



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*.

Attorney General

Explanatory note

The object of this Regulation is to:

- (a) set out additional criteria 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 additional circumstances in which justices of the peace may be removed from office, and
- (d) set out particulars relating to justices of the peace that are to be included in the public register of 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 Act 2002

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 November 2003.

3 Definitions

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 in this State, unless the Minister otherwise determines in the case of the person or persons of that class of persons,
- (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 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.

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 other 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 (1) (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 person applies in writing to be removed from office,
- (c) if the Minister is of the opinion that the person does not satisfy the criteria for appointment as a justice of the peace,
- (d) 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,
- (e) without limiting paragraph (c), if the person has been the subject of an adverse finding in civil or criminal proceedings.

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 postal code 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 a justice of the peace who exercises functions as a justice of the peace for purposes related to his or her employment notifies the Director-General of the Attorney General's Department in

draft

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Clause 7

writing that the justice of the peace does not consent to their inclusion.