



## Checklist For Visiting A Honorary Justice Handout

### Make Your Visit To A JP or BJ Quick And Easy

#### Simple short checklist...

- Check that a JP\* (or BJ\*) can complete your documentation
- Remember to take the original and copy to be certified
- Take photo identification just in case
- Do not sign anything beforehand
- There is no charge for JP services**

Note: \* JP – Justice of the Peace / BJ – Bail Justice

#### Need Some More Detail?

#### Than this is the checklist for you...

- Phone the Justice of the Peace for an appointment – check the Documents Signing Station of RVAHJ Branch contact details to contact by phone or email for details.
- Explain what it is you need to be completed – some documents can take more time than you expect if they have many pages and or documents.
- Do not sign any of your documents – you may complete the details required but if the document needs to be witnessed, declared or sworn the Justice of the Peace must complete what is required and must personally see you sign it.
- You may wish to take some form of identification. It may not be required but it is as well to be prepared.
- If the documentation you are requiring originated outside Australia, check that a Australian Justice of the Peace can complete it for you. some documents may require to be signed by a Public Notary... [www.notaries.org.au](http://www.notaries.org.au)
- Do you need to have an additional witness that you need to bring, as some documents require this in Victoria, i.e. Powers of Attorney, Medical Treatment Decision Maker, etc.

- What kind of documentation is involved?...refer to following list and explanation for more details:
  - Do you want a copy certified?
  - Is it a statutory declaration, or an affidavit?
  - Will the JP witness your signature?
  - Is it a marriage dissolution (divorce) application?
  - Is it a document for 'Births, Deaths & Marriages' for changes?
  - Is it a foreign document?

### **Certifying a Copy**

The Justice of the Peace must see the original of the document in order to certify your copy as a true copy. Have your originals and your copies in separate folders to reduce the possibility of the originals being inadvertently stamped. If you want the Justice of the Peace to make a copy for you, we can unfortunately not do this for you as we do not generally have printing facilities to do so. Be specific when making an appointment about how many pages there are and the Justice of the Peace will then be able to give you an idea of how long it will take.

Normally you do not have to be the owner of the documents; you can get a copy certified for another person - **but** if the copy is going to be used for a bank or other financial institution you will need to bring it and your ID to the JP yourself.

If you have a large number of copies, explain this to the Justice of the Peace and ensure they can deal with them. It is not usual practice to leave the documents with the JP to sign and then collect later.

### **Statutory Declarations and/or Affidavits**

These are legal documents, usually an affidavit is for use in court proceedings and a statutory declaration may be made for any reason. You must be present in person before the Justice of the Peace for these; they cannot be done on behalf of anyone else.

An affidavit must be sworn (an oath taken with or without a Holy book) or affirmed (sincerely declared and affirmed as true) before the Justice of the Peace.

You must also personally sign these documents in front of the Justice of the Peace.

These are legal documents and the procedure must comply with the Oaths and Declarations Act 2018 and Crimes Act 1958 and also covers areas of penalties for false statements and declarations under Division 3 – General certification offences:

#### **False statements or declarations**

- Any person knowingly making a false statement or declaration is liable to imprisonment for a term not exceeding 5 years for Statutory Declarations and a term not exceeding 15 years for possible perjury for Affidavits. In addition, a fine up to 600 penalty points can be applied in making false statements in Statutory Declarations.

### **Witnessing a Signature**

Tell the Justice of the Peace exactly what type of form requires your signature to be witnessed and whether they are named as being able to do this for you. The form must be yours and you must be the person named in it. It is very useful to take some form of photo identification.

### **Marriage Dissolution (divorce)**

These documents can take some time so tell the Justice of the Peace when you make an appointment. Tell the Justice of the Peace whether it is a single application or a joint application, and whether one or both of you are coming to see the JP. Depending on whether this is a electronically lodged application, it may be required to bring additional information, as noted below.

Check and confirm if you are required to have the actual Marriage Certificate and not simply the 'Particulars of Marriage' and also the written separation agreement if there is one.

Ensure that a 'Service' Affidavit associated with a One Party Application has not been served on a Sunday or Public Holiday.

### **Births, Deaths & Marriages (Applications & Changes)**

These documents that are being processed by Births, Deaths & Marriages (BDM) department directly have very specific requirements as to how they are to be processed. A Justice of the Peace can now sign your documents without having the need to be operating from within a Police Station. The JP will check and stamp, as well as sign the documents required. It is always best to check by calling the Justice of the Peace or Document Signing Station.

### **Foreign Documents**

Justices of the Peace in Victoria are authorised under Victorian legislation and usually cannot complete documents required by a foreign jurisdiction. There are exceptions however so check with the agency to see if it is acceptable to them for a Victorian Justice of the Peace to complete the documentation.