



Hon Greg Smith SC MP

Attorney General
Minister for Justice

MEDIA RELEASE

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JPs MUST CONFIRM IDENTITY BY SEEING FACE

People asking Justices of the Peace and lawyers to witness documents will now be required to show their face as part of new identity check laws announced today by the Attorney General, Greg Smith SC.

Mr Smith said a case last year involving a woman who made a complaint about a policeman's conduct after a routine traffic matter highlighted the need for the rules to be clarified.

The new laws, which come into effect on April 30, will apply to NSW statutory declarations and affidavits and cover anything which conceals a person face – including motorcycle helmets, masks, veils, scarves, niqabs and balaclavas.

Authorised witnesses, such as JPs and lawyers, will now be required to follow three additional steps:

- see the face of the person making the NSW statutory declaration or affidavit;
- confirm the person's identity, and
- certify on the document that these requirements have been met.

"The laws provide clarity to JPs, legal practitioners and the public about what is required of them, which will reduce the potential for confusion or embarrassment," Mr Smith said.

"In some situations, it means individuals wearing full and partial face-covering garments will need to reveal their face for the purpose of identification.

"If a person is wearing a face covering, an authorised witness should politely and respectfully ask them to show their face.

"The person would only be required to show their face for as long as it is necessary to establish identity."

"If a person refuses to show their face, an authorised witness must decline to sign their documents unless the person has a legitimate medical reason for keeping their face covered."

The reforms follow changes to traffic laws, under which a driver who refuses to show their face can be jailed for up to a year or fined \$5500.

The Attorney General said the reforms would enshrine in law a practice that many authorised witnesses have routinely undertaken when checking documents for services including land transfers, mortgages, banking and health care.

Authorised witnesses who do not comply with the new requirements face a fine of \$220. Details of the requirements will be emailed or posted to every JP this month, and are also available on the JP website, www.jp.nsw.gov.au

Mr Smith said the more comprehensive identity checks would minimise the risk of fraud and ensure that JPs and other authorised witnesses faced no impediments when performing their duties.

There are around 90,000 JPs in NSW, who provide the service on a voluntary basis.

To find a JP in your area, or to learn how to become a JP, visit: www.jp.nsw.gov.au