



Government
of South Australia

Attorney-General's
Department

Justice of the Peace Code of Conduct*

1 Justice must act within conditions of appointment

A justice must not breach, or fail to comply with, a condition of his or her appointment.

2 Prohibition on charging fees etc

A justice must not exercise the powers of a justice for fee or reward.

3 Conflict of interest and improper influence

- (a) A justice must not exercise the powers of a justice in respect of a matter in which the justice has a direct or indirect interest.
- (b) A justice must not improperly influence, or attempt to improperly influence, a person who seeks the services of the justice.

4 Administering oaths, taking affidavits, witnessing instruments, etc

- (a) If, under an Act, it is provided-
 - (1) that a declaration may be made before a justice; or
 - (2) that an instrument may be signed or executed in the presence of, or be attested by, a justice,

the justice taking the declaration, or witnessing or attesting to the instrument, must do so in accordance with any directions provided under the Act.

- (b) A justice must not-
 - (1) administer an oath or affirmation to a person; or
 - (2) take the declaration or affidavit of a person; or
 - (3) witness the signing or execution of an instrument,

if the justice reasonably doubts that the person is legally or mentally competent to make the oath, affirmation, declaration or affidavit or to execute the document.

5 Justice must not divulge confidential information

A justice must not intentionally divulge information of a private, confidential or commercially sensitive nature obtained by the justice in carrying out his or her official duties except-

- (a) as authorised or required by law; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates.

6 Prohibition on profiting from office of justice

A justice must not use, or seek to use, the office of justice of the peace for the purpose of advancing his or her business interests.

7 General conduct

- (a) A justice must not criticise or comment on the choice of a person as to whether the person takes an oath or makes a declaration.
- (b) A justice must behave in a proper and courteous manner to any person who seeks his or her services as a justice.

- (c) A justice must not conduct himself or herself in such a way that brings the office of justice of the peace into disrepute.

8 Notice of certain information to be provided to Attorney-General

- (a) A justice must, within 14 days after any of the following matters occurring:
 - (1) being charged with an offence (other than an offence that is expiable);
 - (2) the withdrawal, dismissal or discontinuance of a charge of an offence (other than an offence that is expiable) alleged to have been committed by the justice;
 - (3) being convicted or acquitted of an offence (other than an offence that is expiable);
 - (4) being adjudged in civil proceedings to have acted dishonestly;
 - (5) becoming bankrupt or applying as a debtor to take the benefit of the laws relating to bankruptcy;
 - (6) being disqualified from managing or being involved in the management of any company under the *Corporations Act 2001* of the Commonwealth,

provide written notice of the details of the matter to the Attorney-General.

- (b) A justice must, within 28 days after a change in –
 - (1) the justice's name; or
 - (2) the justice's business or home address; or
 - (3) the telephone number on which the justice can be contacted during business hours or after business hours; or
 - (4) the justice's occupation,

provide written notice of the change to the Attorney-General.

- (c) A justice must, as soon as practicable after becoming aware –
 - (1) that he or she will be absent from the State for a period expected to last at least 3 months; or
 - (2) that he or she will, for some other reason, be unable to carry out his or her official duties as a justice for a period of at least 3 months,

provide written notice of that information to the Attorney-General.

Issued by

The Hon. Michael Atkinson M.P J.P.
Attorney-General

*Schedule 1 of the *Justices of the Peace Regulations 2006*, proclaimed on 22 June 2006

check: www.justice.sa.gov.au for updates