



JUSTICES OF THE PEACE  
FOR  
SOUTH AUSTRALIA

# JUSTICES OF THE PEACE – AN IMAGE

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# OVERVIEW

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1. What is a JP and the need for JPs
2. Powers assigned to JPs
3. Legislation
4. Jurisdictional boundaries
5. Appropriate behaviour
6. Limitations of an JP
7. Tools of the trade



# SERVING JPs SINCE 1898

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The RAJSA Inc. is a registered not-for-profit association with a membership of approximately 2,300 justices of the peace in South Australia.

Every jurisdiction in Australia and New Zealand have associations dedicated to supporting justices of the peace.

These associations meet annually to discuss/explore the issues facing JPs and share best practices.

The RAJSA participates in the annual conferences and as a result, we are able to provide services to our members that are the best in the country.



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- What is a Justice of the Peace (JP)?
  - Jurisdictional boundaries
  - What are JPs allowed to do?



Steffen Hammer © 123RF



# WHY HAVE JPs

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# LEGISLATION & REFERENCES

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## Commonwealth

- Statutory Declarations Act 1959
- Statutory Declarations Regulations 1993

## SA

- Oaths Act 1936
- Oaths Regulation 2011
- Justices of the Peace Act 2005
- Justices of the Peace Regulation 2006
- Evidence Act 1929
- Justice of the Peace Handbook
- JP Reference Guide

<https://www.legislation.sa.gov.au/index.aspx>



# JURISDICTION

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What are the relationships between other States & Territories that affect JPs.



<http://www.australia.gov.au/topics/law-and-justice/justices-of-the-peace>





# ETHICAL SITUATIONS

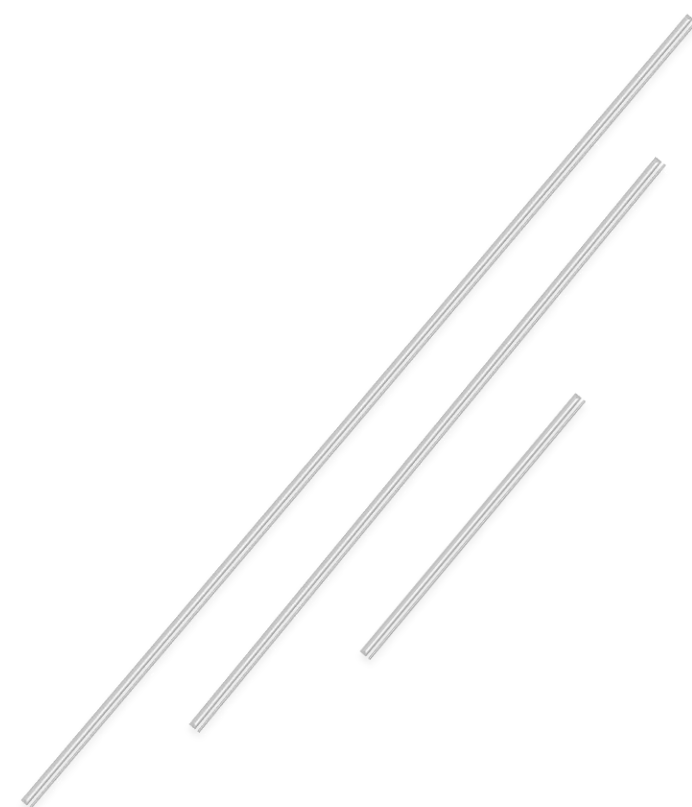
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Family

Work

Rewards

Fraud



# LIMITS FOR JPs

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- Legal advice
- Helping complete a document
- Overseas documents
- Documents you are authorised to witness
- Indemnity



# TOOLS OF THE TRADE

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Blue/black pen

Reading glasses

Stamps – ID, certified copy, annexure, date, address

Holy Book?

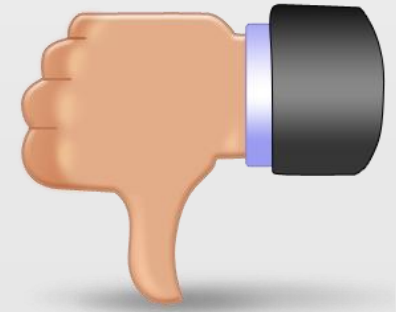
Blank Statutory Declaration forms (State & Commonwealth)



# DECLINE TO WITNESS

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- Not authorised to witness
- Not the deponent/declarant
- Identity
- Incomplete document
- Person does not understand the document
- Duress
- Cannot meet the document requirements



# DUTIES

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1. Attest the execution of a document
2. Witness an affidavit
3. Witness a statutory declaration
4. Certify a true copy of an original document
5. Certify a copy of an electronically generated “original”
6. Certify a person’s identity

Any other function that is allowed for by legislation.

A JP must understand how to carry out each function correctly



# EXAMPLES OF COMMON DOCUMENTS

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1. Power of Attorney
2. Land Title Documents
3. Advance Care Directives
4. Contractual documents

Any other function that is allowed for by legislation.

A JP must understand how to carry out each function correctly

