

COMMISSIONER FOR OATHS FOR THE NORTHERN TERRITORY

General Information

The Attorney-General appoints suitable applicants as Commissioners for Oaths who demonstrate amongst other things:

1. that there is a need for a Commissioner in their place of employment or residence;¹
2. that they are suitable for appointment (i.e. that they are a person of good fame and character);
3. an understanding of the role (i.e. that the role is not that of simply signing documents for work purposes);
4. that they are an Australian citizen; and
5. that they are registered on the Northern Territory Electoral Roll.

Appointments are made pursuant to the Northern Territory *Oaths, Affidavits and Declarations Act* and are generally for terms of 2 or 5 years.

Appointment as a Commissioner for Oaths will **not** be made for the purpose only of witnessing a Northern Territory Statutory Declaration or a Commonwealth Statutory Declaration. Such documents may be witnessed in the Territory by any person who has attained the age of 18 years.

Commissioners are issued with a Certificate of Appointment which records the term of appointment and a Commissioner's Handbook, which contains notes for the guidance of appointees on their powers, duties and responsibilities.

What Types of Documents can a Commissioner Witness?

- A Commissioner for Oaths may administer an oath, witness an affidavit or attest the execution of an instrument for the purpose of a law in force in the Northern Territory.
- A Commissioner may also witness affidavits and some other documents, on oath or affirmation, for use in other jurisdictions.

How to Apply for Appointment

Interested applicants should complete and return the attached **Application Form, Statutory Declaration** and **supporting** documents referred to in the checklist to:

Clerk of the Peace
Department of the Attorney-General and Justice
GPO Box 1722
DARWIN NT 0801

The statutory declaration, which forms part of the application form, may be witnessed by any person who has attained the age of 18 years or over.

¹ Note that the need for a Commissioner in an applicant's place of employment or residence does not encompass the practical needs of an applicant to be able to witness documents. Further, proof of need will be considered independently of suitability.

The application form must be accompanied by:

CHECKLIST		
(a) Two recent character references (to assist in establishing suitability of appointment)	Must be from persons who have known the applicant for at least 12 months and who are either the holders of a responsible position or have some standing in the community . The character references must address the reason/s why the applicant is deemed suitable to hold appointment as a Commissioner for Oaths.	<input type="checkbox"/>
(b) Original national Police Certificate	A Criminal History Check Application Form must be completed and lodged with identification and payment of the volunteer fee, at <u>SafeNT</u> or a <u>Northern Territory police station</u> <u>prior</u> to submitting your Commissioner for Oaths Application form.	<input type="checkbox"/>
(c) A recent letter of support (to assist in establishing suitability of appointment)	Must be from the applicant's employer if the appointment is required for employment duties / purposes , and must outline the reason/s for requiring the appointment . Must be from the relevant community organisation if the applicant requires the appointment for community involvement purposes.	<input type="checkbox"/>
(d) Proof of Identification	Copy of both sides of Drivers Licence (with signature), or Passport or Birth Certificate.	<input type="checkbox"/>

The processing of the application generally takes at least two months.

If appointed you must –

- (i) Make yourself available, within reason, to members of the public who require the services of a Commissioner for Oaths;
- (ii) **not** ask for, or accept, a fee for providing any service provided, such as administering an oath, witnessing an affidavit or attesting any other document; and
- (iii) Notify the Statutory Appointments Officer, Department of the Attorney-General and Justice (GPO Box 1722, DARWIN NT 0801 or at <http://nt.gov.au/law/processes/justice-of-the-peace-and-commissioner-for-oaths>) immediately if you change your residential address, employment or telephone contact.

Failure to do so may result in termination of your appointment.

Renewal applications are sent to the appointees at least two months prior to the expiry date of term of appointment. However, suitability and need remain the criteria for a renewal of appointment. Commissioners applying for renewal of their appointments are not required to provide a further Police Clearance.

