered for appointment.
- The **need for further appointments** within an applicant's place of residence or employment.
- People who have been **subject to bankruptcy action** (especially if recent) may not be considered for appointment.
- People who are employed or are involved in other activities or circumstances that may give rise to a **potential or perceived potential conflict of interest** will not be considered for appointment. Examples include a serving police officer, ranger or solicitor (including an employee of), or people in married, de facto or other partner relationship with those people.

Please be aware that JP's telephone number(s) applicable to the residential suburb and work locality are available to the public on the department's website. The Street Address is not listed, however, if you are not comfortable with this you may wish to reconsider applying to become a JP.

Application

The application form (at the end of this document) once completed, must be lodged with your local State Member of Parliament or the local magistrate together with:

- **your resume**
- **employer's supporting letter** (if applicable)
Applicants who are not self-employed must provide a letter from their employer stating that the applicant will be available for court duty or when required by the police and public. Some of these duties may occur during working hours.
- **Overseas Clearance** (if applicable)
Applicants who have resided overseas as an adult (over the age of 18) in the last 5 years will be required to provide an overseas clearance from the relevant authority from the country/countries in which they resided.

Appointment procedure

On receiving an application addressed to the Attorney General from either the local State Member of Parliament, or the local magistrate, the JP Branch will commence the administrative/screening process of collating various reports that includes:

1. **National Criminal History Check/Screening.**
2. **Referees reports.**
(It is the applicant's responsibility to ensure contact can be made with nominated referees.)
3. **A Magistrate's report** following an interview with the applicant to determine their suitability and availability to carry out JP duties.

The application is then considered by the Attorney General based on these reports, the criteria for appointment and the need for further appointments within the locality.

The time taken to process each application will vary dependant on the responses of the reporting parties.

When an application is approved by the Attorney General, the applicant will receive an offer of appointment, which must be formally accepted in writing. The applicant must then successfully complete the approved pre-appointment JP training course within 12 months of the offer. *(For more information on the training see section on 'Training')*

After successful completion of the course your appointment will be recommended to the Governor and a final decision on your appointment will be made at Executive Council.

When the appointment is approved, the applicant will be contacted to swear an Oath or Affirmation of Office before their local magistrate.

On receiving the signed 'Oath of Office', the appointment is then published in the Government Gazette.

The date your appointment is advertised in the Gazette is the date you are officially a Justice of the Peace.

Training

Pre-appointment training course

All applicants who are recommended for appointment must successfully complete an approved training course before their appointment will be approved. The pre-appointment training course is delivered by a contracted training provider and is designed to prepare applicants for the functions they will perform as JPs.

The training can be undertaken as an '**on-campus**' intensive course or via correspondence '**on-line**' targeted primarily to accommodate applicants in the regions.

The Department of the Attorney General pays for the initial enrolment in the course.

(The course must be completed within the term for which the student is enrolled. Should your circumstances change, the census date for withdrawal from the course is four weeks after the commencement date. If you withdraw after that date and you wish to re-enrol, you will be required to pay the course fees yourself.)

Applicants should consider the time required to undertake the training, before applying to become a JP and enrolling in the course

Post Appointment Training seminars

All JPs should attend regular training sessions coordinated by the Department of the Attorney General (DotAG). In regional areas JP training is organised through DotAG courts and delivered by a magistrate. Information in respect to upcoming training information can be found on the training calendar located on the DotAG website at www.dotag.wa.gov.au.

JPs who preside in court must attend annual training on court procedures delivered by a magistrate, or complete two online modules on topics related to court procedures.

The Application Form for Appointment as a Justice of the Peace follows the checklist.

