



Section 3

Important information about your appointment

This section provides important information about your appointment as a Justice of the Peace, including the public register of JPs and how to apply for reappointment.

3 Important information about your appointment

It is important that you are aware of how the JP public register works, how to be reappointed and how to notify the Department of Justice if your details change. Read this section carefully.

3.1 Justices of the Peace register

The Justices of the Peace register (**JP register**) is an online public listing of all current JPs in NSW. It is available at the website www.jp.nsw.gov.au.

The JP register allows members of the public to search for a JP who is available in their local area. JPs may nominate the locations at which they usually perform their functions as a JP, as well as the telephone numbers on which they are happy to be contacted by members of the public.

The JP register can also be used to check if a person is currently appointed as a JP, by entering the JP's name or registration number.

It is recommended that you take a moment to familiarise yourself with the workings of the JP register at www.jp.nsw.gov.au.

A JP who has been appointed primarily for purposes related to his or her employment (an 'employment-based JP') may choose whether or not to include his or her location and telephone number on the JP register. Employment-based JPs may indicate their preference on the application form for appointment or reappointment. Alternatively, an employment-based JP may notify the Secretary of the Department of Justice in writing that he or she does not consent to inclusion of those details in the JP register.

The *JP Regulation 2014* also provides that any JP's contact details may be removed from the JP register if the JP notifies the Secretary of the Department of Justice that his or her safety or wellbeing would be affected if the information is included or not removed and the Secretary is satisfied that the exclusion or removal is necessary for that reason.

3.2 Notifying changes in your name, address or contact details

Changing your address or other contact details

You should advise the Appointments Services unit of the Department of Justice as soon as possible if you change your:

- email, postal or residential address, or
- home, work or mobile telephone numbers, or
- telephone number on which you can be contacted by members of the public in relation to JP services, or
- the location at which you usually perform your functions as a JP.

This is a requirement of the Code of Conduct for JPs. It also helps to ensure the Department can contact you if necessary and that you receive a reminder notice before the end of your term of appointment as a JP.

You can notify the Department of a change to your address or contact details at the website www.jp.nsw.gov.au. Alternatively you can write to the Department at the contact details at the back of this handbook.

We protect the privacy of your personal information in accordance with the law governing public sector agencies in NSW. More information is in our 'Privacy policy for the administration of JP appointments', a copy of which is available at the JP website, or on request to the Department.

Changing your name

You are only permitted to provide JP services in the name under which you were appointed as a JP. Under the Code of Conduct for JPs, you are required to notify the Department of Justice if your name has changed. You should not perform JP services in your new name until you have received written confirmation from the Department of your change of name notification.

A change of name form is available at the website www.jp.nsw.gov.au. Alternatively you can write to the Appointments Services unit of the Department at the postal address provided at the back of this handbook.

When advising the Department of a change of name, you will need to attach:

- a certified copy of the change of name document such as a marriage certificate, and
- another document which proves that you use the new name, such as a certified copy of your driver licence, Medicare card or Seniors Card.

Moving interstate or overseas

If you move interstate or overseas permanently, you should resign your appointment as a JP in NSW. This is because you are not authorised to act as a NSW JP while you are in another state, territory or country. You would also cease to satisfy the criteria for appointment as a JP, relating to an employment or community based need for the appointment. Your appointment is not transferable to another state, territory or country.

3.3 Your term of appointment

Five-year terms

Lifetime appointment of JPs was abolished in December 2003 with the implementation of the *Justices of the Peace Act 2002*. All JP appointments are now for five-year terms. The start and end dates of your term are shown in your letter of appointment. You are advised to record these dates somewhere easy for you to locate for future reference.

The introduction of five-year terms assists the Department of Justice to maintain an accurate public JP register and an up-to-date database of confidential JP contact details. Five-year terms also ensure that only JPs who remain eligible and willing to hold the office continue to do so.

JP registration numbers

Each JP in NSW is issued with a six-digit **registration number**. You are advised to record your JP registration number where you can locate and refer to it as needed. The Code of Conduct for JPs states that, when providing JP services, a JP must clearly record his or her JP registration number (together with his or her full name and signature) on the document.

Seven-digit and nine-digit registration numbers which were issued to JPs in the past are no longer valid and should not be used.

Applying for reappointment

If you have a continuing need for your appointment as a JP, you must apply for reappointment **before** the end of your five-year term. If you do not apply before your term lapses, you **cannot be reappointed** and you will have to apply for a new appointment through a Member of the NSW Parliament.

The fastest and easiest way to apply for reappointment is using the online application form at www.jp.nsw.gov.au. You can apply for reappointment from 12 months before the end of your term of appointment.

The Appointments Services unit of the Department of Justice will send you a reminder notice up to 12 months before the end of your term. The reminder will be sent firstly by email, if you have provided an email address. Further information about the reminder process is at www.jp.nsw.gov.au.