If you have any queries, please contact the Statutory Appointments Officer by telephone: (08) 8999 1809, or by email: AGD.sao@nt.gov.au

APPLICATION FOR APPOINTMENT AS A COMMISSIONER FOR OATHS FOR THE NORTHERN TERRITORY

This Application for Appointment is in the form of a Statutory Declaration. You should therefore read it carefully before proceeding. The applicant must declare all outstanding charges and findings of guilt including those for traffic offences. It is not necessary to list traffic infringement notices where the penalty has been paid without the matter going to the Court for enforcement action. It is not necessary to list charges that were dismissed or withdrawn, findings of not guilty, findings of guilt that were quashed or set aside or charges when a pardon has been granted. This advice is given to prevent what may appear to be a deliberate attempt to mislead the Department of the Attorney-General and Justice in determining the applicant's suitability for appointment.

Applicant's Full Name Dr / Mr / Mrs / Ms / Miss

Residential Address (street address)

.....

Postal Address

BH/Tel No:.....AH/Tel No:.....

Mobile:.....Email:.....

Date of Birth Place of Birth (country).....

Occupation

Employers/Company Name

Work Address (street address)

.....

Are you of Aboriginal or Torres Strait Islander descent? YES/NO

Are you an Australian citizen? YES/NO

Please specify languages spoken (other than English):

.....

(On occasions, people may request the services of a JP who can speak a language other than English)

Are you registered on the NT Electoral Roll at your current residential address? YES/NO

Detail your place/s of residence in the last 10 years -

Address	Duration
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.....

.....

How long have you resided in the NT (continuously)?(years/months)

How long do you intend to reside in the NT?

Have you ever been known by any other name (include maiden name if applicable)? YES/NO

If YES, please give details

Have you ever been declared bankrupt? YES/NO
 If YES, please give details

Have you ever been **charged** with any offence anywhere that has not been decided? ? (see above note for guidance) YES/NO

If YES, please give details (such as the offence, where & when you were found guilty, & the sentence(s) imposed)

(Please attach a separate sheet if insufficient space)

Have adverse finding or comment ever been made about you by any court, tribunal, inquiry, regulatory agency, complaint handling or dispute resolution body or professional, business, trade or industry association YES/NO

If yes, please provide details.....

(Please attach a separate sheet if insufficient space)

Reason/s for requesting appointment (applicant must demonstrate a substantial and continual need for appointment).

.....

If your request for appointment is based on a need to witness documents on Oath, please give details of the documents you consider you will be required to witness and their frequency.

Name of Document

Frequency

.....

Please indicate (if known)

- (a) Total number of staff at your place of employment
- (b) Number of staff already holding a Commissioner for Oaths Appointment

I confirm I have read and agree to follow the Code of Conduct and the Handbook provided by the Department of the Attorney- General and Justice. YES/NO

In signing this application form, you consent to the Department of the Attorney-General and Justice -

- (i) releasing your name and contact details for public information on the internet;
- (ii) collecting sensitive information on racial or ethnic origin and criminal record; and
- (iii) releasing and collecting information to and from relevant parties (e.g. employers) for the purpose of maintaining accurate, complete and up to date records.

NORTHERN TERRITORY OF AUSTRALIA

STATUTORY DECLARATION

I..... solemnly and sincerely declare the information provided
(insert name of applicant)

in the Application for Appointment as a Commissioner for Oaths is true and I know it is an offence to make a statutory declaration knowing it is false in any material particular.

Declared at the day of 20.....

Signature of Applicant

Witnessed by:
(Signature of person before whom the declaration is made, ie the witness)

Name (printed) of witness

Address or telephone number of witness

.....

NOTE: This declaration may be witnessed by any person who is at least (18) eighteen years of age.

NOTE: This written statutory declaration must comply with Part 4 of the *Oaths, Affidavits and Declarations Act*.

NOTE: Making a declaration knowing it is false in a material particular is an offence for which you may be fined or imprisoned.

Privacy Notice

The Department of the Attorney-General and Justice complies with the Information Privacy Principles scheduled by the *Information Act*.