



FIAT JUSTITIA RUAT CAELUM

*Let justice be done though the heavens may fall*

*Mahia te tika ahakoa taka iho nga rangi*

Royal Federation of  
New Zealand Justices' Associations Inc.

ADVICE FOR INTENDING NOMINEES  
TO THE OFFICE OF  
JUSTICE OF THE PEACE FOR NEW ZEALAND

April 2013

# **ADVICE FOR INTENDING NOMINEES TO THE OFFICE OF JUSTICE OF THE PEACE FOR NEW ZEALAND**

## **Process of appointment:**

Justices of the Peace (JPs) are appointed by the Governor-General on the recommendation of the Minister of Justice following nomination by an elected Member of Parliament. A JP is then sworn in before a District Court Judge.

The Minister's decision to recommend an appointment includes an assessment of the need for an additional Justice of the Peace in the applicant's area. Thus non-appointment is not necessarily a reflection on the suitability of the individual, but may simply reflect the situation in the locality. The nomination process can take quite some time, generally about six months.

S19 of the Criminal Records (Clean Slate) Act 2004 specifically excepts applications for appointment as a Justice of the Peace from the general effect of the clean slate scheme, so an applicant must state any convictions on the application form. However, past convictions do not automatically preclude someone being accepted for appointment and those with minor convictions should not be put off from nomination. Every nomination must also be accompanied by letters of support from community groups the applicant is currently actively involved with.

## **Duties of a Justice of the Peace:**

Justices of the Peace are empowered to act by s4 Justices of the Peace Act 1957. A JP is not a marriage celebrant. To become a marriage celebrant you must apply to the Department of Internal Affairs.

The standard tasks of a JP are referred to as ministerial duties and include:

- Taking oaths and declarations under the Oaths and Declarations Act 1957 or any other enactment;
- Witnessing signatures;
- Certifying copies/transcripts of documents.

A few JPs undertake further training to enable them to carry out judicial duties which include:

- Sitting in Court exercising powers conferred on Justices by the Criminal Procedure Act 2011, Summary Proceedings Act 1957 and other enactments.
- Some Justices of the Peace are also personally authorised as issuing officers and have jurisdiction to issue search warrants under the Search and Surveillance Act 2012 and other warrants under other Acts.

### **Why would I apply to be a JP?**

A JP serves the community in a voluntary capacity, so an application for nomination should arise from a genuine desire to contribute to one's community.

The purpose of an appointment is neither self-aggrandisement nor to honour a deserving individual but to enable an individual to serve the public.

### **What skills are required?**

A person nominated as a Justice of the Peace **must** be able to demonstrate that they are already actively involved in serving the community.

Justices of the Peace also need:

- Sufficient English literacy to deal competently with official documents.
- To be able to listen, understand and respond positively to others and show sound judgement.
- To be consistently accurate and to follow specific instructions.
- To show initiative when faced with unusual requests.

## **What training is there?**

Initial training for a new JP is provided by your local Justices of the Peace Association and is based on a manual and online practice exercises which you study at home during a four-week period, as well as attendance at learning sessions with members of your local Justices of the Peace Association. There is a formal online assessment consisting of 50 multichoice questions.

You may not undertake any Justice of the Peace duties until gazetted and sworn in, even if you have completed training.

**On-going education** is provided by your local Justices of the Peace Association and is necessary to regularly update your understanding of and confidence in the role. New and unusual circumstances can arise with any client and an up-to-date JP is more likely to have the depth of knowledge to deal competently with them.

You are strongly advised to become a member of your local Justices' Association.

## **What reward or payment is there?**

Justices of the Peace serve their community in a purely voluntary capacity.

Under no circumstances may payment of any kind be accepted for JP services. (Payment may be acceptable when acting as an electoral officer or taking part in activities that are not actually JP duties but for which the JP has been chosen because of their role as a trusted community member.)

## **Who uses the services of a JP?**

Everyone in society may need the services of a JP at different times. Under your Oath of Office you will be called on to serve "all manner of people".

You need to be able show sensitivity and patience with all your clients, whatever their backgrounds or circumstances.

## **What commitment is expected of a JP?**

JPs make the commitment to be available to the public at any time. While you may establish reasonable times for access, the needs of the public could potentially make demands on you outside your normal routines, for example being asked to travel to a rest home or to see a client during your lunch hour.

Your commitment to serve includes having your phone number/s and street address publically available via the Justices of the Peace websites and the Yellow Pages

To retain public confidence in the office Justices of the Peace must maintain the highest standards in their personal affairs and working lives.

## **Where will I see my clients?**

You need to have a place in your home and at your workplace where confidential matters can be dealt with privately. Your residence and/or business needs to be easy to locate and reasonably accessible.

Many JPs also see clients at public JP ‘signing centres’ held at libraries, Citizens Advice Bureaux or other local venues.

## **Can everyone be a Justice of the Peace?**

There are certain occupations whose practitioners are not usually appointed because of potential conflicts of interest, for example members of the clergy, lawyers and legal executives, medical practitioners, police officers. Also, it is not usual for both members of a couple to be appointed as a JP.

However, even if one of these applies to you, you are encouraged to discuss your situation with your local Justices of the Peace Association.

## **What are the Oaths of office?**

Justices of the Peace swear (or affirm) two Oaths before a District Court Judge.

### **The Judicial Oath**

*I [name] swear (or solemnly, sincerely, and truly declare and affirm) that I will well and truly serve Her [or His] Majesty [...], Her [or His] heirs and successors, according to law in the office of Justice of the Peace, and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill-will."*

### **The Oath of Allegiance**

*"I [name] swear (or solemnly, sincerely, and truly declare and affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law."*

If for any reasons you cannot swear (or affirm) these Oaths, you should not proceed with a nomination.

## **How would I become a Court-sitting JP?**

Only a very small percentage of JPs sit at the Bench. When there is a need on the local Court panel JPs who are endorsed by their Association undertake an academic training course, similar to a first-year university paper.

Following successful completion of the course there is a two-day court-skills practicum during which the Chief District Court Judge assesses each individual's competence at the Bench.

If rostered to the Bench, you will be expected to keep up to date with recent decisions and legislative changes, and attend regular judicial education sessions organised by your local Justices' Association.

## **What costs are there?**

The only compulsory 'cost' associated with appointment as a Justice of the Peace is your time spent discharging the duties of the office.

There are some minor discretionary costs for items such as the membership fee of your local Justices' Association and travel to on-going education sessions.

**Do I need internet access?**

Yes. Information for JPs is available on the website of your local Justices of the Peace Association and/or the Royal Federation of New Zealand Justices' Associations Inc., and much communication about JP issues takes place via email. Components of training for JPs are provided via websites and JPs are expected to have internet access and be competent to use it regularly.

More information is available from:

- The electorate office of your local elected Member of Parliament. (list MPs are not able to nominate individuals as JPs)
- The website of the Royal Federation of New Zealand Justices' Associations Inc.: [www.jpfed.org.nz](http://www.jpfed.org.nz)
- The Ministry of Justice: [www.justice.govt.nz](http://www.justice.govt.nz) (Search for 'Justice of the Peace').

Your local Justices of the Peace Association may be contacted through Royal Federation of New Zealand Justices' Associations Inc.

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