To ensure you receive your reminder, it is very important that you advise the Department as soon as possible of any changes to your email address, postal address or telephone numbers.

The reappointment application form requires you to confirm your personal information and answer questions about your eligibility to continue as a JP. It does not require you to be nominated for reappointment by a Member of the NSW Parliament.

Your application for reappointment **must** be received by the Appointments Services unit of the Department of Justice **before the end of your term**. If it is not received before the expiry date of your term, your appointment will automatically lapse.

If your appointment lapses, and you wish to continue as a JP, you will have to submit an application for a new appointment through a Member of the NSW Parliament.

You must not carry out JP functions at any time while you do not have a current appointment as a JP. If you do, it is possible that any functions you perform may not be valid. Exercising JP functions without holding a valid appointment may also be an offence in some circumstances.

3.4 Code of Conduct for Justices of the Peace

Your appointment as a JP is subject to the Code of Conduct for Justices of the Peace in NSW. A copy of the Code of Conduct is at the back of this handbook. Additional copies can be downloaded from the website www.jp.nsw.gov.au.

The **Code of Conduct** establishes acceptable standards of conduct for JPs. It clarifies standards for those JPs who may be uncertain of their obligations and is also useful for members of the public who are unsure about what to expect when seeking the services of a JP.

It is very important that you understand and comply with the Code of Conduct. Failure to comply with the Code of Conduct may mean that your appointment as a JP is reviewed.

3.5 Complaints about JPs and reviews of JP appointments

The Attorney General has issued the Department of Justice with 'Guidelines on the appointment of JPs: handling complaints and reviewing appointments'. A copy of the Guidelines is available at the website www.jp.nsw.gov.au, or on request to the Department.

Complaints about a JP

A complaint about a JP can be made in writing to the Department. To assist the Department in processing the complaint, it should include certain information specified in the Guidelines.

The Department will generally focus on matters concerning the eligibility of the JP to continue to hold the office, or conduct which relates to the role and obligations of a JP when providing JP services. The response to a complaint may include either issuing to the JP a reminder or warning letter, or reviewing the JP's appointment.

Reviews of JP appointments

A person's appointment as a JP may be reviewed at any time, if questions arise about his or her suitability to remain a JP. This may include cases where the JP is alleged to have breached the Code of Conduct for JPs, no longer satisfies the criteria for appointment, or meets the grounds for removal from office prescribed by the *Justices of the Peace Act 2002* and the *JP Regulation 2014*.

Under section 10(1) of the Act, a JP has an obligation to notify the Minister in writing of any matter that may cause the JP to cease to satisfy the prescribed criteria for appointment as a JP or if the JP satisfies any of the grounds for removal prescribed under the Act (see below).

The notice must be given as soon as practicable after the JP becomes aware of the matter concerned. A penalty applies for failure to notify.

If a person's appointment as a JP is to be reviewed, he or she will be notified and given the opportunity to respond to the concerns raised.

3.6 Ceasing to hold the office

A person ceases to hold the office as a JP if he or she:

- completes a term of office without having been reappointed, or
- resigns as JP, or
- is removed from office by the Governor of NSW.

Completing a term of office without reappointment

Your term of appointment as a JP will automatically lapse after five years if:

- you did not apply for reappointment before the end of your five-year term, or
- you applied for reappointment but your application was declined.

Further information about applying for reappointment is in Section 3.3 on page 48.

Resigning from office

You can resign your appointment as a JP at any time, by writing to the Attorney General c/- the Department of Justice at the contact details at the back of this handbook.

Removal from office

The Governor of NSW may at any time, on the recommendation of the Attorney General, remove a JP from office:

- if the person becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit or
- if the person becomes a mentally incapacitated person or
- if the person is convicted in NSW of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in NSW of an offence that, if committed in NSW, would be an offence so punishable or
- if the person fails to take the oaths of office within four months of the date of his or her appointment and in accordance with the requirements of the *Oaths Act 1900*, or
- if the Attorney General is of the opinion that the person has failed to properly carry out his or her functions as a JP or
- if the Attorney General is of the opinion that the person does not satisfy or no longer satisfies the criteria for appointment as a JP.

Criteria for appointment

The criteria for appointment as a JP are that the person:

- be at least 18 years of age
- is nominated for appointment by a member of the NSW Legislative Assembly or NSW Legislative Council
- must be an Australian citizen or a person who is entitled to vote at a general election for the Legislative Assembly, unless the Minister exempts the person from having to satisfy this criterion
- must be of good character
- must consent in writing to confidential enquiries being made as to the person's suitability for appointment, including a criminal records check
- must not be an undischarged bankrupt, and
- must establish that the person's appointment as a JP is required for reasons relating to the person's employment or to fulfil a community-based need for the appointment.