

Training and Support for Justices of the Peace

Report 21: November 2014

Background

There are nearly 3 000 Justices of the Peace (JPs) living and working in the State, from central Perth to remote locations. JPs provide voluntary services which ease the burden on our justice system and improve the community's access to justice. They are appointed under the *Justices of the Peace Act 2004* but the functions they perform arise from many other Acts, such as the *Magistrates Court Act 2004*, the *Restraining Orders Act 1997*, and the *Criminal Investigation Act 2006*. For example:

- issuing search warrants for the WA Police and other authorities
- hearing bail applications in the Magistrates Court and in police lock ups
- authorising sureties
- witnessing signatures to documents such as wills, affidavits and statutory declarations.

The Department of the Attorney General (DotAG) coordinates the appointment and training of JPs. Any Australian citizen is eligible to become a JP as long as they are enrolled to vote in WA. JPs come from diverse backgrounds and are not required to have any specific legal qualifications or experience.

Our objective was to determine if Justices of the Peace are trained and supported so that they can carry out their duties.

Conclusion

DotAG does not know whether JPs need more training because it does not collect and assess information about the duties they perform in the community. This is despite the fact that JPs have authority to make important decisions such as authorising search warrants and deciding on bail at police stations in country areas.

While all JPs are provided with the opportunity to receive training, only the small number of JPs that preside in Court are required to complete ongoing training.



Office of the Auditor General Western Australia

Key Findings

Not all JPs that perform duties in the community are trained and DotAG does not know the significance of this risk:

- Not all JPs are regularly trained to ensure they have the skills to perform duties in the community. If a JP makes a mistake because they are not trained, it can have a big impact on individuals and the community.
- DotAG does not know which JPs are actively performing duties in the community and whether they have been trained to perform those duties. The inability to identify the JPs that for instance authorise bail at country police stations or issue search warrants and to match these functions to the training they have received, is a serious risk.
- DotAG's communication with JPs working in the community is patchy. The need for a more comprehensive communication approach was recently evident when many JPs were not made aware of important procedural changes related to the issuing of search warrants.

Compulsory training only applies to persons seeking to be appointed as a JP and those JPs who preside in Court:

- Since 2011, DotAG can demonstrate it has applied a policy that requires people who want to become JPs to complete a training course before they can be appointed.
- All JPs who preside in Court complete regular training.

Recommendations

The Department of the Attorney General should, by December 2015 commence collecting data about the duties JPs perform in the community and compare it to the training provided. This information should be used to help assess the skills of JPs and to better target the training of JPs both individually and as a group.



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