

Justices of the Peace and Commissioners for Declarations

Code of Conduct

Made by the Director-General under the
Justices of the Peace and Commissioners for Declarations Act 1991, section 31G
Effective 1 April 2024

Conduct

1. JPs and Cdecs shall act and make decisions in a way that is compatible with human rights. This helps ensure their decisions are based on principles of human dignity, equality, freedom and rule of law.
2. JPs and Cdecs shall be prepared to contribute time and effort to the service of society pursuant to their solemn undertaking on application for appointment.
3. JPs and Cdecs shall at all times perform their functions honestly, fairly, competently and diligently.
4. JPs and Cdecs shall at all times serve their fellow citizens with courtesy, dignity, consideration and compassion.
5. JPs and Cdecs shall not act with bias, prejudice, intolerance, bigotry, malice and ill will. They shall pursue the principles of equity and social justice as consistent criteria in all their dealings with the community.
6. JPs and Cdecs shall perform their functions with dignity, rationality and decorum. They shall not use their title where it is inappropriate, irrelevant or insensitive to do so, or in such a way as to bring the office into public disrepute or derision.
7. JPs and Cdecs shall not witness signatures of persons whose level of competence is questionable without first obtaining relevant independent advice (e.g. medical, educational and legal).
8. JPs shall always employ proper judicial discretion in their consideration of applications for the issue of summonses and warrants, being prepared to ask questions and put their minds to the issues, thereby seeking to be fully satisfied before the granting of any order sought. A summons or warrant shall not be approved without the sworn complaint or application first being thoroughly read and judicially considered by the JP.
9. JPs or Cdecs shall at all times observe confidentiality unless authorised by law to make disclosure, and must not share any information which comes to their knowledge whilst carrying out their duties in the course of serving the community.
10. JPs and Cdecs are not to use any private electronic recording machines without first advising the deponent and will respect the person's wishes to not record the witnessing process by electronic means if requested forthwith.
11. JPs and Cdecs shall give the appropriate warnings as to truth and honesty, and put the required formal questions, when administering oaths, affirmations and solemn declarations.
12. JPs and Cdecs are to check their details every six months on the general website of the Department of Justice and Attorney-General.

Conflict Of Interest

13. JPs and Cdecs shall not show favour to friends, relations and associates nor adopt procedures other than outlined in both *the Duties of Justices of the Peace (Qualified) and Commissioner for Declarations* handbook and technical bulletins published by the Department of Justice and Attorney-General. They shall disqualify themselves from acting if they are faced by a conflict of interest situation.
14. JPs and Cdecs shall not make use of their position, title, seal of office or any other emblem of office for any kind of personal advantage including monetary gain or profit of any kind, direct or indirect, in carrying out their duties. It shall, however, be permissible for Justices of the Peace to inscribe their title on signs and business stationery in order to raise awareness throughout the public regarding their availability and readiness to serve the community.
15. JPs and Cdecs shall administer the law as it stands, with no right to decline to act because of personally held views about particular legislation.
16. JPs and Cdecs shall at all times separate their functions of office from any interpersonal or political considerations, influence and benefit.
17. JPs and Cdecs must retain their independence and must never regard themselves as servants of any law enforcement agency.

Competency and Knowledge

18. With the changing nature of law and society, JPs and Cdecs shall endeavour to keep themselves up to date with legislative changes as provided by the Department of Justice and Attorney-General.

Notification

19. JPs and Cdecs are required to undertake the full range of administrative and judicial functions prescribed for their office and shall inform the police of their identity and availability.
20. JPs and Cdecs must notify the Department of Justice and Attorney-General in writing within 30 days of any changes to his or her name, address, contact numbers and email address.