Application Checklist

- Fully** complete form
- Enclose a copy of your résumé with your application
- Ensure you provide details for **three** referees and that they will respond
- Ensure you have provided overseas criminal clearances, if you have resided overseas in the last 5 years. If you have resided in more than one country, clearances will be required from each country in which you have resided.
- If an employee, obtain a letter from your employer to confirm your availability to undertake ALL duties
- Ensure you are available to undertake mandatory training and are committed to ongoing training
- Ensure you are available to undertake roster and after hours duties
- Have the support of your local State MP and/or magistrate in regional areas

**Please lodge this application form with your local State Member of Parliament.
A Magistrate will also accept applications in regional areas.**

If you have any further queries, please contact the Justice of the Peace Branch on:



(08) 9425 2524; or



jps@justice.wa.gov.au



Application for Appointment as a Justice of the Peace

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|--------------------------|--|-------------------|--|----------------------|--|
| Title: (Mr/Mrs/Ms/Dr) | | Surname: | | Previous Surname: | |
| First Name/s: | | | | | |
| Date of Birth | | Place of Birth | | M.D.L. Number: | |
| Residential address: | | | | Post Code | |
| Postal address: | | | | Post Code | |
| Telephone Number: | | | | Mobile: | |
| Email Address: | | | | | |

The following information is required

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Are you an Australian Citizen? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Are you enrolled as an elector for the Legislative Assembly in accordance with the <i>Electoral Act 1907</i> ? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| How long have you resided in Western Australia? | | |
| Have you lived overseas in the last 5 years as an adult? (18 years or older) <i>If yes, an overseas criminal clearance from the country/countries in which you have resided MUST accompany this application</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Have you ever been insolvent or under administration? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, please provide details: | | |
| Do you speak any language(s) other than English? <i>If yes please list:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Ethnic Identity (eg Australian, Aboriginal, Italian, Greek etc): | | |
| Level of education attained and qualifications: | | |
| Official Appointments (eg JP NSW): | | |
| If appointed as a Justice of the Peace how often would you be available to assist with JP rosters? | | |
| | | |

Employment Particulars

| | | |
|----------------------------------------------|--|--------------------|
| Present occupation: | | |
| Employer's name (or state if self-employed): | | |
| Work address: | | |
| | | |
| Telephone: | | |
| Length of service: | | |
| 1) Previous employer's name: | | |
| Work address: | | |
| Position Held: | | Length of Service: |
| 2) Previous employer's name: | | |
| Work address: | | |
| Position Held: | | Length of Service: |

Have you ever been convicted of an offence in any court? Please include traffic offences, spent and/or overseas convictions; or do you have any matters pending in any court?

| | | |
|------------------------------|-----------------------------|---------------------------------|
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, please provide details: |
| | | |

Have you ever received any infringements?

| | | |
|------------------------------|-----------------------------|---------------------------------|
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, please provide details: |
| | | |

Have you ever received any infringements/fines which were registered with FER and or are outstanding?

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|------------------------------|-----------------------------|---------------------------------|
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, please provide details: |
| | | |

Outline your history of community service, vounteer activities and membership of clubs/associations.

| Name of organisation | Position held/responsibilities |
|----------------------|--------------------------------|
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Referees

Details of three referees are required

Please ensure your referees know you sufficiently well to comment and are aware of this application. Please do not nominate family members as referees

| | |
|-----------------|------------|
| Name: | Telephone: |
| Postal address: | Postcode: |
| Email address: | |

| | |
|-----------------|------------|
| Name: | Telephone: |
| Postal address: | Postcode: |
| Email address: | |

| | |
|-----------------|------------|
| Name: | Telephone: |
| Postal address: | Postcode: |
| Email address: | |

| | |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| To assist in considering your application please indicate whether you are prepared to: | |
| be rostered to participate in court proceedings and accept other judicial responsibilities | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| be rostered to witness documents such as affidavits and statutory declarations at JP document witnessing centres. | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| be rostered to deal with bail/surety applications. | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| to be available at any time to issue search warrants | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Reason for seeking appointment

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Are there any matters that may adversely reflect of your character or suitability for appointment?

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|--------------------------------------------------------------------------------------|
| Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please give details: |
| |

I declare that the information contained in this application is true and correct. I consent to the Minister making such confidential inquiries as to my character and suitability for appointment as considered necessary and agree to this information being released to persons involved in the approval process.

I consent to WA Police providing Justice of the Peace Branch with any information they may hold containing my personal information, for the purposes of an assessment of my character.

I understand that should my application be refused, I will not necessarily be provided with reasons for that refusal.

Signature _____ Date _____