



Justices of the Peace Regulation 2003

under the

Justices of the Peace Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices of the Peace Act 2002*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to:

- (a) set out criteria additional to those in the *Justices of the Peace Act 2002* for appointment of persons as justices of the peace, and
- (b) prescribe requirements for the taking of oaths of office by justices of the peace, and
- (c) prescribe circumstances additional to those in the *Justices of the Peace Act 2002* in which justices of the peace may be removed from office, and
- (d) prescribe particulars relating to justices of the peace that are to be included in the public register of justices of the peace, and
- (e) make it clear that existing justices of the peace whose appointments are continued are not required to reswear an oath as justices of the peace.

This Regulation is made under the *Justices of the Peace Act 2002*, including sections 5, 7, 9, 11 and 14 (the general regulation-making power).

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Justices of the Peace Regulation 2003

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Justices of the Peace Act 2002

1 Name of Regulation

This Regulation is the *Justices of the Peace Regulation 2003*.

2 Commencement

This Regulation commences on 8 December 2003.

3 Definition

In this Regulation:

the Act means the *Justices of the Peace Act 2002*.

4 Criteria for appointment as justice of the peace

For the purposes of section 5 (1) (c) of the Act, the following criteria must be satisfied by a person for appointment as a justice of the peace:

- (a) the person must be an Australian citizen or a person who is entitled to vote at a general election for the Legislative Assembly, unless the Minister exempts the person from having to satisfy this criterion,
- (b) the person must be of good character,
- (c) the person must consent in writing to confidential inquiries being made as to the person's suitability for appointment, including a criminal records check,
- (d) the person must not be an undischarged bankrupt,
- (e) the person must establish that the person's appointment as a justice of the peace is required for reasons relating to the person's employment or to fulfil a community-based need for the appointment.

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5 Oath of office

For the purposes of section 7 of the Act, the oath of office is to be taken, not later than 4 months after the date of appointment of the person concerned or within such further period as the Minister may approve in relation to the person, in accordance with requirements for justices of the peace under the *Oaths Act 1900*.

6 Additional circumstances for removal from office

For the purposes of section 9 (3) (d) of the Act, a person may be removed from office as a justice of the peace in the following circumstances:

- (a) if the person fails to take the oath of office in accordance with clause 5,
- (b) if the Minister is of the opinion that the person does not satisfy or no longer satisfies the criteria for appointment as a justice of the peace,
- (c) if the Minister is of the opinion that the person has failed to carry out properly the person's functions as a justice of the peace.

7 Contents of register

- (1) For the purposes of section 11 (2) of the Act, the register of justices of the peace is to contain the following particulars in relation to a justice of the peace:
 - (a) the full name of the justice of the peace,
 - (b) the suburb or town where the justice of the peace carries out most of his or her functions as a justice of the peace, and the postcode of that suburb or town,
 - (c) a telephone number, nominated by the justice of the peace, on which members of the public may contact the justice of the peace.
- (2) Despite subclause (1), the particulars referred to in subclause (1) (b) and (c) may not be included on, and must be removed from, the register if:

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- (a) a justice of the peace who exercises functions as a justice of the peace primarily for purposes related to his or her employment notifies the Director-General of the Attorney General's Department in writing that the justice of the peace does not consent to their inclusion, or
 - (b) any justice of the peace notifies the Director-General of the Attorney General's Department that the safety or well-being of the justice of the peace would be affected if the information is included or not removed and the Director-General is satisfied that the exclusion or removal is necessary for that reason.

8 Savings provision

A justice of the peace whose appointment as a justice of the peace is continued by clause 2 of Schedule 1 to the Act is taken to have taken an oath of office in accordance with section 7 of the Act.