

Justice of the Peace in Victoria

This code establishes the acceptable standards of conduct for Justices of the Peace appointed in Victoria.

CONDUCT

1. A Justice of the Peace (JP) must maintain and uphold the oath of office and discharge the duties of a JP in accordance with the law to the best of his or her ability.
2. A JP must not:
 - a) behave in a way that brings the office of JP into disrepute;
 - b) improperly influence or attempt to influence a person when carrying out the duties or powers of a JP (JP services).
3. A JP must:
 - a) act, and be seen to act, independently, impartially and without prejudice or discrimination;
 - b) ensure that he or she provides high quality JP services to the community and justice system in a courteous and timely manner;
 - c) act and be seen to act with due care, diligence, honesty, integrity and respect at all times when performing his or her role as a JP.
4. A JP must not:
 - a) use his or her position or title of JP to gain benefit or to be seen to gain benefit or advantage for himself or herself, another person, organisation or agency;
 - b) advertise his or her position as a JP for the purposes of advancing his or her business interests or commercial interests;
 - c) charge a fee, accept gifts, favours or patronage in return for performing his or her role as a JP;
 - d) purport to exercise powers other than those conferred upon him or her as a JP;
 - e) provide legal advice in his or her capacity as a JP.
5. A JP must not make use of or disclose information or documents obtained in the course of carrying out his or her role as a JP, other than for the purposes of performing that role or as otherwise authorised or required by law.

CONFLICT OF INTEREST

6. If a JP has personal, family, financial or business interests, or is a member of a recreational, professional, personal interest organisation or a political party and the interest or membership conflicts with the matter before the JP, he or she must:
 - a) disclose the conflict of interest; and
 - b) decline to provide the JP service.

COMPETENCY / KNOWLEDGE

7. A JP must:
 - a) endeavour to maintain a competent knowledge and comply with all laws applicable to carrying out the role of JP and be familiar with and follow instructions and guidelines issued by the Department of Justice in relation to JP services;
 - b) undertake and successfully complete any training and professional development courses required by the Department of Justice.
8. If a JP has reasonable doubts about the identity of the person or that person's capacity to make an oath or declaration, a JP must not witness or attest the document.
9. A JP must witness the person sign the document in his or her presence.

NOTIFICATION

10. A JP must notify the Department of Justice in writing as soon as practicable of:
 - a) the JP being charged with any criminal offences in Australia or overseas;
 - b) the JP having a civil proceeding commenced against him or her in Australia or overseas; and
 - c) the finalisation and outcome of any:
 - (i) criminal proceeding against the JP referred to in 10(a) or;
 - (ii) civil proceeding against the JP referred to in 10(b);
 - d) the JP having proceedings commenced against him or her for bankruptcy in Australia or overseas;
 - e) any suspension or disqualification of the JP from holding any licence, registration, certificate or membership of any profession, business, trade or industry; and
 - f) the JP being disqualified from managing a company under the Corporations Act 2001.
11. A JP must notify the Department of Justice in writing within one month of any changes to his or her name, address, contact numbers and email address.
12. A JP must:
 - a) notify the Department of Justice in writing as soon as practicable of any extended period of absence relating to the performance of his or her duties as a JP;
 - b) notify the Department of Justice in writing of his or her resignation from office.