



# Information Fact Sheet 9

## Adherence to the JP Code of Conduct

### **The Code of Conduct for Justices of the Peace**

The Code of Conduct for Justices of the Peace (JPs) issued by the Hon. John Quigley MLA, Attorney General of Western Australia outlines the high standards of conduct that a JP is expected to uphold under the following headings:

- General Behaviour
- Judicial Responsibilities
- Confidentiality
- Conflict of Interest
- Legal Advice
- Financial Dealings
- Training
- Mandatory notification

The Code of Conduct (The Code) reflects the ideal expectations required from appointed JPs who by virtue of their commission have agreed to perform conscientiously, responsibly, and in accordance with the law, the duties that the law imposes on them, and to assist in the administration of justice and in the maintenance of peace, order and good government in the State.

A copy of the Code of Conduct is available on the Department of Justice website: <https://www.wa.gov.au/system/files/2021-12/CTS-jp-code-of-conduct.pdf>.

Although a voluntary judicial appointment, being a JP comes with obligations and responsibilities.

### **Code of Conduct and Conflict of Interest**

While The Code aims to provide clear expected guidelines, ambiguities surrounding individual circumstances and perceptions can lead to situations that can be viewed as a breach of the Code.

As a JP, a conflict of interest may arise between your duty as a public officer and your personal or private interests. It is important that in such circumstances, the conflict, real or perceived is identified and managed.

The purpose of this bulletin is to remind JPs of their obligation to adhere with The Code. We cannot expect an exhaustive set of rules for every possible situation; however several allegations and complaints have been recently received by the JP Branch which could have been avoided by addressing some situations listed below:

## 1. Use of JP as a post nominal

A JP can use the post nominal “JP” after his/her full name, while performing JP functions as well as on their signature block, business cards and website.

The Code clearly states under General Behaviour that:

- “We will always act impartially, not allowing conduct in our role to be influenced by political, business, family or social interests.”
- “We will at all times separate the functions of our office from any personal or political interests.”
- We will not convey, or permit others to convey, the impression that we are in a special position of influence.”

In line with this, a JP should not use the post nominal “JP” in material that is likely to be viewed as influencing an outcome or a perceived gained benefit. This includes printed advertising, promotional campaigning material as well as material on websites and/or social media.

## 2. Acceptance of Gifts/Donations for services rendered

JPs provide quality, coordinated and accessible justice services which contribute to a safe and orderly community. The services they provide to the community are **voluntary and without remuneration**.

The Oath/Affirmation of Office sworn by a JP attest to the above in the words *“...I will faithfully serve the people and the State of Western Australia in the office of a Justice of the Peace and I will do right to all manner of people, according to law, without fear or favour, affection or ill will”*.

The Code clearly states under Financial Dealings that:

- “We will not accept any payment or gift in the course of our duties.”
- “We will not use our office to advance our personal or business interests.”

It is important that a JP abide to the Oath/Affirmation taken and decline receiving any form of remuneration including donations for services rendered. This is not ‘usual practise’ and can be viewed as a breach of The Code.

When faced with a situation that may be perceived as a conflict of interest, remember to ask yourself the questions covered under Information Fact Sheet 8 – Conflicts of Interest <https://www.wa.gov.au/system/files/2022-10/CTS-jp-factsheet-8-conflict-interest.pdf>.

- Do I have personal/private interests that may conflict, or be perceived to conflict with my public duty?
- Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?
- How will my involvement in the decision/action be viewed by others in the general community?
- What would be the consequences if my involvement was questioned publicly by the media on a news report, on social media or in a formal enquiry/investigation?

- Does my involvement in the decision appear fair and reasonable in all the circumstances?
- The connection if any, with your private business, a family member or for a family business

### **3. Mandatory notification**

Under the JP Act, a JP is obliged to notify the Department within 30 days after the event, of any of the following:

- change to his/her name or address
- being convicted of any offence, or
- becoming insolvent under administration.

Failure to notify the Department of any of the above circumstances may result in your appointment as a JP being terminated due to the Department of Justice being unable to make contact.

### **4. Training**

JPs are encouraged to participate in training offered by the Department of Justice, to increase their knowledge and professionalism in relation to their role.

The JP Branch schedules training sessions each calendar year which are presented by the Lecturer, Legal Studies of our contracted training provider, North Metropolitan TAFE.

The training evaluation surveys completed at these training sessions provides valuable feedback to the Department which assists in improving upon and addressing issues that are relevant to the role a JP performs.

### **5. General Behaviour**

By nature of your Office, a JP is expected to maintain and to promote, in both public and professional lives, standards of conduct that uphold the integrity and independence of your office.

The JP Branch endeavours to work co-operatively with JPs to achieve common objectives which include:

- JPs performing their role in a manner that is appropriate and fair.
- providing constructive feedback which should be evidence-based and delivered in an appropriate manner.
- speaking with respect, understanding boundaries and conducting your role in a way that promotes public confidence in the integrity of your office, this also includes your conduct during training sessions offered by the Department.

For more information on this Fact Sheet, please refer to the Justice of the Peace Handbook available on [www.courts.justice.wa.gov.au](http://www.courts.justice.wa.gov.au). Alternatively, you may contact:

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