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.

# JP duties

**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 at a court house, police station lockup or prison.
* **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. It is a requirement that JPs make themselves available to attend annual training which includes training on search warrants.
* **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.

Please **consider your availability to this voluntary position before applying** to become a JP. Your availability to the community is an **essential obligation** to this role.

# Criteria for appointment/continued appointment

Applicants must meet the following criteria:

1. be an Australian citizen with a minimum of 12 months current residency in Western Australia.
2. be enrolled as an elector in Western Australia. 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 JP, 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.
Honesty and accuracy in completing documentation is an essential requirement for performing the functions of a JP. The failure to disclose a significant matter in the application form, and particularly any criminal offence, is therefore an important consideration in assessing the good character of an applicant.
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

* Due to the limited legal capacity of JPs to perform functions after 75 years of age, applicants nearing, or over, the age of 70 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.

# Contact details

The *Justices of the Peace Act 2005* **requires a JP’s contact details to be made available on a public register**. The public register publishes the JP’s full name, suburb or town, postcode, and telephone number on which members of the public may contact the JP. The register is posted on the Department’s website.

If you are **not comfortable with this information being published**, 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 for the electoral district in which you live 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 reasonably available to perform the functions of office for 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 your local State Member of Parliament, the JP Branch will commence the administrative/screening process of collating various reports that includes:

1. **Screening including National Criminal History and ID Checks**.
2. **Referees reports.** (It is the applicant’s responsibility to ensure contact can be made with nominated referees.)

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.

If the Attorney General is prepared to recommend your appointment as a JP, you will receive an offer of appointment on the understanding that you formally accept in writing that:

* You must successfully complete the approved pre-appointment JP training course within 12 months of the offer.
* You will carry out the duties of a JP and be readily available to the community in WA
* if due to any change to your present circumstances you become unable to perform the functions of Office in WA it may be necessary to request your resignation in order that alternative appointments may be made.

After accepting the conditions of appointment and successfully completing 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, you will be contacted to swear an Oath or Affirmation of Office before a local magistrate.

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

The date your appointment is advertised in the Gazette is the date you are officially a JP.

# 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 provides applicants with foundational knowledge on the functions of a JP.

The training can be undertaken as an **on-campus** intensive course or via correspondence
**on-line**.

**The Department of Justice 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**

As a condition of appointment, all JPs must attend regular training sessions as required. This training is coordinated by the Department of Justice. Information in respect to upcoming training information can be found on the training calendar located on the Department’s website at http://www.courts.justice.wa.gov.au.

**JPs who issue search warrants must attend annual training, approved by the Department of Justice.**

# 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 and have the capacity to undertake roster and after hours duties |
| ❑ | Have the support of your local State MP. |

**Please lodge this application form with your local State Member of Parliament.**

If you have any further queries, please contact the JP Branch on:



 (08) 9425 2525; or

jps@justice.wa.gov.au

# Application for appointment as a Justice of the Peace

**(Please ensure all questions are answered)**

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| Personal details |
|  | First name: |       | Middle name: |       |
| Surname:  |       | Previous surname: |       |
| Date of birth |       | Country of birth |       | Driver’s Licence Number (MDL): |       |

|  |  |  |  |
| --- | --- | --- | --- |
| Residential address:  |       | Post code: |       |
| Postal address:  |       | Post code: |       |

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| --- | --- | --- | --- |
| Telephone no:  |       | Mobile: |       |
| Email address:  |       |

**The following information is required**

|  |  |  |
| --- | --- | --- |
| Are you an Australian Citizen? | Yes [ ]  | No [ ]  |
| Are you enrolled as an elector for the Legislative Assembly in accordance with the *Electoral Act 1907*? | Yes [ ]  | No [ ]  |
| How long have you resided in Western Australia?       |
| Have you lived overseas in the last 5 years as an adult? (18 years or older) | Yes [ ]  | No [ ]  |
| If **yes**, an overseas criminal clearance from the country/countries in which you have resided **must** accompany this application |
| Have you ever been insolvent or under administration? | Yes [ ]  | No [ ]  |
| If yes, please provide details:       |
| Do you speak any language(s) other than English?If **yes** please list:       | Yes [ ]  | No [ ]  |
| Ethnic Identity (eg Australian, Aboriginal, Italian, Greek etc):       |
| Level of education attained and qualifications:       |
| Official Appointments (eg previously a JP NSW):       |

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| 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 [ ]  | No [ ]  | If yes, please provide details: |
|       |

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| **Have you ever received any infringements?** |
| Yes [ ]  | No [ ]  | If yes, please provide details: |
|       |

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| **Have you ever received any infringements/fines which were registered with FER and or are outstanding?**  |
| Yes [ ]  | No [ ]  | If yes, please provide details: |
|       |

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| **Outline your history of community service, volunteer activities and membership of clubs/associations.** |
| **Name of organisation** | **Position held/responsibilities** |
|       |       |
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|       |       |

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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: |
| Available to participate in regular JP training as required | Yes [ ]  | No [ ]  |
| Available to be rostered at JP document witnessing centres If yes, please state how often:       | Yes [ ]  | No [ ]   |
| Available to process bail/surety applications at a court, police station or prison. | Yes [ ]   | No [ ]  |
| Available to issue search warrants when required | Yes [ ]   | No [ ]  |
|   |
| Reason for seeking appointment |
|       |
| Are there any matters that may adversely reflect of your character or suitability for appointment? |
| Yes [ ]  No [ ]  If yes please give details: |
|       |

I have read the information in respect to the criteria of appointment and the duties of a JP at the beginning of this application.

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.

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| --- | --- | --- | --- |
| Signature  |  |  Date  |  / / |